

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 NICHOLAS C. SMITH-WASHINGTON, JOYCE
5 MAHONEY, JONATHAN AMES, MATTHEW
6 HARTZ, and JENNY LEWIS on behalf of
themselves and all other similarly situated,

7 Plaintiffs,

8 v.

9 TAXACT, INC.,

10 Defendant.
11

Case No. 3:23-CV-00830-VC

Assigned to Hon. Vince Chhabria

[PROPOSED] FINAL JUDGEMENT

12 On _____, the Court signed and entered its Order Granting Final Approval of
13 Class Action Settlement and its Order on Class Counsel’s Motion for Attorneys’ Fees and Expenses and
14 Service Awards (ECF Nos. ___) (the “Final Approval Order” and the “Order on Motion for Attorneys’
15 Fees and Expenses and Service Awards”) in the above-captioned matter as to the following classes of
16 persons:

17 “**Nationwide Class**” includes all natural persons who used a TaxAct online do-it-yourself
18 consumer Form 1040 tax filing product and filed a tax return using the TaxAct online product
19 during the Class Period, and whose postal address listed on such tax return was in the United
20 States. The Nationwide Class includes the California Subclass.

21 “**California Subclass**” includes all natural persons who used a TaxAct online do-it-
22 yourself consumer Form 1040 tax filing product and filed a tax return using the TaxAct
23 online product during the Class Period, and whose postal address listed on such tax return
24 was in California.

25 “**Nationwide Married Filing Jointly Class**” includes all natural persons whose spouse used a
26 TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a joint tax return
27 using the TaxAct online product during the Class Period, and whose postal address listed on such
28

1 joint tax return was in the United States. The Nationwide Married Filing Jointly Class includes
2 the California Married Filing Jointly Subclass.

3 **“California Married Filing Jointly Subclass”** includes all natural persons residing in
4 California during the Class Period whose spouse used a TaxAct online do-it-yourself
5 consumer Form 1040 tax filing product and filed a joint tax return using the TaxAct
6 online product during the Class Period, and whose postal address listed on such joint tax
7 return was in California.

8 JUDGMENT IS HEREBY ENTERED, pursuant to Federal Rule of Civil Procedure 58, as to the
9 specified class of persons (excluding the individuals who validly and timely requested exclusion from
10 the Settlement Class, as identified in the Final Approval Order); Settlement Class Representatives
11 Nicholas C. Smith Washington, Joyce Mahoney, Jonathan Ames, Jenny Lewis, and Matthew Hartz; and
12 TaxAct, Inc. (“TaxAct”) on the terms and conditions of the Settlement Agreement approved by the
13 Court’s Final Approval Order.

14 1. For purposes of this Order, the Court adopts the terms and definitions set forth in the
15 Settlement Agreement unless otherwise defined in the Preliminary Approval Order or Final Approval
16 Order.

17 2. Payments to Settlement Class Members under the Settlement Agreement shall be made
18 as outlined in the Final Approval Order and Settlement Agreement.

19 3. Upon the Effective Date: (i) the Settlement Agreement shall be the exclusive remedy
20 for any and all Released Claims of Settlement Class Representatives and Settlement Class Members;
21 and (ii) Settlement Class Representatives and Settlement Class Members stipulate to be and shall be
22 permanently barred from initiating, asserting, or prosecuting against the Released Parties in any federal
23 or state court or other tribunal any and all Released Claims.

24 4. Likewise, upon the Effective Date, Defendant and each of the other Released Parties
25 shall be deemed by operation of law to have released, waived, discharged and dismissed each and every
26 claim relating to the institution or prosecution of the Action by Settlement Class Representatives, Class
27 Counsel and the Settlement Classes.

28 5. This Action is settled and dismissed on the merits with prejudice.

