SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

ROSSANA MCHUGH, on behalf of herself and all other similarly situated, Plaintiff, v. EQUINOX, INC., Defendant.	INDEX NO. 911677-24
ANDREA CARTER, on behalf of herself and all others similarly situated, Plaintiff, v. EQUINOX, INC., Defendant.	INDEX NO. 901198-25

[redacted]ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs Rossana McHugh and Andrea Carter ("Plaintiffs") having moved for final approval of their proposed class action settlement with Defendant Equinox, Inc. ("Defendant");

WHEREAS, capitalized terms not otherwise defined herein have the meanings set forth in the Settlement Agreement (NYSCEF No. 9);

WHEREAS, the parties vigorously engaged in extensive negotiations at arm's-length to reach agreement;

WHEREAS, the case is complex and continued litigation would be protracted;

WHEREAS, the action satisfies the requirements of CPLR § 901 because (i) the proposed class consisting of all individuals who were mailed a notification by or on behalf of Defendant

regarding the Data Incident ("Settlement Class") consists of approximately 21,565 individuals; (ii) common questions predominate; (iii) Plaintiffs' claims are typical of the Settlement Class's, (iv) Plaintiffs and their counsel will adequately represent the Settlement Class, and (v) class certification is superior to individual resolution of the claims;

WHEREAS, consideration of the factors outlined in CPLR § 902 weigh in favor of certification;

WHEREAS, this Settlement is fair, reasonable, and adequate, and provides fair compensation to Settlement Class Members;

WHEREAS, in finding the Settlement fair, reasonable, and adequate, the Court has considered that there were no objections to the Settlement, and only 2 timely opt-outs,[1] indicating an overwhelmingly positive reaction from the Settlement Class;

WHEREAS, Todd Garber of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP and David K. Lietz of Milberg PLLC ("Class Counsel") have provided excellent representation that more than adequately represents the interests of Settlement Class Members;

WHEREAS, Class Counsel's fees (including the hourly rates and hours expended) and costs incurred are reasonable and fair, especially in light of the complexity of this litigation; and

NOW, upon the reading of Plaintiffs' motion for final approval of class action settlement, Plaintiffs' motion for attorneys' fees, costs, and service awards; Plaintiffs' memorandum of law in support thereof; the declaration of Todd S. Garber and David K. Lietz ("Joint Dec."), with exhibits, on behalf of Plaintiffs in support thereof; and

[1] A list of the individuals who have timely opted-out of the Settlement is attached hereto as *Exhibit A*. Those individuals will not be bound by the Settlement Agreement or the Releases contained therein.

Upon due deliberation having been had, the Court having found (i) that the action satisfies the requirements of CPLR §§ 901 and 902; and (ii) that the Settlement Agreement merits final approval, it is hereby

ORDERED that this action is certified as a class action for settlement purposes on behalf of all individuals who were provided notice regarding the Data Incident; and it is further

ORDERED that Plaintiffs Rossana McHugh and Andrea Carter are appointed representatives of the Settlement Class ("Class Representatives") and that Todd S. Garber of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP and David K. Lietz of Milberg PLLC are appointed Class Counsel; and it is further

ORDERED that the Settlement Agreement between the parties is finally approved; and it is further

ORDERED that Plaintiffs' request pursuant to the Settlement Agreement for an award of attorneys' fees of $228,333.33, and reimbursement of litigation expenses of $11,303.46 is reasonable and approved; and it is further

ORDERED that Plaintiffs' request pursuant to the Settlement Agreement for a service award of $2,500.00 each ($5,000.00 total) to Class Representatives is reasonable and approved; and it is further

ORDERD that the Court shall retain jurisdiction of this matter until Defendant has satisfied its reporting obligations pursuant to the Settlement Agreement; and it is further

ORDERED that this case shall be marked disposed; and it is further

ORDERED that this Order may be filed without further notice with the Clerk of the Court.

Date: November 12, 2026

Hon. Richard M. Platkin

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11/12/2026

EXHIBIT A

Opt-Out List

1. Justin Powers
2. Valerie Spinale