

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

WILLIAM BOYKIN AND SALLY )  
ROBBINS, on behalf of themselves and )  
all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
 )  
TENNESSEE ORTHOPAEDIC )  
ALLIANCE, P.A. )  
 )  
Defendant. )

CIVIL ACTION  
DOCKET NO. 20-0615-BC

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**PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

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Plaintiffs William Boykin and Sally Robbins, individually and on behalf of others similarly situated ("Plaintiffs"), hereby move this Court to:

1. Preliminarily approve the settlement described in the "Settlement Agreement" between Plaintiffs and Defendant Tennessee Orthopaedic Alliance, PA ("TOA"), and the attachments thereto, including the Claim Form, Postcard Notice and Long Form Notice. These documents are attached to the Affidavit and Declaration of Joel R. Rhine, filed herewith in support of this motion;
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs William Boykin and Sally Robbins as Class Representatives;

4. Appoint Joel R. Rhine and Martin A. Ramey of Rhine Law Firm, PC and Micah S. Adkins of The Adkins Firm, PC as Class Counsel;

5. Approve a customary postcard notice to be mailed to Settlement Class Members in a form substantially similar to that attached as Exhibit B to the Settlement Agreement;

6. Approve a customary long form notice to be posted on the settlement website in a form substantially similar to that attached as Exhibit C to the Settlement Agreement;

7. Appoint Heffler Claims Group as Settlement Administrator;

8. Approve the use of a claim form substantially similar to that attached as Exhibit A to the Settlement Agreement; and

9. Set a hearing date and schedule for final approval of the Settlement and consideration of the Settlement Class Counsel's motion for award of fees, costs, expenses and service awards.

10. In support of this Motion, Plaintiffs submit:

**EXHIBIT A:** AFFIDAVIT AND DECLARATION OF JOEL R. RHINE IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CERTIFICATION OF SETTLEMENT CLASS. This Declaration contains the following exhibits:

**Exhibit 1:** SETTLEMENT AGREEMENT AND RELEASE, with the following 3 Exhibits:

**Exhibit A:** CLAIM FORM

**Exhibit B:** POSTCARD NOTICE

**Exhibit C:** LONG-FORM NOTICE

**Exhibit 2:** Joel R. Rhine Biographical Information

**Exhibit 3:** [Proposed] ORDER CERTIFYING A SETTLEMENT CLASS, PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT, AND DIRECTING NOTICE TO SETTLEMENT CLASS

**Exhibit 4: [PROPOSED] ORDER AND JUDGMENT  
GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

**EXHIBIT B:** AFFIDAVIT AND DECLARATION OF MARTIN A RAMEY IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CERTIFICATION OF SETTLEMENT CLASS.

**EXHIBIT C.** DECLARATION OF MICAH S. ADKINS

**EXHIBIT D** DECLARATION OF SCOTT M. FENWICK OF HEFFLER CLAIMS GROUP, IN SUPPORT OF PRELIMINARY APPROVAL with the following exhibit

**Exhibit 1.** Heffler Claims Group - Data Breach Class Action Administration Capabilities

Date: September 21, 2020

Respectfully submitted,

/s/ Joel R. Rhine

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2020, I caused the foregoing paper to be filed electronically using the Davidson County Chancery Court E-filing System, which will electronically serve notification of same on the following counsel of record:

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**/s/ Micah S. Adkins**  
Micah S. Adkins