

# NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Superior Court of New Jersey Law Division: Burlington County

*In re Continuum Health Data Security Incident Litigation*

Docket No. BUR-L-000903-24

**A Court has authorized this Long Form Notice (“Notice”). This is not a solicitation from a lawyer.**

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**If You Are A Person In The United States Who Was Sent Notice Of The Data Incident Indicating That Your Private Information Was Impacted in the Data Incident, You Are Eligible to Receive a Settlement Class Member Benefit from a Class Action Settlement**

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- A Court authorized this Notice to those that are eligible to receive Settlement Class Member Benefits from a proposed class action Settlement. The Action is titled *In re Continuum Health Data Security Incident Litigation*, Civil Action Docket No. BUR-L-000903-24 and is pending in the Superior Court of New Jersey Law Division: Burlington County. The persons that filed the class action lawsuit are called Plaintiffs or Class Representatives and the companies they sued are Continuum Health Alliance, LLC and Consensus Medical Group, LLC, collectively (or Defendants). Defendants deny any wrongdoing whatsoever.
- **Who is a Settlement Class Member?**

All individuals residing in the United States who were sent a notice of the Data Incident indicating their Private Information was impacted in the Data Incident.

Excluded from the Settlement Class are (a) all persons who are directors, officers and agents of Defendants, or their respective subsidiaries and affiliated companies; (b) governmental entities; and (c) the Court, the Court’s immediate family, and Court staff, and (d) any Settlement Class Member who timely and validly requests to opt-out from the Settlement.

- Settlement Class Members under the Settlement Agreement will be eligible to receive:
  - ❖ **Cash Payment A – Documented Losses:** Settlement Class Members may submit a claim for a Cash Payment for up to **\$5,000** per Settlement Class Member, upon submission of a Valid Claim and supporting documentation. Settlement Class Members will be required to submit reasonable documentation supporting the losses.

**OR**

- ❖ **Cash Payment B – Alternate Cash:** As an alternative to Cash Payment A – Documented Losses above, a Settlement Class Member may elect to receive Cash Payment B – Alternate Cash, which is a cash payment in an estimated amount of **\$75**.

**In addition to Cash Payment A or Cash Payment B, Settlement Class Members may select the following:**

- ❖ **Medical Data Monitoring** – Settlement Class Members may elect up to two (2) years of CyEx Medical Data Monitoring that will provide the following benefits: real time monitoring of the credit file with one credit bureau; dark web scanning with immediate notification of potential unauthorized use; security freezing assistance; victim assistance; \$1,000,000 in identity theft insurance with no deductible; and access to fraud resolution agents to help investigate and resolve instances of identity theft.
- To submit a claim or obtain more information visit [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com). The claim must be submitted or postmarked no later than **March 2, 2026**.

**Please read this Notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

|                                                                          | <b>Summary of Legal Rights</b>                                                                                                                                                                                                                                                                                                                           | <b>Deadline(s)</b>                                            |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Submit a Claim Form</b>                                               | The only way to receive a Settlement Class Member Benefit from the Settlement.                                                                                                                                                                                                                                                                           | Submitted or postmarked on or before <b>March 2, 2026</b> .   |
| <b>Exclude Yourself by Opting Out of the Class</b>                       | Receive no benefit from the Settlement. This is the only option that allows you to keep your right to bring any other lawsuit against Defendants relating to the Data Incident.                                                                                                                                                                          | Mailed and postmarked on or before <b>February 17, 2026</b> . |
| <b>Object to the Settlement and/or Attend the Final Approval Hearing</b> | You can write the Court about why you agree or disagree with the Settlement or the Application for Attorneys' Fees, Costs and Service Awards. The Court cannot order a different settlement. You can also ask to speak at the Final Approval Hearing on <b>March 16, 2026</b> , about the fairness of the Settlement, with or without your own attorney. | Mailed and postmarked on or before <b>February 17, 2026</b> . |
| <b>Do Nothing</b>                                                        | You will not receive any Settlement Class Member Benefit from this class action Settlement.                                                                                                                                                                                                                                                              | N/A                                                           |

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your rights** – are explained in this Notice.
- The Court still will have to decide whether to approve the Settlement. Payments to Settlement Class Members will be made only if the Court approves the Settlement and after any possible appeals are resolved.

**Questions? Go to [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com) or call 1-833-420-3819**

## What This Notice Contains

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## BASIC INFORMATION

### 1. Why is there a Notice?

The Court authorized this Notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to give Final Approval to the Settlement. This Notice explains the nature of the Action that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

The Honorable Richard L. Hertzberg of the Superior Court of New Jersey Law Division: Burlington County, is overseeing this case captioned as *In re Continuum Health Data Security Incident Litigation*, Docket No. BUR-L-000903-24. The persons who brought the lawsuit are called the Class Representatives. The companies being sued, Continuum Health Alliance, LLC and Consensus Medical Group, LLC, are called the Defendants.

### 2. What is the Action about?

The Action alleges that, between October 18, 2023, to October 19, 2023, as a result of a cybersecurity incident, or Data Incident, Plaintiffs filed a class action Complaint in the Superior Court of New Jersey Law Division: Burlington County against Defendants, asserting causes of action for: (1) negligence and negligence *per se*; (2) breach of implied contract; (3) breach of fiduciary duty, and (4) unjust enrichment, seeking to represent a nationwide class of aggrieved individuals.

Defendants deny any wrongdoing whatsoever. No Court or other judicial body has made any judgment or other determination that Defendants have done anything wrong.

### 3. Why is this a class action?

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

### 4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to Settlement Class Members. The Class Representatives appointed to represent the Settlement Class, and the attorneys for the Settlement Class, Class Counsel, think the Settlement is best for all Settlement Class Members.

## WHO IS IN THE SETTLEMENT?

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

You are affected by the Settlement and potentially a Settlement Class Member if you are an individual residing in the United States and were sent notice of the Data Incident indicating that your Private Information was impacted in the Data Incident.

Only Settlement Class Members are eligible to receive benefits under the Settlement. Excluded from the Settlement Class are: (a) all persons who are directors, officers and agents of Defendants, or their respective subsidiaries and affiliated companies; (b) governmental entities; and (c) the Court, the Court’s immediate family, and Court staff, and (d) any Settlement Class Member who timely and validly requests to opt-out from the Settlement.

Questions? Go to [continuumhealthdataincidentsettlement.com](https://continuumhealthdataincidentsettlement.com) or call 1-833-420-3819

## 6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, you may contact the Settlement Administrator at the Contact page of the Settlement Website: [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com). You may also write with questions to:

Settlement Administrator – 83317  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

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

### 7. What does the Settlement provide?

The Settlement provides the following Settlement Class Member Benefits available to Settlement Class Members who submit Valid Claims: (a) Cash Payment A – Documented Losses, up to \$5,000 per Settlement Class Member, with supporting documentation; or (b) Cash Payment B – Alternate Cash – an estimated \$75 Cash Payment; and in addition to a Cash Payment; (c) Medical Data Monitoring for two (2) years of CyEx Medical Monitoring with one bureau.

Settlement Class Cash Payments will be subject to a *pro rata* increase from the Settlement Fund in the event the amount of Valid Claims is insufficient to exhaust the entire Settlement Fund. Similarly, in the event the amount of Valid Claims exhausts the amount of the Settlement Fund, the amount of the Cash Payments may be reduced *pro rata* accordingly.

**Business practice changes** – Defendants have undertaken reasonable steps to further secure their systems and environments, and the changes and improvements have been made to protect Settlement Class Members' Private Information.

### 8. What Settlement Class Member Benefits are available under the Settlement?

Settlement Class Members that submit a Valid Claim may select one of the following Cash Payments:

- a) **Cash Payment A – Documented Losses:** Settlement Class Members may submit a claim for up to a total of \$5,000 per Settlement Class Member, upon submission of a Valid Claim and supporting documentation.
  - To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including compensation provided in connection with the Medical Data Monitoring and identity theft protection product offered as part of the notification letter provided by Defendants or otherwise. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her claim, the claim will be rejected and the Settlement Class Member's claim will not receive a Cash Payment.

OR

Questions? Go to [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com) or call 1-833-420-3819

- b) **Cash Payment B – Alternate Cash:** As an alternative to Cash Payment A – Documented Losses above, a Settlement Class Member may elect to receive Cash Payment B – Alternate Cash, which is a Cash Payment in an estimated amount of \$75.

Cash Payments to Settlement Class Members will be subject to a *pro rata* increase from the Net Settlement Fund in the event the amount of Valid Claims is insufficient to exhaust the entire Net Settlement Fund. Similarly, in the event the amount of Valid Claims exhausts the amount of the Settlement Fund, the amount of the Cash Payments may be reduced *pro rata* accordingly.

**In addition to electing a Cash Payment, Settlement Class Members may also elect:**

- c) **Medical Data Monitoring:** up to two (2) years of CyEx Medical Data Monitoring that will provide the following benefits: real time monitoring of the credit file with one credit bureau; dark web scanning with immediate notification of potential unauthorized use; security freezing assistance; victim assistance; \$1,000,000 in identity theft insurance with no deductible; and access to fraud resolution agents to help investigate and resolve instances of identity theft.

In the unexpected event the value of Medical Data Monitoring on its own exhausts the amount of the Settlement Fund, the length of the Medical Data Monitoring provided will be reduced as necessary to bring the cost within the Settlement Fund.

## **HOW DO YOU SUBMIT A CLAIM?**

### **9. How do I get a Settlement Class Member Benefit?**

To receive a Settlement Class Member Benefit, you must complete and submit a Claim Form online at **continuumhealthdataincidentsettlement.com** or by mail to *Settlement Administrator – 83317, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391*. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by **March 2, 2026** or by mail postmarked by **March 2, 2026**.

**TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR VALID CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT  
CONTINUUMHEALTHDATAINCIDENTSETTLEMENT.COM**

### **10. When will I get my Settlement Class Member Benefit?**

The Court will hold a Final Approval Hearing on **March 16, 2026 at 10:00 a.m. ET** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving them can take time. It also takes time for all of the Claim Forms to be processed. Please be patient. Payments will begin and Medical Data Monitoring activation codes will be sent after the Settlement has obtained Court approval and the time for all appeals has expired.

### **11. What am I giving up as part of the Settlement?**

Defendants and their affiliates will receive a Release from all claims that could have been or that were brought against Defendants relating to the Data Incident. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendants and their present and former parents, subsidiaries, divisions, departments, affiliates, predecessors, successors and assigns, and any and all of their past, present, and future directors, officers, executives, officials, principals, stockholders, heirs, agents, insurers, reinsurers, members, attorneys, accountants, actuaries, fiduciaries, advisors, consultants, representatives, partners, joint venturers, licensees, licensors, independent contractors, subrogees, trustees, executors, administrators, clients, customers, data owners, associated third parties, predecessors, successors and assigns, and any other person acting on Defendant's behalf and/or in their capacity as such, and assigns of each of them as well as covered entities associated with the Data Incident. These Releases are described in Section XIII of the Settlement Agreement, which is available at **[continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com)**. If you have any questions, you can talk to the law firms listed in Question 17 for free or you can talk to your own lawyer.

### **EXCLUDING YOURSELF FROM OR OPTING-OUT OF THE SETTLEMENT**

If you do not want to be part of the Settlement, then you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as “opting out” of the Settlement Class.

### **12. If I exclude myself, can I get a benefit from this Settlement?**

No. If you exclude yourself, you will not be entitled to receive any benefits from the Settlement.

### **13. If I do not exclude myself, can I sue the Released Parties for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Defendants and any other Released Parties for any claim that could have been or was brought relating to the Data Incident. You must exclude yourself from the Settlement to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case.

### **14. How do I exclude myself from the Settlement?**

To exclude yourself, send an opt-out request or written notice of intent to opt-out that says you want to be excluded from the Settlement of *In Re Continuum Health Data Security Incident Litigation*, Docket No. BUR-L-000903-24. The opt-out request must be personally signed by the Settlement Class Member and contain the name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement Class. Any individual in the Settlement Class who does not timely and validly request to opt-out shall be bound by the terms of the Settlement Agreement even if he or she does not submit a claim. You must **mail** your opt-out request to the Settlement Administrator postmarked by February 17, 2026, to:

Settlement Administrator – 83317  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

## OBJECTING TO THE SETTLEMENT

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

You can tell the Court that you do not agree with the Settlement, and/or Application for Attorneys' Fees, Costs, Expenses, and Service Awards or some part of it by objecting to the Settlement. For an objection to be a valid objection under the Settlement, it must be in writing and mailed to the Clerk of the Court, Class Counsel, Defendants' Counsel, and the Settlement Administrator at the addresses listed below, postmarked by **no later** than February 17, 2026.

| Clerk of the Court                                                                                                              | Class Counsel                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clerk of the Court<br>Burlington County Court Facility<br>49 Rancocas Road<br>Mount Holly, NJ 08060                             | Ben Barnow<br>Barnow and Associates, P.C.<br>205 West Randolph Street, Ste. 1630<br>Chicago, IL 60606<br><br>Jeff Ostrow<br>Kopelowitz Ostrow P.A.<br>1 West Las Olas Blvd., Ste. 500<br>Fort Lauderdale, FL 33301<br><br>Gary Klinger<br>Milberg PLLC<br>227 West Monroe Street, Ste. 2100<br>Chicago, IL 60606 |
| Defendant's Counsel                                                                                                             | Settlement Administrator                                                                                                                                                                                                                                                                                         |
| Craig J. Mariam<br>Gordon Rees Scully Mansukhani, LLP<br>633 West Fifth Street, 52 <sup>nd</sup> Floor<br>Los Angeles, CA 90071 | Settlement Administrator – 83317<br>c/o Kroll Settlement Administration LLC<br>PO Box 225391<br>New York, NY 10150-5391                                                                                                                                                                                          |

Your objection must be written and must include all of the following:

- i) the objector's full name, mailing address, telephone number, and email address (if any);
- ii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- iii) the number of times the objector has objected to a class action settlement within the five (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;
- iv) 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 Application for Attorneys' Fees, Costs, Expenses, and Service Awards;

Questions? Go to [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com) or call 1-833-420-3819

- v) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the five (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 upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- vi) the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
- vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- viii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- ix) the objector's signature (an attorney's signature is not sufficient).

#### **16. What is the difference between objecting and asking to be excluded?**

Objecting is telling the Court that you do not like the Settlement or parts of it and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any benefit from the Settlement. If you exclude yourself, you have no basis to object because you are no longer a Settlement Class Member, and the case no longer affects you.

### **THE LAWYERS REPRESENTING YOU**

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

Yes. The Court appointed Ben Barnow of Barnow and Associates, P.C., Jeff Ostrow of Kopelowitz Ostrow, P.A., and Gary Klinger of Milberg PLLC, as Class Counsel to represent the Settlement Class in Settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **18. How will the lawyers be paid?**

Class Counsel will file an Application for Attorneys' Fees, Costs, Expenses, and Service Awards for an award of attorneys' fees up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Class Counsel will include a request for Service Award payments for the Class Representatives in recognition for their contributions to this Action not to exceed \$2,500 each for the Class Representatives, from the Settlement Fund.

Any attorneys' fees, costs, expenses, and Service Award payments must be approved by the Court. The Court may award less than the amounts requested.

## THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at **10:00 a.m. ET on March 16, 2026**, at the Burlington County Courthouse, 49 Rancocas Road, Mount Holly, New Jersey 08060. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the Application for Attorneys' Fees, Costs, Expenses, and Service Award payments. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommends checking the Settlement Website [continuumhealthdataincidentsettlement.com](https://continuumhealthdataincidentsettlement.com), or calling **1-833-420-3819**.

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

No. Class Counsel will present the Settlement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 15, the Court will consider it.

### 21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file an objection according to the instructions in Question 15, including all the information required. Your objection must be mailed to the Clerk of the Court, Class Counsel, Defendants' Counsel and the Settlement Administrator, at the mailing addresses listed above, postmarked by no later than **February 17, 2026**.

## IF YOU DO NOTHING

### 22. What happens if I do nothing?

If you do nothing, you will not receive any benefits from this Settlement. If the Settlement is granted Final Approval and becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the other Released Parties based on any claim that could have been or that was brought relating to the Data Incident.

## ADDITIONAL INFORMATION

### 23. How do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at [continuumhealthdataincidentsettlement.com](https://continuumhealthdataincidentsettlement.com). You may also call the Settlement Administrator with questions.

**24. What if my contact information changes or I no longer live at my address?**

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below, or at the Contact page of the Settlement Website: [continuumhealthdataincidentsettlement.com](http://continuumhealthdataincidentsettlement.com)

Settlement Administrator – 83317  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT OR CLASS  
COUNSEL FOR INFORMATION ABOUT THE CLASS ACTION SETTLEMENT**