

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Adam Voelker, et al. v. Enroll Confidently Incorporated

Voelker · No. CV-24-01886-PHX-DJH · Decided March 25, 2026

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Adam Voelker, et al., No. CV-24-01886-PHX-DJH 10 Plaintiffs, ORDER 11 v. 12
Enroll Confidently Incorporated, 13 Defendant. 14 15 Before the Court is the Report and
Recommendation (“R&R”) of Magistrate Judge 16 Allison Bachus (Doc. 47) for Plaintiff Adam
Voelker’s (“Plaintiff”) Unopposed Motion 17 for Preliminary Approval of Class Action
Settlement.

(Doc. 41). The Court will adopt 18 Judge Bachus’ R&R and grant Plaintiff’s Motion. 19 This
Court “may accept, reject, or modify, in whole or in part, the findings or 20 recommendations
made by the magistrate.” 28 U.S.C. § 636(b)(1). “Within ten days after 21 being served with a
copy [of a report and recommendation], any party may serve and file 22 written objections....

[T]he court shall make a de novo determination of those portions of 23 the [report and
recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). 24 Moreover, 28 U.S.C. §
636(b)(1) does not “require[] some lesser review by the district 25 court when no objections are
filed.” *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). Instead, 26 district courts are not required to
conduct “any review at all... of any issue that is not the 27 subject of an objection.” *Id.* at 149.

28 Here, there are no objections to the R&R and the time for objections has elapsed. 1 Therefore,
the Court will grant Plaintiff Adam Voelker’s Unopposed Motion for 2 Preliminary Approval of
Class Action Settlement (Doc. 41) and largely adopt the R&R. 3 Accordingly, 4 IT IS ORDERED
that the Judge Allison Bachus’ Report and Recommendation 5 (Doc. 47) is adopted.

6 IT IS FURTHER ORDERED that Plaintiff Adam Voelker’s Unopposed Motion 7 for
Preliminary Approval of Class Action Settlement (Doc. 41) is granted. 8 IT IS FURTHER
ORDERED as follows: 9 1. The Court preliminarily approves the Parties’ Settlement Agreement
and 10 the settlement set forth therein as fair, adequate and reasonable, and in the best interest of
11 the putative class members, subject to further consideration at a final fairness hearing (the 12
“Final Fairness Hearing”).

13 2. The Court hereby conditionally certifies the following Class for the purposes 14 of
settlement (the “Settlement Class”): 15 All living individuals residing in the United States whose
Private Information may have been impacted in the Data 16 Incident. Excluded from the
Settlement Class are (a) all persons who are employees, directors, officers, and agents of 17

Defendant; (b) governmental entities; and (c) the Judge assigned to the Action, that Judge's immediate family, and 18 Court staff.

19 3. The Court designates Plaintiffs Adam Voelker, Alexxi Guyette, Janelle 20 Bailey, Brittany Evans, and Baltazar DaRosa as the Class Representatives for settlement 21 purposes only on behalf of the Settlement Class. 22 4.

The Court appoints Gary M. Klinger, Andrew Shamis, Raina C. Borrelli, and 23 Jeff Ostrow as Class Counsel for the Settlement Class. 24 5. The Final Fairness Hearing shall be held before this Court on August 6, 2026, 25 at 10:00 a.m. (a date no sooner than 90 days following completion of the notice being 26 issued pursuant to 28 U.S.C. § 1711 et seq.), before District Judge Diane J. Humetewa in 27 Courtroom 605, Sandra Day O'Connor Federal Courthouse, 401 West Washington Street, 28 Phoenix, Arizona 85003, to determine whether to approve certification of the class 1 for settlement purposes; whether the proposed settlement of the Lawsuit on the terms and 2 conditions provided for in the Settlement Agreement is fair, reasonable, and adequate to 3 the Settlement Class and should be approved by the Court; whether a final judgment should 4 be entered herein; whether the proposed plan of distribution should be approved; to 5 determine the amount of fees and expenses that should be awarded to Class Counsel; and 6 to determine the amount of the service award that should be provided to the Class 7 Representative.

The Court may adjourn the Final Fairness Hearing without further notice 8 to the members of the Settlement Class. 9 6. The Court approves the proposed Notices (Doc. 48-2 at 37, Exhibit 1 &, Doc. 10 48-2 at 44, Exhibit 3) and the Claim Form (Doc. 48-2 at 53, Exhibit 4) to the Notice of 11 Filing Amended Settlement Documents in Support of Preliminary Approval of Class 12 Action Settlement.

(Doc. 48). (Doc. 41). The Court further finds that the proposed plan of 13 notice and the proposed content of the notice, meet the requirements of Rule 23 and due 14 process, and are the best notice practicable under the circumstances and shall constitute 15 due and sufficient notice to all persons entitled thereto. 16 7. No later than thirty (30) days from the date of this Order preliminarily 17 approving the Settlement Agreement, the Settlement Administrator shall send the Short 18 Notices to each Settlement Class Member through mailing the Short Form Notices via 19 electronic mail and/or U.S. Mail, first-class; and shall publish the Long Notice on the 20 Settlement Website as stated in the proposed Notice Plan.

All mailings and remailings to 21 any Settlement Class Members shall be completed (45) forty-five days from the date of 22 this Order preliminarily approving the Settlement Agreement. Contemporaneously with 23 seeking Final Approval of the Settlement, Class Counsel shall cause to be filed with the 24 Court an appropriate affidavit or declaration from the Claims Administrator with respect 25 to complying with the Notice Plan.

26 8. All costs incurred in disseminating or otherwise in connection with the 27 Settlement Notice shall be paid from the Settlement Fund pursuant to the Settlement 28 Agreement. 1 9. The Settlement Notices and Claim Form satisfy the requirements of due 2 process and of Rule 23(e) of the Federal Rules of Civil Procedure and are thus approved 3 for dissemination to the Settlement Class.

The Claim Forms shall be made available to the 4 Settlement Class Members as set forth in the Notice Plan and shall be made available to 5 any potential Class Member that requests one. 6 10. The Settlement Agreement provides that, as part of the Settlement, Class 7 Counsel will request an amount of attorneys' fees not to exceed one-third of the \$990,000 8 Settlement Fund (\$330,000) and reimbursement for their reasonable litigation costs to be 9 paid to Class Counsel and Plaintiffs' Counsel from the Settlement Fund.

Pursuant to the 10 Settlement, Plaintiffs shall file their motion requesting attorneys' fees, costs, and service 11 awards no later than 45 days before the original date set for the Final Approval Hearing. 12 11. Settlement Class Members may opt-out or object up to thirty (30) days before 13 the original scheduled Final Approval Hearing (the "Opt-Out Deadline").

14 12. Any members of the Settlement Class Members who wish to be excluded 15 ("opt-out") from the Settlement Class must send a written request to the designated Post 16 Office box established by the Claims Administrator postmarked on or before the Opt-Out 17 Deadline. Members of the Settlement Class may not opt-out of the Settlement by 18 submitting requests to opt-out as a group or class, but must in each instance individually 19 and personally submit an opt-out request.

All Settlement Class Members who opt-out of 20 the Settlement will not be eligible to receive any benefits under the Settlement, will not be 21 bound by any further orders or judgments entered for or against the Settlement Class, and 22 will preserve their ability to independently pursue any claims they may have against Enroll. 23 13. Any member of the Settlement Class Members who does not properly and 24 timely opt-out of the Settlement shall, upon entry of the Final Approval Order and Final 25 Judgment, be bound by all the terms and provisions of the Settlement Agreement and 26 Released Claims, whether or not such Settlement Class Member objected to the Settlement 27 and whether or not such Settlement Class Member received consideration under the 28 Settlement Agreement.

1 14. Any person or entity who or which does not elect to be excluded from the 2 Settlement Class may, but need not, enter an appearance through their own attorney. 3 Settlement Class Members who do not timely object or opt-out and that do not have an 4 attorney who enters an appearance on their behalf will be represented by Class Counsel. 5 15. Any person or entity who or which does not elect to be excluded from the 6 Settlement Class may object to the proposed Settlement.

Any Settlement Class Member 7 may object to, among other things, (a) the proposed Settlement, (b) entry of Final Approval 8 Order and the judgment approving the Settlement, (c) Proposed Class Counsel's 9 Application for fees and expenses, or (d) the service award request, by (i) serving a written 10 objection upon Proposed Class Counsel and Enroll's counsel or (ii) filing the written 11 objection with the Court through the Court's ECF system, with service on Proposed Class 12 Counsel and Enroll's counsel made through the ECF system.

13 16. Any Settlement Class Member making the objection (an "Objector") must 14 submit the objection in writing and include all the following information: a) the objecting 15 Settlement Class members' full name, current address, telephone number, and email 16 address (if any); (ii) contain the objecting Settlement Class Members' signature; and (iii) 17 set forth a statement of all ground for the objection, including any legal support for the 18 objection that the objector believes applicable.

To be timely, any objection must be filed 19 with the Clerk of Court no later than sixty (60) Days after Notice Date. 20 17. If the objecting Settlement Class Member intends to appear at the Final 21 Approval Hearing through counsel, the notice of appearance filed with the Court must also 22 identify the attorney(s) representing the objector who will appear at the Final Approval 23 Hearing and include each such attorney's name, address, phone number, email address, 24 state bar(s) to which counsel is admitted 25 18.

If the objecting Settlement Class Member intends to request permission from 26 the Court to call witnesses at the Final Approval Hearing, the objecting Settlement Class 27 Member must provide a list of any such witnesses together with a brief summary of each 28 witness's expected testimony at least thirty (30) Days before the Final Approval Hearing. 1 19.

In order to be timely, objections, along with any notices of intent to appear, 2 must be mailed to Proposed Class Counsel and Enroll's Counsel with a postmark date of 3 no later than thirty (30) days before the initial Final Approval Hearing or filed with the 4 Court no later than thirty (30) days before the initial Final Approval Hearing. 5 20. Only Settlement Class Members who have filed and served valid and timely 6 notices of objection shall be entitled to be heard at the Final Fairness Hearing.

Any 7 Settlement Class Member who does not timely mail or file and serve an objection in writing 8 in accordance with the procedure set forth in the Class Notice and mandated in this Order 9 shall be deemed to have waived any objection to (a) the Settlement; (b) the Released Claims 10 and Released Parties; (c) entry of Final Approval Order or any judgment; (d) Proposed 11 Class Counsel's application for fees, costs, and expenses, and/or (e) the Service Award 12 requests for the named Plaintiffs, whether by appeal, collateral attack, or otherwise.

13 21. Settlement Class Members need not appear at the hearing or take any other 14 action to indicate their approval. 15 22. Upon entry of the Order and Final Judgment, all members of the Settlement 16 Class who have not personally and timely requested to be excluded from the Settlement 17 Class will be enjoined from proceeding against Enroll with respect to all of the Released 18 Claims and the Released Parties.

19 23. The Settlement Administrator shall prepare and send all notices that are 20 required by the Class Action Fairness Act of 2005 (“CAFA”) as specified in 28 U.S.C. 21 1715. Class Counsel and Counsel for Enroll shall cooperate promptly and fully in the 22 preparation of such notices, including providing Enroll with any and all information in their 23 possession necessary for the preparation of these notices.

Enroll shall provide courtesy 24 copies of the notices to Proposed Class Counsel for the purpose of implementing the 25 settlement. 26 24. The Court hereby appoints the settlement administrator proposed by the 27 parties, Epiq Systems, Inc. (the “Settlement Administrator”). Responsibilities of the 28 Settlement Administrator shall include: (a) establishing a post office box for purposes of 1 communicating with Settlement Class Members; (b) disseminating notice to the Settlement 2 Class; (c) developing a web site to enable Settlement Class Members to access documents; 3 (d) accepting and maintaining documents sent from Settlement Class Members relating to 4 claims administration; (e) administering the Settlement Fund, and; (f) distributing 5 settlement benefits to Settlement Class Members.

Pursuant to the Settlement Agreement, 6 the Settlement Administrator and costs of administration shall be paid from the Settlement 7 Fund. 8 25. In the event the Settlement Agreement and the proposed settlement are 9 terminated in accordance with the applicable provisions of the Settlement Agreement, the 10 Settlement Agreement, the proposed Settlement, and all related proceedings shall, except 11 as expressly provided to the contrary in the Settlement Agreement, become null and void, 12 shall have no further force and effect, and Settlement Class Members shall retain all of 13 their current rights to assert any and all claims against Enroll, and shall retain any and all 14 of their current defenses and arguments thereto (including but not limited to arguments that 15 the requirements of Fed.

R. Civ. P. 23(a) and (b)(3) are not satisfied for purposes of 16 continued litigation.) The Litigation shall thereupon revert forthwith to its respective 17 procedural and substantive status prior to the date of execution of the Settlement 18 Agreement and shall proceed as if the Settlement Agreement and all other related orders 19 and papers had not been executed.

20 26. Neither this Order nor the Settlement Agreement nor any other settlement- 21 related document nor anything contained herein or therein or contemplated hereby or 22 thereby nor any proceedings undertaken in accordance with the terms set forth in the 23 Settlement Agreement or herein or in any other settlement related document, shall 24 constitute, be construed as or be

deemed to be evidence of or an admission or concession 25 by Enroll as to the validity of any claim that has been or could have been asserted against 26 it or as to any liability by it as to any matter set forth in this Order, or as to the propriety of 27 class certification for any purposes other than for purposes of the current proposed 28 settlement.

1 27. The Court orders the following schedule of dates for the specified actions/further proceedings: 3 4 Grant of Preliminary Approval 5|| Defendant Enroll provides a list of 6 Settlement Class Members to the 10 days after entry of the Settlement Administrator Preliminary Approval Order 71 “Settlement Administrator to Provide 8 CAFA Notice Required by 28 U.S.C. § Within 10 days of filing the 1715(b) Preliminary Approval Motion 9 1011 Notice Date 30 days after Preliminary 11 Approval 12|| Deadline for filing Motion for Final Approval, including Counsel’s Motion 45 days before the Final 13|| for, Attorneys’ Fees, Reimbursement of Approval Hearing Litigation Expenses, and = Class 14 Representative Service Award || Objection Deadline 30 days before the Final Approval Hearing 16 17|| Opt-Out deadline 30 days before the Final Approval Hearing 18 19|| Claims Deadline 15 days before the Final Approval Hearing 20 21 || Final Approval Hearing August 6, 2026, at 10:00 a.m.

22. Dated this 25th day of March, 2026. 23 24 25 t So ☐☐ ☐☐ 26 norable’ Diangé/. Hurmetewa United States District Judge 27 28 -R-