

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Lackawanna County Court of Common Pleas
Ayala v. Commonwealth Health Physician Network, et al.
Docket No. 2023-CV-3008

**IF YOUR PERSONAL INFORMATION WAS IMPACTED BY
A CYBERSECURITY INCIDENT THAT GREAT VALLEY
CARDIOLOGY INITIALLY DISCLOSED ON OR AROUND
JUNE 2023, A PROPOSED CLASS ACTION SETTLEMENT
MAY AFFECT YOUR LEGAL RIGHTS**

A state court authorized this Notice. You are not being sued.

This is not a solicitation from a lawyer.

- A Settlement has been reached with Commonwealth Health Physician Network, doing business as Great Valley Cardiology, and Scranton Cardiovascular Physician Services, LLC. (“GVC” or “Defendant”) in a class action lawsuit about a cybersecurity incident that was disclosed on or around June 2023 (“Data Breach”).
- The lawsuit is captioned *Ayala v. Commonwealth Health Physician Network, et al.*, Docket No. 2023-CV-3008 (the “Action”), pending in the Lackawanna County Court of Common Pleas. GVC denies the allegations and all liability or wrongdoing with respect to any and all facts and claims alleged in the lawsuit but has agreed to a settlement to avoid the costs and risks associated with continuing this case.
- You are included in this Settlement if you are a Settlement Class Member. A Settlement Class Member is an individual who resides in the United States whose Personal Information was compromised in the Data Breach experienced by GVC between February 2 and April 3, 2023, and disclosed publicly in June 2023.
- Your rights are affected whether you act or don’t act. Please read this Notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	<p>The only way to receive cash and other benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>You can submit your Claim Form online at www.GVCDDataSettlement.com or download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.</p>	September 9, 2024
OPT OUT OF THE SETTLEMENT	<p>You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement. You can elect to retain your own legal counsel at your own expense.</p>	August 7, 2024
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	<p>If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for benefits.</p>	August 7, 2024
DO NOTHING	<p>Unless you opt out of the settlement, you are part of the Settlement. If you do nothing, you will not get a payment from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement.</p>	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.

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BASIC INFORMATION

1. Why was this Notice issued?

A state court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The Civil Trial Division of the Lackawanna County Court of Common Pleas is overseeing this class action. The lawsuit is captioned *Ayala v. Commonwealth Health Physician Network, et al.*, Docket No. 2023-CV-3008 The person that filed this lawsuit is called the “Plaintiff” and the company she sued is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that personal information was impacted by the cybersecurity incident that GVC initially disclosed on or around June 2023 (“Data Breach”).

3. What is a class action?

In a class action, one or more individuals represent other people with similar claims. These individuals are known as “Class Representatives.” Together, the people included in the class action are called a “class” or “class members.” One court resolves the lawsuit for all settlement class members, except for those who opt out from a settlement. In this Settlement, the Class Representatives are Yvonne Ayala

Mary Allabaugh, Robert Maziarz, Colleen Maziarz, Timothy Ferguson, Mary Counterman, Rita Boccadori, Michelle Jarrow, Robert Schulte, Edward Barth, Nicholas Gabello, and Marie Gabello.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiff or the Defendant. The Defendant denies all claims and contends that it has not violated any laws. Plaintiff and the Defendant agreed to a Settlement to avoid the costs and risks of a trial, and through the Settlement, Settlement Class Members are eligible to receive payments. The Plaintiff and her attorneys think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Who is included in the Settlement?

The Settlement Class consists of all natural persons whose Personal Information was potentially compromised in the Data Breach and who were sent the Notice of Data Privacy Incident on or around June 2023.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are (i) GVC and its related entities; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) any judges assigned to this case and their staff and family; and (iv) the successors or assigns of any such excluded natural person.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by emailing or writing to Settlement Administrator at:

info@GVCDDataSettlement.com

Great Valley Cardiology Data Breach Settlement, c/o Settlement Administrator, P.O. Box 3298, Baton Rouge, LA 70821.

You may also view the Settlement Agreement and Release (“Settlement Agreement”) at www.GVCDDataSettlement.com.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Under the Settlement, GVC will create a Settlement Fund consisting of \$2,000,000.00 to be used to pay valid and timely claims for Documented Loss Payments, Alternative Cash Fund Payments, and Credit Monitoring and Insurance Services (“CMIS”), explained below.

8. How much will my payment be?

Payments will vary - Settlement Class Members may submit a claim form for: (1) Documented Loss Payments – up to a total of \$5,000 per claimant, to include reimbursement for time spent remedying issues related to the Data Breach at \$25 per hour for up to six hours (for a total of \$150 and subject to the \$5,000 cap for Documented Loss Payments); *or* (2) a *pro rata* Settlement Payment in cash (“Cash Fund Payment”). In addition, Settlement Class Members may elect to claim two years of CMIS.

Documented Loss Payment: Documented Losses must generally be supported with documentation and: (1) The loss is an actual, documented, and unreimbursed monetary loss arising from identity theft, fraud, or similar misuse; (2) the loss was more likely than not caused by the Data Breach; and (3) the loss occurred between February 2, 2023 and April 17, 2024. Class Members may also submit for reimbursement for time spent remedying issues related to the Data Breach for up to six (6) total hours at a rate of \$25. No documentation need be submitted in connection with lost-time, but Settlement Class Members must attest that the time claimed was actually spent as a result of the Data Breach.

Cash Fund Payment: In the alternative to claiming Documented Losses, Settlement Class Members can make a claim to receive a *pro rata* Cash Fund Payment.

Credit Monitoring Services. In addition to making a claim for either a Documented Loss Payment or a Cash Fund Payment, Settlement Class Members also may make a claim to receive two (2) years of credit monitoring and identity theft protection services with \$1 million in insurance by choosing this benefit on this Claim Form.

9. What claims am I releasing if I stay in the Settlement Class?

Unless you opt out of the Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant about any of the legal claims this Settlement resolves. The “Release” section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be found at www.GVCDDataSettlement.com.

HOW TO GET A PAYMENT - MAKING A CLAIM

10. How do I submit a claim and get a cash payment?

You may file a claim if your Personal Information was potentially compromised in the Data Breach, and you were sent the Notice of Data Privacy Incident on or around June 2023.

Claim Forms may be submitted online at www.GVCDDataSettlement.com or printed from the website and mailed to the Settlement Administrator at: *Great Valley Cardiology Data Breach Settlement*, c/o Settlement Administrator, P.O. Box 3298, Baton Rouge, LA 70821.

You may also contact the Settlement Administrator to request a Claim Form by telephone 1-844-990-3711, by email info@GVCDDataSettlement.com, or by U.S. mail at the address above.

11. What is the deadline for submitting a claim?

If you submit a claim by U.S. mail, the completed and signed Claim Form must be postmarked by **September 9, 2024**. If submitting a Claim Form online, you must do so by **September 9, 2024**.

12. When will I get my payment?

The Court is scheduled to hold a final approval hearing on **October 29, 2024** to decide whether to approve the Settlement, how much attorneys' fees and costs to award to Settlement Class Counsel for representing the Settlement Class, and whether to award a Service Award to each Class Representative who brought this Action on behalf of the Settlement Class.

If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be distributed as soon as possible, if and when the Court grants final approval to the Settlement and after any appeals are resolved.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes, the Court appointed the law firm of Morgan & Morgan to represent you and other members of the Settlement Class ("Settlement Class Counsel"). You will not be charged directly for these lawyers; instead, they will receive compensation from GVC (subject to Court approval). If you want to be represented by your own lawyer, you may hire one at your own expense.

14. Should I get my own lawyer?

It is not necessary for you to hire your own lawyer because Settlement Class Counsel works for you. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Settlement Class Counsel will file a motion for an award of attorneys' fees and litigation costs and expenses to be paid by GVC out of the Settlement Fund. GVC has agreed not to oppose Settlement Class Counsel's request for an award of attorneys' fees and costs not to exceed \$666,666.00.

Settlement Class Counsel will also seek a service award payment for the Class Representatives in recognition for their contributions to this Action. GVC has agreed not to oppose Settlement Class Counsel's request for service awards not to exceed \$1,500.00 per representative.

EXCLUDING YOURSELF FROM THE SETTLEMENT

16. How do I opt out of the Settlement?

If you do not want to receive any benefits from the Settlement, and you want to keep your right, if any, to separately sue the Defendant about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called "opting out" of the Settlement Class. The deadline for requesting exclusion from the Settlement is **August 7, 2024**.

To exclude yourself from the Settlement, you must submit a written request for exclusion that includes the following information:

- your full name;
- current address and telephone number;
- personal signature; and
- the words "Request for Exclusion" or a comparable statement that you do not wish to participate in the Settlement at the top of the communication.

Your request for exclusion must be mailed to the Settlement Administrator at the address below, postmarked no later than **August 7, 2024**

Great Valley Cardiology Data Breach Settlement Administrator
ATTN: Exclusion Request
P.O. Box 3298
Baton Rouge, LA 70821

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive a payment or any other benefits under the Settlement if you exclude yourself. You may only exclude yourself – not any other person.

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class Member, you can choose (but are not required) to object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement.

For an objection to be considered by the Court, the objection must clearly: (a) identify the case name and number; (b) state the Class Member's full name, current mailing address, and telephone number; (c) contain a statement by the Class Member that he or she believes themselves to be a member of the Settlement Class; (d) include proof that the Class Member is a member of the Settlement Class (e.g., copy of the settlement notice, copy of the original notice of the Data Breach); (e) identify the specific grounds for the objection; (f) identify whether the objection is an objection to the Settlement in part or in whole; (g) state whether the objection applies only to the objector, a subset of the Settlement Class, or the entire Settlement Class; (h) identify all counsel representing the Class Member, if any; (i) include a list of all other cases in which the objector and/or the objector's counsel has filed an objection to any proposed class action settlement in the past five (5) years; (j) include all documents or writings that the Class Member desires the Court to consider; (k) contain a statement regarding whether the Class Member (or counsel of his or her choosing) intends to appear at the Final Approval Hearing; and (l) contain the signature of the Class Member or the Class Member's duly authorized attorney or representative.

Any Settlement Class Member who does not file a timely and adequate objection in accordance with above paragraph waives the right to object or to be heard at the Final Approval Hearing and shall be forever barred from making any objection to the Settlement and shall be bound by the terms of the Agreement and by all proceedings, orders, and judgments in the Action.

Objections must be submitted to the Settlement Administrator and Settlement Class Counsel no later than **August 7, 2024**.

Great Valley Cardiology Data Breach Settlement Administrator
ATTN: Exclusion Request
P.O. Box 3298
Baton Rouge, LA 70821

and

MORGAN & MORGAN COMPLEX LITIGATION GROUP
ATTN: Jean S. Martin and Francesca K. Burne
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602

18. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the

Settlement is opting out and stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When is the Court's Final Approval Hearing?

The Court is scheduled to hold a final approval hearing on **October 29, 2024 at 9:00 a.m. E.T.**, at the Lackawanna County Courthouse, 200 N. Washington Ave, Scranton, PA 18503, to decide whether to approve the Settlement, how much attorneys' fees and costs to award to Settlement Class Counsel for representing the Settlement Class, and whether to award a service award payment to each Class Representative who brought this Action on behalf of the Settlement Class. If you are a Settlement Class Member, you or your attorney may ask permission to speak at the hearing at your own cost. The date and time of this hearing may change without further notice. Please check www.GVCDDataSettlement.com for updates.

20. Do I have to come to the Final Approval Hearing?

No. Settlement Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you file an objection, you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time and in accordance with the requirements above, the Court will consider it. You may also pay your own lawyer to attend, but such attendance is not necessary for the Court to consider an objection that was filed on time and meets the requirements above.

IF I DO NOTHING

21. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up the rights explained in **Question 9**, including your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Released Parties, as defined in the Settlement Agreement, about the legal issues resolved by this Settlement. In addition, you will not receive a payment from this Settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at the Settlement Website, www.GVCDDataSettlement.com.

If you have additional questions, you may contact the Settlement Administrator by email, phone, or mail:

Email: info@GVCDataSettlement.com

Toll-Free: 1-844-990-3711

Mail: GVC Data Breach Settlement Administrator, P.O. Box 3298, Baton Rouge, LA 70821.

Publicly filed documents can also be obtained by visiting the office of the Clerk of the Lackawanna County Court of Common Pleas or by reviewing the Court's online docket.

PLEASE DO NOT CONTACT THE COURT OR GVC