

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA**

IN RE: GATEWAY REHABILITATION  
CENTER, DATA BREACH LITIGATION

CIVIL DIVISION – CLASS ACTION  
Hon. Alan D. Hertzberg

This Document Relates To: All Cases

No. GD-22-014713

**PLAINTIFFS' APPLICATION FOR  
ATTORNEYS' FEES, COSTS, AND  
EXPENSES AND SERVICE  
AWARDS TO REPRESENTATIVE  
PLAINTIFFS**

Filed on behalf of Plaintiffs: MELISSA  
MASTERS, CANDACE COAST,  
MARK ASEL, JOE KENNEDY, JOHN  
LUCARELLI, DYLAN MORRIS, and  
CHRISTOPHER CICCOZZI

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AND SERVICE AWARDS TO REPRESENTATIVE PLAINTIFFS**

Plaintiffs Melissa Masters, Candace Coast, Mark Asel, Joe Kennedy, John Lucarelli, Dylan Morris, and Christopher Ciccozzi (collectively, “Plaintiffs” or “Class Representatives”) respectfully apply for: (1) approval of an award of attorneys’ fees in the amount of \$271,250.00 (35% of the \$775,000.00 Settlement Fund); (2) reimbursement of reasonable and necessary litigation costs in the amount of \$15,665.33; and (3) approval of Service Awards of \$2,500.00 to each of the Class Representatives. In support of their motion, Plaintiffs state as follows:

1. This matter is a consolidated putative class action arising from a data incident that temporarily disrupted Gateway’s computer systems on or about June 13, 2022, resulting in the potential exfiltration and compromise of individuals’ personal information stored therein, including individuals’ names, Social Security numbers, clinical information, and other medical or personal health information.

2. On April 18, 2024, Plaintiffs filed their First Consolidated Amended Class Action Complaint against Gateway asserting eight causes of action, including negligence, negligence *per se*, invasion of privacy / intrusion upon seclusion, breach of fiduciary duty, breach of confidences, breach of implied contract, unjust enrichment, and declaratory judgment, on behalf of themselves and all others similarly situated. Docket No. 6. Plaintiffs later filed their Second Consolidated

Amended Class Action Complaint against Gateway on September 30, 2024, asserting the same causes of action. Docket No. 13.

3. Following the filing of the First Consolidated Amended Class Action Complaint, Counsel for Plaintiffs and Counsel for Defendant began discussing the possibility of an early resolution of the litigation.

4. After a series of arm's-length offers and counteroffers between the Parties, the Parties reach an impasse, and Counsel for Plaintiffs and Counsel for Defendant thereafter agreed to engage in a mediation session.

5. The Parties participated in a mediation session on February 15, 2024, before Mr. Picker. The mediation session resulted in a settlement in principle, with the Parties reaching an agreement on the core terms of their proposed Settlement, which if approved by the Court, will resolve all claims in the litigation.

6. After reaching a settlement in principle, the Parties began negotiating and drafting the written terms of their agreement, which resulted in the completion and execution of the proposed Class Action Settlement Agreement and Release, which is attached to Plaintiffs' Motion for Preliminary Approval as Exhibit A. Docket No. 14.

7. On October 3, 2024, Plaintiffs moved the Court for preliminary approval of the proposed Settlement, conditional class certification, and authorization of notice to the Settlement Class Members.<sup>1</sup> Docket No. 14.

8. The Court entered an order granting preliminary approval, conditionally certifying the Settlement Class, and authorizing notice on November 4, 2024. Docket No. 17.

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<sup>1</sup> The capitalized terms used in this motion shall be construed according to their meaning as defined in the Settlement except as may otherwise be indicated.

9. The Settlement will provide substantial benefits to a Settlement Class of approximately 130,000 individuals. The Settlement's benefits include Defendant's payment of \$775,000.00 to establish a non-reversionary Settlement Fund that will be used to pay for: (1) Settlement Class Members' Approved Claims, (2) Service Awards of up to \$2,500.00 to each of the named Plaintiffs, to the extent approved by the Court; (3) up to thirty-five percent (or \$271,250.00) of the Settlement Fund for Class Counsel's attorneys' fees, to the extent approved by the Court; (5) reimbursement of Class Counsel's reasonable and necessary litigation cost, to the extent approved by the courts; and (6) the costs associated with notice and settlement administration.

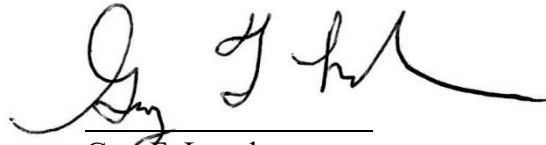
10. The relief requested herein should be considered by the Court at the fairness hearing on March 10, 2025, in conjunction with Plaintiffs' forthcoming Motion for Final Approval of the Settlement, which will be filed by February 21, and subject to the Court's review of any objections filed by Settlement Class Members.

11. In further support of their motion, Plaintiffs refer the Court to their Brief in Support of this Motion and the Joint Declaration of Gary F. Lynch and Benjamin F. Johns filed herewith.

**WHEREFORE**, Plaintiffs respectfully request that, along with final approval of the Settlement, the Court (1) approve an award of \$271,250.00 (35 percent of the Settlement Fund) to Class Counsel as attorneys' fees; (3) approve an award of \$15,665.33 to Class Counsel as reimbursement for reimbursement of reasonable litigation costs and expenses; and (3) approve Service Awards of \$2,500.00 to each of the Plaintiffs.

DATED: January 24, 2025

Respectfully submitted,



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*Co-Lead Class Counsel for Plaintiffs and  
the Proposed Settlement Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2025, the foregoing was served by email on the following:

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Gary F. Lynch