

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

JACQUELINE SKOLNICK, ASHLEY  
DIXON, CANDICE FACON, BENJAMIN  
KASHVILI, YOUN LEE, and JILLIAN  
MALONEY, individually, and on behalf of all  
others similarly situated,

Plaintiffs,

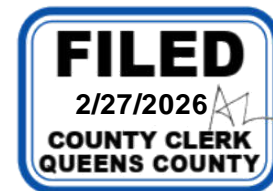
v.

M&D CAPITAL PREMIER BILLING, LLC  
and ISLAND AMBULATORY SURGERY  
CENTER LLC,

Defendants.

Index No. 706879/2024

Sequence No. 2



**ORDER GRANTING MOTION FOR  
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jacqueline Skolnick, Ashley Dixon, Candice Facon, Benjamin Kashvili, Youn Lee, and Jillian Maloney (“Plaintiffs”) having moved for final approval of their proposed class action settlement with Defendants M&D Capital Premier Billing, LLC, and Island Ambulatory Surgery Center LLC, (“Defendants”);

WHEREAS, capitalized terms not otherwise defined herein have the meanings set forth in the Settlement;

WHEREAS, the parties vigorously engaged in extensive negotiations at arm’s-length to reach agreement;

WHEREAS, the case is complex and continued litigation would be protracted;

WHEREAS, the action satisfies the requirements of CPLR § 901 because (i) the proposed class consisting of all individuals whose Private Information was potentially compromised during the Data Incident (“Settlement Class”) consists of 282,036 individuals; (ii) common questions

predominate; (iii) Plaintiffs' claims are typical of the Settlement Class's, (iv) Plaintiffs and their counsel will adequately represent the Settlement Class, and (v) class certification is superior to individual resolution of the claims;

WHEREAS, consideration of the factors outlined in CPLR § 902 weigh in favor of certification;

WHEREAS, this Settlement is fair, reasonable, and adequate, and provides fair compensation to Settlement Class Members;

WHEREAS, in finding the Settlement fair, reasonable, and adequate, the Court has considered that there was only a single purported objection to the Settlement, and only \_\_ timely opt-outs,<sup>1</sup> indicating an overwhelmingly positive reaction from the Settlement Class;

WHEREAS, Andrew Shamis of Shamis & Gentile, P.A., Jeff Ostrow of Kopelowitz Ostrow P.A., Mariya Weekes of Milberg PLLC, Raina Borrelli of Strauss Borrelli PLLC, Jean Martin of Morgan & Morgan P.A., and Jen Czeisler of Sterlington PLLC ("Class Counsel") have provided excellent representation that more than adequately represents the interests of Settlement Class Members;

WHEREAS, Class Counsel's fees (including the hourly rates and hours expended) and costs incurred are reasonable and fair, especially in light of the complexity of this litigation; and

NOW, upon the reading of Plaintiffs' notice of motion for final approval of class action settlement; Plaintiffs' memorandum of law in support thereof; the declaration of Andrew Shamis, Jeff Ostrow, Mariya Weekes, Raina Borrelli, Jean Martin, and Jen Czeisler ("Joint Dec."), with exhibits, on behalf of Plaintiffs in support thereof; and

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<sup>1</sup> A list of the individuals who have timely opted-out of the Settlement is attached hereto as *Exhibit A*. Those individuals will not be bound by the Settlement Agreement or the Releases contained therein.

Upon due deliberation having been had, the Court having found (i) that the action satisfies the requirements of CPLR §§ 901 and 902; and (ii) that the Settlement Agreement, attached as Exhibit A to the Motion for Final Approval., merits final approval, it is hereby

**ORDERED** that this action is certified as a class action for settlement purposes on behalf of all individuals whose Private Information was potentially compromised during the Data Incident; and it is further

**ORDERED** that Plaintiffs Jacqueline Skolnick, Ashley Dixon, Candice Facon, Benjamin Kashvili, Youn Lee, and Jillian Maloney are appointed representatives of the Settlement Class (“Class Representatives”) Andrew Shamis of Shamis & Gentile, P.A., Jeff Ostrow of Kopelowitz Ostrow P.A., Mariya Weekes of Milberg, PLLC, Raina Borrelli of Strauss Borrelli PLLC, Jean Martin of Morgan & Morgan P.A., and Jen Czeisler of Sterlington PLLC, are appointed Class Counsel; and it is further

**ORDERED** that the purported objection submitted by Settlement Class member Marie Rodriguez objection is overruled for failing to comply with the Settlement, Long Form Notice, and the Court’s Preliminary Approval Order, and further because the complaints and arguments presented therein do not impact this Court’s determination about the fairness, reasonableness, and adequacy of the Settlement;

**ORDERED** that the Settlement Agreement between the parties is finally approved; and it is further

**ORDERED** that Class Counsel’s request pursuant to the Settlement Agreement for an award of attorneys’ fees totaling \$350,000.00, plus reimbursement of costs in the amount of \$18,948.89, is reasonable and approved; and it is further

**ORDERED** that Class Counsel's request pursuant to the Settlement Agreement for a service award of \$3,000.00 each (\$18,000.00 total) to Class Representatives is reasonable and approved; and it is further

**ORDERED** In the event there are funds remaining from uncashed checks in the Settlement Fund 240 days following the date Settlement Class Members are sent an email to select their form of payment, all remaining funds shall be distributed to an appropriate mutually agreeable *cy pres* recipient to be approved by the Court.

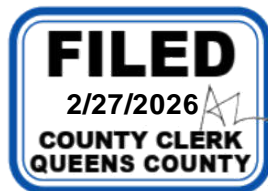
**ORDERED** that the Court shall retain jurisdiction of this matter until Defendants have satisfied their reporting obligations pursuant to the Settlement Agreement; and it is further

**ORDERED** that this case shall be marked disposed; and it is further

**ORDERED** that this Order may be filed without further notice with the Clerk of the Court.

Date: February 17, 2026

  
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Hon. Joseph Risi, A.J.S.C.



**EXHIBIT A**

**Opt-Out List**

1. Deborah Littman
2. Giovanni Poline
3. Helene Obackrusso
4. Henry Nunez
5. Margaret Moy
6. Cynthia McClain
7. Estate Of Johanna Lopez
8. Monica Celaj