

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

**If you were notified of a Data Security Incident occurring on or around March 30, 2023 involving Henry Ford Health System, you may be entitled to benefits from a settlement.**

*A federal court has authorized this Notice.*

*This is not a solicitation from a lawyer.*

- A proposed settlement has been reached in a class action lawsuit known as *In re Henry Ford Health System Data Security Litigation*, Case No. 2:23-cv-11736, filed in the United States District Court for the Eastern District of Michigan.
- This Lawsuit arises out of a targeted cybersecurity attack on Henry Ford’s network and computer systems (the “Data Security Incident”), which occurred on or about March 30, 2023 and potentially resulted in unauthorized access to names, genders, dates of birth, ages, lab results, procedure types, diagnoses, dates of service, telephone numbers, medical record numbers and/or internal tracking numbers (the “Personal Information”) of Settlement Class Members. Henry Ford disagrees with Plaintiffs’ claims and denies any wrongdoing.
- You are a “Settlement Class Member” if you reside in the United States and were mailed a notice letter by Henry Ford notifying you that your Personal Information was potentially accessed, viewed, and/or obtained in the Data Security Incident that occurred on or around March 30, 2023.
- Settlement Class Members can submit a Claim Form for the following:

**Credit Monitoring and Insurance Services (“CMIS”):** One (1) year of two-credit bureau credit monitoring and \$1 million in identity theft insurance, irrespective of whether they took advantage of any previous offering of credit monitoring from Henry Ford; and

1. **Documented Loss Payment:** Reimbursement of up to \$2,500 in the form of a Documented Loss Payment related to the Data Security Incident;

**-OR-**

2. **Cash Fund Payment:** A *pro rata* Settlement Payment in cash (“Cash Fund Payment”).

**Your legal rights are affected regardless of whether you do or do not act. Read this notice carefully.**

<b>Your Legal Rights and Options</b>		<b>Deadline</b>
<b>Submit a Claim Form</b>	To get Settlement benefits for Credit Monitoring and Insurance Services and Documented Loss payment or a Cash Fund Payment, you <b>must</b> submit a Claim Form.	<b>October 28, 2024</b>

<b>Exclude Yourself</b>	<p><b>Get out of the settlement. Get no money. Keep your rights.</b></p> <p>This is the only option that allows you to keep your right to sue about the claims in this lawsuit. You will not get any money from the Settlement.</p> <p>Your request to exclude yourself must be postmarked no later than September 28, 2024.</p>	<b>September 28, 2024</b>
<b>Object</b>	<p>Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it. Objections must be postmarked no later than September 28, 2024.</p>	<b>September 28, 2024</b>
<b>Do Nothing</b>	<p>If you do nothing, you remain in the Settlement. You give up your rights to sue and you will not get any money.</p>	

- These rights and options, **and the deadlines to exercise them**, are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys' fees and costs. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

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## BASIC INFORMATION

### **1. Why is this Notice being provided?**

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

The Honorable Gershwin A. Drain of the United States District Court for the Eastern District of Michigan is overseeing this class action. The case is known as *In Re Henry Ford Health System Data Security Litigation*, Case No. 23-cv-11736-GAD-KGA (E.D. Mich.) (the “Litigation”). The people who filed this lawsuit are called the “Plaintiffs” or “Representative Plaintiffs” and the company sued, Henry Ford Health System is called “Henry Ford” or the “Defendant.”

### **2. What is this lawsuit about?**

The Plaintiffs allege that on or around March 30, 2023, an unauthorized user launched a targeted cybersecurity attack on Henry Ford’s network and computer systems (the “Data Security Incident”), which potentially resulted in unauthorized access to names, genders, dates of birth, ages, lab results, procedure types, diagnoses, dates of service, telephone numbers, medical record numbers and/or internal tracking numbers (the “Personal Information”) of Settlement Class Members. Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of anyone whose Personal Information was potentially accessed, viewed, and/or obtained as a result of the Data Security Incident.

The Defendant denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing, or that any law has been violated. The Defendant denies these and all other claims made in the Litigation. By entering into the Settlement, the Defendant is not admitting any wrongdoing.

### **3. Why is the lawsuit a class action?**

In a class action, Representative Plaintiffs sue on behalf of all people who have similar claims. Together, all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves (opt out) from the Settlement Class.

The Representative Plaintiffs in this case are Briana Tabbs, Latricia Pelt, Brandi McKenzie and David King.

### **4. Why is there a settlement?**

Plaintiffs and the Defendant do not agree about the claims asserted in this Litigation. The Litigation has not gone to trial, and the Court has not decided in favor of the Plaintiffs or the Defendant. Instead, Plaintiffs and the Defendant have agreed to settle the Litigation. Plaintiffs and the attorneys for the Settlement Class (subject to final approval, court-appointed “Proposed Settlement Class Counsel” or “Proposed Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the Settlement benefits and the risks and uncertainty associated with continued litigation and the nature of the defenses raised by the Defendant.

## WHO IS INCLUDED IN THE SETTLEMENT?

### 5. How do I know if I am part of the settlement?

You are a Settlement Class Member if you **reside in the United States and** were mailed a notice letter from Henry Ford notifying you that your Personal Information was potentially accessed, viewed, and/or obtained in the Data Security Incident that occurred on or around March 30, 2023.

### 6. Are there exceptions to being included in the settlement?

Yes. Excluded from the Settlement Class are (1) the Judges presiding over the Action and members of their immediate families and their staff; (2) Henry Ford, its subsidiaries, parent companies, successors, predecessors, and any entity in which Henry Ford or its parents, have a controlling interest, and its current or former officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period; and (4) the successors or assigns of any such excluded natural person.

### 7. What if I am not sure whether I am part of the settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement website at [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com) or call the Claims Administrator's toll-free number at 1-866-742-4955.

## THE SETTLEMENT BENEFITS – WHAT YOU GET IF YOU QUALIFY

### 8. What does the settlement provide?

If you are a Settlement Class Member, you may be able to recover the following Claimed Benefits as part of the Settlement:

#### CLAIMED BENEFITS:

All Settlement Class Members must submit a valid and timely Claim Form to receive any of the following Claimed Benefits:

#### Credit Monitoring and Insurance Services (“CMIS”)

The CMIS benefit will provide **one** credit bureau monitoring services and \$1 million in identity theft insurance for **two** years. The CMIS benefits will be available to class members irrespective of whether they took advantage of any previous offering of credit monitoring from Henry Ford. Individuals who obtained CMIS services from another provider as a result of the Data Security Incident will be permitted to postpone activation of their CMIS settlement benefit for up to 12 months.

*-AND-*

#### 1. Documented Loss Payment

Settlement Class Members who submit a valid and timely Claim Form are eligible to receive reimbursement of up to \$2,500 per Settlement Class Member for their Documented Loss that is more likely than not traceable to the Data Security Incident Payment (the total aggregate payments for such claims may not exceed \$25,000).

These Documented Losses may include:

- (1) Unreimbursed losses relating to fraud or identity theft;
- (2) Professional fees including attorneys' and accountants' fees, and fees for credit repair services;
- (3) Costs associated with freezing or unfreezing credit with any credit reporting agency;
- (4) Credit monitoring costs that were incurred that you attest were caused or otherwise incurred as a result of the Data Security Incident; and
- (5) Miscellaneous expenses such as notary, data charges (if charged based on the amount of data used) fax, postage, copying, mileage, cell phone charges (only if charged by the minute), and long-distance telephone charges.

You must submit documentation of the Documented Losses as part of your Documented Loss Claim. This may include credit card statements, bank statements, invoices, telephone records, and receipts. Documented Loss costs cannot be documented solely by a personal certification, declaration, or affidavit from the Claimant. Class Members who submit a Claim for a Document Loss payment will not be entitled to select a Cash Fund Payment.

**-OR-**

## **2. Cash Fund Payment**

The amount of each Cash Fund Payment shall be calculated by dividing the remaining Net Settlement Funds by the number of valid claims submitted for Cash Fund Payments, after the CMIS benefit and the Document Loss payments have been made. Class Members who submit a Claim for a Cash Fund Payment will not be entitled to select a Document Loss payment.

## **9. What am I giving up to receive Settlement benefits or stay in the Settlement Class?**

Unless you exclude yourself (opt out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendant and Released Persons about the legal issues in this Litigation that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

## **10. What are the Released Claims?**

The Settlement Agreement in **Sections 4, 1.36 and 1.37** describes the Release, Released Claims, and Released Parties in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com) or in the public Court records on file in this lawsuit. For questions regarding the Releases or Released Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in **Questions 14 & 19** of this Notice for free, or you can talk to your own lawyer at your own expense.

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### **11. How do I make a claim for Settlement Benefits?**

To submit a claim for CMIS and reimbursement for a Documented Loss payment or Cash Fund Payment, you must timely submit a valid Claim Form. Settlement Class Members seeking benefits under the Settlement must complete and submit a Claim Form to the Claims Administrator, postmarked or submitted online on or before October 28, 2024. Claim Forms may be submitted online at [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com) or printed from the Settlement website and mailed to the Claims Administrator at the address on the form. The quickest way to submit a claim is online. Claim Forms are also available by calling 1-866-742-4955 or by writing to:

Henry Ford Health System Data Security Litigation  
RG/2 Claims Administration, LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479

### **12. What happens if my contact information changes after I submit a claim?**

If you change your mailing address after you submit a Claim Form, it is your responsibility to inform the Claims Administrator of your updated information. You may notify the Claims Administrator of any changes by calling 1-866-742-4955 or by writing to:

Henry Ford Health System Data Security Litigation  
RG/2 Claims Administration, LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479

### **13. When will I receive my Settlement benefits?**

If you file a timely and valid Claim Form, any CMIS benefit you select and your payment will be provided by the Claims Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com) for updates.

## THE LAWYERS REPRESENTING YOU

### **14. Do I have a lawyer in this case?**

Subject to final approval, the Court has provisionally appointed Interim Lead Counsel The Miller Law Firm, P.C. as Settlement Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this litigation.

### **15. How will Proposed Class Counsel be paid?**

Proposed Class Counsel will file a motion asking the Court to award attorneys' fees and costs not to exceed (1/3) of the Settlement Fund, or approximately \$233,333.33. They will also ask the Court to approve service awards for up to \$1,500 to each of the Class Representatives for participating in this Litigation and for their efforts in achieving the Settlement. If awarded by

the Court, attorneys' fees and costs and the service awards will be paid out of the Settlement Fund. The Court may award less than these amounts.

Proposed Class Counsel's application for attorneys' fees, costs, and service awards will be made available on the Settlement website at [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com) before the deadline for you to comment or object to the Settlement.

## OPTING OUT FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant on your own based on the claim raised in this Litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from or "opting out" of the Settlement.

### **16. How do I get out of the Settlement?**

To opt out of the Settlement, you must mail a written notice of intent to opt out. The written notice must be signed, include your name and address, and clearly state that you wish to be excluded from the Settlement Class.

The opt-out request must be **postmarked** and set to the Claims Administrator at the following address by **September 28, 2024**:

Henry Ford Health System Data Security Litigation  
RG/2 Claims Administration, LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479

You cannot exclude yourself by telephone or by email.

### **17. If I opt out, can I get anything from the Settlement?**

No. If you opt out, you give up any right to sue the Defendant and Released Parties for the claims this Settlement resolves and Releases relating to the Data Security Incident. You must opt out of this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

### **18. If I do not opt out, can I sue the Defendant for the same thing later?**

No. Unless you opt out, you give up any right to sue the Defendant and Released Parties for the claims this Settlement resolves and Releases relating to the Data Security Incident. You must opt out of this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

## OBJECTING TO THE SETTLEMENT

### **19. How do I tell the Court that I do not like the Settlement?**

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement or requested attorneys' fees and costs. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees and costs. To object, you

must file timely written notice as provided below no later than **September 28, 2024**, stating you object to the Settlement. The objection must include all the following additional information:

- (1) The case name and docket number, *In Re Henry Ford Health System Data Security Litigation*, **Case No. 23-cv-11736-GAD-KGA (E.D. Mich.)**;
- (2) Your full name, current mailing address, and telephone number;
- (3) A statement by you that you believe yourself to be a member of the Settlement Class;
- (4) Proof that you are a member of the Settlement Class (e.g., copy of the settlement notice, copy of the original notice of the Data Security Incident);
- (5) The specific factual and legal grounds for the objection;
- (6) Whether the Objection is an objection to the Settlement in part or in whole;
- (7) Whether the objection applies only to you, a subset of the Settlement Class, or the entire Settlement Class;
- (8) All counsel representing you, if any;
- (9) A list, including case name, court, and docket number, of all other cases in which you and/or your counsel has filed an objection to any proposed class action settlement in the past five (5) years;
- (10) All documents or writings that you want the Court to consider;
- (11) A statement regarding whether you or your counsel intends to appear at the Final Approval Hearing; and
- (12) Your signature or your duly authorized attorney or representative's signature.

To be timely, written notice of an objection in the appropriate form containing the case name and docket number (*In Re Henry Ford Health System Data Security Litigation*, Case No. 23-cv-11736- GAD-KGA (E.D. Mich.)) must be filed with the Court by **September 28, 2024**, with copies to Proposed Class Counsel and Counsel for Defendant:

<b>Court</b>	<b>Proposed Class Counsel</b>	<b>Counsel for Defendant</b>
Hon. Gershwin A. Drain U.S. District Court, E.D. Mich., Theodore Levin U.S. Courthouse 231 W. Lafayette Blvd., Detroit, Michigan 48226	E. Powell Miller The Miller Law Firm, P.C 950 W University Dr., Ste. 300 Rochester, MI 48307 (248) 609-7331	Michelle R. Gomez Baker & Hostetler LLP 1801 California St, Ste 4400 Denver, CO 80202-2662 (303) 861-0600

Any Settlement Class Member who fails to comply with the requirements for objecting in Section 6 of the Settlement Agreement waives and forfeits any and all rights they may have to appear separately and/or to object to the Settlement Agreement and will be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the Litigation.

Any objector or his or her counsel may also file Objections with the Court through the Court's Electronic Claims Filing system, with service on Proposed Settlement Class Counsel and Defendant's Counsel made through the Electronic Claims Filing system. For all objections mailed to Proposed Settlement Class Counsel and counsel for Defendant, Settlement Class Counsel will file them with the Court with the Motion for Final Approval of the Settlement.

## **20. What is the difference between objecting and asking to opt out?**

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees and costs. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

## **THE FINAL FAIRNESS HEARING**

### **21. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Final Fairness Hearing on **October 29, 2024**, at 11:00 a.m., before Judge Gershwin A. Drain, at the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Proposed Class Counsels' application for attorneys' fees, costs and expenses, and the service awards to the Plaintiff. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Fairness Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or by phone. Any change will be posted at [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com).

### **22. Do I have to attend the Final Fairness Hearing?**

No. Proposed Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to discuss it. As long as you timely file or mail your written objection, the Court will consider it.

### **23. May I speak at the Final Fairness Hearing?**

Yes, as long as you do not exclude yourself (opt out), you can (but do not have to) participate and speak for yourself in this Litigation and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself. If you want to appear, or if you want your own lawyer instead of Proposed Class Counsel to speak for you at the hearing, you must follow all of the procedures for objecting to the Settlement listed in Question 19 above—and specifically include a statement whether you and your counsel will appear at the Final Fairness Hearing.

## **IF YOU DO NOTHING**

### **24. What happens if I do nothing at all?**

If you are a Settlement Class Member and do nothing, you will not receive any Settlement benefits. You will give up rights explained in the "Opting Out from the Settlement" section of this Notice, including your right to start or continue with a lawsuit, or be part of any other lawsuit against Defendant, the Related Entities, or any of the Released Persons about the legal issues in

this Litigation that are released by the Settlement Agreement relating to the Data Security Incident.

## **GETTING MORE INFORMATION**

### **25. 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 [www.hfhsdatasecuritysettlement.com](http://www.hfhsdatasecuritysettlement.com), by calling 1-866-742-4955, or by writing to:

Henry Ford Health System Data Security Litigation  
RG/2 Claims Administration, LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479  
info@rg2claims.com

**PLEASE DO NOT CALL THE COURT OR  
THE COURT'S CLERK OFFICE, DEFENDANT, OR DEFENDANT'S COUNSEL  
REGARDING THIS NOTICE.**