

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CASE TYPE: CONTRACT

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Steven Staubus, individually and on  
behalf of all others similarly situated,

Court File No. 27-CV-20-8546  
Judge Laurie J. Miller

Plaintiffs,

v.

Regents of the University of Minnesota,

Defendant.

Patrick Hyatte on behalf of himself and  
other individuals similarly situated,

Plaintiff,

**ORDER  
PRELIMINARILY APPROVING  
CLASS ACTION SETTLEMENT**

v.

The University of Minnesota and the  
Board of Regents of the University of  
Minnesota,

Defendants.

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The above-captioned matter came before the undersigned for hearing on August 24, 2023 on Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement. The Court has reviewed in detail and considered the Motion, the Class Action Settlement Agreement ("Settlement Agreement") between Steven Staubus and Patrick Hyatte ("Plaintiffs") and Defendant Regents of the University of Minnesota ("Defendant" or the "University") (together, the "Parties"), and all other papers that have been filed with the Court related to the Settlement Agreement, including all exhibits and attachments to the Memorandum and the Settlement

Agreement. The Court being fully advised at hearing by counsel for all Parties, the Court orders as follows:

**ORDER**

1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Settlement Agreement.

2. The Court finds that the terms of the Settlement Agreement are preliminarily approved as fair, reasonable, and adequate under Minn. R. Civ. P. 23.05(a)(1). There is good cause to find that the Settlement Agreement was negotiated at arms-length between the Parties, who are represented by experienced counsel.

3. The Court approves, as to form and content, the Parties' proposed Notice of Class Action Settlement (the "Notice"), attached to the Settlement Agreement as Exhibit 1. The Court finds that the Notice and distribution process meet the requirements of Minn. R. Civ. P. 23.03 and 23.05, and that they satisfy the requirements of due process and any other applicable law, such that the Settlement Agreement and Final Approval Order will be binding on all Settlement Class Members. No notice other than that specifically identified in the Settlement Agreement is necessary in the Action, unless ordered by this Court. The Parties, by agreement, may revise the Notice in ways that are not material, or in ways that are appropriate to update the document for purposes of accuracy or formatting for e-mailing or mailing.

4. The Court appoints Analytics Consulting, LLC as Settlement Administrator. The Settlement Administrator is vested with authority to promptly carry out the Notice process as set forth in the Settlement Agreement.

5. Settlement Class Members shall be bound by all determinations and orders pertaining to the Settlement Agreement, including the release of all Released Claims to the extent

set forth in the Settlement Agreement, whether favorable or unfavorable, unless such persons request exclusion from the settlement in a timely and valid manner, as hereinafter provided.

6. Any person within the Settlement Class may opt out of the settlement by timely submitting the exclusion request attached to the Notice. Such exclusion requests must be received by or postmarked for return to the Settlement Administrator no later than 45-days from issuance of the Notice, as set forth in the Settlement Agreement.

7. Any Settlement Class Member who has not requested exclusion from the Settlement Class and who wishes to object to any aspect of the Settlement Agreement, including the amount of the attorneys' fees and costs and the payment of a Service Award to the Class Representatives, may do so, either personally or through an attorney, by filing a written objection, as described in the Settlement Agreement and the Notice, with the Clerk of the Court, and served upon Class Counsel, Defendant's Counsel, and the Settlement Administrator no later than 45-days from issuance of the Notice, as set forth in the Settlement Agreement.

8. Any Settlement Class Member who has not requested exclusion and who intends to object to the Settlement must state, in writing, all objections and the basis for any such objection(s), and must also state in writing: (a) his/her full name, address, and current telephone number; (b) the case name and number of this Action; (c) an affirmation that s/he was charged at least one type of Mandatory Fee by the University for the Spring 2020 semester; (d) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (e) the identification of any other objections s/he has filed, or has had filed on his/her behalf, in any other class action cases in the last five years; and (f) the objector's signature. If represented by counsel, the objecting Settlement Class Member must also provide the name, address, and telephone number of his/her counsel. If the objecting Settlement Class Member

intends to appear at the Final Approval Hearing, either with or without counsel, he/she must state as such in the written objection, and must also identify in the written objection any witnesses he/she may seek to call to testify at the Final Approval Hearing and all exhibits he/she intends to seek to introduce into evidence at the Final Approval Hearing, which must also be attached to, or included with, the written objection. Objections not filed and served in accordance with this Order will not be considered by the Court. Any Settlement Class Member who fails to timely file and serve a written objection in accordance with the Settlement Agreement and this Order shall be deemed to have waived, and shall be forever foreclosed from raising, any objection to the Settlement, to the fairness, reasonableness, or adequacy of the Settlement, to the payment of attorneys' fees and costs and the payment of the Service Awards, and to the Final Approval Order and the right to appeal the same.

9. All papers in support of final approval shall be filed no later than seven (7) days before the Final Approval Hearing.

10. A "Final Approval Hearing" shall be conducted in a hybrid manner, to allow for attendance either remotely or in-person. It will be held before the Court on **December 1, 2023, at 9:00am** via Zoom videoconference (details below) and in Courtroom 1357 of the Minnesota Fourth Judicial District, Hennepin County Government Center, 300 South 6<sup>th</sup> Street, Minneapolis, MN 55487.

**Judge Miller's Zoom Courtroom**

**Link:** <https://courts-state-mn-us.zoomgov.com/j/1600299708?pwd=Y0dxndiSVFaQmxKYjB1MG5JQXZNdz09>

**Meeting ID:** 160 029 9708 | **Passcode:** 665516

11. At the Final Approval Hearing, the Court will consider the following:
  - a. whether the Settlement is fair, reasonable, and adequate, and should be finally approved by the Court.
  - b. whether the judgment as provided under the Settlement Agreement should be entered, including an order prohibiting Settlement Class Members from further pursuing claims released in the Settlement Agreement.
  - c. the application for an award of attorneys' fees and costs by Class Counsel.
  - d. the application for a Service Award to each Class Representative.
  - e. the distribution of the Settlement Fund pursuant to the Settlement Agreement.
  - f. any other matters the Court may deem appropriate.
12. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to the Settlement Class.
13. Settlement Class Members do not need to appear at the Final Approval Hearing or take any further action to indicate their approval.
14. At or following the Final Approval Hearing, the Court may enter a judgment approving the Settlement Agreement and a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

BY THE COURT:

Dated: August 29, 2023

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Laurie J. Miller  
Judge of the District Court