

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:16-CV-00009-KDB-DCK**

**DELORIS GASTON AND
LEONARD GASTON,**

Plaintiffs,

v.

**LEXISNEXIS RISK SOLUTIONS,
INC. AND POLICEREPORTS.US,
LLC,**

Defendants.

**ORDER AND STIPULATED
JUDGMENT**

THIS MATTER is before the Court on the Stipulation of all the Parties (Plaintiffs Deloris Gaston and Leonard Gaston and Defendants LexisNexis Risk Solutions Inc. and PoliceReports.US, LLC) (Dkt. No.156) and Defendants’ Motion to Stay All Proceedings Pending Appeal (Dkt. No. 155). Pursuant to the agreement of the Parties, as reflected in their Stipulation and memoranda, the Court will enter the following Order and Stipulated Judgment, which resolves or stays all the issues still pending before the Court in this matter. Accordingly, the Parties will be able to immediately and fully assert their respective appeals from the Court’s various rulings, and the Court of Appeals will be able to consider all those appeals more efficiently in one proceeding.

On September 2, 2020, the Court entered an Order concerning Plaintiffs’ motion for class certification and the Parties’ cross-motions for summary judgment (Dkt. No. 148) (the “Order”). Expressly conditioned on their agreement that all “Parties specifically reserve, preserve, and do not waive their right to appeal the Court’s rulings and determinations reflected in the Order,” the Parties have stipulated and agreed that a jury hearing the evidence that would be presented at the

trial on the issues left outstanding by the Order, and instructed in a manner consistent with the Court's conclusions in the Order, would enter a verdict in favor of the Rule 23(b)(2) Class. Accordingly, the Parties agree that the Court should enter the Judgment below enjoining the Defendants in the same manner with respect to the full certified Rule 23(b)(2) Class as they have been enjoined as to the certified Rule 23(b)(2) Subclass. This Stipulation and Judgment will leave pending only the Plaintiffs' individual claims for liquidated damages of \$2500 each, which the Court will stay in the interest of judicial economy pending the Parties' appeals (which may well resolve the need for trial of those claims). Further, the Court specifically finds pursuant to Rule 54 of the Federal Rules of Civil Procedure that there is no just reason for delay in the appellate consideration of all of the Court's judgments and rulings with respect to class claims and issues as reflected in its September 2, 2020 Order and this Order as final judgments.

NOW THEREFORE IT IS ORDERED THAT:

1. The Court Adjudges and Decrees that the Injunction entered with respect to the Rule 23(b)(2) Subclass prohibiting Defendants and other related parties from, *inter alia*, disclosing or making access available to certain vehicle accident reports containing "personal information" as defined in the Driver's Privacy Protection Act ("DPPA") without redacting the personal information, obtaining the consent of the person whose personal information appears on the record or having a good faith belief that the accident report will be used for a specific purpose permitted by the DPPA, (Dkt. No. 148 at 47), is hereby extended to the entire Rule 23(b)(2) Class certified by the Court. (*See* Dkt. No. 148 at 34);

2. Plaintiffs' and Defendants' rights to appeal, including without limitation the right to challenge the Court's rulings and determinations in its September 2, 2020 Order (Dkt. No. 148) and any judgment the Court has entered, are preserved and not waived by this Judgment;

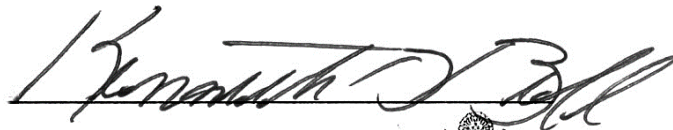
3. Further proceedings on the Plaintiffs' individual claims for liquidated damages are stayed pending conclusion of the Parties' respective appeals of the Court's September 2, 2020 Order (Dkt. No. 148);

4. The Court stays and defers consideration of Plaintiffs' motion for attorney fees and costs pursuant to Fed. R. Civ. P. 54 until after a ruling on the Parties' appeals; and

5. The trial in this matter currently scheduled to begin on October 26, 2020 is canceled;

SO ORDERED ADJUDGED AND DECREED.

Signed: October 2, 2020



Kenneth D. Bell
United States District Judge

