

America, Inc. (“Defendants”) entered into a Settlement Agreement (“Settlement”), which, if finally approved by the Court, will result in the settlement of all claims asserted against Defendants in the above-captioned action (“Action”); and

WHEREAS, in full and final settlement of the claims asserted against Defendants, Defendants have agreed to pay \$10,800,000 into a common fund; and

WHEREAS, Plaintiffs have moved pursuant to Rule 23(e) of the Federal Rules of Civil Procedure for an order preliminarily approving the Settlement Agreement, which sets forth the terms and conditions of the Settlement with Defendants;

WHEREAS, Plaintiffs have further moved for this Court’s: (i) provisional certification of a settlement class, for purposes of effectuating the Settlement only; (ii) approval of the manner and form of notice of the Settlement to the settlement class; (iii) appointment of KCC as Settlement Administrator; (iv) approval of a proposed briefing schedule for final approval of the Settlement and Class Counsel’s application for attorneys’ fees, reimbursement of expenses and incentive awards to Class Plaintiffs; and (v) scheduling of a date and time for the Fairness Hearing; and

WHEREAS, Plaintiffs and Defendants have agreed to the entry of this Order (the “Order”); and

WHEREAS, all terms with initial capitalization used in this Order shall have the same meanings as set forth in the Settlement Agreement, unless otherwise

defined herein; and

WHEREAS, the Court has considered the Settlement Agreement and the other documents submitted by the Parties in connection with Class Plaintiffs' Motion, and good cause appearing therefore, and having considered the lack of opposition to the Motion; hereby **ORDERS** that the Motion is **GRANTED** as follows:

I. Preliminary Approval of the Settlement.

1. Upon review of the record, the Court finds that the proposed Settlement Agreement has been negotiated at arm's length, falls within the range of possible approval, and is hereby preliminarily approved, subject to further consideration at the Court's Fairness Hearing. The Court finds that the Settlement Agreement is preliminarily determined to be fair, reasonable, adequate, and in the best interests of the Class, raises no obvious reasons to doubt its fairness, and raises a reasonable basis for presuming that the Settlement and its terms satisfy the requirements of Federal Rules of Procedure 23(c)(2) and 23(e) and due process so that notice of the Settlement may be given to the Settlement Class.

2. At or after the Fairness Hearing, the Court shall determine, among other matters, whether the Settlement warrants final approval.

3. This Court has jurisdiction over this action and each of the parties to the Settlement.

II. Provisional Certification of the Settlement Class

4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and solely for the purpose of effectuating the Settlement, this Court provisionally certifies a settlement class defined as “All persons who worked in a tax preparer position at any company owned Jackson Hewitt location in the United States at any time during the Class Period.” The following entities or individuals are excluded from the settlement class: Defendants and their affiliates, the Judge, including the Judge’s staff and immediate family members, senior executives, personnel in Jackson Hewitt’s executive, HR and recruiting departments, persons outside of the United States, franchisee owners, and managers.

5. The proposed settlement agreement is preliminarily approved in relation to Plaintiffs’ class action claims.

6. The provisional certification of the Settlement Class shall be vacated if the Settlement is terminated or not approved by the Court.

7. Solely for purposes of effectuating the proposed Settlement, the Court preliminarily finds that the prerequisites for class action certification under Rule 23 of the Federal Rules of Civil Procedure are satisfied as:

(a) the members of the Settlement Class are so numerous that joinder of all Settlement Class Members in the Action is impracticable;

(b) there are questions of law and fact common to the Settlement Class;

(c) the claims of Class Plaintiffs are typical of the claims of the Settlement Class;

(d) the interests of all Settlement Class Members are adequately represented by Plaintiffs and Class Counsel;

(e) the issues common to Settlement Class Members predominate over any individualized issues; and

(f) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

These preliminary findings shall be vacated if the Settlement is terminated or not approved by the Court.

8. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and solely for the purposes of effectuating the Settlement, Plaintiffs Jessica Robinson, Stacey Jennings, and Priscilla McGowan are appointed as class representatives for the Settlement Class. These designations shall be vacated if the Settlement is terminated or not approved by the Court.

9. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and solely for the purposes of effectuating the Settlement, attorneys Joseph Saveri with Joseph Saveri Law Firm, LLP, Jason Hartley with Hartley LLP, and Rick Paul with Paul LLP are appointed as Settlement Class Counsel, and Bruce Greenberg with Lite DePalma Greenberg & Afanador, LLC is appointed as Plaintiffs' Liaison Counsel.

III. Notice to the Settlement Class

10. The Court approves the appointment of KCC as Settlement Administrator for the Settlement.

11. The Court finds the proposed form of Notice to settlement class members of the proposed Settlement and the proposed methods of dissemination thereof, as well as the procedures for objection and exclusion by settlement class members set forth therein, as set forth in Appendix A, satisfy the requirements under Rule 23 of the Federal Rules of Civil Procedure and due process, and therefore are approved, after the addition of deadlines and specific contact information. The Parties must submit to the Court a revised Notice **on or before July 8, 2024.**

12. Any objectors who fail to properly or timely file or serve their objections as set forth in the Notice, along with the required information and documentation set forth therein, shall not be heard during the fairness hearing, nor shall their objections be considered by the Court.

13. This Court sets forth and adopts the proposed schedule for completion of further Settlement proceedings as follows:

Notice Date	Within 45 days of the date of this preliminary approval order
Deadline to contest earnings estimate	45 days after the Notice Date
Deadline to file Notice of Objection	45 days after the Notice Date
Deadline to request Exclusion (“Opt-Out Deadline”)	45 days after the Notice Date
KCC to provide class counsel list of	5 business days after the Opt-Out

timely Requests for Exclusion	Deadline
Plaintiffs to file motion for final approval and fees, costs and incentive awards	50 days after entry of this preliminary approval order
Final Approval Hearing	October 11, 2024

14. In the event that the Settlement does not become final, then, subject to approval of the Court, litigation of the Action against Defendants will resume in a reasonable manner to be approved by the Court upon joint application by the Parties.

15. If the Court does not grant final approval of the Settlement or the Settlement is terminated in accordance with the applicable provisions of the Settlement Agreement, the Settlement shall be deemed null and void and shall have no further force and effect, and neither the Settlement nor the negotiations leading to it shall be used or referred to by any person or entity in this or in any other action or proceeding for any purpose.

IT IS SO ORDERED.



July 3, 2024

Honorable Michael E. Farbiarz, U.S.D.J.