UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HEATHER TURREY, et al.,

Plaintiffs,

v.

VERVENT, INC., etc., et al.,

Defendants.

Case No. 3:20-cv-00697-DMS-AHG

ORDER GRANTING JOINT MOTION FOR ORDER APPROVING JOINT PLAN OF ALLOCATION

[ECF No. 406.]

Pending before the Court is the Parties' Joint Motion for Order Approving Joint Plan of Allocation ("Plan"), (ECF No. 410), as refined by their Joint Supplemental Statement Regarding Proposed Plan of Allocation. (ECF No. 410.) The Final Judgment of $12,000,000 has been affirmed by the Ninth Circuit, (ECF No. 404), and no petition for writ of certiorari was filed before the deadline. The Plan allocates the Class Fund pro rata based on each Class Member's payments on PEAKS loans during the Class Period, as reflected in Defendants' own records—the same payments on which the Class's injury was based. (Plan ¶¶ 4–6; ECF No. 406-1 at 6.) The Plan also redistributes unclaimed funds to Class Members before any cy pres distribution and reserves selection of any cy pres recipient for the Court's later approval. The Court therefore finds the Plan fair, reasonable, and adequate. *See In re Anthem, Inc. Data Breach Litig.*, 327 F.R.D. 299, 332 (N.D. Cal. 2018) ("A plan of allocation that reimburses class members based on the type and extent of their injuries is generally reasonable."). Accordingly, the Court **ORDERS** as follows:

1. The Parties' Joint Motion for Order Approving Joint Plan of Allocation, (ECF No. 406). as revised in the Joint Supplemental Statement, (ECF No. 410), is **GRANTED**.

2. The Class Fund will include all post-judgment interest accrued on the $12,000,000 Class award through full satisfaction of the judgment by Defendants. As of October 20, 2026, $1,391,366.48 in post-judgment interest had accrued on the Class Fund.

3. The Parties and Epiq Systems Inc. ("Epiq"), as the administrator of the Class Fund, are hereby ordered to implement the approved Joint Plan of Allocation in accordance with the following distribution schedule, with deadlines running from the date of this Order ("Order"). To the extent this schedule differs from the proposed Plan, (ECF No. 406), this schedule controls.

Milestone	Responsible Party	Deadline
Defendants Vervent, Inc., Activate Financial, LLC, and David Johnson ("Defendants") make outstanding payment in the amount of $7,056.83 to the Class Fund to satisfy the judgment	Defendants	Order +14 days
Epiq makes the initial distribution to Class Members by check or digital payment	Epiq	Order +45 days
Digital payments for which no payment selection has been made become stale	N/A	Order +75 days
Epiq reissues unclaimed digital payments by check	Epiq	Order +105 days
Epiq begins reasonable follow-up efforts to locate Class Members with unclaimed payments, as described in Paragraph 12 of the Plan	Epiq	Order +165 days
Epiq completes the reasonable follow-up efforts described in Paragraph 12 of the Plan	Epiq	Order +255 days
The Parties submit a status report to the Court concerning the distribution, including whether $100,000 or more remains in the Class Fund	Counsel	Order +255 days
If $100,000 or more remains in the Class Fund following completion of the follow-up efforts, Epiq makes a pro rata redistribution to Class Members who previously received payment, pursuant to Paragraph 13 of the Plan	Epiq	Order +285 days
If less than $100,000 remains in the Class Fund, the Parties submit a	Counsel	Order +285 days

proposed cy pres recipient to the Court for approval		
Checks issued in the second distribution become stale	N/A	Order +375 days
If $100,000 or more remains in the Class Fund following the second distribution, Epiq completes any additional pro rata redistributions required under Paragraph 13 of the Plan, until the remaining Class Fund balance is less than $100,000	Epiq	Order +515 days
Following the second distribution, the Parties submit a proposed cy pres recipient to the Court for approval with respect to any remaining undistributed funds	Counsel	Order +535 days
Epiq distributes the remaining Class Fund balance to the Court-approved cy pres recipient	Epiq	Date of order approving cy pres recipient +30 days
The Parties submit a final accounting of the Class Fund distributions to the Court	Counsel	Date of order approving cy pres recipient +30 days

IT IS SO ORDERED.

Dated: November 17, 2026

Hon. Dana M. Sabraw
United States District Judge