

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE WAWA, INC. DATA SECURITY LITIGATION	Case No. 19-6019-GEKP Class Action
<i>This Document Relates To: Consumer Track</i>	

[Signature]
11/22/21

[PROPOSED] STIPULATED ORDER RELATING TO CLAIMS PROCESS IN CONSUMER TRACK SETTLEMENT

WHEREAS, the Court entered an order granting preliminary approval to the settlement in the Consumer Track on July 30, 2021;

WHEREAS, the claims process has commenced, and class members have until November 29, 2021 to submit claims;

WHEREAS, the Parties to the consumer track settlement have continued to discuss ways to streamline the claims process and in connection with those discussions, and after additional effort, Wawa has been able to determine from its internal records the email addresses of approximately 633,000 people who signed up for the Wawa mobile app before December 12, 2019 (the day the Data Security Incident was contained);

WHEREAS, the Wawa mobile app and its payment mechanisms were not involved in the Data Security Incident and therefore purchases using the Wawa mobile app were not affected, but after further discussion and investigation, the Parties agree that this group of 633,000 individuals are more likely to have been customers of Wawa and more likely to have used a credit or debit card at Wawa during the class period, and therefore sufficiently more likely to be class members entitled to relief to justify allowing these individuals to enjoy the benefits of the settlement without the need for submission of proof of purchase from Wawa;

WHEREAS, in recognition of the foregoing agreement, the parties desire to improve the settlement for the class by amending the Settlement Agreement to allow these 633,000 people to receive benefits under the settlement without submitting proof of purchase, and to authorize the claims administrator to send an email to these 633,000 email addresses to advise them that they will automatically be qualified to receive the Tier One benefit of a \$5 Wawa Gift Card without needing to submit proof of purchase unless they affirmatively decide to decline this offer (and unless they otherwise opt out under the procedures in the Settlement Agreement or have already submitted a valid claim for Tier Two or Tier Three, in which case they will remain eligible for and receive that larger amount);

WHEREAS, the Parties believe this process will not cause the aggregate Tier One claims

to exceed the \$6 million cap or cause the \$5 Wawa Gift Card amount to be reduced pro rata to an amount below \$5; and

WHEREAS, the parties have agreed to the Second Amended Settlement Agreement attached hereto as Exhibit "A" with the proposed email to the approximately 633,000 individuals attached thereto as Exhibit "G."

Now therefore, it is hereby **ORDERED** that the Court authorizes the Parties and the Claims Administrator to implement the revised claims procedures described above and in the Second Amended Settlement Agreement and to send the email substantially in the form of Exhibit "G" to the Second Amended Settlement Agreement to the approximately 633,000 people as described above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: November 12, 2021

Respectfully Submitted,

/s/ Sherrie R. Savett
Sherrie R. Savett (PA Bar No. 17646)
Jon Lambiras (PA Bar No. 92384)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Tel: (215) 875-3000
ssavett@bm.net

/s/ Roberta D. Liebenberg
Roberta D. Liebenberg (PA Bar No. 31738)
Gerard A. Dever (PA Bar No. 85291)
Mary L. Russell (PA Bar No. 58581)
FINE, KAPLAN AND BLACK, R.P.C.
One South Broad St., 23rd Floor
Philadelphia, PA 19107
Tel: (215) 567-6565
rliebenberg@finekaplan.com

/s/ Benjamin F. Johns
Benjamin F. Johns (PA Bar No. 201373)
Mark B. DeSanto (PA Bar No. 320310)
Samantha E. Holbrook (PA Bar No. 311829)
**CHIMICLES SCHWARTZ KRINER
& DONALDSON-SMITH LLP**
361 W. Lancaster Avenue
Haverford, PA 19041

Tel: (610) 642-8500
bfj@chimicles.com

/s/ Linda P. Nussbaum
Linda P. Nussbaum
Bart Cohen (PA Bar No. 57606)
NUSSBAUM LAW GROUP, P.C.
1211 Avenue of the Americas, 40th Fl.
New York, NY 10036-8718
Tel: (917) 438-9102
lnussbaum@nussbaumpc.com

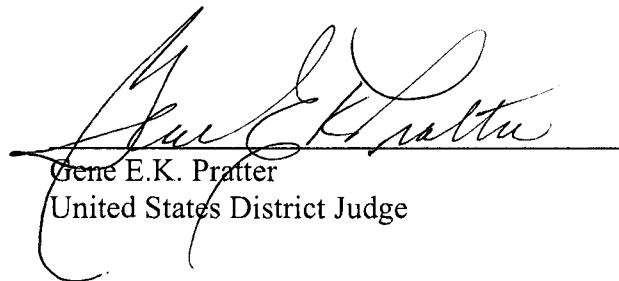
*Interim Co-Lead Counsel
for Consumer Track*

/s/ Gregory T. Parks
Gregory T. Parks, Esquire
Ezra D. Church, Esquire
Kristin M. Hadgis, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
Tel: (215) 963-5170
gregory.parks@morganlewis.com
ezra.church@morganlewis.com
kristin.hadgis@morganlewis.com

Counsel for Defendant Wawa, Inc.

IT IS SO ORDERED.

Philadelphia, Pennsylvania
November 22, 2021


Gene E.K. Pratter
United States District Judge