

Sharber, et al. v. FMC Servs., LLC., Case No. 111219-D-CV (320th Dist. Ct.)

District Court of Potter County, Texas, 320th Judicial Court

If you were sent a notice that your Private Information was potentially compromised in the FMC Services, LLC, Data Incident that occurred in July, 2022, you may be entitled to benefits from a class action settlement.

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

- A \$2,150,000.00 settlement has been reached in a class action lawsuit against FMC Services, LLC, (“Defendant” or “FMC”) arising out of a data incident Defendant experienced on or about July 26, 2022, by an unauthorized third party (“Data Incident”).
- You are part of the Settlement Class if your personal identifiable information or personal health information was compromised in the Data Incident by unauthorized persons, including all persons who were sent notice of the Data Incident.
- Under the terms of the Settlement, Settlement Class Members who submit Valid Claims may be able to recover the following benefits, subject to *pro rata* adjustments:
 - **Cash Payment A – Documented Losses:** You may claim up to \$5,000.00 upon presentment of reasonable documented losses related to the Data Incident.

OR

- **Cash Payment B – Alternate Cash:** As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is a cash payment in the estimated amount of \$75.00.

AND

- **Medical Data Monitoring (only for adult Class members):** In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx’s medical data monitoring product.

OR

- **Minor Data Monitoring (only for Minor Class members):** In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx’s minor monitoring product.

This notice may affect your rights. Please read it carefully.

Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM	The only way to get Settlement benefits is to submit a Valid Claim.	Submitted online or Postmarked by August 31, 2026
OPT OUT OF THE SETTLEMENT	Get no Settlement Class Member Benefits. Keep your right to file your own lawsuit against Defendant about the legal claims in this lawsuit.	Postmarked by August 17, 2026
OBJECT TO THE SETTLEMENT	Stay in the Settlement but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it.	Postmarked by August 17, 2026

Questions? Go to www.FMCDataSettlement.com or call 1-844-609-0700

DO NOTHING	Get no Settlement Class Member Benefits. Be bound by the Settlement.	No deadline
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- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court must still decide whether to approve the Settlement. There will be no Settlement Class Member Benefits unless the Court approves the Settlement, and it becomes final.

BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this notice because you have the right to know about the proposed Settlement of this class action lawsuit and all of your rights and options before the Court decides to grant Final Approval of the Settlement.

This notice explains the lawsuit, the Settlement, your rights, what benefits are available, who is eligible for them, and how to get them. The lawsuit is *Sharber, et al. v. FMC Servs., LLC*, No. 111219-D-CV, in the District Court of Potter County, Texas, 320th Judicial Court (the “Action”). The persons who filed this lawsuit are called “Plaintiffs” and/or “Class Representatives” and the company sued, FMC Services, LLC., is called the “Defendant.”

2. What is this lawsuit about?

Plaintiffs filed this lawsuit against Defendant. Plaintiffs allege that on July 26, 2022, Defendant experienced a Data Incident in which cyber criminals unlawfully accessed and acquired information stored on Defendant’s computer systems and allegedly compromised the Private Information of its patients, including their personally identifiable information and private health information which consists of some combination of the following: name, mailing address, date of birth, Social Security number, and medical information. Defendant denies that any information was acquired.

Plaintiffs brought this lawsuit against Defendant alleging claims of negligence, negligence *per se*, breach of fiduciary duty, breach of implied contract, and unjust enrichment.

Defendant does not in any way acknowledge, admit to, or concede any of the allegations made in the Petition, and expressly disclaims and denies any fault or liability, or any charges of wrongdoing that have been or could have been asserted. Plaintiffs enter into this Agreement to recover on the claims asserted, and to avoid the risk, delay, and uncertainty of continued litigation.

3. What is a class action?

In a class action, one or more people (called plaintiff(s) or class representative(s)) sue on behalf of all people who have similar legal claims. Together, all these people are called a “class” or “class members.” If the plaintiffs and defendant reach a settlement, the court resolves the issues for all class members via the settlement, except for those class members who timely opt out (exclude themselves) from the settlement.

4. Why is there a Settlement?

The proposed Class Representatives in this lawsuit are Plaintiffs Deneli Sharber, Shanna Byers, Lyle Schafer, and Jennifer Hart.

Plaintiffs and Defendant do not agree about the legal claims made in the lawsuit. The lawsuit has not gone to trial, and the Court has not decided in favor of Plaintiffs or Defendant. Instead, Plaintiffs and Defendant have agreed to settle the lawsuit. The Class Representatives believe the Settlement is best for all individuals in the Settlement Class because of the benefits available to the Settlement Class and the risks and uncertainty associated with continuing the lawsuit.

WHO IS INCLUDED IN THE SETTLEMENT?

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

Settlement Class means all persons whose personally identifiable information or personal health information was compromised in the Data Incident by unauthorized persons, including all persons who were sent notice of the Data Incident.

6. Are there exceptions to being included in the Settlement?

Yes. The Settlement Class specifically excludes: (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; and (3) the Judge assigned to the Action, that Judge's immediate family, and Court staff.

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.FMCDDataSettlement.com, call the Settlement Administrator's toll-free telephone number at 1-844-609-0700, or send an email to info@FMCDDataSettlement.com.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member and you timely submit a Valid Claim, you may be eligible for the following benefits subject to *pro rata* adjustment:

(1) Cash Payment A – Documented Losses:

All Settlement Class Members may submit a Claim for a cash payment under this section for up to \$5,000.00 per Settlement Class Member upon presentment of reasonable documented losses related to the Data Incident. To receive a documented loss payment, you must elect Cash Payment A on the Claim Form attesting under penalty of perjury to having incurred documented losses.

You will be required to submit reasonable documentation supporting the losses, which means documentation contemporaneously generated or prepared by a third party or the Settlement Class Member supporting a claim for expenses paid. Non-exhaustive examples of reasonable documentation

include telephone records, correspondence including emails, letters or receipts. Personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation.

(2) Cash Payment B – Alternate Cash:

As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is an alternative cash payment in the estimated amount of \$75.00, but the amount will depend on the funds remaining in the Settlement Fund after all other payments are made.

(3) Medical Data Monitoring (only for adult Class Members):

In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx's medical data monitoring product that will include: (i) real time monitoring of the credit file with one credit bureau; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) security freezing assistance; (iv) victim assistance; (v) \$1,000,000.00 in identity theft insurance with no deductible; and (vi) access to fraud resolution agents to help investigate and resolve instances of identity theft.

(4) Minor Data Monitoring (only for minor Class Members):

In addition to Cash Payment A or Cash Payment B, minor Class Members may also make a Claim for Medical Data Monitoring that will include two years of CyEx's minor monitoring product that will include: (i) real time monitoring for evidence of the minor's SSN in combination with a credit file to protect against creation of synthetic identities; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) public record traces; and (iv) access to fraud resolution agents to help investigate and resolve instances of identity theft.

9. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you opt out of the Settlement, you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court 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 the Released Parties, including Defendant, about the legal issues in this lawsuit that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

10. What are the Released Claims?

The Settlement Agreement Section XIII describes the Released Claims and the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.FMCDDataSettlement.com or in the public Court records on file in this lawsuit. For questions regarding the Release or Released Claims and what the language in the Settlement Agreement means, you can also contact Class Counsel listed in Question 15 for free, or you can talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

11. How do I make a Claim for Settlement benefits?

To receive any of the benefits described in Question 8, you must submit a Valid Claim,

postmarked or submitted online by August 31, 2026. Claim Forms may be submitted online at www.FMCDataSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim is online. Claim Forms are also available by calling 1-844-609-0700 or by writing to:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

Claim Forms must be submitted online or by mail postmarked by August 31, 2026.

12. What happens if my contact information changes after I submit a Claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1-844-609-0700, by writing to info@FMCDataSettlement.com, or to:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

13. When will I receive my Settlement benefits?

If you submit a timely and Valid Claim, payment will be made to you by the Settlement Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.FMCDataSettlement.com for updates.

14. How will I receive my payment?

If you submit a timely and Valid Claim for payment, and if your Claim and the Settlement are finally approved, you will be sent an electronic payment to the electronic payment option that you select when you file your claim or will be sent a paper check if you select that option. Several electronic payment options will be available, or you can elect a check. Please ensure you have provided a current and complete email address. If you select a paper check, the Settlement Administrator will attempt to send you a check relying on your physical address submitted on your Claim Form.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this lawsuit?

Yes, the Court has appointed Ben Barnow of Barnow and Associates, P.C. and Gary E. Mason of Mason & Perry LLP, as Class Counsel lawyer 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 lawsuit.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. The Court may award less than the amount requested. If awarded by the Court, the Settlement Administrator will pay attorneys' fees, costs, expenses, and Service Awards out of the Settlement Fund.

Class Counsel's motion for Attorneys' Fees, Costs, Expenses, and Service Awards will be made available on the Settlement Website at www.FMCDataSettlement.com before the deadline for you to object to or opt out of the Settlement.

OPTING OUT OF THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Released Parties on your own based on the legal claims raised in this lawsuit or released by the Released Claims, then you must take steps to get out of the Settlement. This is called opting out of the Settlement.

17. How do I opt out of the Settlement?

To opt out of the Settlement, you must timely mail written notice of a request to opt out. The written notice must include:

- (1) Your physical signature as a Settlement Class member;
- (2) Your full name, mailing address, telephone number, and email address (if any); and
- (3) A statement clearly indicating your request to be excluded from the Settlement Class.

The opt out request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked no later than August 17, 2026**:

FMC Data Settlement Administrator Exclusions
P.O. Box 1789
Baton Rouge, LA 70821

You cannot opt out by telephone or by email.

18. If I opt out, can I still get anything from the Settlement?

No. If you opt out, you will not be entitled to receive any Settlement Class Member Benefits, but you will not be bound by any judgment in this lawsuit. You can only get Settlement Class Member Benefits if you stay in the Settlement and submit a Valid Claim.

19. If I do not opt out, can I sue Defendant for the same thing later?

No. Unless you opt out, you give up any right to sue Defendant and other Released Parties for the legal claims this Settlement resolves and Releases relating to the Data Incident. You must opt out of the lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against Defendant or other Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement and/or Class Counsel's motion for Attorneys' Fees and Costs.

To object, you must file a timely, written objection stating that you object in *Sharber, et al. v. FMC Servs., LLC*, Case No. 111219-D-CV (320th Jud. Ct., Dist. Ct. of Potter County, Texas). If your objection is submitted by mail, it must be **postmarked by August 17, 2026**.

The objection must also include all of the following information:

- (1) Your full name, mailing address, telephone number, and email address (if any);
- (2) A written statement of all grounds for the objection, accompanied by any legal support for the objection known to you or your lawyer;
- (3) The number of times you have objected to a class action settlement within the 5 years preceding the date that you filed the objection, the caption of each case in which you have made such objection, and a copy of any orders related to or ruling upon your prior objections that were issued by the trial and appellate courts in each listed case;
- (4) The identity of all counsel who represent 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, Expenses, and Service Award;
- (5) The number of times in which your counsel and/or counsel's law firm have objected to a class action settlement within the 5 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 your counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- (6) The identity of all counsel (if any) representing you and whether they will appear at the Final Approval Hearing;
- (7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- (8) A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and
- (9) Your signature (an attorney's signature is not sufficient).

To be timely, written notice of an objection in the appropriate form must be filed with the Court by **August 17, 2026**, with copies to the following address:

Clerk of Court	Settlement Administrator
Clerk of the District Court Potter County, Texas P.O. Box 9570 Amarillo, TX 79105	FMC Data Settlement Administrator P.O. Box 1789 Baton Rouge, LA 70821

Defendant's Counsel	Class Counsel
Justin J. Boron Freeman, Mathis & Gary LLP 7160 North Dallas Parkway, Ste. 625 Plano, TX 75024	Ben Barnow Barnow and Associates, P.C. 205 West Randolph Street Ste. 1630 Chicago, IL 60606 Gary E. Mason Mason & Perry LLP 5335 Wisconsin Ave NW Ste. 640 Washington D.C. 20015

Any Settlement Class Member who fails to comply with the requirements for objecting detailed above will waive and forfeit any and all rights they may have to appear separately and/or to object to the Settlement Agreement and will be bound by all the terms of the Settlement Agreement and by all proceedings, orders, and judgments in the Litigation.

21. What is the difference between objecting and asking to opt out?

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees and expenses. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **September 15, 2026, at 9:00 a.m. CT**, in the 320th District Court, Potter County, Texas, 350 SE 6th Ave., Suite 4A, Amarillo, Texas 79101, to decide whether to approve the Settlement. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's Application for Attorneys' Fees, Costs, and Service Award. If there are objections, the Court will consider them. The Court will also listen to Settlement Class Members who have asked to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing in person. Any change will be posted at www.FMCDataSettlement.com.

23. Do I have to attend 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 mail an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file or mail your written objection on time, the Court will consider it.

24. May I speak at the Final Approval Hearing?

Yes, as long as you do not opt out, you can (but do not have to) participate and speak for yourself at the Final Approval Hearing. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you at the Final Approval Hearing, you must follow all of the procedures for objecting to the Settlement listed in Question 20 above—and specifically include a statement whether you and your lawyer will appear at the Final Approval Hearing.

IF YOU DO NOTHING

25. 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 benefits, and you will give up rights explained in the “Opting Out of the Settlement” section of this notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against any of the Released Parties, including Defendant, about the legal issues in this lawsuit that are released by the Settlement Agreement relating to the Data Incident.

GETTING MORE INFORMATION

26. 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 www.FMCDataSettlement.com, by calling 1-844-609-0700, by writing info@FMCDataSettlement.com or:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT’S CLERK OFFICE
REGARDING THIS NOTICE.**