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Notice of Proposed Class Action Settlement and Fairness Hearing

M.S. v. Med-Data, Inc.
United States District Court for the Southern District of Texas
Case No. 4:22-cv-00187

If you received a Notice of Data Incident from Med-Data, Inc. or one of its Business Associates, received this Notice of Settlement, or if you believe you were affected when a Med-Data employee inadvertently uploaded files containing sensitive personal and health information to the public-facing portion of GitHub between December 2018 and September 2019 (the “Data Incident”), a proposed class action settlement may affect your rights.

A settlement has been reached in a class action lawsuit against Med-Data. The lawsuit, *M.S. v. Med-Data, Inc.*, Case No. 4:22-cv-00187, filed in the United States District Court for the Southern District of Texas, involves allegations that Med-Data failed to protect sensitive personal and health information it received from healthcare providers and failed to timely notify patients after learning their information was exposed. Med-Data denies these allegations.

Why am I being contacted? Records indicate that Med-Data, or its Business Associates sent you a Notice of Data Incident and/or that your sensitive personal or health information may have been exposed in the Data Incident.

What does the settlement provide? The proposed settlement provides for a fund totaling \$7,000,000, which will be used to provide settlement awards to Settlement Class Members. All Settlement Class Members will be eligible for 36 months of Medical Shield Premium fraud monitoring services. If you spent time on tasks related to the Data Incident or suffered out-of-pocket losses due to the Data Incident, you may submit a “Tier 1 Claim” for reimbursement of up to five hours of lost time and your documented out-of-pocket expenses. In the alternative, if you took any action at all in response to the Data Incident, even if *de minimis*, you may submit a claim for an alternative cash payment of up to \$500 (“Tier 2 Claim”). The actual amount of the alternative cash payment will depend on the amounts remaining in the Settlement Fund after paying (1) the cost of fraud monitoring; (2) reimbursements for valid “Tier 1” claims; (3) notice and settlement administration costs; and (4) court-approved attorneys’ fees of \$2,333,333.33, costs not to exceed \$200,000, and service awards of up to \$5,000 to the four Named Plaintiffs. You can learn more about the settlement and your options by visiting www.MedDataSettlement.com.

Your rights and options:

Submit a Claim Form. To receive a settlement award, you must submit a Claim Form to the Settlement Administrator. The Claim Form is available on the Settlement Website at www.MedDataSettlement.com, or upon request to the Settlement Administrator, and can be submitted electronically on the Settlement Website or by mail.

Opt out. You may exclude yourself from the Settlement and keep your right to sue Defendants on your own by sending a written request for exclusion to the Settlement Administrator postmarked by

April 26, 2024. If you do not exclude yourself, you will be bound by the settlement and give up your right to sue Defendants regarding the settled claims. Visit the Settlement Website for more details.

Object. If you do not opt out, you have the right to object to the proposed settlement. Objections must be filed with the court, postmarked by **April 26, 2024** and provide the reasons for the objection, among other requirements. Visit the Settlement Website for more details.

Do Nothing. If you do nothing, you will not receive any payment and will lose the right to sue Defendants about the Released Claims. You will be considered part of the Settlement Class, and you will be bound by the Court's decisions.

Attend the final approval hearing. The Court is scheduled to hold a hearing on **September 11, 2024 at 3:00 p.m. Central Time**, to consider whether to approve the settlement, Class Counsel's request for attorneys' fees and costs, and the service awards to the class representatives. You can appear at the hearing, which will be held at the United States District Court for the Southern District of Texas, 515 Rusk Street, Houston, Texas 77002, Courtroom 9F, but you do not have to appear. If you wish, you can hire your own attorney, at your own expense, to appear or speak for you at the hearing.

For more information, visit www.MedDataSettlement.com or call 1-844-930-2009.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE TO INQUIRE
ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS**