

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASSIE SOMERS and JOLIA GEORGES,
individually and as the representative of a class
of similarly situated persons, and on behalf of
The Cape Cod Healthcare 403(b) Partnership
Plan,

Plaintiffs,

v.

CAPE COD HEALTHCARE, INC. and JOHN
and JANE DOES 1-10,

Defendants.

Civil Action No. 23-12946-MJJ

**ORDER GRANTING PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT**

March 14, 2025

JOHN, D.J.

This matter is before the Court on Plaintiff's Assented-To Motion for Preliminary Approval of Class Action Settlement (the "Motion for Preliminary Approval"). The Court having considered all papers filed and proceedings had herein, and having reviewed the record in the above captioned matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Named Plaintiffs commenced this Action on December 1, 2023, challenging the Defendants' exercise of fiduciary duties as to The Cape Cod Healthcare 403(b) Partnership Plan ("Plan").

2. On February 9, 2024, the Defendants filed a motion to dismiss this Action [Doc. No. 12], which the Named Plaintiffs opposed [Doc. No. 15]. On August 30, 2024, following a hearing, the Court denied the motion to dismiss [Doc. No. 33].

3. The Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement and Release of Claims (“Settlement”), attached to the Motion for Preliminary Approval as Exhibit 1, falls within the range of reasonableness and otherwise meets the requirements for preliminary approval.

4. Pursuant to Fed. R. Civ. P. 23(e)(1), the Court approves the content and proposed distribution of the Notice of Proposed Settlement of Class Action Lawsuit (“Settlement Notice”), attached to the Settlement as Exhibit 1.

5. The form of notice under the Class Action Fairness Act of 2005 (“CAFA”), attached to the Settlement as Exhibit 4, complies with the requirements of CAFA and shall, upon mailing, discharge the Defendants’ obligations under CAFA.

6. Pursuant to Fed. R. Civ. P. 23(b)(1), for the reasons set forth in the Motion for Preliminary Approval and for the sole purpose of effectuating the terms of the Settlement, the Court hereby certifies a class that includes all participants of the Plan during the period December 1, 2017 through September 30, 2024. Named Plaintiffs Cassie Somers and Jolia Georges are hereby appointed as Class Representatives. Attorneys Stephen Churchill and Osvaldo Vazquez are hereby appointed as Class Counsel.

7. The Court appoints ILYM Group, Inc., 2832 Walnut Ave STE C, Tustin, CA 92780, to act as Settlement Administrator.

8. Members of the Class who object to the Settlement must file objections within 45 days of issuance of the Settlement Notice. Any objection must be made by mailing a written,

signed objection to the Settlement Administrator. The written, signed objection must include all reasons for the objection and any supporting documentation; the objector's name, address, and telephone number; and a list of all other objections, if any, filed by the objector or their counsel to any class action settlements pending in any court in the United States in the previous five years. To be valid, any objection must be postmarked by United States Postal Service on or before the objection deadline. Objectors will have the right to appear at the Fairness Hearing to be heard concerning their objections, either in person or through counsel. Any objector wishing to appear at the Fairness Hearing must state their intention to do so in writing on their written objection. Objectors who do not comply with this paragraph may not be permitted to speak at the Fairness Hearing, except for good cause shown.

9. Any petition by Class Counsel for an award of attorneys' fees and litigation costs shall be filed and posted on the settlement website within 30 days after issuance of the Settlement Notice.

10. The Court will conduct a Fairness Hearing on **August 21, 2025, at 11 a.m.**, in Courtroom 20 of the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts,¹ to determine the overall fairness of the settlement. Class Counsel shall submit an Assented-To Motion for Final Approval no later than seven (7) days before the Fairness Hearing.

SO ORDERED.

/s/ Myong J. Joun
United States District Judge

¹ Any change in the date, time, location, or format of the hearing shall be posted on the settlement website.