

Notice of Proposed Class Action Settlement

Equinox, Inc. Data Incident

This is not a solicitation from a lawyer. The New York Supreme Court, Albany County, authorized this Notice.

- A proposed Settlement has been reached with Equinox, Inc. (“Equinox”) arising out of the potential unauthorized access to and the acquisition of Private Information from on or about April 29, 2024 (“Data Incident”). Impacted Private Information includes names, addresses, dates of birth, Social Security numbers, Driver’s license numbers, health insurance information, medical treatment or diagnosis information, medication-related information, financial information, provider name, and MRN/patient ID.
- If you reside in the United States and were sent a notice by Equinox that your Private Information may have been impacted by the Data Incident, you are included in this Settlement as a member of the Settlement Class.
- Under the Settlement, Equinox has agreed to pay: (1) Settlement Class Member Benefits for Settlement Class Members who submit Valid Claims; (2) attorneys’ fees, and costs awarded by the Court to Class Counsel; (3) Service Awards awarded by the Court to the Class Representatives and (4) all Settlement Administration costs.
- Your legal rights will be affected whether you act or do not act. You should read this entire Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

FILE A CLAIM FORM DEADLINE: OCTOBER 23, 2026	Submitting a Claim Form is the only way that you can receive any of the Settlement Class Member Benefits provided by this Settlement, including Credit Monitoring and cash compensation. If you submit a Claim Form, you will give up the right to sue Equinox and certain other 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: SEPTEMBER 23, 2026	This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Equinox or other Released Parties, for the claims this Settlement resolves. If you exclude yourself, you will give up the right to receive any Settlement Class Member Benefits from this Settlement.
OBJECT TO OR COMMENT ON THE SETTLEMENT DEADLINE: SEPTEMBER 23, 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 cannot object to it. If you object, you may also file a Claim Form to receive Settlement Class Member Benefits.
GO TO THE FINAL APPROVAL HEARING NOVEMBER 12, 2026	You may attend the Final Approval Hearing where the Court may 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 or comment. 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 Class Member Benefits and you will give up your rights to sue Equinox and other 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 still has to decide whether to approve the Settlement. No Settlement Class Member Benefits will be provided unless the Court approves the Settlement, and it becomes final.

Questions? Visit www.EquinoxIncSettlement.com or call toll-free 1-844-943-4276.

BASIC INFORMATION

1. Why did I get this Notice?

The 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 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 benefits.

The cases are known as *McHugh v. Equinox, Inc.*, Index No. 911677-24 (Sup. Ct. Albany Cty.); *Carter v. Equinox, Inc.*, Index No. 901198-25 (Sup. Ct. Albany Cty.) (collectively, the “Litigation”), in the Supreme Court of the State of New York in Albany County. The people who filed this lawsuit and are now moving to settle the Litigation are called the “Plaintiffs” and the company they sued, Equinox, Inc., is called the “Defendant.”

2. What is this lawsuit about?

On or about April 29, 2024, Equinox became aware of suspicious activity and potential unauthorized access to its network, and in response launched an investigation revealing that cybercriminals unlawfully accessed individuals’ Private Information. When Equinox became aware of the Data Incident, outside advisors and cybersecurity experts were retained to assist in the evaluation of the Data Incident, and law enforcement was notified. Equinox thereafter notified individuals that their Private Information may have been impacted by the Data Incident.

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.

The named Plaintiffs who are the settling Plaintiffs in this case are Rossana McHugh and Andrea Carter. They are also referred to as the Class Representatives.

4. Why is there a Settlement?

Plaintiffs and Defendant disagree over the legal claims made in the Litigation. Defendant denies the claims alleged in the Litigation or that it did anything wrong. The Litigation has not gone to trial, and the Court has not decided in favor of Plaintiffs or Defendant (collectively referred to as the “Parties”). Further, no court or other judicial entity has made any judgment or other determination that Defendant has done anything wrong. Instead, the Parties have agreed to settle the Litigation and agree that the Settlement Agreement offers significant benefits to all Settlement Class members and is fair, reasonable, adequate, and in the best interest of Plaintiffs and all Settlement Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

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

The Settlement Class includes all living individuals residing in the United States who were sent a notice by Equinox that their Private Information may have been impacted in the Data Incident.

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

Yes, the Settlement does not include: (a) Equinox, any entity in which Defendant has a controlling interest, and Defendant’s officers, directors, legal representatives, successors, subsidiaries, and assigns; (b) any judge, justice, or judicial officer presiding over this matter and members of their immediate families and their judicial staff; and (c) persons who opt-out of 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 go to the Settlement Website at www.EquinoxIncSettlement.com, or call toll-free 1-844-943-4276. You may also email the Settlement Administrator at info@EquinoxIncSettlement.com.

8. What does the Settlement provide?

The Settlement will provide Settlement Class members with the opportunity to make a Claim for cash payment. Settlement Class members may also make a claim for Credit Monitoring for up to 3 years.

CASH PAYMENT: Includes (i) up to \$5,000.00 for documented monetary losses incurred as a result of the Data Incident, and/or (ii) approximately \$100.00 pro rata cash payment.

DOCUMENTED MONETARY LOSSES: Settlement Class Members may submit a Claim for a cash payment under this paragraph for up to \$5,000.00 per Settlement Class Member upon presentment of documented losses related to the Data Incident.

To receive a payment for Documented Monetary Losses, a Settlement Class Member must attest that the losses or expenses were incurred as a result of the Data Incident.

Settlement Class Members will be required to submit **reasonable documentation** supporting the losses. Documented Monetary Losses may include but are not limited to; (i) out of pocket credit monitoring costs that were incurred on or after April 29, 2024 through the Claims Deadline; (ii) unreimbursed losses associated with actual fraud or identity theft; and (iii) unreimbursed bank fees, long distance phone charges, postage, or mileage at the prevailing IRS business use mileage rate for the year incurred for local travel. This list of reimbursable documented out-of-pocket expenses is not meant to be exhaustive, rather it is exemplary.

Settlement Class Members may make claims for any documented unreimbursed out-of-pocket losses reasonably related to the Data Incident or to mitigating the effects of the Data Incident. 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 credit monitoring and identity theft protection product offered as part of the notification letter provided by Defendant or otherwise.

If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Claims 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 be treated as if he or she elected a Pro Rata Cash Payment only.

PRO RATA CASH PAYMENT: In addition to or instead of Documented Monetary Losses, a Settlement Class Member may claim a pro rata cash payment in the estimated amount of \$100.00. The payments shall be calculated by dividing remaining funds in the Settlement Fund, after payment of Settlement Administration Fees, Attorneys' Fees, Costs, and Expenses, Credit Monitoring and Identity Restoration Services, and Documented Monetary Losses by the number of eligible claims. The Pro Rata Cash Payments will be adjusted upwards or downwards based upon the number of valid claims filed.

CREDIT MONITORING SERVICES: In addition to electing any of the other benefits, Settlement Class Members may claim three (3) years of one-bureau Credit Monitoring that will provide the following benefits: one-bureau credit monitoring, dark web monitoring, identity theft insurance coverage for up to \$1,000,000.00, and fully managed identity recovery services.

9. What if there are Excess or Insufficient Funds in the Settlement Fund to Pay all Valid Claims?

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. For purposes of calculating the pro rata increase or decrease, the Claims Administrator must distribute the funds in the Settlement Fund first for payment of Documented Monetary Losses, then for Credit Monitoring, before making any Pro Rata Cash Payments. Any pro rata increases or decreases to Pro Rata Cash Payments will be on an equal percentage basis.

10. Are there other Settlement Class Member Benefits?

Equinox has given Plaintiffs assurances that it has undertaken or will undertake reasonable steps to further secure its systems and environments. Equinox has adopted, paid for, implemented, and will maintain certain business practice changes related to information security to safeguard personal information on its systems. Equinox will detail these business practice changes to Class Counsel in a confidential declaration, that will be submitted to the Court for in camera review upon request.

11. What am I giving up in order to receive a Settlement Class Member Benefit or stay in the Class?

Unless you exclude yourself, you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's 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 Equinox and the other Released Parties about the legal issues in the Litigation, resolved by this Settlement, and released by the Settlement Agreement and Releases. The specific rights you are giving up are called Released Claims (*see* next question).

12. What are the Released Claims?

Released Claims include any and all actual, potential, filed or unfiled, known or unknown, fixed or contingent, claimed or unclaimed, suspected or unsuspected claims, demands, liabilities, rights, causes of action, damages, punitive, exemplary or multiplied damages, expenses, costs, indemnities, attorneys' fees and/or obligations, whether in law or in equity, accrued or unaccrued, direct, individual or representative, of every nature and description whatsoever, based on any federal, state, local, statutory or common law or any other law, against the Released Parties, or any of them, arising out of or relating to actual or alleged facts, transactions, events, matters, occurrences, acts, disclosures, statements, representations, omissions or failures to act relating to the Data Incident.

More information is provided in the Settlement Agreement and Releases, which is available at www.EquinoxIncSettlement.com.

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

13. How do I make a claim for Settlement Class Member Benefits?

Visit www.EquinoxIncSettlement.com to submit your claim online or to download a full Claim Form to complete and return it by mail. Claim Forms must be submitted online by **October 23, 2026**. Claim Forms submitted by mail must be postmarked no later than **October 23, 2026**. Settlement Class Members can also complete and submit the Claim Form that was included with the Notice that was mailed to them.

Settlement Class Members can also request a Claim Form by calling toll-free 1-844-943-4276 or by writing to the Settlement Administrator.

Mail: Equinox Settlement Administrator, Attn: Claim Request, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

Email: info@EquinoxIncSettlement.com

14. Where do I send my completed Claim Form?

Completed Claim Forms, along with supporting documentation may be mailed to the Settlement Administrator at: Equinox Settlement Administrator, Attn: Claim Form Submissions, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. Remember, Claim Forms submitted by mail must be postmarked no later than **October 23, 2026**.

15. 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 number with any written requests to assist the Settlement Administrator in identifying you.

16. When and how will I receive the Settlement Class Member Benefits?

The Settlement Administrator will work with the provider(s) of Credit Monitoring Services to receive and send activation codes within thirty (30) days of the Effective Date for Settlement Class Members who request Credit Monitoring Services.

Questions? Visit www.EquinoxIncSettlement.com or call toll-free 1-844-943-4276.

Settlement Payments will be issued by the Settlement Administrator after the Settlement is approved and becomes Final. Payments will be issued via the payment selection made on the 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 Class Member Benefits can be issued. Please be patient and check www.EquinoxIncSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes, the Court has appointed Todd S. Garber of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP and David K. Lietz of Milberg PLLC as 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.

18. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award them attorneys' fees not to exceed one-third (1/3) of the Settlement Fund (\$228,333.33), plus reimbursement of reasonable out-of-pocket litigation expenses. The Class Representatives may seek a Service Award of up to two thousand five-hundred dollars (\$2,500.00) each, for an aggregate total of five thousand dollars (\$5,000), subject to Court approval, for their participation in this Litigation and efforts in achieving the Settlement. If awarded, these amounts will be separate and apart from any other benefits available to the Settlement Class Representatives and Participating Settlement Class Members. The Court may award less than these amounts.

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 Equinox and/or the other Released Parties on your own based on the claims raised in the 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.

19. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must complete and sign a Request for Exclusion to the Settlement Administrator. The Request for Exclusion must be in writing and identify the case name, *McHugh v. Equinox, Inc.*, Index No. 911677-24 (Sup. Ct. Albany Cty.); *Carter v. Equinox, Inc.*, Index No. 901198-25 (Sup. Ct. Albany Cty.), include your full name, current address, personal signature, and the words “Request for Exclusion” or a comparable statement that indicates you do not wish to participate in the Settlement at the top of the communication.

The Request for Exclusion must be postmarked or received by the Settlement Administrator at the address below no later than the Opt-Out Deadline which is **September 23, 2026**:

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

You cannot exclude yourself by telephone or by email.

20. If I exclude myself, can I still receive Settlement Class Member Benefits?

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

21. If I do not exclude myself, can I sue Equinox for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Equinox and the other Released Parties for the claims that this Settlement resolves. You must exclude yourself from the Litigation to start or continue with your own lawsuit or be part of any other lawsuit against Equinox or any of the other Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

Questions? Visit www.EquinoxIncSettlement.com or call toll-free 1-844-943-4276.

OBJECT TO OR COMMENT ON THE SETTLEMENT

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

You can ask the Court to deny approval of the Settlement by filing an objection. You cannot ask the Court to order a different Settlement; the Court can only approve or reject the Settlement.

Any objection to the proposed Settlement must be in writing. If you file a timely 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. For an objection to be considered by the Court, the objection must also set forth:

- a) the name of the Litigation;
- b) the Participating Settlement Class Member's full name, current mailing address, and telephone number;
- c) a statement of the specific grounds for the objection, as well as any documents supporting the objection;
- d) a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class;
- e) the identity of any attorneys representing the objector;
- f) a list of all instances in the past five years in which he or she and his or her counsel objected to other proposed class action settlements, including the caption of each case in which the objector or his or her counsel has made such an objection with a copy of any orders related to or ruling upon such prior objections that were issued by the trial and appellate courts in each listed case;
- g) information identifying the objector as a Settlement Class Member, including proof that the objector is within the Settlement Class (e.g., copy of the Notice or copy of original notice of Equinox Data Incident);
- h) a statement regarding whether the Participating Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; and
- i) the signature of the Participating Settlement Class Member or the Participating Settlement Class Member's attorney.

Class Counsel and/or Equinox's Counsel may conduct limited discovery on any objector or objector's counsel consistent with the Civil Practice Law and Rules, and respond in writing to the objections prior to the Final Approval Hearing.

For an objection to be considered, it must be filed with the Court no later than **September 23, 2026**. Copies of the objection sent to Class Counsel, Defendant's Counsel, and the Settlement Administrator must be mailed with a postmark date no later than **September 23, 2026**.

Court	
Supreme Court of the State of New York, Albany County 16 Eagle Street, Albany, New York 12207	
Class Counsel	Class Counsel
Todd S. Garber Finkelstein, Blankinship, Frei-Pearson & Garber, LLP One North Broadway, Suite 900 White Plains, NY 10601	David K. Lietz Milberg PLLC 5335 Wisconsin Ave., NW, Suite 440 Washington, DC 20015
Defendant's Counsel	Settlement Administrator
Patrick M. Kennell Kathleen A. Mullins KAUFMAN DOLOWICH, LLP 40 Exchange Place – 20th Floor New York, New York 10005	Equinox Settlement Administrator Attn: Objections P.O. Box 58220 Philadelphia, PA 19102

23. What is the difference between objecting and requesting exclusion?

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 exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **November 12, 2026 at 11:00 AM**. The date and time of the Final Approval Hearing is subject to change without further notice to the Settlement Class, so please check www.EquinoxIncSettlement.com for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and will decide whether to approve the Settlement, Class Counsel's Application for Attorneys' Fees and Costs, and the Service Award 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.

25. 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 submitted a timely and complete objection, the Court will consider it, and you do not have to come to Court to talk about it.

26. 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 22). 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

27. 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 Class Member 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 Equinox or any of the other Released Parties about the legal issues in the Litigation and released by the Settlement Agreement.

GETTING MORE INFORMATION

28. How do I get more information?

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

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

Email: info@EquinoxIncSettlement.com

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

Questions? Visit www.EquinoxIncSettlement.com or call toll-free 1-844-943-4276.