

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: MOVEIT CUSTOMER DATA SECURITY BREACH LITIGATION	MDL No. 1:23-md-03083-ADB-PGL  Judge Allison D. Burroughs
This Document Relates To: C.A. No. 1:23-cv-12993-ADB  MICHAEL EVANGELISTA, individually and on behalf of all others similarly situated,  Plaintiff,  v.  NATIONAL STUDENT CLEARINGHOUSE and PROGRESS SOFTWARE CORPORATION,  Defendants.	

**PLAINTIFF’S UNOPPOSED MOTION FOR FINAL APPROVAL OF PROPOSED  
CLASS ACTION SETTLEMENT**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiff Michael Evangelista (“Plaintiff”) in the above-captioned action and consolidated in this MDL, hereby moves this Court for entry of an Order: (1) finally approving the proposed Class Action Settlement Agreement and Release between himself and Defendant National Student Clearinghouse (“Defendant” or “NSC”) as fair, reasonable, and adequate; (2) finally certifying, for purposes of the Settlement only, the following Settlement Class:

All persons in the United States whose Social Security Number was included in the files affected by the Security Incident.

Excluded from the Settlement Class are: (i) NSC, any entity in which NSC has a controlling interest, and NSC’s officers, directors, legal representatives, successors, subsidiaries, and assigns; (ii) any judge, justice, or judicial officer presiding over

the Litigation and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly opts out of the Settlement.

(3) confirming that the notice plan approved by the Court in its October 11, 2024 Preliminary Approval Order (ECF No. 1266) has been fully and sufficiently effectuated; (4) finally appointing Plaintiff as the Settlement Class Representative; (5) finally appointing Lead Counsel and Liaison & Coordinating Counsel to act on behalf of the Settlement Class and the Settlement Class Representative with respect to the Settlement; (6) entering the proposed final judgment; and (7) granting such other and further relief as may be just and appropriate.

This Motion is based upon the record in this case as well as the concurrently filed: (1) Memorandum of Law in Support of Plaintiff's Motion for Final Approval; (2) Declaration of Gary F. Lynch in Support of Plaintiff's Motion for Final Approval; and (3) Declaration of Cameron A. Azari Regarding Notice Program, as well as any additional materials and argument that may be presented to the Court.

Dated: April 11, 2025

Respectfully submitted,

By: /s/ Kristen A. Johnson

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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that, pursuant to Local Rule 7.1(a)(2), that Class Counsel has conferred in good faith with counsel for Defendant National Student Clearinghouse, and Defendant does not oppose this Motion.

Dated: April 11, 2025

/s/ Gary F. Lynch

Gary F. Lynch

**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record.

Dated: April 11, 2025

/s/ Kristen A. Johnson

Kristen A. Johnson