

Cavallaro-Kearins v. Modernizing Medicine, Inc.

Case No. 9:25-cv-81443-EA

United States District Court for the Southern District of Florida

**IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE
JULY 2025 MODERNIZING MEDICINE, INC., DATA INCIDENT,
A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR
RIGHTS, AND ENTITLE YOU TO SETTLEMENT BENEFITS.**

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 Modernizing Medicine, Inc. (“ModMed” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack on two of ModMed's computer servers that were used to facilitate the conversion of limited data from retiring electronic health record (“EHR”) platforms to ModMed’s current EHR platform that was discovered in July 2025 (“Data Incident”). Certain files that contained Private Information were accessed. These files may have contained Private Information such as full names; addresses; dates of birth; phone numbers; email addresses; Social Security numbers; health insurance information; and medical information (such as medical record numbers; patient account numbers; dates of service; provider and practice names; billing/diagnostic codes; prescription/medication information; and diagnosis and treatment information).
- The lawsuit is called *Cavallaro-Kearins v. Modernizing Medicine, Inc.*, Case No. 9:25-cv-81443-EA. It is pending in the United States District Court for the Southern District of Florida (“Litigation”).
- ModMed denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (“Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the Litigation.
- You are a Settlement Class Member if you were sent notice of the Data Incident, including notice of this Settlement.
- 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
SUBMIT A CLAIM	The only way to receive benefits from this Settlement is by submitting a valid and timely Claim Form. The fastest way to submit your Claim Form is online at www.ModernizingMedicineDataSettlement.com. 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.	November 2, 2026
OPT-OUT OF THE SETTLEMENT	You can choose to opt-out of the Settlement and receive no Settlement benefits. 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.	October 19, 2026
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 or Class Counsel's Application for Attorneys' Fees and Costs. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also submit a claim for Settlement benefits.	October 19, 2026
DO NOTHING	Unless you opt-out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive 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 or the Released Parties related to the Released Claims.	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	3
THE SETTLEMENT BENEFITS.....	4
SUBMITTING A CLAIM FORM FOR SETTLEMENT BENEFITS	5
THE LAWYERS REPRESENTING YOU	6
OPTING OUT OF THE SETTLEMENT	6
OBJECTING TO THE SETTLEMENT	7
THE COURT'S FINAL APPROVAL HEARING	8
IF I DO NOTHING	9
GETTING MORE INFORMATION	9

Basic Information

1. Why was this Notice issued?

The United States District Court for the Southern District of Florida 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 called *Cavallaro-Kearins v. Modernizing Medicine, Inc.*, Case No. 9:25-cv-81443-EA. It is pending in the United States District Court for the Southern District of Florida. The person that filed this lawsuit is called the “Plaintiff” (or “Class Representative”) and the company she sued, Modernizing Medicine, Inc., is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that during the July 2025 targeted cyberattack on two of ModMed's computer servers, certain files that contained Private Information were accessed. These files may have contained personal information such as full names; addresses; dates of birth; phone numbers; email addresses; Social Security numbers; health insurance information; and medical information (such as medical record numbers; patient account numbers; dates of service; provider and practice names; billing/diagnostic codes; prescription/medication information; and diagnosis and treatment information).

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 “Class” or “Class Members.” One court resolves the lawsuit for all Class Members, except for those who opt-out from the settlement. In this proposed Settlement, the Class Representative is Patricia Cavallaro-Kearins. 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 are 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 benefits from the Settlement. The Plaintiff and her attorneys think the Settlement is best for all Settlement Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The court has defined the Settlement Class this way: “All living 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.”

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; (3) the Judge assigned to the Action, that Judge’s immediate family, and Court staff; and (4) any member of the Settlement Class that timely and validly opts-out of 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@ModernizingMedicineDataSettlement.com
- Call toll free, 24/7: (833) 421-7331
- By mail: ModMed Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

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

The Settlement Benefits

7. What does the Settlement provide?

ModMed will establish a Settlement Fund of \$2,999,750.00. The Settlement Fund will first be used to pay court-approved attorneys' fees and costs and the costs of administering the Settlement. The remaining Net Settlement Fund will be used to pay for the Settlement benefits described below.

MEDICAL DATA MONITORING. All Settlement Class Members are eligible to enroll in two years of CyEx Medical Shield Complete. This comprehensive service comes with \$1 million of medical identity theft insurance with no deductible, and includes real time monitoring with one credit bureau; dark web scanning with immediate notification of potential unauthorized use; security freeze assistance; and identity theft victim assistance. If anything suspicious happens, you will be able to talk to a fraud resolution agent to help fix any problems.

CASH PAYMENTS. In addition to Medical Data Monitoring, all Settlement Class Members may elect Cash Payment A – Documented Losses or Cash Payment B – Alternate Cash:

Cash Payment A – Documented Losses. If you incurred actual, documented out-of-pocket losses related to the Data Incident, you can get back up to **\$5,000.00**. The losses must have occurred between July 9, 2025, and November 2, 2026.

This benefit covers out-of-pocket expenses like:

- losses because of identity theft or fraud
- fees for credit reports, credit monitoring, or freezing and unfreezing your credit
- cost to replace your IDs
- postage to contact banks by mail

You need to send reasonable documentation supporting the losses, which means documentation contemporaneously generated or prepared by a third party supporting a claim for expenses paid. Non-exhaustive examples include telephone records, correspondence including emails, or receipts. Your personal certification, declaration, or affidavit does not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation.

You shall not be reimbursed for expenses if you 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 ModMed or otherwise.

If you do not submit reasonable documentation supporting a loss, or if your claim is rejected by the Settlement Administrator for any reason, and you fail to cure your claim, the claim will be rejected and will be treated as if you elected Cash Payment B – Alternate Cash.

OR

Cash Payment B – Alternate Cash. You may claim a one-time estimated **\$75.00** cash payment. You do not have to provide any proof or explanation to claim this payment.

Depending on the total number and total value of Cash Payment claims, your payment may be slightly higher or lower than the amount you claim.

A full explanation of how this works is provided in Paragraph 71 of the Settlement Agreement, which can be found at www.ModernizingMedicineDataSettlement.com.

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

- Email: info@ModernizingMedicineDataSettlement.com
- Call toll free, 24/7: (833) 421-7331
- By mail: ModMed Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

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

If you stay in the Settlement Class, you won't be able to be part of any other lawsuit against ModMed or the Released Parties related to the Released Claims. 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.ModernizingMedicineDataSettlement.com.

Submitting a Claim Form for a Settlement Payment

9. How do I submit a claim for a Settlement benefit?

The fastest way to submit your Claim Form is online at www.ModernizingMedicineDataSettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

ModMed Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 421-7331, by email info@ModernizingMedicineDataSettlement.com, or by U.S. mail at the address above.

10. Are there any important Settlement payment deadlines?

If you are submitting a Claim Form online, you must do so by **November 2, 2026**. 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 **November 2, 2026**.

11. When will the Settlement benefits be issued?

The Court will hold a Final Approval Hearing on November 17, 2026 (**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 and activation codes for Medical Data Monitoring 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 has appointed attorneys Jeff Ostrow of Kopelowitz Ostrow P.A., Mariya Weekes of Milberg PLLC, and Raina Borrelli of Strauss Borrelli PLLC, to represent you and other Settlement 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 ask the court to approve up to one-third of the Settlement Fund as reasonable attorneys’ fees, plus reimbursement of litigation costs.

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 exclude yourself from the Settlement. This is called an Opt-Out Request.

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 benefits if you opt-out. However, you will keep any rights you may have to sue ModMed on your own about the legal issues in this case.

The deadline to exclude yourself from the Settlement is **October 19, 2026**.

To be valid, your Opt-Out Request must have the following information:

- (1) the name of the Litigation: *Cavallaro-Kearins v. Modernizing Medicine, Inc.*, Case No. 9:25-cv-81443-EA, pending in the United States District Court for the Southern District of Florida;
- (2) your full name, mailing address, telephone number, and email address (if any);
- (3) personal signature; and
- (4) the words “Opt-Out Request” 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.

Mail your Opt-Out Request to the Settlement Administrator at:

ModMed Data Incident Settlement
ATTN: Exclusion Request
PO Box 25226
Santa Ana, CA 92799-9958

Your Opt-Out Request must be submitted, postmarked, or emailed by **October 19, 2026**.

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 from the Settlement (**see Question 15**)

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

- (1) the objector's full name, mailing address, telephone number, and email address (if any);
- (2) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- (3) the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- (4) the identity of all counsel (if any) 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 and Costs, and whether they will appear at the Final Approval Hearing;
- (5) 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 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 five years;
- (6) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- (7) a statement confirming whether the objector and or the objector's counsel utilized any form of artificial intelligence in the preparation of the objection;
- (8) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- (9) the objector's signature (an attorney'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 **October 19, 2026**. You must also send a copy of the objection to the Settlement Administrator, Class Counsel, and Defendant's Counsel.

Clerk of the Court	Settlement Administrator
Clerk of the Court Paul G. Rogers Federal Building and U.S. Courthouse 701 Clematis Street, Room 202 West Palm Beach, FL 33401	ModMed Data Incident Settlement ATTN: Objections PO Box 25226 Santa Ana, CA 92799-9958

Class Counsel	Defendant's Counsel
Jeff Ostrow KOPELOWITZ OSTROW P.A. One West Las Olas Boulevard, Suite 500 Fort Lauderdale, FL 33301 Mariya Weekes MILBERG, PLLC 333 SE 2nd Avenue, Suite 2000 Miami, FL 33131 Raina C. Borrelli STRAUSS BORRELLI PLLC 980 M. Michigan Avenue, Suite 1610 Chicago, IL 60611	Kristine McAlister Brown ALSTON & BIRD LLP 1201 West Peachtree Street Atlanta, GA 30309

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 from the Settlement. Opting out from 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.

If you opt-out of the Settlement and also object to the Settlement, regardless of which was submitted first, you will be deemed to have opted-out and your objection will be overruled.

The Court's Final Approval Hearing

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

The Court will hold a Final Approval Hearing on **November 17, 2026 at 2:30 p.m. Eastern Time**, in the United States District Court for the Southern District of Florida, at Paul G. Rogers Federal Building and U.S. Courthouse, 701 Clematis Street, West Palm Beach, FL 33401.

At the Final Approval Hearing, the Court will decide whether to approve the Settlement. The court will also decide Class Counsel's request for an attorneys' fees and costs. 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 hearing at your own cost (**See Question 16**).

The date and time of this hearing may change without further notice. Please check www.ModernizingMedicineDataSettlement.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 a benefit from this Settlement.

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.ModernizingMedicineDataSettlement.com.

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

- Email: info@ModernizingMedicineDataSettlement.com
- Call toll free, 24/7: (833) 421-7331
- By mail: ModMed Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, United States District Court for the Southern District of Florida, at Paul G. Rogers Federal Building and U.S. Courthouse, 701 Clematis Street, Room 202, West Palm Beach, FL 33401.

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