

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Kristina Middleton v. ProSmile Holdings, LLC
Case No. 3:24-cv-0053
United States District Court for the District of New Jersey

**IF YOU ARE A US RESIDENT WHOSE PERSONAL INFORMATION WAS
IMPACTED BY THE PROSMILE DATA SECURITY INCIDENT,
A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS,
AND ENTITLE YOU TO A CASH PAYMENT.**

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 ProSmile Holdings, LLC (“Defendant” or “ProSmile”), in a class action lawsuit concerning the targeted cyberattack on the Defendant’s computer systems that occurred on or about July 7, 2022 (the “Data Security Incident”). Certain files containing private information were accessed. These files may have contained personal information such as names, dates of birth, Social Security numbers, driver’s license or other state identification card numbers, financial account numbers, payment card numbers, medical treatment information, diagnosis or clinical information, provider information, prescription information, and health insurance information.
- The lawsuit is captioned *Kristina Middleton v. ProSmile Holdings, LLC*, Case No. 3:24-cv-0053, pending in the United States District Court for the District of New Jersey (the “Action”).
- ProSmile denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (the “Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the litigation.
- ProSmile’s records indicate that you are a Class Member and entitled to file a claim to receive a settlement award.
- 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
FILE A CLAIM	<p>If you wish to receive a settlement payment, you must file a Claim Form before the deadline. You may elect to claim Documented Out-of-Pocket Losses of up to \$5,000. In addition, you may select one of the following: a Pro Rata Cash Payment OR a Social Security Number Impact Payment.</p> <p>If you claim Documented Out-of-Pocket Losses, you must file your Claim Form on the website and provide documentation of your losses or print and mail a Claim Form on the website and mail it to the Settlement Administrator with your documentation.</p> <p>If you would like to receive your payment digitally (through PayPal, Venmo, or Zelle), please visit www.prosmilesettlement.com by September 25, 2025, to submit your claim and choose a digital payment option.</p>	September 25, 2025
OPT OUT OF THE SETTLEMENT	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 Defendant related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	August 26, 2025
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	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 benefits.	August 26, 2025
DO NOTHING	If you do nothing, you will remain in the Class but you will not get a settlement payment. By staying in the Class 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.

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Basic Information

1. Why was this Notice issued?

The United States District Court for the District of New Jersey 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 *Kristina Middleton v. ProSmile Holdings, LLC*, Case No. 3:24-cv-0053, pending in the United States District Court for the District of New Jersey. The Person that filed this lawsuit is called the “Plaintiff” (or “Class Representatives”) and the company they sued, ProSmile Holdings, LLC, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that during a targeted cyberattack beginning no later than July 7, 2022, on the Defendant’s computer systems, certain files that contained private information were accessed. These files may have contained personal information such as names, dates of birth, Social Security numbers, driver’s license or other state identification card numbers, financial account numbers, payment card numbers, medical treatment information, diagnosis or clinical information, provider information, prescription information, and health insurance information.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. This individual is called a “Plaintiff” or “Class Representative.” Together, the people included in the class action are called a “class” or “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 Kristina Middleton, and everyone included in this Action are the 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 Class Members to receive benefits from the Settlement. Plaintiff and her attorney think the Settlement is best for all Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The court has defined the Class this way: “all individuals within the United States of America whose PHI/PII and/or financial information was potentially exposed to unauthorized third parties as a result of the data breach experienced by Defendant no later than July 7, 2022.”

This means that all US residents whose personal information was impacted by the Data Security Incident are Class Members.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are: (1) the Judge in this case, and the Judge’s family and staff; (2) ProSmile’s officers, directors, members and shareholders; and (3) anyone who validly excludes themselves from the Settlement.

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

- Email: info@prosmilesettlement.com
- Call toll free, 24/7: 1-833-285-3424
- By mail:

ProSmile Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

You may also view the Settlement Agreement at www.prosmilesettlement.com

The Settlement Benefits

7. What does the Settlement provide?

ProSmile will establish a Settlement Fund of \$440,000.00. The court-approved costs of litigating this lawsuit, including attorney’s fees, will be paid from the Settlement, along with a Class Representative Award, and the costs of administering the Settlement.

Settlement Class Members will be able to claim funds in the remaining Settlement Fund (referred to as the “Net Settlement Fund”) through three buckets of relief: 1) by submitting a claim for reimbursement of Documented Out-of-Pocket Losses for up to \$5,000); 2) electing to receive a *pro rata* cash payment for the remainder of the Net Settlement Fund, or, for those eligible, 3)

electing to receive a Social Security Number Impact Payment of no more than \$500.00. Settlement Class Members eligible to receive a Social Security Number Impact Payment may also make a claim for Documented Out-of-Pocket Losses, but may only elect a claim for *either* a *pro rata* cash payment or Social Security Number Impact payment, and not both.

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

- Email: info@prosmilesettlement.com
- Call toll free, 24/7: 1-833-285-3424
- By mail:

ProSmile Data Security Incident Settlement
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P.O. Box 25226
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 Defendant about any of the legal claims this Settlement resolves. The "Release" section of the Settlement Agreement (Section X) describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement is available at www.prosmilesettlement.com.

Submitting a Claim Form for a Settlement Payment

9. Do I submit a claim for a Settlement payment?

Yes, you will need to submit a claim. Claim forms will be sent via e-mail and U.S. mail where e-mail service is not possible. On the Claim Form, Settlement Class Members will elect the type of relief they would like to receive from the Settlement. If you receive a Claim Form, you will have until September 25, 2025, to submit the Claim. If you do not submit a claim by that time, and you do not also either Opt-Out, Object, or Exclude yourself from the Settlement prior to that point, you will not be able to receive relief from the Settlement and any claims you have for relief from ProSmile as they relate to the July 7, 2022 Data Incident will be foreclosed.

There are three buckets of relief Settlement Class Members may elect:

1. Documented Out-of-Pocket Losses: All Settlement Class Members may elect to receive up to \$5,000 in reimbursement for documented-out-of-pocket losses, regardless of whether they also elect to receive a *pro rata* cash payment or Social Security Number Impact Payment. Losses that Class Members seek reimbursement for must be accompanied by reasonable documentation and are subject to review and verification by the Claims Administrator prior to approval.
2. Additionally, Settlement Class Members may elect one of the two:
 - a. *Pro Rata* Cash Payments: All Settlement Class Members may additionally elect to receive a *pro rata* cash payment, the final number to be determined based on funds

remaining in the Net Settlement Fund after Documented Out-of-Pocket Losses and Social Security Number Impact Payments are paid.

- b. Social Security Number Impact Payments: Settlement Class Members that have been notified that their Social Security Numbers were exposed in the July 7, 2022 Data Incident may, in lieu of the *pro rata* cash payment, elect to receive a Social Security Number Impact Payment in an amount not to exceed \$500.00. If you are eligible for this bucket of relief, you will be notified in your claim notice. All elections under this bucket are subject to verification by the Claims Administrator.
3. All Settlement Class Members may elect to receive reimbursement of Documented Out-of-Pocket Losses, as well as one of the following: 1) a *pro rata* cash payment, or 2) a Social Security Number Impact Payment (if eligible). Settlement Class Members cannot receive funds under both the *pro rata* cash payment bucket and the Social Security Number Impact Payment buckets.
4. In the event the Net Settlement Fund is exhausted, payments shall be made in the following order: 1) Documented Out-of-Pocket Losses, 2) Social Security Number Impact Payments, and 2) *Pro Rata* Cash Payments. Both the Social Security Number Impact Payments and *pro rata* cash payments are subject to *pro rata* adjustments based on availability of funds.

If you would like to receive your payment digitally (through PayPal, Venmo, or Zelle.), please visit www.prosmilesettlement.com by **September 25, 2025**, to select how you would like to be paid.

10. Are there any important Settlement payment deadlines?

If you would like to receive your payment digitally, you must visit www.prosmilesettlement.com by September 25, 2025, to make your selection.

11. When will the Settlement benefits be issued?

The Court will hold a final approval hearing on October 14, 2025, at 11:00 a.m., (*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 Kevin Laukaitis, Natalia Perez, and Daniel Tomascik of Laukaitis Law, LLC, to represent you and other Class Members (“Class Counsel”).

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 seek Court approval for attorneys' fees and litigation costs, not to exceed \$146,666.67, and a Class Representative Award of \$5,000.00 for the named Plaintiff. These fees, costs, and awards, as well as the costs of administration, will be paid from the Settlement Fund.

Excluding Yourself from 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 exclude yourself from the Settlement. This is called a Request for Exclusion, and is sometimes also called "opting out." If you opt out you will not receive a Settlement payment, but you will keep any rights you may have to sue the Defendant on your own about the legal issues in this case.

The deadline to exclude yourself from the Settlement is **August 26, 2025**.

To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Action: *Kristina Middleton v. ProSmile Holdings, LLC*, Case No. 3:24-cv-0053, pending in the United States District Court for the District of New Jersey
- (2) your full name and current address;
- (3) personal signature; and
- (4) the words "Request for Exclusion" or a clear and similar statement that you do not want to participate in the Settlement.

You may only exclude yourself—not any other person.

You have three options to submit your Request for Exclusion:

Online. An online Request for Exclusion form is available on the Settlement website at www.prosmilesettlement.com

By US Mail. Mail your Request for Exclusion to the Settlement Administrator at:

ProSmile Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

By Email. Send a scan or photograph of your Request for Exclusion to info@prosmilesettlement.com. The scan or photograph must be clear and legible to be valid.

Your Request for Exclusion must be submitted, postmarked, or emailed by **August 26, 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 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 excluded yourself from the Settlement (*see Question 15*)

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

- (1) the name of the Action: *Kristina Middleton v. ProSmile Holdings, LLC*, Case No. 3:24-cv-0053, pending in the United States District Court for the District of New Jersey;
- (2) your full name, mailing address, telephone number, and email address;
- (3) 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) your signature (or, if you have hired your own lawyer, your lawyer's signature).

To be considered by the Court, you must file your complete objection with the Clerk of Court by August 26, 2025. You must also send copies of the objection to Class Counsel and counsel for ProSmile.

Clerk of the Court	Class Counsel	Counsel for ProSmile
Clerk of the Court USDC for the District of New Jersey Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608	Kevin Laukaitis Laukaitis Law LLC 954 Avenida Ponce De Leon Suite 205, #10518 San Juan, PR 00907 klaukaitis@laukaitislaw.com	David A. Yudelson Constangy, Brooks, Smith & Prophete, LLP 2029 Century Park East Suite 1100 Los Angeles, CA 90067 dyudelson@constangy.com

Your objection must be sent to the Court by US Mail.

You may send copies to Class Counsel and counsel for ProSmile by US Mail, or by emailing them a clear and legible scan or photograph of your objection (emails provided above). You may also submit a clear and legible scan or photograph of your objection to the Settlement Administrator at info@prosmilesettlement.com.

17. What is the difference between objecting and excluding?

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 exclude yourself from the Settlement. Excluding yourself from the Settlement is opting out and 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 14, 2025, at 11:00 a.m., Eastern Time**, in Room 6E of the United States District Court for the District of New Jersey, at Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608.

At the final approval hearing, the Court will decide whether to approve the Settlement, how much attorneys' fees and costs Class Counsel should receive for representing the Settlement Class, and whether to award a Class Representative 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 Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (***See Question 16***).

The date and time of this hearing may change without further notice. Please check www.prosmilesettlement.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 are a Class Member and you do nothing, you will not receive any relief, as described in **Question 7**. It is important that if you would like relief, you submit a claim and make the appropriate election.

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

Getting More Information

21. How do I get more information?

This Notice summarizes the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, www.prosmilesettlement.com

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

- Email: info@prosmilesettlement.com
- Call toll free, 24/7: 1-833-285-3424
- By mail:

ProSmile Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, USDC for the District of New Jersey Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608.

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