

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID M. LANDAY,

CIVIL DIVISION

Representative Plaintiff,

CLASS ACTION

v.

No. GD-09-012923

DATAVANT, LLC, successor-in-interest to,
HealthPort Technologies LLC,

Defendant.

**ORDER CERTIFYING SETTLEMENT CLASS, PRELIMINARILY
APPROVING CLASS SETTLEMENT AND DIRECTING THE
ISSUANCE OF NOTICE TO THE CLASS**

AND NOW, this 16 day of June, 2026, this Court has before it a proposed class action settlement. Having reviewed the Class Action Settlement Agreement and Release, which was filed of record as an exhibit to the Motion for Preliminary Approval and is incorporated herein by reference (the "Settlement Agreement"), having read the Plaintiff's Motion for Preliminary Approval and supporting documents, having been advised that Defendant joins in the relief requested, having conferred with counsel on 6/16/2026, and based specifically upon the facts and circumstances at issue in the present case, the Court hereby makes the following findings and ORDERS as follows:¹

1. Summary of the Case.

The Plaintiff in this lawsuit alleges that Defendant Datavant, LLC, successor-in-interest to, HealthPort Technologies LLC breached an implied in fact contract based upon a failure to comply with the 1998 version of the Pennsylvania Medical Records Act, 42 Pa.C.S.A. § 6152. ("MRA"). Defendant disputes and denies Plaintiff's legal entitlement to relief and asserts that it complied

¹ Capitalized terms not defined herein shall have the meaning set forth in the Class Action Settlement Agreement and Release.

with the MRA.

2. Class Findings.

a) The numerosity requirement of Pa. R. Civ. P. 1702(1) is satisfied because the Proposed Settlement Class Members consist of approximately 45,000 persons or entities and 306,886 Record Requests. Thus, the Proposed Settlement Class is so numerous that joinder would be impracticable.

b) The commonality requirement of Pa. R. Civ. P. 1702(2) is satisfied because there is at least one question of law and fact common to the Class. The Proposed Settlement Class Members' claims here are directly traceable to the same course of conduct: Datavant/HealthPort's medical record request and copying practices and procedures that were uniformly applied to its transactions with the Proposed Settlement Class Members, creating the same material terms of the implied contracts through application of the Pennsylvania Medical Records Act.

c) The typicality requirement of Pa. R. Civ. P. 1702(3) is satisfied because Plaintiff seeks to obtain a determination that Defendant engaged in uniform misconduct against Plaintiff and the Proposed Settlement Class Members. All Proposed Settlement Class Members were persons or entities who were uniformly charged and paid the MRA's statutory maximum rates to Datavant/HealthPort and Plaintiff's allege Datavant/HealthPort was required to charge the lesser of its estimated actual and reasonable expenses for the search, retrieval and copy, which were uniform, or the statutory maximum.

d) The adequacy requirement of Pa. R. Civ. P. 1702(4) is satisfied in that (i) the interests of the Representative Plaintiff Landay and the nature of his claims are consistent with those of the Proposed Settlement Class Members, (ii) there appear to be no conflicts between or among the Representative Plaintiff and the Proposed Settlement Class Members, and (iii) the

Representative Plaintiff and the Proposed Settlement Class Members are represented by qualified, experienced counsel who have often been certified as Class Counsel in similar matters.

f) The requirements of Pa. R. Civ. P. 1702(5) and 1708 are met, in that: a Class Action for settlement purposes provides a fair and efficient method for the resolution of the controversy.

g) Common issues of law and fact alleged by Plaintiff predominate over any potential individual issues, including the alleged common issue of whether the Proposed Settlement Class Members were charged the MRA's statutory maximum rates rather than allegedly lower rates based upon estimated actual and reasonable costs. Pa. R. Civ. P. 1708(a)(1).

h) In making these preliminary findings, the Court has also given consideration to, among other factors: (i) the interests of Proposed Settlement Class Members in individually controlling the prosecution of separate actions for modest sums; (ii) the extent and nature of any litigation concerning these claims already commenced (none has been identified); (iii) the desirability of concentrating the litigation of the claims in this forum; and (iv) the impracticability or inefficiency of prosecuting or defending separate actions. Pa. R. Civ. P. 1708(a)-(c).

i) Because this action is being settled rather than litigated, the Court need not consider manageability issues that might be presented by the trial of a class action involving the issues in this case. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 620 (1997).

3. The Class, Class Representative and Class Counsel.

a) The Settlement Class is defined as all persons who:

All patients, patient representatives, patient designees, including insurance companies and attorneys (including but not limited to, prosecuting, defense, or plaintiffs' attorneys) designated by a patient or patients' agents and representatives to obtain a patient's medical records, who made a request or others who served a subpoena without being designated by a patient ("Record Requests") to a Pennsylvania healthcare provider or facility to obtain copies of medical records and who were charged and paid to HealthPort Technologies LLC and or its subsidiaries the maximum basic, search and retrieval, and/or reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) of the

Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 with payment of the charges made between July 15, 2005 through September 3, 2012 and that was sent Mail Notice. This definition does not include medical record copying requests that did not require a patient authorization or where the maximum basic, search and retrieval, and reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 were **not** charged and paid, including the following examples (a) requests for radiological reports; (b) insurance companies performing auditing functions pursuant to a written contract; (c) healthcare providers or facilities; and (d) governmental entities. Excluded from the class are also (a) any present or former counsel for Defendant in this Litigation; (b) the Court, the Courts immediate family, and the Court staff; and (c) Class Counsel.

b) David Landay is appointed representative of the Settlement Class (“Representative Plaintiff”).

c) James M. Pietz, Esquire of Pietz Law Office, LLC; Paul Lagnese, Esquire of Berger, Lagnese, LLC; and John P. Worgul, Esquire of Feinstein Doyle Payne & Kravec, LLC are appointed as Settlement Class Counsel.

4. Findings Regarding Proposed Settlement. The Court finds that: (a) the proposed Settlement Agreement resulted from extensive arm's-length negotiations. The proposed Settlement Agreement was concluded after many years of litigation, discovery, and participation in weeks of informal settlement negotiations between counsel leading up to a formal mediation before a respected mediator; (b) the proposed Settlement Agreement involves substantial cash payments to Settlement Class Members; and (c) the proposed settlement evidenced by the Settlement Agreement appears *prima facie* fair, reasonable and adequate to warrant sending notice of this

action and the proposed settlement to the Proposed Settlement Class Members and holding a final hearing on the proposed settlement.

5. Final Approval Hearing. A hearing (the "Final Approval Hearing") will be held on October 16, 2026, at 9:00 o'clock 9.m., in the Court of Common Pleas of Allegheny County, Courtroom 816, 414 Grant St., Pittsburgh, Pennsylvania to determine:

- a) Whether the proposed settlement of this action should be finally approved as fair, reasonable and adequate;
- b) Whether this action should be dismissed with prejudice pursuant to the terms of the settlement;
- c) Whether Settlement Class Members should be bound by the release set forth in the proposed settlement; and
- d) Whether Plaintiff's application for an award of attorneys' fees and expenses to Class Counsel, and Representative Plaintiff's application for an individual settlement award, should be approved.

6. Pre-Hearing Notices to Proposed Settlement Class Members. Subject to the terms of the Settlement Agreement, an independent, third-party class action administrator, American Legal Claims Services, LLC (the "Settlement Administrator") is appointed settlement administrator and shall provide Proposed Settlement Class Members with notice in the manner set forth below.

7. Notice by Mail. The Settlement Administrator shall post the Long Form Notice on the Settlement Website and then mail the Patient Mail Notice and the Non-Patient Mail Notice (with proper dates filled in) substantially in the form filed with this Court as Exhibit A, Exhibit B, and Exhibit C, respectively, to the Settlement Agreement to the last-known address of each

potential Proposed Settlement Class Member as reflected on Defendant's current and reasonably accessible records, or such other, more current address as the administrator sees fit, pursuant to the terms of the Settlement Agreement. The Class Notice shall be sent by first-class mail, postage prepaid, no later than thirty (30) days following entry of this Order.

8. Proof of Mailing. Before the Final Approval Hearing, the Settlement Administrator shall submit to Settlement Class Counsel an affidavit of mailing of the Class Notice. Settlement Class Counsel shall docket the affidavit promptly.

9. Findings Concerning Notice. The Court finds that the Class Notices provide the best practicable notice and is reasonably calculated, under the circumstances, to apprise the Proposed Settlement Class Members or Successor Class Members (i) of the settlement of this action, (ii) of their right to exclude themselves from the Settlement Class and the proposed settlement, (iii) that any judgment, whether favorable or not, will bind all Settlement Class Members or Successor Settlement Class Members, and (iv) that any Settlement Class Member or Successor Settlement Class Members may object to the settlement and, if he or she desires, enter an appearance personally or through counsel.

The Court further finds that the Class Notices proposed and submitted as exhibits to the Motion for Preliminary Approval are written in plain English and are readily understandable by Proposed Settlement Class Members. In sum, the Court finds that the proposed notice and methodology for giving notice and the time period to act are reasonable, that they constitute due, adequate and sufficient notice to all persons entitled to be provided with notice, and that they meet the requirements of the Pennsylvania Rules of Civil Procedure, the United States Constitution (including the Due Process Clause) and other applicable law.

10. Exclusion from Class. Any Proposed Settlement Class Member or Successor Settlement Class Member who wishes to be excluded from the Class must send a written request for exclusion to the Settlement Administrator (with copies to counsel) at the addresses provided in the Settlement Class Notice. Any such exclusion request must be sent by first-class mail, postage prepaid, and must be received by the Administrator at least 15 days from the Final Settlement Hearing. If the proposed settlement is approved, any Settlement Class Member or Successor Settlement Class Member who has not submitted a timely, written request for exclusion from the Class shall be bound by all subsequent proceedings, orders and judgments in this action.

11. Objections and Appearances.

a) **Written Objections.** Any Settlement Class Member, Successor Settlement Class Member or Patient Requestor Beneficiary who does not file a timely, written request for exclusion and who complies with the requirements of this paragraph may object to any aspect of the proposed settlement, including the fairness, reasonableness or adequacy of the proposed settlement, the adequacy of the Class's representation by the Representative Plaintiff or Class Counsel, the award of attorneys' fees and expenses, and/or the individual settlement award to the Representative Plaintiff. A Settlement Class Member or Successor Settlement Class Member may assert such objections either on his or her own or through an attorney hired at his or her expense. To object, a Settlement Class Member or Successor Settlement Class Member must file a letter with the Allegheny County Department of Court Records-Civil/Family Division in the matter of *Landay v. Datavant, LLC, successor to HealthPort Technologies LLC*, Docket No. GD-09-012923. Objection filings may be made with the Department of Court Records-Civil/Family Division in-person, by mail, or electronically. Any objection should state the reasons for the objection and why the objector thinks the Court should not approve the settlement. The objection must comply

with the requirements of the Settlement Agreement, Patient Mail Notice and Non-patient Mail Notice, and Long Form Notice. It must also include the name, address, telephone number, email address, if available, signature, and the reasons for the objection to the settlement. Copies of the objections must also be served on all Settlement Class Counsel and Defense Counsel at the addresses provided below. The website and physical address for the Court Department Records is also provided below for submission of objection filings in-person, by mail, or electronically.

Court Filing Information

Department of Court Records
Court of Common Pleas
of Allegheny County
414 Grant Street
Pittsburgh, PA 15219

<https://dcr.alleghenycounty.us/>

Settlement Class Counsel

James M. Pietz, Esquire
Pietz Law Office
429 Fourth Ave., Suite 1310
Pittsburgh, PA 15219

Paul Lagnese, Esquire
Berger & Lagnese, LLC
Grant Building
310 Grant St., Ste 720
Pittsburgh, PA 15219

John P. Worgul, Esquire
Feinstein Doyle Payne
& Kravec, LLC
Law & Finance Building
429 Fourth Ave., 13th Floor
Pittsburgh, PA 15219

Defense Counsel

Leland P. Schermer, Esquire
Matthew B. Simon, Esquire
Marcus & Shapira LLP
301 Grant Street, 35th Floor
One Oxford Centre
Pittsburgh, Pennsylvania
15219-6401

To be timely, any objection is to be filed with the Court, and served on Settlement Class Counsel, and Defense counsel at least 30 days before the date of the Final Settlement Hearing.

b) **Other Objections.** Any Settlement Class Member or Successor Settlement Class Member who does not timely file with the Court and serve a written objection complying with the terms of this section shall be deemed to have waived, and shall be foreclosed from raising any objection to the settlement. Any untimely objection shall be barred, absent extraordinary circumstances beyond the control of the objecting party.

c) **Notice of Appearance.** If a Settlement Class Member, Successor Settlement Class Member, or Patient Requestor Beneficiary hires an attorney to represent him, her, or it, the attorney must file a notice of appearance with the Office of the Department of Court Records, and deliver a copy of that notice to Settlement Class Counsel and Defendant's Counsel, at the addresses set forth in paragraph 11(a) of this Order. Settlement Class Counsel and Defendant's Counsel must be served with such notices of appearance contemporaneously with submission to the Court.

d) **Appearance at Final Approval Hearing.** Any Settlement Class Member who files and serves a timely, written objection pursuant to the terms of section 11 of this Order and complies with the requirements of this paragraph may also appear and be heard at the Final Approval Hearing either in person or through counsel retained at the Settlement Class Member's expense. Settlement Class Members or their attorneys intending to appear and be heard at the Final Approval Hearing must file with the Court, and serve on Settlement Class Counsel, and Defendant's counsel, at the addresses specified in paragraph 11(a) of this Order, a notice of intention to appear, setting forth the case number and the name, address and telephone number of the Settlement Class Member (and, if applicable, the name of the Settlement Class Member's attorney). Notices of intention to appear must be filed and served no later than thirty (30) days before the final settlement hearing.

e) **Termination of Settlement.** This Order shall become null and void, and shall be without prejudice to the rights of the parties, all of whom shall be restored to their respective positions existing immediately before this Court entered this Order, if (a) the proposed Settlement is not finally approved by the Court, or does not become final, pursuant to the terms of the Settlement Agreement; or (b) the proposed Settlement is terminated in accordance with the Settlement Agreement or does not become effective as required by the terms of the Settlement

Agreement for any other reason. In such event, the proposed settlement and Settlement Agreement shall become null and void and be of no further force and effect, and neither the Settlement Agreement nor this Order, shall prejudice either party.

12. Use of Order. This Order shall not be construed or used as an admission, concession, or finding by or against Defendant of any fault, wrongdoing, breach or liability, or of the appropriateness or permissibility of certifying a class on contest or for any purpose other than settlement. Nor shall the Order be construed or used as an admission, concession, or finding by or against Plaintiff or the alleged class members that their claims lack merit or that the relief requested in their pleadings is inappropriate, improper or unavailable, or as a waiver by any party of any defenses or claims she or it may have.

13. Continuance of Hearing. The Court reserves the right to continue the Final Approval Hearing without further written notice.

14. Accordingly, the Court sets the following deadlines as follows:

a. The Settlement Administrator shall send the Mail Notice as provided by the Settlement Agreement before 30 days after preliminary approval.

b. A hearing (the "Final Approval Hearing") will be held on October 16, 2026, at 9:00 o'clock a.m., in the Court of Common Pleas of Allegheny County, Courtroom 816,

414 Grant St., Pittsburgh, Pennsylvania to determine whether the proposed Settlement Agreement is fair, reasonable and adequate.

c. Plaintiff's Motion For Approval of Attorneys' Fees and costs must be filed 45 days before the Final Fairness hearing

d. Any Opt-outs must be received by the Settlement Administrator 15 days before the Final Fairness Hearing.

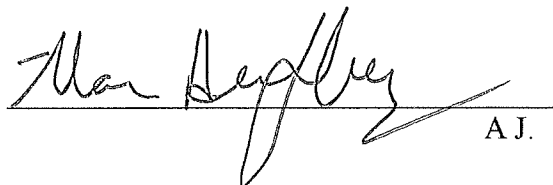
e. Any objections and Notices of Intent To Appear with regard to the proposed class action settlement must be filed and served as set forth above in section 11, at least 30 days before the Final Fairness Hearing.

f. Any responses to any objections must be filed with the Court at least 15 days before the Final Fairness Hearing.

g. The Motion For Final Approval of Class Action Settlement must be filed at least 15 days before the Final Fairness Hearing.

h. All Proofs Of Claims must be received by the Settlement Administrator no later than 45 days after the Final Fairness Hearing.

BY THE COURT:


A J.