

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*McCalmon v. Northbay Healthcare Corporation*  
Case No. CU24-03200  
Superior Court for the County of Solano, California

**If your private information was involved in the January 11 – April 1, 2024, Northbay Healthcare Data Incident a proposed class action settlement may affect your legal rights**

*A court has authorized this notice. This is not a solicitation from a lawyer.*

*You are not being sued.*

***Please read this Notice carefully and completely.***

- A Settlement has been reached with the Northbay Healthcare Corporation (“Northbay” or “Defendant”) in a class action lawsuit. This Action concerned the targeted cyberattack on Northbay's computer systems that occurred on or about between January 11, 2024, and April 1, 2024 (the “Data Incident”). Certain files that may have contained the Private Information of Settlement Class members, including protected health information (“PHI”) and other personally identifiable information (“PII”), like names and Social Security numbers, may have been accessed by unauthorized third parties.
- The Action is captioned *McCalmon v. Northbay Healthcare Corporation*, Case No. CU24-03200, pending in the Superior Court for the County of Solano, California.
- Northbay denies that it did anything wrong, and the Court has not decided who is right.
- The Parties have agreed to settle the Action to avoid the costs and risks, disruptions, and uncertainties of continuing the litigation.
- Northbay's records indicate that you are a Settlement Class member, and entitled to Settlement Class Member Benefits under the Settlement. You may have received a previous notice directly from Northbay.
- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
<b>SUBMIT A CLAIM</b>	<p>The only way to receive Settlement Class Member Benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>The fastest way to submit your Claim Form is online at <a href="http://www.NorthbayHealthcareSettlement.com">www.NorthbayHealthcareSettlement.com</a>. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.</p>	<b>October 14, 2025</b>
<b>OPT OUT OF THE SETTLEMENT</b>	You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	<b>September 30, 2025</b>
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for Settlement Class Member Benefits.	<b>September 30, 2025</b>
<b>DO NOTHING</b>	Unless you opt out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive Settlement Class Member Benefits from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement.	No Deadline

- 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.

## WHAT THIS NOTICE CONTAINS

BASIC INFORMATION .....	3
WHO IS IN THE SETTLEMENT .....	4
THE SETTLEMENT CLASS MEMBER BENEFITS .....	4
SUBMITTING A CLAIM FORM FOR SETTLEMENT CLASS MEMBER BENEFITS .....	5
THE LAWYERS REPRESENTING YOU .....	6
OPTING OUT OF THE SETTLEMENT .....	6
COMMENTING ON OR OBJECTING TO THE SETTLEMENT.....	7
THE COURT’S FINAL APPROVAL HEARING .....	8
IF I DO NOTHING .....	8
GETTING MORE INFORMATION .....	9

## Basic Information

### 1. Why was this Notice issued?

The Superior Court for the County of Solano, California, authorized this Notice. You have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is captioned *McCalmon v. Northbay Healthcare Corporation*, Case No. CU24-03200, pending in the Superior Court for the County of Solano, California. The person that filed this lawsuit is called the “Plaintiff” (or “Class Representative”) and the entity he sued, Northbay Healthcare Corporation, is called the “Defendant.”

### 2. What is this Action about?

This Action alleges that between January 11, 2024, and April 1, 2024, a targeted cyberattack was carried out on Northbay's computer systems, and certain files that contained Settlement Class members’ Private Information were accessed. These files may have contained personal information such as protected health information and personally identifiable information, like names and Social Security numbers.

### 3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals are called the “Plaintiffs” or “Class Representatives.” Together, the people included in the class action are called a “Settlement Class” or “Settlement Class members.” One court resolves the lawsuit for all class members, except for those who opt out from the settlement. In this Settlement, the Class Representative is Michael McCalmon, and everyone included in this Action are the Settlement Class members.

### 4. Why is there a Settlement?

The Court did not decide whether the Plaintiff or the Defendant is right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Settlement Class members to receive Settlement Class

Member Benefits from the Settlement. Plaintiff and his attorneys think the Settlement is best for all Settlement Class members.

## Who is in the Settlement?

### 5. Who is included in the Settlement?

The Settlement Class includes all persons in the United States whose Private Information was compromised as a result of the Data Incident and who were provided with notice of the Data Incident.

### 6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are: (a) all persons who are governing board members of the Defendant; (b) governmental entities; and (c) the Court, the Court's immediate family, and Court staff, and (d) anyone who validly excludes themselves from the Settlement.

If you are not sure whether you are a Settlement Class member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@NorthbayHealthcareSettlement.com](mailto:info@NorthbayHealthcareSettlement.com)
- Call toll free, 24/7: (833) 360-6806
- By mail: Northbay Data Incident Settlement, c/o Settlement Administrator, P.O. Box 25414 Santa Ana, CA 92799.

You may also view the Settlement Agreement at [www.NorthbayHealthcareSettlement.com](http://www.NorthbayHealthcareSettlement.com).

## The Settlement Class Member Benefits

### 7. What does the Settlement provide?

Northbay will establish a Settlement Fund of \$3,600,000. The Settlement Fund will first be used to pay court-approved attorneys' fees and costs, a Service Award for the Class Representative, and Settlement Administration Costs. All of the remaining funds will be used to pay the Settlement Class Member Benefits described below.

You may claim Credit Monitoring services and **either** Cash Payment A **or** Cash Payment B.

**CREDIT MONITORING SERVICES.** All Settlement Class members are eligible to receive 3 years of Credit Monitoring services. This includes:

- (1) real time monitoring of the Settlement Class member's credit file at a credit bureau;
- (2) dark web monitoring;
- (3) identity theft insurance coverage for up to \$1,000,000; and
- (4) fully managed identity recovery services

**CASH PAYMENTS.** All Settlement Class members are eligible for a Cash Payment. If you may select **only one** Cash Payment, **not both**.

**Cash Payment A – Documented Losses.** If you incurred actual, **documented** out-of-pocket losses due to the Data Incident, you may file a claim for reimbursement. The maximum amount of this reimbursement is \$4,000.00.

This benefit covers expenses like:

- (1) bank, credit card, and debit card fees;
- (2) overdraft, declined payment, and returned check fees;
- (3) cost to replace your driver’s license, Social Security number, or other types of identification;
- (4) long distance phone charges, cell phone charges (if charged by the minute), or data charges (if charged by the amount of data used);
- (5) fees for credit reports or credit monitoring; and
- (6) losses due to identity theft or fraud

You must submit documentation, such as receipts, to verify the costs you incurred. You may submit “self-prepared” documents to clarify or support other submitted documentation, but **self-prepared documents by themselves are not sufficient** to file a valid claim.

If you claim Cash Payment A, you may not also claim Cash Payment B.

**Cash Payment B – Flat Cash Payment.** If you did not incur documented losses as a result of the Data Incident you are still eligible for a one-time cash payment of \$100.00, subject to *pro rata* increase or decrease depending upon the number of Valid Claims filed.

If you claim Cash Payment B, you may not also claim Cash Payment A.

If you have questions about these Settlement Class Member Benefits, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@NorthbayHealthcareSettlement.com](mailto:info@NorthbayHealthcareSettlement.com)
- Call toll free, 24/7: (833) 360-6806
- By mail: Northbay Data Incident Settlement, c/o Settlement Administrator, P.O. Box 25414 Santa Ana, CA 92799.

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

Unless you opt out of the Settlement, you won’t be able to sue, continue to sue, or be part of any other lawsuit against the Defendants about any of the legal claims this Settlement resolves. The “Releases” section of the Settlement Agreement (Section XIII) describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement is available at [www.NorthbayHealthcareSettlement.com](http://www.NorthbayHealthcareSettlement.com).

## Submitting a Claim Form for a Settlement Payment

### 9. How do I submit a Claim for a Settlement Class Member Benefit?

The fastest way to submit your Claim Form is online at [www.NorthbayHealthcareSettlement.com](http://www.NorthbayHealthcareSettlement.com). If you prefer, you can download the Claim Form from the website and mail it to the Settlement Administrator at:

Northbay Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25414  
Santa Ana, CA 92799

An electronic image of the completed Claim Form can also be submitted by email to [info@NorthbayHealthcareSettlement.com](mailto:info@NorthbayHealthcareSettlement.com).

If you are only submitting a claim for Credit Monitoring and/or Cash Payment B, you may also complete the Claim Form included in your Postcard Notice and mail the Claim Form to the Settlement Administrator at the above address.

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 360-6806, by email [info@NorthbayHealthcareSettlement.com](mailto:info@NorthbayHealthcareSettlement.com), or by U.S. mail at the address above.

### **10. Are there any important Claim deadlines?**

If you are submitting a Claim Form online, you must do so by October 14, 2025. If you are submitting a claim by U.S. mail, the completed and signed Claim Form, including supporting documentation, must be postmarked no later than October 14, 2025.

### **11. When will the Settlement Class Member Benefits be issued?**

The Court will hold a Final Approval Hearing on October 29, 2025 (**see Question 18**). If the Court approves the Settlement, there may be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Settlement payments will be distributed if the Court grants Final Approval, and after any appeals are resolved.

## **The Lawyers Representing You**

### **12. Do I have a lawyer in the case?**

Yes, the Court appointed attorneys Kenneth Grunfeld and Kristen Lake Cardoso of Kopelowitz Ostrow P.A. as Class Counsel to represent you and other Settlement Class members.

### **13. Should I get my own lawyer?**

You will not be charged for Class Counsel's services. If you want your own lawyer, you may hire one at your expense.

### **14. How will Class Counsel be paid?**

Class Counsel will ask the Court to approve attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of costs, which will be paid from the Settlement Fund.

Class Counsel will also ask for a Service Award of \$5,000.00 for the Class Representative. The Service Award will be paid from the Settlement Fund.

## **Opting Out of the Settlement**

### **15. How do I opt-out of the Settlement?**

If you do not want to be part of the Settlement, you must formally opt out of the Settlement. If you opt out, you will not receive any Settlement Class Member Benefits, but you will keep any rights you may have to sue Northbay on your own about the legal issues in this case.

If you opt out, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive any Settlement Class Member Benefits if you opt out.

The deadline to opt out of the Settlement is September 30, 2025.

To be valid, your request to opt out of the Settlement must have the following information:

- (1) the name of the Action: *McCalmon v. Northbay Healthcare Corporation*, Case No. CU24-03200, pending in the Superior Court for the County of Solano, California;
- (2) your full name, mailing address, telephone number, and email address (if any);
- (3) personal signature; and
- (4) a statement indicating a request to be excluded from the Settlement Class.

You may only submit a request to opt out on your own behalf—not on behalf of any other person.

Mail your request to opt out of the Settlement to the Settlement Administrator at:

Northbay Data Incident Settlement  
ATTN: Exclusion Request  
P.O. Box 25414  
Santa Ana, CA 92799

Your request to opt-out of the Settlement must be submitted, postmarked, or emailed by September 30, 2025.

## **Commenting on or Objecting to the Settlement**

### **16. How do I tell the Court if I like or do not like the Settlement?**

If you are a Settlement Class member and do not like part or all of the Settlement, you can object to it. Objecting means telling the Court your reasons for why you think the Court should not approve the Settlement. The Court will consider your views.

You cannot object if you have opted out of the Settlement (**see Question 15**)

You must provide the following information for the Court to consider your objection:

- (1) the name of the Action: *McCalmon v. Northbay Healthcare Corporation*, Case No. CU24-03200, pending in the Superior Court for the County of Solano, California;
- (2) your full name, mailing address, telephone number, and email address (if any);
- (3) a clear description of all the reasons you object; include any legal support you may have for your objection;
- (4) if you have hired your own lawyer to represent you at the Final Approval Hearing, provide their name and telephone number;
- (5) whether or not you or your lawyer would like to speak at the Final Approval Hearing;
- (6) if you plan on calling witnesses or submitting documents at the Final Approval Hearing, provide a full list of both;

(7) your signature (if you have hired your own lawyer, your lawyer's signature is *not* sufficient).

For your objection to be valid, it must meet each of these requirements.

To be considered by the Court, you must file your complete objection with the Clerk of Court by September 30, 2025. You must also send copies of the objection to Class Counsel and both counsel for Defendants.

Clerk of the Court	Class Counsel	Counsel for Defendants	Administrator
Clerk of the Court 580 Texas St Fairfield, CA 94533	Kenneth Grunfeld Kristen Lake Cardoso <b>Kopelowitz Ostrow P.A.</b> 1 W. Las Olas Blvd. Ste. 500 Fort Lauderdale, FL 33301	Starr Drum Mark A. Olthoff <b>Polsinelli PC</b> 900 W. 48th Place Kansas City, MO 64112	Northbay Data Incident Settlement ATTN: Objections P.O. Box 25414 Santa Ana CA 92799

## 17. What is the difference between objecting and opting out?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not opt out of the Settlement. Opting out of the Settlement is stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

## The Court's Final Approval Hearing

### 18. When is the Court's Final Approval Hearing?

The Court will hold a Final Approval Hearing on October 29, 2025, at 8:30 am eastern, in Courtroom 1 of the Superior Court for the County of Solano, California, at Old Solano Courthouse, 580 Texas Street, Fairfield, CA 94533.

At the Final Approval Hearing, the Court will decide whether to approve the Settlement. The Court will also decide how Class Counsel should be paid, and whether to award a Service Award to the Class Representative who brought this Action on behalf of the Settlement Class. The Court will also consider any objections to the Settlement.

If you are a Settlement Class member, you or your lawyer may ask permission to speak at the Final Approval Hearing at your own cost (**See Question 16**).

The date and time of the Final Approval Hearing may change without further notice. Please check [www.NorthbayHealthcareSettlement.com](http://www.NorthbayHealthcareSettlement.com) for updates.

### 19. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was filed on time. You may also pay your own lawyer to attend, but you do not have to.



## If I Do Nothing

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

If you do nothing, you will not receive any Settlement Class Member Benefits.

You will also give up the rights described in **Question 8**.

## Getting More Information

### **21. How do I get more information?**

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, [www.NorthbayHealthcareSettlement.com](http://www.NorthbayHealthcareSettlement.com)

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@NorthbayHealthcareSettlement.com](mailto:info@NorthbayHealthcareSettlement.com)
- Call toll free, 24/7: (833) 360-6806
- By mail: Northbay Data Incident Settlement, c/o Settlement Administrator, P.O. Box 25414 Santa Ana, CA 92799.

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, Old Solano Courthouse, 580 Texas Street, Fairfield, CA 94533.

**DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS SETTLEMENT.**