

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida
Michael Sayers, et al. v. OrthopedicsNY, LLP, Case No. 2026-CA-000641

Were you notified that your Private Information may have been impacted by a data breach at OrthopedicsNY? You may be eligible for a Cash Payment from a class action settlement.

A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- A settlement has been reached with OrthopedicsNY, LLP (the “Defendant”) in a class action about a data security incident that allowed unauthorized access to company computer systems on or about December 28, 2023, that potentially exposed the personally identifiable information (“Private Information”) of current and former patients and employees (the “Data Incident”).
- You are included in this Settlement as a Settlement Class Member if you live in the United States and were sent a notice from the Defendant that your Private Information may have been impacted in the Data Incident on or about December 28, 2023.
- The proposed Settlement requires the Defendant to establish a Settlement Fund of \$1,450,000 to cover Cash Payments to Settlement Class Members, as well as all Notice and Settlement Administration Costs and court-approved Attorneys’ Fees, Costs, and Service Awards.
- Your rights are affected whether you do or do not act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM FORM	The only way to receive a Cash Payment from this Settlement is to submit a valid and timely Claim Form.	June 15, 2026
OPT OUT OF THE SETTLEMENT	If you opt out, you will not be bound by the terms of the Settlement and you keep the right to sue the Defendant about the claims resolved by this Settlement. You will not receive a Cash Payment from the Settlement.	June 15, 2026
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the Settlement, you may object to it and tell the Court what you do not like about it. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you can still submit a Claim Form for a Cash Payment.	June 15, 2026
DO NOTHING	If you do nothing, you will not receive a Cash Payment and you give up the right to sue the Defendant about the 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 must decide whether to approve the Settlement.

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BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about the proposed Settlement of this class action and about all of your options before the Court decides whether to grant Final Approval of the Settlement. This Notice explains the Action, your legal rights, what benefits are available, and who can receive them.

The Action is called *Michael Sayers, et al. v. OrthopedicsNY, LLP*, Case No. 2026-CA-000641 pending in the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida. The people who filed this Action are called the “Plaintiffs” and the company they sued, OrthopedicsNY, LLP, is called the “Defendant” or “OrthoNY.”

2. What is this Action about?

On December 28, 2023, OrthoNY identified unauthorized activity in its network environment (the “Data Incident”). A subsequent forensic investigation revealed that the personally identifiable information (“Private Information”) from current and former patients as well as current and former employees of OrthoNY may have been exposed to malicious threat actors. This Private Information included, but was not limited to, patient names, passport numbers, driver’s license numbers, Social Security numbers, addresses, financial account information, dates of birth, and protected health information. On November 4, 2024, the Defendant sent out notice letters to those individuals impacted by the Data Incident. The Action alleges claims of negligence, breach of implied contract, and unjust enrichment, among others. The Defendant denies all of the Plaintiffs’ claims and maintains that it did not do anything wrong.

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 who sue are known as “Class Representatives” or Plaintiffs. Together, the people included in the class action are called a “Settlement Class” or “Settlement Class Members.” One court resolves the lawsuit for all Settlement Class Members, except for those who exclude themselves (sometimes called, “opting out”) from a settlement. In this Action, the Class Representatives are Michael Sayers, Lisa Feulner Keosaian, Christine Almeida, Robyn Carbo, Katherin De Luca, Margaret Michaud, Lyle Hartog, Marsha Glassman, Glen Guillaume, Louanne Wagoner, Sarah Buckowski, and Adam Stewart.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or the Defendant. The Defendant denies all claims and contends that it has not violated any laws. The Plaintiffs and the Defendant agreed to a Settlement to avoid the costs and risks of a trial, and, through the Settlement, Settlement Class Members are eligible to claim benefits. The Plaintiffs and their attorneys, who also represent Settlement Class Members as “Class Counsel,” 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 consists of all living individuals residing in the United States who were sent a notice from the Defendant that their Private Information may have been impacted in the Data Incident on or about December 28, 2023.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are: (a) all persons who are directors, officers, and agents of the Defendant; (b) governmental entities; (c) the Judge assigned to the Action, that Judge’s immediate family, and Court staff; and (d) all Settlement Class Members who timely and properly opt out of the Settlement.

THE SETTLEMENT BENEFITS

7. What can I get from this Settlement?

If approved by the Court, the Defendant will pay up to \$1,450,000 (the “Settlement Fund”) to resolve the Action. After deducting all Notice and Administration Costs and court-approved Attorneys’ Fees, Costs, and Service Award payments to the Class Representatives, the balance (the “Net Settlement Fund”) will be used to provide Cash Payments to Settlement Class Members. Payment amounts may be adjusted based on the amount of funds remaining in the Net Settlement Fund on a *pro rata* (proportional) basis. Detailed information on how payments will be calculated is available in Section V of the Settlement Agreement.

Settlement Class Members may choose to receive one of the following Cash Payments:

- (1) **Cash Payment A - Documented Losses:** Reimbursement of up to \$2,500 for documented out-of-pocket losses incurred because of fraud and/or identity theft as a result of the Data Incident; or
- (2) **Cash Payment B – Alternate Cash:** A Cash Payment in an estimated amount of \$50.

8. Tell me more about Cash Payment A – Documented Losses.

Settlement Class Members may choose to receive up to \$2,500 for reimbursement for out-of-pocket losses and expenses incurred because of fraud and/or identity theft as a result of the Data Incident. Reasonable documentation must be provided. Losses include, but are not limited to:

- Costs of credit reports purchased between December 28, 2023 and the Claims Deadline.
- Documented costs paid for credit monitoring services and/or fraud resolution services purchased between December 28, 2023 and the Claims Deadline as a result of the Data Incident.
- Documented expenses directly associated with dealing with identity theft or identity fraud related to the Data Incident.

“Reasonable documentation” supporting your Claim includes third-party documentation such as credit card statements, bank statements, invoices, telephone records, and receipts. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity to or support other submitted documentation. If you do not provide sufficient reasonable documentation and fail to cure your claim for Documented Losses, it will be denied.

You cannot be reimbursed for expenses if you have been reimbursed for the same expenses by another source, including compensation provided in connection with the identity protection and Credit Monitoring services offered as part of the notification letter provided by the Defendant.

Note: If the amount of Valid Claims exhausts the balance of the Net Settlement Fund, payments for Documented Losses will be adjusted.

9. Tell me more about Cash Payment B – Alternate Cash.

As an alternative to Cash Payment A above, Settlement Class Members may choose to receive Cash Payment B - Alternate Cash in an estimated amount of \$50. The exact amount of this payment will be determined based on the total number of Valid Claims submitted. No documentation is required to file a Claim for Cash Payment A.

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

Unless you opt out of the Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant or Released Parties about any of the legal claims this Settlement resolves. The Releases section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be found at www.NYOrthosettlement.com.

HOW TO GET SETTLEMENT BENEFITS – MAKING A CLAIM

11. How do I submit a Claim Form to get a Cash Payment?

To receive a Cash Payment from the Settlement, you must submit a Claim Form, with any necessary documentation, online by **June 15, 2026 at 11:59 p.m. ET** at www.NYOrthosettlement.com, or by mail, postmarked by **June 15, 2026**, to:

Settlement Administrator - 83358
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

12. When will I get a Cash Payment?

The short answer is – after the Settlement is “finally approved” and any challenges to that approval are finally resolved. The Court is scheduled to hold a Final Approval Hearing on **June 30, 2026, at 9:30 a.m. ET**, to decide whether to approve the Settlement, Attorneys’ Fees and Costs for Class Counsel for representing the Settlement Class, and Service Awards to the 12 Class Representatives who brought this Action on behalf of the Settlement Class.

If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement benefits will be distributed as soon as possible, if and when the Court grants Final Approval of the Settlement and after any appeals are resolved.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes, the Court appointed Jeff Ostrow of Kopelowitz Ostrow P.A. and Mariya Weekes of Milberg PLLC as Class Counsel. You will not be charged directly for these lawyers; instead, they will receive compensation from the Settlement Fund (subject to Court approval).

If you want to be represented by your own lawyer, you may hire one at your own expense.

14. Should I get my own lawyer?

It is not necessary for you to hire your own lawyer because Class Counsel works for you. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court to approve attorneys’ fees of \$580,000, plus reimbursement of costs, as well as a \$2,000 Service Award payment to each of the 12 Class Representatives. If approved, these amounts will be paid from the Settlement Fund before making payments to Settlement Class Members who submit Valid Claims.

EXCLUDE YOURSELF FROM THE SETTLEMENT

16. How do I opt out of the Settlement?

If you do not want to receive any benefits from the Settlement, and you want to keep your right to separately sue the Defendant about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called “opting out” of the Settlement Class. The deadline to opt out of the Settlement by submitting a “request to opt out” is **June 15, 2026**.

To exclude yourself from the Settlement, you must submit a written Request to Opt Out that includes:

- A statement indicating that you want to be excluded from the Settlement Class, such as, “I hereby request to be excluded from the proposed Settlement Class in *Michael Sayers, et al. v. OrthopedicsNY, LLP*, Case No. 2026-CA-000641”;
- Your name, address, telephone number, and email address (if any);
- Your personal signature.

Your request to opt out must be mailed to the Settlement Administrator at the address below, postmarked no later than **June 15, 2026**.

Settlement Administrator - 83558
c/o Kroll Settlement Administration LLC
ATTN: Opt Out Request
P.O. Box 225391
New York, NY 10150-5391

OBJECT TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member, you can choose (but are not required) to object to the Settlement if you do not like it or a portion of it, whether that be to the Settlement benefits, the request for Attorneys’ Fees and Costs, the Service Award payments, the Releases provided to the Defendant, or some other aspect of the Settlement. Through an objection, you give reasons why you think the Court should not approve the Settlement. Objections must be submitted in writing and must include:

- Your full name, mailing address, telephone number, and email address (if any);
- All grounds for the objection, accompanied by any legal support for the objection known to you or your counsel;
- The identity of all counsel representing you (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, and Service Awards) and whether they will appear at the Final Approval Hearing;
- A list, including case name, court, and docket number, of all other cases in which you and/or your counsel or counsel’s firm has filed an objection to any proposed class action settlement in the past five (5) years, as well as a copy of any orders or rulings related to the prior objections that were issued by the trial and appellate courts in each listed case;
- A list of all persons who will be called to testify at the Final Approval Hearing in support of your objection (if any);
- A statement whether you intend to personally appear or testify at the Final Approval Hearing; and
- Your signature (an attorney’s signature is not sufficient).

Objections must be filed with the Court no later than **June 15, 2026**.

Seventeenth Judicial Circuit of Florida
Broward County Courthouse
201 SE 6th St
Fort Lauderdale, FL 33301

A copy of your objection also must be mailed to Class Counsel, Defendant's Counsel and the Settlement Administrator at the addresses below, postmarked no later than **June 15, 2026**.

CLASS COUNSEL	DEFENDANT'S COUNSEL	SETTLEMENT ADMINISTRATOR
Jeff Ostrow Kopelowitz Ostrow P.A. 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301 Mariya Weekes Milberg PLLC 333 SE 2nd Avenue, Ste. 2000 Miami, FL 33131	Edward J. McAndrew Baker Hostetler LLP 1735 Market Street, Ste. 3300 Philadelphia, PA 19103	<i>Settlement Administrator - 83558</i> c/o Kroll Settlement Administration LLC ATTN: Objections P.O. Box 225391 New York, NY 10150-5391

18. 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 exclude yourself from it. Excluding yourself from the Settlement means telling the Court you do not want to be part of the Settlement. If you exclude yourself or opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

The Court is scheduled to hold a Final Approval Hearing on **June 30, 2026 at 09:30 a.m. ET**, at the Broward County Courthouse, 201 SE 6th St., Fort Lauderdale, FL 33301, to decide whether to approve the Settlement, Class Counsel's request for Attorneys' Fees and Costs, and the Service Awards to the 12 Class Representatives who brought this Action on behalf of the Settlement Class. The date and time of this hearing may change without further notice. Please check **www.NYOrthosettlement.com** for updates.

20. 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 file an objection, you may, but you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time and in accordance with the requirements above, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Released Parties, as defined in the Settlement Agreement, about the legal issues resolved by this Settlement. In addition, you will be bound by the Releases in the Settlement Agreement and will not be eligible to receive any Settlement benefits.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at the Settlement Website, **www.NYOrthosettlement.com**.

If you have additional questions or need to update your address, you may contact the Settlement Administrator toll free at **(833) 319-5494** or by mail at *Settlement Administrator - 83358*, c/o Kroll Settlement Administration LLC, P.O. Box 225391, New York, NY 10150-5391.