

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Supreme Court of New York in Westchester County

Noni Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.
Case No. 73692/2024

A Court has authorized this Long Form Notice ("Notice"). This is not a solicitation from a lawyer.

If You Are an Individual Who Was Directly or Indirectly Notified by Defendant BCHP That Your Private Information May Have Been Impacted in the September 2024 Data Incident, You Are Eligible to Receive a Settlement Class Member Benefit from a Class Action Settlement

- A Court authorized this Notice, to those who are eligible to receive Settlement Class Member Benefits from a proposed \$5,150,000 class action Settlement. The Action is titled *Noni Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.*, Case No. 73692/2024 and is pending in the Supreme Court of New York in Westchester County. The persons that filed the class action lawsuit are called Plaintiffs or Class Representatives and the entities they sued are ATSG, Inc. and Boston Children's Health Physicians, LLP ("BCHP," and collectively, "Defendants"). Defendants deny any wrongdoing whatsoever.

- **Who is a Settlement Class Member?**

All individuals who were directly or indirectly notified by BCHP that their Private Information may have been impacted in the Data Incident.

Excluded from the Settlement Class are all persons who are: (a) directors and officers of Defendants; (b) the Judge assigned to the Action, that Judge's immediate family; (c) Court staff; and (d) any Settlement Class Member who validly and timely requests to be excluded from the Settlement.

- Settlement Class Members under the Settlement Agreement will be eligible to receive one of two Cash Payment options:

❖ **Cash Payment A – Documented Losses:** Settlement Class Members may submit a Claim for a Cash Payment for up to **\$5,000** per Settlement Class Member that had documented losses related to the Data Incident, upon submission of a Valid Claim and **supporting documentation**, for the documented losses incurred as a result of the Data Incident;

OR

❖ **Cash Payment B – Undocumented Cash Claim:** Instead of Cash Payment A – Documented Losses, a Settlement Class Member may elect to receive Cash Payment B – Undocumented Cash Claim, which is a Cash Payment that is currently estimated to be **\$100**. This value may be increased or decreased based on the number of Valid Claims received.

Questions? Go to www.BCHPSettlement.com or call toll-free (833) 890-4816.

Cash Payment B – Undocumented Cash Claims will be subject to a *pro rata* increase up to a maximum amount of \$350 per Claim in the event the amount of Valid Claims is insufficient to exhaust the entire Settlement Fund. Similarly, in the event the amount of Valid Claims exhausts the Settlement Fund, the amount of the Cash Payment B- Undocumented Claims will be reduced *pro rata* accordingly. For purposes of calculating the *pro rata* increase or decrease, the Settlement Administrator will distribute the funds in the following order: (1) Settlement Administration Costs; (2) any Service Awards approved by the Court; (3) attorneys fees’ and costs approved by the Court; (4) Medical Data Monitoring; (5) Cash Payment A – Documented Losses; and (6) Cash Payment B – Undocumented Cash Claims. Any *pro rata* increases or decreases to Cash Payment B – Undocumented Cash Claims will be on an equal percentage basis.

In addition to one Cash Payment option, Settlement Class Members may select the following:

- ❖ **Medical Data Monitoring** –Settlement Class Members may elect to receive two (2) years of Cyex Medical Shield Medical Data Monitoring. Medical Data Monitoring will provide the following benefits: medical identity monitoring, real-time alerts, and insurance coverage for up to \$1,000,000 for medical identity theft.
- To submit a Claim or obtain more information visit **www.BCHPSettlement.com** or call **(833) 890-4816** to request a Claim Form.

Please read this Notice carefully. Your legal rights will be affected, and you have a choice to make at this time. Your rights and options as a Settlement Class Member – and the deadlines to exercise your rights – are explained in this Notice.

The Court still has to decide whether to approve the Settlement. Settlement Class Member Benefits will be made available only if the Court approves the Settlement and after any possible appeals are resolved.

	Summary of Legal Rights	Deadline(s)
Submit a Claim Form	The only way to receive a Settlement Class Member Benefit from the Settlement.	Claims must be submitted online or postmarked on or before November 25, 2025 .
Exclude Yourself by Opting Out of the Settlement Class	Receive no Settlement Class Member Benefit from the Settlement. This is the only option that allows you to keep your right to bring any other lawsuit against Defendants relating to the Data Incident.	Requests for exclusion must be mailed and postmarked on or before November 10, 2025 .

Object to the Settlement and/or Attend the Final Approval Hearing	You can write the Court about why you agree or disagree with the Settlement or the Application for Attorneys' Fees, Costs, and Service Awards. The Court can refuse to approve the settlement but cannot modify the settlement terms. The Court can modify or reduce the award of Attorneys' Fees and Costs or Service Awards to Class Representatives. You can also ask to speak at the Final Approval Hearing on Wednesday, December 10, 2025, at 9:30 a.m. ET, about the fairness of the Settlement, with or without your own attorney.	Objections must be mailed and postmarked on or before November 10, 2025.
Do Nothing	You will not receive any Settlement Class Member Benefit from this class action Settlement but will remain a Settlement Class Member and be bound by the Releases.	N/A

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BASIC INFORMATION

1. Why is there a Notice?

The Court authorized this Notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to grant Final Approval of the Settlement. This Notice explains the nature of the Action that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

Justice Gretchen Walsh of the Supreme Court of New York in Westchester County is overseeing this case captioned as *Noni Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.*, Case No. 73692/2024. The people who brought the lawsuit are called the Class Representatives. The companies being sued, ATSG, Inc. and Boston Children's Health Physicians LLP ("BCHP"), are called the Defendants.

2. What is the Action about?

Defendant BCHP is a pediatric primary and specialty care physician group consisting of 300 clinicians operating in New York and Connecticut. During the normal course of operating its healthcare practice, Defendant BCHP collects and maintains the Private Information of its patients and employees.

Defendant ATSG is a managed services provider that offers IT services to a variety of customers, including Defendant BCHP. During the normal course of providing services to BCHP, it provides network capabilities for BCHP to store BCHP's data.

The Action alleges that on or about September 9, 2024, Defendant BCHP learned that Defendant ATSG's computer network was targeted in a cyberattack by an unknown third party. Plaintiffs allege that this cyberattack may have exposed Private Information belonging to approximately 918,000 of Defendant BCHP's patients and employees housed on a computer network provided by ATSG for BCHP to use. Thereafter, Defendant BCHP began notifying those individuals that their Private Information may have been impacted by the Data Incident.

Defendants deny any wrongdoing whatsoever. No court or other judicial body has made any judgment or other determination that Defendants have done anything wrong.

3. Why is this a class action?

In a class action, one or more people called "Class Representatives" or "Plaintiffs" sue on behalf of all people who have similar claims. Together, all of these people are called a "Settlement Class," and the individuals are called "Settlement Class Members." One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to Settlement Class Members. The Class Representatives appointed to represent the Settlement Class, and the attorneys for the Settlement Class, Class Counsel, think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

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

You are affected by the Settlement and potentially a Settlement Class Member if you are an individual who was directly or indirectly notified by Defendant BCHP that your Private Information may have been impacted in the Data Incident.

Excluded from the Settlement Class are all persons who are: (a) directors and officers of Defendants; (b) the Judge assigned to the Action, that Judge's immediate family; (c) Court staff; and (d) any Settlement Class Member who validly and timely requests to be excluded from the Settlement.

6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, you may call toll-free **(833) 890-4816** with questions. You may also write with questions to:

Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

THE SETTLEMENT CLASS MEMBER BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

The Settlement provides the following Settlement Class Member Benefits available to Settlement Class Members who submit Valid Claims: either (a) Cash Payment A – Documented Losses, up to \$5,000 per Settlement Class Member, with supporting documentation; or (b) Cash Payment B – Undocumented Cash Claim – an estimated \$100 Cash Payment (this value may be increased or decreased based on the number of Valid Claims received); and in addition to one Cash Payment, (c) Medical Data Monitoring for two (2) years of Cyex Medical Shield Medical Data Monitoring which will provide the following benefits: medical identity monitoring, real-time alerts, and insurance coverage for up to \$1,000,000 for medical identity theft.

8. What Settlement Class Member Benefits are available under the Settlement?

Settlement Class Members that submit a valid and timely Claim Form may select from the following Settlement Class Member Benefits:

- a) **Cash Payment A - Documented Losses:** Settlement Class Members may submit a Claim for up to a total of \$5,000 per Settlement Class Member, upon submission of a Valid Claim **and supporting documentation.**
 - To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A – Documented Losses on the Claim Form attesting under penalty of perjury to incurring documenting losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses. This can include receipts or other documentation not “self-prepared” by the Claimant that document the costs incurred. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source,

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including compensation provided in connection with the identity protection and credit monitoring services offered as part of the notification letter provided by Defendants or otherwise. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her Claim, the Claim will be converted in to a “Cash Payment B – Undocumented Cash Claim.

OR

- b) **Cash Payment B – Undocumented Cash Claim:** Instead of Cash Payment A – Documented Losses above, a Settlement Class Member may elect to receive Cash Payment B – Undocumented Cash Claim. Counsel for the Settlement Class estimates the Cash Payment B – Undocumented Cash Claim to be approximately \$100;

Pro Rata Increase or Decrease for Cash Payments

Cash Payment B – Undocumented Cash Claims will be subject to a *pro rata* increase up to a maximum amount of \$350 per Claim in the event the amount of Valid Claims is insufficient to exhaust the entire Settlement Fund. Similarly, in the event the amount of Valid Claims exhausts the Settlement Fund, the amount of the Cash Payment B- Undocumented Claims will be reduced *pro rata* accordingly. For purposes of calculating the *pro rata* increase or decrease, the Settlement Administrator will distribute the funds in the following order: (1) Settlement Administration Costs; (2) any Service Awards approved by the Court; (3) attorneys fees’ and costs approved by the Court; (4) Medical Data Monitoring; (5) Cash Payment A – Documented Losses; and (6) Cash Payment B – Undocumented Cash Claims. Any *pro rata* increases or decreases to Cash Payment B – Undocumented Cash Claims will be on an equal percentage basis.

AND

In addition to electing a Cash Payment, Settlement Class Members may also elect:

- c) **Medical Data Monitoring:** Settlement Class Members may elect to receive two (2) years of Cyex Medical Shield Medical Data Monitoring. Medical Data Monitoring will provide the following benefits: medical identity monitoring, real-time alerts, and insurance coverage for up to \$1,000,000 for medical identity theft.

HOW DO YOU SUBMIT A CLAIM?

9. How do I get a Settlement Class Member Benefit?

To receive a Settlement Class Member Benefit, you must complete and submit a Claim Form online at **www.BCHPSettlement.com** or by mail to *Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.*, c/o Kroll Settlement Administration LLC, P.O. Box 225391, New York, NY 10150-5391. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by **November 25, 2025** or by mail **postmarked by November 25, 2025**.

TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR VALID CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT WWW.BCHPSETTLEMENT.COM

Questions? Go to www.BCHPSettlement.com or call toll-free (833) 890-4816.

10. When will I get my Settlement Class Member Benefit?

The Court will hold a Final Approval Hearing on **Wednesday, December 10, 2025, at 9:30 a.m. ET** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving them can take time. It also takes time for all of the Claim Forms to be processed. Please be patient. Cash Payments and Medical Data Monitoring will begin after the Settlement has obtained Court approval and the time for all appeals has expired.

11. What am I giving up as part of the Settlement?

Defendants and related parties, including Boston Children's Hospital and the Children's Medical Center Corporation, will receive a Release from all claims that could have been or that were brought against Defendants or related parties relating to the Data Incident. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendants and each entity which is controlled by, controlling or under common control with Defendants and each entity which is controlled by, controlling or under common control with Defendants and their past, present, and future direct and indirect heirs, assigns, associates, corporations, investors, owners, parents, subsidiaries, affiliates, divisions, officers, directors, shareholders, members, agents, servants, employees, partners, attorneys, insurers, reinsurers, benefit plans, predecessors, successors, managers, administrators, executors, and trustees and assigns of each of them as well as covered entities associated with the Data Incident. These Releases are described in Section XIII of the Settlement Agreement, which is available at **www.BCHPSettlement.com**. If you have any questions, you can talk to the law firms listed in **Question 17** for free or you can talk to your own lawyer.

EXCLUDING YOURSELF FROM OR OPTING-OUT OF THE SETTLEMENT

If you do not want to be part of the Settlement, then you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as "opting-out" of the Settlement Class.

12. If I exclude myself, can I get a Settlement Class Member Benefit from this Settlement?

No. If you exclude yourself, you will not be entitled to receive any benefits from the Settlement.

13. If I do not exclude myself, can I sue the Released Parties for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendants and any other Released Parties for any claim that could have been or was brought relating to the Data Incident. You must exclude yourself from the Settlement to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case.

14. How do I exclude myself from the Settlement?

To exclude yourself, send a request to opt-out or written notice of intent to opt-out that says you want to be excluded from the Settlement. The request to opt-out must be personally signed by the Settlement Class Member and contain the requestor's name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement Class. Any Settlement Class Member who does not timely and validly request to opt-out shall be bound by the terms of the Settlement Agreement even if that Settlement Class Member does not submit a Claim Form. You must mail your request to opt-out to the Settlement Administrator **postmarked by November 10, 2025**, to:

Questions? Go to www.BCHPSettlement.com or call toll-free (833) 890-4816.

Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

OBJECTING TO THE SETTLEMENT

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

You can tell the Court that you do not agree with the Settlement, and/or Application for Attorneys' Fees, Costs, and Service Awards or some part of it by objecting to the Settlement. For an objection to be a valid objection under the Settlement, it must be filed with the Court, and sent by U.S. Mail to Class Counsel, Defendants' Counsel, and the Settlement Administrator at the addresses listed below, postmarked by **no later than November 10, 2025**.

Defendants' Counsel	Class Counsel
For BCHP Casie Collignon Baker & Hostetler LLP 1801 California Street Suite 4400 Denver, Colorado 80202 ccollignon@bakerlaw.com For ATSG Christopher Dean McDonald Hopkins LLC 600 Superior Avenue, East Suite 2100 Cleveland, Ohio 44114 cdean@mcdonaldhopkins.com	Jeff Ostrow Kopelowitz Ostrow P.A. One West Las Olas Blvd. Suite 500 Fort Lauderdale, Florida 33301 ostrow@kolawyers.com Jean S. Martin Morgan and Morgan P.A. 201 N. Franklin Street, 7th Floor Tampa, Florida 33602 jeanmartin@forthepeople.com Christian Levis Lowey Dannenberg, P.C. 44 South Broadway White Plains, New York 10601 clevis@lowey.com
Clerk of the Court	Settlement Administrator
Clerk of the Court 111 Dr. Martin Luther King Jr. Blvd White Plains, NY 10601	<i>Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.,</i> c/o Kroll Settlement Administration LLC P.O. Box 225391 New York, NY 10150-5391

Your objection must be written and must include all of the following:

- i) the objector's full name, mailing address, telephone number, and email address (if any);
- ii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- iii) the number of times the objector has objected to a class action settlement within the five (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;
- iv) the identity of all counsel (if any) who represent the objector, including any former or current counsel who may claim an entitlement to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
- v) 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 (5) years;
- vi) the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- viii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- ix) the objector's signature (an attorney's signature is not sufficient).

16. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like the Settlement or parts of it and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any Settlement Class Member Benefit from the Settlement.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed Christian Levis of Lowey Dannenberg, P.C., Jean S. Martin of Morgan and Morgan P.A. and Jeff Ostrow of Kopelowitz Ostrow P.A., as Class Counsel to represent the Settlement Class in Settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the Class Counsel be paid?

Class Counsel shall apply to the Court for an award of Attorneys' Fees of up to one-third of the Settlement Fund plus reimbursement of reasonable costs. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Questions? Go to www.BCHPSettlement.com or call toll-free (833) 890-4816.

Class Counsel will include a request for a Service Award to the Class Representatives in recognition for their contributions to this Action not to exceed \$2,500 per Class Representative, from the Settlement Fund.

Any Application for Attorneys' Fees, Costs, and Service Award payments must be approved by the Court. The Court may award less than the amounts requested.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **Wednesday, December 10, 2025, at 9:30 a.m. ET**, at the Westchester County Supreme Court of the State of New York, 111 Dr. Martin Luther King Jr. Blvd, White Plains, NY 10601, Room 105, as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, the Court will consider them and will listen to people who have asked to speak at the Final Approval Hearing if such a request has been properly made. The Court will also rule on the Application for Attorneys' Fees, Costs, and Service Awards payments. After the Final Approval Hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The Final Approval Hearing may be moved to a different date or time without additional notice, so Class Counsel recommends checking the Settlement Website **www.BCHPSettlement.com**, or calling toll-free **(833) 890-4816**.

20. Do I have to attend the Final Approval Hearing?

No. Class Counsel will present the Settlement Class to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in **Question 15**, the Court will consider it.

21. May I speak at the Final Approval Hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file an objection according to the instructions in **Question 15**, including all the information required. Your objection must be **mailed** to the Clerk of the Court, Class Counsel, Defendants' Counsel and the Settlement Administrator, at the mailing addresses listed above, **postmarked by no later than November 10, 2025**.

IF YOU DO NOTHING

22. What happens if I do nothing?

If you do nothing, you will not receive any Settlement Class Member Benefits from this Settlement. If the Settlement is granted Final Approval and becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the other Released Parties based on any claim that could have been or that was brought relating to the Data Incident.

ADDITIONAL INFORMATION

23. How do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at **www.BCHPSettlement.com**. You may also call the Settlement Administrator with questions or to receive a Claim Form at **(833) 890-4816**.

24. What if my contact information or mailing address changes?

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below, calling toll-free **(833) 890-4816** or at the Contact page of the Settlement Website:

Wahab, et al. v. Boston Children's Health Physicians, LLP, et al.
c/o Kroll Settlement Administration LLC

P.O. Box 225391

New York, NY 10150-5391

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT, BCHP, OR ATSG,
DEFENDANTS' COUNSEL FOR INFORMATION ABOUT THE CLASS ACTION
SETTLEMENT**