

Murphy v. Western Montana Clinic
No. DV-32-2026-0000056-OC
Fourth Judicial District of Montana, Missoula County

Notice of Proposed Class Action Settlement

This Notice was authorized by the Fourth Judicial District Court of Montana, Missoula County.

A proposed class action Settlement has been reached with Western Montana Clinic (“WMC” or “Defendant”) in the lawsuit, captioned *Murphy v. Western Montana Clinic*, No. DV-32-2026-0000056-OC (Mont. 4th Judicial Dist. Ct., Missoula County). The lawsuit concerns a data incident experienced by WMC between approximately March 11, 2025, and April 15, 2025, in which an unauthorized third-party accessed a certain WMC employee email account (the “Data Incident”).

If you are an individual whose Personal Health Information was potentially impacted in the Data Incident, including if you were sent notice of the Data Incident, your rights will be affected whether you act or not. You should read this entire Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
FILE A CLAIM FORM DEADLINE: SEPTEMBER 15, 2026	Submitting a Claim Form is the only way that you can receive Settlement Benefits. If you submit a Claim Form, you will give up the right to sue WMC and the Released Parties (as defined in the Settlement Agreement) in a separate lawsuit about the legal claims this Settlement resolves.
EXCLUDE YOURSELF FROM THIS SETTLEMENT DEADLINE: AUGUST 17, 2026	This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against WMC or the Released Parties for the claims this Settlement resolves. If you exclude yourself, you will give up the right to receive any benefits from this Settlement.
OBJECT TO THE SETTLEMENT DEADLINE: AUGUST 17, 2026	You may object to the Settlement by writing to the Court and informing it why you do not think the Settlement should be approved. You will still be bound by the Settlement if it is approved. • If you exclude yourself from the Settlement, you <u>cannot</u> object to it. • If you object, you may also file a Claim Form to receive Settlement Benefits.
GO TO THE FINAL APPROVAL HEARING SEPTEMBER 9, 2026	You may attend the Final Approval Hearing where the Court will hear arguments concerning approval of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection. You are <u>not</u> required to attend the Final Approval Hearing.
DO NOTHING	If you do nothing, you will not receive any of the Settlement Benefits and you will give up your rights to sue WMC and the Released Parties for the claims this Settlement resolves.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case has not yet decided whether to approve the Settlement. No Settlement Benefits will be

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provided unless the Court approves the Settlement, and it becomes final.

BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all your rights and options before the Court decides whether to grant final approval of 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 receive those settlement benefits.

The lawsuit is known as *Murphy v. Western Montana Clinic*, No. DV-32-2026-0000056-OC, pending in the Fourth Judicial District Court of Montana, Missoula County (the “Action”). The individual who filed this lawsuit is called the “Plaintiff” and the company that was sued is called the “Defendant.”

2. What is this lawsuit about?

On or about April 15, 2025, WMC determined that an unauthorized third-party had accessed a certain employee email account between March 11, 2025, and April 15, 2025 (the “Data Incident”). Following WMC’s investigation into the Data Incident, WMC mailed notification to approximately 9,506 individuals whose contact information, Social Security numbers, dates of birth, treating physicians, internal identification numbers, dates of service, medication information, and treatment and/or diagnostic information (“Personal Health Information” or “PHI”) may have been implicated in the Data Incident. WMC also provided substitute notice regarding the Data Incident.

Following WMC’s mailing notification letters, separate lawsuits were filed by Jerri Lewis and Rebecca Murphy against WMC related to the Data Incident. Those lawsuits were dismissed and refiled as the current lawsuit (*Murphy v. Western Montana Clinic*, No. DV-32-2026-0000056-OC).

3. Why is this a class action?

In a class action, one or more people called the “Plaintiffs” or “Class Representatives” sue on behalf of all people who have similar claims. Together, all of these people are called a “class” or “class members.” One court resolves the issues for all class members, except for those class members who exclude themselves from the class.

Here, Rebecca Murphy is the Plaintiff and a Class Representative. Jerri Lewis is also a Class Representative.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiff or Defendant (collectively referred to as the “Parties”). Both Parties have agreed to settle the Action to avoid the risk, delay, and uncertainty of continued litigation. Class Representatives and their attorneys (“Class Counsel”) believe that the Settlement is fair, reasonable, adequate, and in the best interest of all Settlement Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

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

The Court defined the Settlement Class as: “All individuals whose Personal Health Information was potentially impacted in the Data Incident experienced by Defendant, including all those who were sent notice of the Data Incident.”

6. Are there exceptions to individuals who are included in the Settlement Class?

Yes, excluded from the Settlement Class are (a) Defendant and Defendant’s affiliates, parents, subsidiaries, directors, officers, and agents, or its respective subsidiaries and affiliated companies; (b) governmental entities; (c) the Judge(s) assigned to the Action and their immediate family, and Court staff; (d) anyone who perpetrated the Data Incident; and (e) anyone who validly excludes themselves from the Settlement.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may visit the Settlement Website at www.WMCSettlement.com or call toll-free 1-866-531-4264 for additional information. You may also email the Settlement Administrator at info@wmcsettlement.com.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

The Settlement Benefits include (1) Medical Data Monitoring; (2) Lost Time; and (3) Documented Out-of-Pocket Losses. Settlement Class Members must submit a valid Claim Form to be eligible to receive these benefits.

Claims for reimbursement for Documented Out-of-Pocket Losses **must** be accompanied by reasonable documentation supporting the out-of-pocket losses claimed.

- **Medical Data Monitoring.** Includes one (1) year of CyEx Medical Shield Pro monitoring, administered through CyEx.
- **Reimbursement for Lost Time.** Settlement Class Members may claim up to three (3) hours of time spent responding to the Data Incident at \$20 per hour (up to \$60 total per Settlement Class Member).
- **Reimbursement for Documented Out-of-Pocket Losses.** Settlement Class Members may claim up to \$5,000 reimbursement for documented out-of-pocket losses that were reasonably related to the Data Incident.

Examples of reasonable documentation include (but are not limited to) receipts, data charges (if charged based on the amount of data used), fax charges, postage, copying chargers, mileage, or cell phone charges (only if charged by the minute).

Self-prepared documents or receipts, personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included in order to provide clarification, context, or support for other submitted reasonable documentation.

Documented out-of-pocket losses for which a Settlement Class Member has already received reimbursement for, or compensation for (as part of credit monitoring or identify theft protection) are not eligible for reimbursement under the Settlement.

WMC has also agreed to pay Settlement Administration Costs and to not oppose Class Counsel's request for Attorneys' Fees and Costs up to \$165,000, and Service Awards of up to \$2,500 for each of the Class Representatives (\$5,000 total). These amounts are separate from and will not affect the Settlement Benefits provided to Settlement Class Members who submit a valid Claim Form.

9. What legal rights are affected by remaining in the Settlement Class?

Unless you exclude yourself, 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 the other Released Parties about the legal issues in this Action, resolved by this Settlement, and released by the Settlement Agreement. The specific rights you are giving up are called Released Claims (*see* next question).

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

If you stay in the class, you won't be able to be part of any other lawsuit against Defendant or the Released Parties related to the Released Claims. The "Releases" section of the Settlement Agreement (Section XI) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at www.WMCSettlement.com.

More information is provided in the Settlement Agreement, which can be viewed or downloaded from the Important Questions? Visit WWW.WMCSETTLEMENT.COM or call toll-free 1-866-531-4264.

HOW TO GET SETTLEMENT CLASS MEMBER BENEFITS—SUBMITTING A CLAIM FORM

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

Visit **www.WMCSettlement.com** to submit a Claim Form and upload supporting documentation online. You may also download and print a Claim Form from the Important Documents page on the Settlement Website.

Claim Forms must be submitted online no later than **September 15, 2026**. Claim Forms submitted by mail must be postmarked no later than **September 15, 2026**.

Settlement Class Members can also request to have a Claim Form sent to them via mail by contacting the Settlement Administrator.

WMC Settlement Administrator
Attn: Claim Request
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
Email: info@wmcsettlement.com
Toll-Free: 1-866-531-4264

12. Where do I send my Claim Form?

Completed Claim Forms and supporting documentation must be mailed to the Settlement Administrator at:

WMC Settlement Administrator
Attn: Claim Form Submissions
1650 Arch Street, Suite 2210
Philadelphia, PA 19103.

Claim Forms submitted by mail must be postmarked no later than **September 15, 2026**.

13. What happens if my contact information changes after I submit a claim?

If you need to update your contact information after you submit a Claim Form, you may notify the Settlement Administrator of any changes by writing to the Settlement Administrator via mail or email. Please include your Notice ID or Claim Number with any written requests to assist the Settlement Administrator in identifying you.

14. When and how will I receive the Settlement Benefits?

If you submit a valid Claim for Medical Data Monitoring, the Settlement Administrator will send you an email with instructions on how to activate those services after the Settlement becomes final.

If you submit a valid Claim for Reimbursement of Lost Time and/or for Documented Out-of-Pocket Losses, the Settlement Administrator will issue your payment after the Settlement becomes final.

Payments will be sent using the payment method you selected on your Claim Form. It is your responsibility to inform the Settlement Administrator of any updates to your payment information after the submission of your Claim Form.

The Settlement approval process may take time and there may be appeals that must be resolved before any Settlement Benefits can be issued. Please be patient and check www.WMCSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed John Heenan of Heenan & Cook P.C. as Class Counsel to represent 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 Action.

16. How will Class Counsel be paid?

Class Counsel will request that the Court approve an award of reasonable attorneys' fees and litigation costs up to \$165,000.

Class Counsel will also request that the Court approve Service Awards up to \$2,500 each for Rebecca Murphy and Jerri Lewis as Class Representatives.

The Court may approve less than these amounts. Any amounts approved by the Court for these payments are separate and apart from and will not affect Settlement Benefits that are distributed to Settlement Class Members who submit a valid Claim Form.

EXCLUDING YOURSELF 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 or the Released Parties on your own based on the claims raised in this Action 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. Any Settlement Class Member who does not timely opt out in accordance with the terms of the Settlement Agreement will lose the opportunity to exclude himself or herself from the Settlement and will be bound by the Settlement.

17. How do I get out of the Settlement?

Settlement Class Members may opt-out of the Settlement Class by mailing a request to opt-out to the Settlement Administrator, so it is postmarked no later than August 17, 2026.

The opt-out request must be personally signed by the Settlement Class Member and contain the requestor's name, address, telephone number, and email address (if any), and a statement indicating a request to be excluded from the Settlement Class.

Any Settlement Class Member who does not timely and validly request to opt-out shall be bound by the terms of this Agreement even if that Settlement Class Member does not submit a valid Claim.

Opt-out requests must be sent to the Settlement Administrator at the address below:

WMC Settlement Administrator
Attn: Exclusion Requests
P.O. Box 58220
Philadelphia, PA 19102

You cannot exclude yourself by telephone or by email.

18. If I opt out of the Settlement, can I still receive Settlement Benefits?

No. If you opt out of the Settlement, you are telling the Court that you do not want to be part of the Settlement. You are only eligible to receive Settlement Benefits if you stay in the Settlement and submit a valid Claim Form.

19. If I do not opt out of the Settlement, can I sue the Defendant for the same thing later?

No. Unless you opt out of the Settlement, you give up any right to sue the Defendant and the Released Parties for the claims that this Settlement resolves. You must opt out or exclude yourself from this Action to start or continue with your own

lawsuit or be part of any other lawsuit against the Defendant or any of the other Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECT TO THE SETTLEMENT

20. How do I tell the Court that I do not like the Settlement?

Settlement Class Members who have not opted out of the Settlement may object to the Settlement and/or Motion for Attorneys' Fees, Costs, and Service Awards. Any objection must be submitted timely and must include the information listed below:

- a) the objector's full name, mailing address, telephone number, and email address (if any);
- b) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- c) the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- d) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or the Motion for Attorneys' Fees, Costs, and Service Awards, and whether they will appear at the Final Approval Hearing;
- e) the number of times in which the objector's counsel and/or the objector's counsel's law firm have objected to a class action settlement within the 5 years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling on the objection issued by the trial and appellate courts in each such listed case;
- f) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- g) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- h) the objector's signature (an attorney's signature is not sufficient).

Class Counsel and/or Defendant's Counsel may conduct limited discovery on any objector or objector's counsel, including the taking of depositions.

Objections must be filed with the Court on or before **August 17, 2026**, and sent by U.S. Mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator no later than **August 17, 2026**.

If submitted by mail, an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

COURT	SETTLEMENT ADMINISTRATOR
Missoula County District Court Clerk of District Court 200 W. Broadway St. Missoula, MT 59802	WMC Settlement Administrator Attn: Objections P.O. Box 58220 Philadelphia, PA 19102

Questions? Visit WWW.WMCSETTLEMENT.COM or call toll-free 1-866-531-4264.

CLASS COUNSEL	DEFENDANT'S COUNSEL
John Heenan Heenan & Cook, PLLC 1631 Zimmerman Trail Billings, Montana 59102	Keeley O. Cronin Baker & Hostetler LLP 1801 California Street, Suite 4400 Denver, CO 80202

21. What is the difference between objecting and opting out?

Objecting is telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class (that is, do not opt out). Opting out 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 because it no longer affects you.

THE FINAL APPROVAL HEARING

22. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on September 9, 2026, at 10:30 a.m. MDT at the Missoula County Courthouse 200 W. Broadway Missoula, MT 59802.

The date and time of the Final Approval Hearing are subject to change without further notice to the Settlement Class, so please check www.WMCSettlement.com for updates.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and will decide whether to approve the Settlement, Class Counsel's motion for Attorneys' Fees, Costs, and Service Awards for the Class Representatives. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

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

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you submit a timely and complete objection, the Court will consider it, and you do not have to come to Court to talk about it.

24. May I speak at the Final Approval Hearing?

Yes. If you wish to attend and speak at the Final Approval Hearing, you must indicate this in your written objection (*see* Question 20). Your objection must state that it is your intention to appear at the Final Approval Hearing and must identify any witnesses you may call to testify or exhibits you intend to introduce into evidence at the Final Approval Hearing. If you plan to have your attorney speak for you at the Final Approval Hearing, your objection must also include your attorney's name, address, and phone number.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement Benefits. You will also give up certain rights, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant or any of the other Released Parties about the legal issues in this Action and released by the Settlement Agreement.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please refer to the Settlement Agreement available at www.WMCSettlement.com. You may also contact the Settlement Administrator by mail or email:

Mail: MWC Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

Email: info@wmcsettlement.com

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