

NOTICE OF CLASS ACTION SETTLEMENT

CALIFORNIA SUPERIOR COURT, FOR THE COUNTY OF LOS ANGELES

Ward v. Anderson McPharlin & Conners LLP (Case Number 22STCV05785)

To: All individuals identified by Anderson McPharlin & Conners LLP and to whom Anderson McPharlin & Conners LLP sent notice in or around December 2021 that their information may have been impacted in the Data Security Incident, defined below.

A proposed settlement has been reached in a class action lawsuit titled *Ward v. Anderson McPharlin & Conners LLP* (Case Number 22STCV05785) (the “Lawsuit”). The Lawsuit asserts claims against Defendant Anderson McPharlin & Conners LLP (“AMC”) related to a data security incident that occurred on or around June 24, 2021 and about which AMC notified potentially impacted individuals in December 2021 (the “Data Security Incident”). AMC denies all of the claims and denies that it did anything wrong.

The Settlement Class is defined by the Court as any person whose personally identifiable information and/or protected health information was stored by AMC and who was affected by the data security incident that occurred on or around June 24, 2021. Under the terms of the Class Settlement Agreement and Release, members of the Settlement Class who submit a Claim Form (downloaded and mailed, or submitted at www.amcdatasecuritysettlement.com) executed under penalty of perjury may be entitled to:

- (1) single bureau credit monitoring for 24 months; (2) up to three hours expended as a result of the Data Security Incident at \$20 per hour; and (3) up to \$800 for documented out of pocket loss with supporting documents. If you are a Settlement Class Member, your options are:

SUBMIT A CLAIM FORM DEADLINE: DECEMBER 26, 2023	You must submit a valid Claim Form to enroll in credit monitoring or receive a payment from the settlement.
DO NOTHING	You will receive no payment or credit monitoring enrollment and will no longer be able to sue AMC over the claims resolved in the settlement.
EXCLUDE YOURSELF DEADLINE: OCTOBER 25,	You may exclude yourself from the settlement and keep your right to sue AMC separately in an individual lawsuit. If you exclude yourself, you receive no payment or credit monitoring enrollment. Exclusion instructions are provided in this Notice.
OBJECT DEADLINE: OCTOBER 25, 2023	If you do not exclude yourself, you may write to the Settlement Administrator to comment on or detail why you do not like the settlement by following the instructions in this Notice or appearing at the Final Approval Hearing. The Court may address or reject your objection. You must still file a claim if you desire any monetary relief or credit monitoring under the settlement.

The Court must give final approval to the settlement before it takes effect but has not yet done so. No payments will be made or credit monitoring enrollment offered until after the Court gives final approval and any appeals are resolved.

Please review this Notice carefully. You can learn more about the settlement by visiting www.amcdatasecuritysettlement.com or by calling 1-888-755-4391.

Further Information about this Notice and the Lawsuit

1. Why was this Notice issued?

Settlement Class Members are eligible to receive payment and enroll in credit monitoring from a proposed settlement of the Lawsuit. The Court overseeing this case in Los Angeles County Superior Court authorized this Notice to advise Settlement Class Members about the proposed settlement that will affect their legal rights. This Notice explains certain legal rights and options Settlement Class Members have in connection with the settlement.

2. What is the Lawsuit about?

The Lawsuit was brought on behalf of certain individuals whose information may have been accessed by unauthorized individuals as part of the Data Security Incident. The affected information may include certain medical information, full names, addresses, dates of birth, Social Security numbers, driver's license numbers, and financial account information.

The Lawsuit claims AMC is legally responsible for the Data Security Incident and asserts various legal claims, including negligence and unfair business practices. AMC denies these claims and denies that it did anything wrong.

3. Why is the Lawsuit a class action?

In a class action, one or more representative plaintiffs bring a lawsuit on behalf of others who are alleged to have similar claims. Together, all of these people are the "class" and each individually is a "class member." There is one Representative Plaintiff in this case: Sandra Ward. The class in the Lawsuit is referred to in this Notice as the "Settlement Class."

4. Why is there a settlement?

The Representative Plaintiff in the Lawsuit, through her attorneys, investigated the facts and law relating to the issues in the Lawsuit. The Representative Plaintiff and Class Counsel believe that the settlement is fair, reasonable, and adequate and will provide substantial benefits to the Settlement Class. The Court has not decided whether the Representative Plaintiff's claims or AMC's defenses have any merit, and it will not do so if the proposed settlement is approved. By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will receive benefits. The settlement does not mean that AMC did anything wrong, or that the Representative Plaintiff would or would not win the Lawsuit if it was to go to trial.

Terms of the Proposed Settlement

5. Who is in the Settlement Class?

The Settlement Class is defined by the Court as any person whose personally identifiable information and/or protected health information was stored by AMC and who were affected by the Data Security Incident. Excluded from the Settlement Class is any judge presiding over the Lawsuit and any members of their first-degree relatives, judicial staff, and persons who timely and validly request exclusion from the Settlement Class.

6. *What are the terms of the settlement?*

Under the terms of the settlement, if you submit a Claim Form executed under penalty of perjury, you can seek to recover the following benefits: (1) single bureau credit monitoring for two years; (2) up to three hours expended as a result of the Data Security Incident, at \$20 per hour; and (3) up to \$800 for documented out of pocket loss with supporting documents. The settlement also releases all claims or potential claims of Settlement Class Members against AMC arising from or related to the Data Security Incident, as detailed in the Class Settlement Agreement and Release.

7. *What claims are Settlement Class Members giving up under the settlement?*

Settlement Class Members who do not validly exclude themselves from the settlement will be bound by the Class Settlement Agreement and Release and any final judgment entered by the Court, and will give up their right to sue AMC for the claims being resolved by the settlement, including all claims or potential claims of Settlement Class Members against AMC arising from or related to the Data Security Incident. The claims that Settlement Class Members are releasing are described in Paragraph 1.30 of the Class Settlement Agreement and Release and the persons and entities being released from those claims are described in Paragraph 1.31 of the Class Settlement Agreement and Release. Paragraph 8 of the Class Settlement Agreement and Release explains when such releases will occur.

Payments to Settlement Class Members

8. *What kind of payments can Settlement Class Members receive?*

Settlement Class Members who submit a valid Claim Form executed under penalty of perjury and any required documentation may receive one or more of the following: (1) single bureau credit monitoring for two years; (2) up to three hours expended as a result of the Data Security Incident, at \$20 per hour; and (3) up to \$800 for documented out of pocket loss with supporting documents.

9. *What is a Reimbursement Award?*

Settlement Class Members who, at any time from June 24, 2021 to December 26, 2023, experienced unauthorized or fraudulent charges or out of pocket losses that are fairly traceable to the Data Security Incident are eligible to receive a Reimbursement Award of up to \$800 as reimbursement for those charges and expenses. The following types of out of pocket expenses may be claimed:

- payment card fees or bank fees, including card reissuance fees, overdraft fees, charges related to unavailability of funds, late fees, over-limit fees and fees relating to an account being frozen or otherwise unavailable due to the Data Security Incident;

- cell, internet or text charges;
- costs or charges for obtaining credit reports, credit freezes, or credit monitoring or identity theft protection services (up to two years of coverage); and
- postage costs.

You cannot recover for emotional distress. Claimants must exhaust all available credit monitoring insurance and identity theft insurance before seeking a Reimbursement Award. Settlement Class Members seeking a Reimbursement Award must provide the information and documents required on the Claim Form.

10. *What happens after all claims are processed and there are funds remaining?*

If there are any funds remaining after all valid claims are processed and the time to cash any payment checks has passed, those funds shall be distributed as directed by the Court, including potential distribution to the State Controller’s Unclaimed Property Fund. No remaining funds will be returned to AMC.

Your Options as a Settlement Class Member

11. *If I am a Settlement Class Member, what options do I have?*

If you are a Settlement Class Member, you do not have to do anything to remain in the settlement. **However, if you wish to seek an award under the settlement, you must complete and submit a Claim Form postmarked or submitted online at www.amcdatasettlement.com by DECEMBER 26, 2023.**

If you do not want to give up your right to sue AMC about the Data Security Incident or the issues raised in the Lawsuit, you must exclude yourself (or “opt out”) from the Settlement Class. See Question 15 below for instructions on how to exclude yourself.

If you wish to object to the settlement, you must remain a Settlement Class Member (*i.e.*, you may not also exclude yourself from the Settlement Class by opting out) and submit a written objection or appear at the Final Approval Hearing. See Question 18 below for instructions on how to submit an objection.

12. *What happens if I do nothing?*

If you do nothing, you will get no award from the settlement. Unless you exclude yourself, after the settlement is granted final approval and the judgment becomes final, you will be bound by the judgment and you will never be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against AMC related to the claims released by the settlement.

13. *How do I submit a claim?*

You may complete the Claim Form online at www.amcdatasettlement.com. You may also obtain a paper Claim Form by downloading it at www.amcdatasettlement.com or requesting a copy via email at info@amcdatasettlement.com. If you choose to complete

a paper Claim Form, you may either submit the completed and signed Claim Form and any supporting materials electronically to **info@amcdatasecuritysettlement.com** or mail them to: **Ward v AMC, c/o Settlement Administrator, P. O. Box 23459, Jacksonville, FL, 32241.**

14. *Who decides my settlement claim and how do they do it?*

The Settlement Administrator will decide whether a Claim Form is complete and valid and includes all required documentation. The Settlement Administrator may require additional information from any claimant. Failure to timely provide all required information will invalidate a claim and it will not be paid.

15. *How do I exclude myself from the settlement?*

To opt out of the settlement you must make a signed, written request that (i) says you wish to exclude yourself from the Settlement Class in the Lawsuit, and (ii) includes your name, address and phone number. You must email your request to: **info@amcdatasecuritysettlement.com** or mail your request to: **Ward v AMC, c/o Settlement Administrator, P. O. Box 23459, Jacksonville, FL, 32241.**

Your request must be emailed or postmarked by **OCTOBER 25, 2023.**

16. *If I exclude myself, can I receive any payment from the settlement?*

No. If you exclude yourself, you will not be entitled to any award. However, you will also not be bound by any judgment in the Lawsuit.

17. *If I do not exclude myself, can I sue Defendant for the Data Security Incident later?*

No. Unless you exclude yourself, you give up any right to sue AMC for the claims that the settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in the Lawsuit. If you exclude yourself, do not submit a Claim Form requesting a payment.

18. *How do I object to the settlement?*

All Settlement Class Members who do not request exclusion from the Settlement Class have the right to object to the settlement or any part of it. You can ask the Court to deny approval by submitting an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out or credit monitoring enrollment offered and the Lawsuit will continue. If that is what you want to happen, you can object.

Any objection to the proposed settlement can be in writing and, if so, it and any supporting papers must be mailed to the Settlement Administrator, and may also be sent to Settlement Class Counsel and Defendant's Counsel, at the mailing addresses listed below. Your written objection must be postmarked no later than the objection deadline, **OCTOBER 25, 2023:**

Settlement Administrator	Defendant's Counsel
<p style="text-align: center;">Ward v AMC c/o Settlement Administrator P. O. Box 23459 Jacksonville, FL, 32241</p>	<p style="text-align: center;">Anjali C. Das WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP 55 West Monroe Street, Suite 3800 Chicago, IL 60603</p>
Settlement Class Counsel	
<p style="text-align: center;">Scott Edward Cole COLE & VAN NOTE 555 12th Street, Suite 2100 Oakland, California 94607</p>	

Your objection can list the name of the Lawsuit and include all of the following information: (i) your full name, address, telephone number, and e-mail address (if any); (ii) information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (such as the notice you received from AMC or the notice of the settlement); (iii) a statement as to whether your objection applies only to yourself, to a specific subset of the Settlement Class, or to the entire class; (iv) a clear and detailed written statement of the specific legal and factual bases for each and every objection, accompanied by any legal support for the objection you believe applicable; (v) the identity of any counsel representing you; (vi) a statement whether you intend to appear at the Final Approval Hearing, either in person or through counsel, and, if through counsel, identifying that counsel; (vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of your objections and any documents to be presented or considered; and (viii) your signature and the signature of your duly authorized attorney or other duly authorized representative (if any).

If you submit a written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. Whether or not you submit a written objection, you may be able to appear at the Final Approval Hearing to request that the Court allow you to raise an objection.

Court Approval of the Settlement

19. *How, when, and where will the Court decide whether to approve the settlement?*

The Court will hold a Final Approval Hearing to decide whether to approve the settlement. That hearing is scheduled for **DECEMBER 18, 2023, at 1:30 PM.** at Los Angeles County Superior Court located at 312 N. Spring Street Los Angeles, CA 90012. Please visit the Court's website at <https://www.lacourt.org/> for current information regarding courthouse access and court hearings. At the Final Approval Hearing, the Court will consider whether the settlement is fair, reasonable,

and adequate. If there are objections, the Court will consider them and will listen to people who have requested to speak at the hearing. The Court may also consider Settlement Class Counsel's request for attorneys' fees and costs, and the request for a service award for the Representative Plaintiff. At or after the hearing, the Court will decide whether to approve the settlement.

It is possible the Court could reschedule the hearing to a different date or time without notice, so it is a good idea before the hearing to check www.amcdatasettlement.com or at 1-888-755-4391 to confirm the schedule if you wish to attend.

20. *Do I have to attend the hearing?*

No. You do not need to attend the hearing unless you object to the settlement and wish to appear in person. It is not necessary to appear in person in order to make an objection; the Court will consider any written objections submitted according to the instructions in Question 18. You or your own lawyer are welcome to attend the hearing at your expense but are not required to do so.

21. *What happens if the Court approves the settlement?*

If the Court approves the settlement and no appeal is taken, the Settlement Fund will be fully funded with the amounts necessary to fund the settlement. Then, the Settlement Administrator will send settlement payments to Settlement Class Members who submitted timely and valid Settlement Claims. Any attorneys' fees and costs award and any Representative Plaintiff's service awards will not be paid from the Settlement Fund.

If any appeal is taken, it is possible the settlement could be disapproved on appeal.

22. *What happens if the Court does not approve the settlement?*

If the Court does not approve the settlement, no Settlement Fund will be maintained, and there will be no settlement payments to Settlement Class Members, Settlement Class Counsel or the Representative Plaintiff, and the case will proceed as if no settlement had been attempted.

Lawyers for the Settlement Class and Defendant

23. *Who represents the Settlement Class?*

The Court has appointed the following Class Counsel to represent the Settlement Class in this Lawsuit:

Scott Edward Cole
COLE & VAN NOTE
555 12th Street, Suite 2100
Oakland, California 94607
(510) 891-9800

Settlement Class Members will not be charged for the services of Settlement Class Counsel; Settlement Class Counsel will be paid separately by AMC, subject to Court approval. However, you may hire your own attorney at your own cost to advise you in this matter or represent you in making an objection or appearing at the Final Approval Hearing.

24. *How will the lawyers for the Settlement Class be paid?*

Settlement Class Counsel will request the Court's approval of an award for attorneys' fees up to \$150,000, including costs and expenses which shall be paid separately from the Settlement Fund. Settlement Class Counsel will also request approval of a service award of \$2,500 to the Representative Plaintiff.

25. *Who represents Defendant in the Lawsuit?*

AMC is represented by the following lawyers:

Anjali C. Das WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP 55 West Monroe Street, Suite 3800 Chicago, IL 60603

For Further Information

26. *What if I want further information or have questions?*

This Notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Class Settlement Agreement and Release available at **www.amcdatasettlement.com**, by contacting Settlement Class Counsel at the phone number provided in response to Question 23 above, by accessing the Court docket in this case at <https://www.lacourt.org/casesummary/ui/index.aspx?casetype=civil>, or by visiting the Court between 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

American Legal Claim Services, LLC will act as the Settlement Administrator for the settlement. You can contact the Settlement Administrator at:

Ward v AMC c/o Settlement Administrator P. O. Box 23459 Jacksonville, FL, 32241
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Please do not contact the Court.