Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL

S.A. and A.M., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

Minnesota Department of Public Safety; Bob Jacobson, in his official capacity as Commissioner of Public Safety; and Pong Xiong, in his official capacity as Director of the Minnesota Department of Public Safety Division of Driver and Vehicle Services,

Defendants.

Case No. 62-CV-23-2275
Judge Laura Nelson

ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT

WHEREAS, Plaintiffs S.A. and A.M. ("Plaintiffs") and Defendants Minnesota Department of Public Safety, Bob Jacobson, and Pong Xiong ("Defendants") have entered into a Settlement Agreement and Release, dated February 14, 2025, and as amended on May 14, 2025 ("Settlement Agreement"), which is intended to resolve the above-entitled class action litigation (the "Lawsuit");

WHEREAS, the Court finds that it has jurisdiction over the Lawsuit; and

WHEREAS, the Settlement Agreement, together with the exhibits thereto, sets forth the terms and conditions for a proposed settlement and dismissal of the Lawsuit with prejudice; and

WHEREAS, on June 12, 2025, the Court granted Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, together with the Settlement Agreement and the exhibits thereto; and

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

WHEREAS, the Court has reviewed Plaintiffs' Motion for Final Approval of Class Settlement, the accompanying memorandum, declarations, and exhibits, including the objection filed in opposition to the Settlement Agreement;

WHEREAS, the Court is satisfied that the terms and conditions set forth in the Settlement Agreement were the result of good faith, arm's-length settlement negotiations between competent and experienced counsel, and is further satisfied that the requirements for granting final approval under Minnesota Rule of Civil Procedure 23;

IT IS HEREBY ORDERED as follows:

1. The Court adopts and incorporates herein the findings made under Minn. R. Civ. P. 23 in its June 12, 2025, Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement.

2. Capitalized terms in this Order have the same meaning as those used in the Settlement Agreement.

Approval of the Class Settlement

3. The Court finds that the Settlement Agreement and the terms set forth therein are fair, reasonable, and adequate, and that the Settlement Agreement reflects a reasonable compromise of the claims in this case, taking into account the likelihood of success on the merits, the risks of future litigation, the uncertainty with litigating novel claims, and the relief that would be available to the Settlement Class upon success at trial.

4. The Court finds that the Settlement provides substantial injunctive and monetary relief to the Settlement Class, a fact that weighs in favor of final approval.

5. The Court finds that the Settlement avoids risks the Settlement Class would have faced with continued litigation, including risks related to the novel claims, the lack of authority

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

interpreting Minn. Stat. § 609A.04, and the risks associated with trial. This fact weighs in favor of final approval.

6. The Court finds that the Settlement Agreement was negotiated at arm's-length and in good faith by experienced counsel before a qualified mediator and retired jurist. This fact weighs in favor of final approval.

7. The Court has considered the reaction of the Settlement Class. The Court finds that no timely requests for exclusion were made and one timely objection was filed. Therefore, the reaction of the Settlement Class is overwhelmingly supportive. This factor weighs in favor of approval.

8. The Court has considered the arguments made by the objecting class member in opposition to the Settlement and nevertheless finds that the Settlement is fair, reasonable, and adequate. The Court finds that the relief requested by the objecting class member, sealing civil and administrative proceedings, is not likely relief that the Settlement Class could obtain at trial under Minnesota Statutes Chapter 609A and *Barlow v. Commissioner of Public Safety*, 365 N.W.2d 232, 233 (Minn. 1985). In addition, the Court finds that the individualized relief provided to Class Representative A.M. is justified based on the individualized language in A.M.'s expungement order. The Settlement therefore provides a compromised resolution of A.M.'s claim and does not indicate that the relief would have been available on a class-wide basis.

Class Notice

9. The notice given to the Settlement Class, including individual notice to all members of the Settlement Class who could be identified through reasonable effort, was the most effective and practicable under the circumstances. The Court finds that over 98% of the Settlement Class received notice. The Settlement Class was therefore provided due and sufficient notice of the

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

proceedings and of the matters set forth therein, including the proposed settlement, and this notice fully satisfied the requirements of Rules 23.03(b) and 23.05(a) of the Minnesota Rules of Civil Procedure and the requirements of due process.

Certification of the Settlement Class

10. In the Settlement Agreement, the Parties have consented to class certification of the Settlement Class for settlement purposes only. Settlement Agreement ¶ 3. The Court finds that: (1) Plaintiffs are members of the Settlement Class; (2) Plaintiffs can fairly and adequately represent the interests of the Settlement Class; and (3) Plaintiffs' claims are typical of the claims of the Settlement Class. The Court appoints Plaintiffs as Class Representatives for the Settlement Class. The Court determines that the Settlement Class meets all applicable requirements of Minn. R. Civ. P. 23, and the Court certifies, for settlement purposes only, the following Settlement Class:

> All individuals who have records held by DVS that were ordered to be sealed under Minnesota Statutes chapter 609A between January 1, 2015, and the present, but whose records DVS has not sealed or did not timely seal.

11. The Court finds that, for purposes of settlement of the Lawsuit only, the Settlement Class satisfies the requirements of Minn. R. Civ. P. 23.01, as follows:

a. In accordance with Minn. R. Civ. P. 23.01(a), the Settlement Class members are so numerous that joinder of all such persons is impracticable.

b. In accordance with Minn. R. Civ. P. 23.01(b), there are questions of law and/or fact common to the Settlement Class members.

c. In accordance with Minn. R. Civ. P. 23.01(c), the claims of the Class Representatives are typical of the claims of the Settlement Class.

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

d. In accordance with Minn. R. Civ. P. 23.01(d), the Class Representatives will fairly and adequately represent the interests of the Settlement Class, and do not have interests that are antagonistic to the Settlement Class.

12. The Court further finds that, for purposes of settlement of the Lawsuit only, the Settlement Class satisfies the requirements of Minn. R. Civ. P. 23.02(c), in that (1) questions of fact and/or law common to Settlement Class members predominate over any questions affecting only individual Settlement Class members, and (2) a class action is superior to other available methods for fairly and efficiently adjudicating the dispute. In addition, the Court finds that the Parties' ability to resolve the Lawsuit on terms applicable to all Settlement Class members establishes the predominance of common legal and factual questions for purposes of the Settlement, and that a class action is the superior means of resolving the dispute because individual Settlement Class members have demonstrated no interest in prosecuting separate actions, and the cost of litigation far outpaces any individual recovery available to any Settlement Class member.

13. The Court therefore certifies, for settlement purposes only, the Settlement Class as defined in Paragraph 11 of this Order.

14. The Court appoints Plaintiffs S.A. and A.M. as Class Representatives for the Settlement Class. The Court has appointed the law firm of Lockridge Grindal Nauen PLLP as Class Counsel for the Settlement Class.

Implementation of the Settlement Terms

15. The Gross Settlement Amount, which was deposited by Defendants into an escrow account consistent with the Settlement Agreement and Amendment to the Settlement Agreement, is approved as a Qualified Settlement Fund pursuant to Internal Revenue Code Section 458B and the Treasury Regulations promulgated thereunder. Class Counsel and the Settlement

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

Administrator shall take all steps necessary to process claims for Special Compensation and distribute the Settlement Fund in accordance with the terms of the Settlement Agreement. Class Counsel shall file a motion for distribution to obtain Court approval to distribute the monetary relief to the Settlement Class in accordance with the Settlement Agreement.

16. In accordance with the terms of the Settlement Agreement, DVS is hereby ordered to take all steps necessary to ensure that expungement orders entered under Minnesota Statutes chapter 609A are timely implemented upon receipt from the judicial branch.

17. The Release in the Settlement Agreement is incorporated herein and, pursuant to the Settlement Agreement, the Named Plaintiffs and Class Members shall, by operation of law, be deemed to have released the Released Claims against the Released Parties.

18. Any member of the Settlement Class who failed to timely and validly request to be excluded from the Settlement Class shall be subject to and bound by the provisions of the Settlement Agreement, the Released Claims contained therein, and this Order with respect to all Released Claims, regardless of whether such members of the Settlement Class seek or obtain any distribution from the Settlement proceeds.

Dismissal and Continuing Jurisdiction for Settlement Administration

19. The Court hereby retains continuing and exclusive jurisdiction over: (a) consummation, administration, and implementation of the Settlement Agreements and any allocation or distribution to Class members pursuant to further orders of this Court; (b) disposition of the Settlement Fund; (c) hearing and determining applications by Plaintiffs for attorneys' fees, costs, expenses, and interest; (d) the actions in this litigation until the Final Judgment has become effective and each and every act agreed to be performed by the parties all have been performed pursuant to the Settlement Agreement; (e) hearing and ruling on any matters relating to any plan

Filed in District Court
State of Minnesota
11/5/2025 11:28 AM

of allocation or distribution of proceeds from the Settlement; (f) the parties to the Settlement Agreement for the purpose of enforcing and administering the Settlement Agreement and the releases contemplated by, or executed in connection with the Settlement Agreement; (g) the enforcement of this Final Judgment; and (h) any suit, action, proceeding, or dispute arising out of or relating to the Settlement Agreement or the applicability of the Settlement Agreement, that cannot be resolved by negotiation and agreement.

20. Class Counsel shall file a motion for approval of distribution of the net proceeds of the Settlement Funds in accordance with the terms of the Settlement Agreement and provide a report on outstanding claims administration expenses within 90 days of this Order being entered.

21. In accordance with the Settlement Agreement, this Lawsuit is hereby dismissed with prejudice and on the merits under Minn. R. Civ. P. 41.01(b).

22. The Court finds that there is no just reason for delay and directs entry of final judgment in this case. The Court retains continuing jurisdiction to oversee the administration of the Settlement, as described above.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Nelson, Laura (Judge)
Nov 5, 2025 10:39 AM

Dated: November 5, 2025

The Honorable Laura Nelson