

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

In Re:
*Data Security Cases Against NELNET
SERVICING, LLC*

Case No. 4:22-cv-3191

The Honorable John M. Gerrard, S.U.S.D.J.

The Honorable Jacqueline M. DeLuca, U.S.M.J.

**REPLY IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARD**

Plaintiffs Ian Scott, Jessica Alexander, Pamela Bump, Bridget Cahill, Lesly Canales, Melissa Charbonneau, Douglas Conley, Noah Helvey, Dallin Iler, Dustin Jones, Kayli Lazarz, Brittini Linn, Delilah Oliveira, Devinne Peterson, Eric Polanco, Justin Randall, Sofia Rodriguez, Joshua Sanchez, Charles Sangmeister, William Spearman, Taylor Vetter, Rachel Woods, Garner J. Kohrell, Olivia Covington, Alexis Luna, MaKayla Nelson, and Mary Traynor (collectively, "Plaintiffs") submit this Reply in further support of their Motion for Final Approval of Class Action Settlement (ECF No. 165, "Final Approval Motion") and their Motion for Attorneys' Fees, Litigation Costs and Expenses, and Service Awards (ECF No. 168, the "Fee and Expense Motion," and together with the Final Approval Motion, the "Motions").

Plaintiffs' Motions explained how the proposed Settlement satisfies the requirements of Fed. R. Civ. P. 23 and should accordingly be approved by this Court. This Reply supplements the fourth *In re Uponor* factor as discussed in the Final Approval Motion, namely the amount of opposition to the settlement (*see* Final Approval Motion, at § III.A.4). Pursuant to the Settlement Agreement and the Court's December 4, 2025 Amended Preliminary Approval Order (ECF No. 162), the Claims Administrator, A.B. Data, Ltd. ("A.B. Data") successfully completed the Notice

Plan as contemplated by the Settlement and as approved by the Court. *See, e.g.*, Declaration of Mark Cowen of A.B. Data, Ltd. in Connection with Final Approval of Settlement (ECF No. 167); Declaration of Mark Cowen Regarding Report on Requests for Exclusion (ECF No. 172); and Declaration of Mark Cowen Regarding Settlement Administration. ECF No. 173. Under the terms of the Court’s Amended Preliminary Order, claims, requests for exclusion, and objections to the proposed Settlement were due no later than March 5, 2026. Based on the volume of claims and the lack of opt-outs and objections, the positive reaction by the Class to the Settlement has been nothing short of exemplary.

A. Claims Filed

Since Plaintiffs last updated the Court on February 19, 2026, A.B. Data has completed its claimant eligibility audit. A.B. Data has confirmed that out of the 2,502,916 Settlement Class Members identified by Settling Entities, 307,416 Settlement Class Members filed timely and eligible claims—resulting in an approximate claims rate of 12.28%.¹ *See* Supplemental Declaration of Mark Cowen Regarding Settlement Administration (“April 2026 Supp. Cowen Decl.”) at ¶¶ 4, 12, filed herewith. The reaction to the Settlement has been overwhelmingly high. *See Rawa v. Monsanto Co.*, No. 4:17-cv-01252 AGF, 2018 WL 2389040, at *11 (E.D. Mo. May 25, 2018), *aff’d*, 934 F.3d 862 (8th Cir. 2019) (approving settlement where “[t]he Claims

¹ To the extent this number differs from what A.B. previously submitted at the time of final approval (ECF No. 167 at ¶ 24), it is because A.B. Data reported on the raw claims submitted, as it had not completed its verification that filers were eligible Class Members.

Administrator made proper and extensive efforts to notify potential claimants, resulting in a high claims rate of 13%.² See April 2026 Supp. Cowen Decl. at ¶¶ 10-18.³

B. Objections and Requests for Exclusion

There have been no objections to the Motions, any part of the Settlement, or to the request for attorneys' fees, expenses, and service awards. Furthermore, only 11 timely requests for exclusion were received by A.B. Data from Class Members.⁴ See April 2026 Supp. Cowen Decl. at ¶19. The lack of objections and the small number of timely requests for exclusion provides another strong indication that the Settlement Class supports the proposed Settlement and request for attorneys' fees, expenses, and service awards is fair, reasonable, and adequate. See, e.g., *Walkinshaw v. CommonSpirit Health*, No. 4:19-cv-3012, 2023 WL 1995281, at *3 (D. Neb. Feb. 14, 2023) (granting final approval where “[n]o Class Members have objected to the Settlement or to the Plan of Allocation” and “[s]uch overwhelming support by class members is strong circumstantial evidence supporting the fairness of the Settlement.”) (quoting *Jones v. Casey's Gen. Stores, Inc.*, 266 F.R.D. 222, 230 (S.D. Iowa 2009)); *Powers v. Credit Mgmt. Servs., Inc.*, No. 8:11-cv-436, 2016 WL 6993743, at *3 (D. Neb. Nov. 29, 2016) (approving settlement with eighteen requests for exclusion); *Kmiec v. Powerwave Techs., Inc.*, No. 12-cv-

² Approximately 1,104 claims were filed after the deadline. See April 2026 Supp. Cowen Decl. at ¶ 11. Given that the number of timely filed claims, Class Counsel are not recommending that the late claims be included as eligible for distribution but ultimately leaves it in the Court's discretion whether to waive the deadline for the 1,104 claims received as of April 6, 2026.

³ A.B. Data's Supplemental Declaration further describes the number of claims filed for each category of Settlement Benefits. See *id.* at ¶¶ 13-18. A.B. Data's claims review process is still ongoing. See *id.* at ¶ 18. A.B. Data will provide the Court with an updated analysis of the claims administration process prior to the Fairness Hearing in the form of a supplemental declaration.

⁴ A.B. Data received a total of 21 Requests for Exclusion. See April 2026 Supp. Cowen Decl. at ¶ 19. 9 Requests for Exclusion were untimely. See *id.* Any individual who submitted a late Request for Exclusion will be advised by A.B. Data that the Request has been rejected as untimely (along with any other identified deficiencies) and he or she may contest this determination by submitting a request for review to the Court, with any arguments and documentation supporting why the Request should be accepted.

00222 (CJC)(JPRx), 2016 WL 5938709, at *4 (C.D. Cal. July 11, 2016) (“The small number of objections and requests for exclusion supports final approval.”).

C. Conclusion

Accordingly, for the reasons stated in Plaintiffs’ Motions, and for the reasons set forth above, Plaintiff respectfully requests that the Court (i) finally approve the Settlement; (ii) finally certify the Settlement Class; (iii) finally appoint Plaintiffs as Settlement Class Representatives; (iv) finally appoint the law firms of Silver Golub & Teitell LLP and Lowey Dannenberg P.C. as Class Counsel; (v) approve the Fee and Expense Application in the amount of one-third of the settlement fund, or \$3,333,333.33; (vi) approve the reimbursement of litigation expenses in the amount of \$65,000.00; (vii) grant each Plaintiff a Service Award of \$1,500 in recognition of their efforts on behalf of the Class; and (viii) enter the proposed Final Approval Order and Judgment dismissing with prejudice the claims against Travelers.

Dated: April 9, 2026

Respectfully submitted,

/s/ Christian Levis

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Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2026, a copy of the foregoing document was filed electronically with the U.S. District Court for the District of Nebraska and served on all counsel of record through the CM/ECF system.

/s/ Christian Levis
Christian Levis