



United States District Court, District of Massachusetts
Smith et al. v. ZOLL Medical Corporation, Case No. 1:23-cv-10575

Class Action Settlement Notice

*Authorized by the U.S. District Court
District of Massachusetts*

Your information may have been exposed in a cybersecurity incident experienced by ZOLL Medical Corporation.

There is a \$3,500,000.00 cash settlement of a lawsuit. You may be entitled to money.

To be part of this Settlement, you must respond by September 2, 2026. You can visit www.HeartDeviceDataSettlement.com to learn more.

Key things to know:

- This is an important legal document.
- If you take no action and are a Settlement Class Member, you will still be bound by the Settlement, and your rights will be affected. ***Please read this Notice carefully and completely.***
- If you have questions or need assistance, please call 1-844-518-0188.
- You can learn more at www.HeartDeviceDataSettlement.com.

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About This Notice

1) Why did I get this Notice?

This Notice is to tell you about the settlement of a class action lawsuit, *Smith et al. v. ZOLL Medical Corporation*, which is pending in the United States District Court for the District of Massachusetts. A proposed settlement has been reached in the lawsuit involving ZOLL Medical Corporation (the “Defendant”) relating to the alleged unauthorized access to Defendant’s internal computer network, which may have included Personal Information (the “Data Incident”). **You received this Notice because you may be a member of the group of people who received notice of the Data Incident, called the “Settlement Class.”** This Notice gives you a summary of the terms of the proposed settlement agreement, explains what rights Settlement Class Members have, and helps class members make informed decisions about what action to take.

2) What do I do next?

Read this Notice to understand the Settlement and to determine if you are a class member. Then, decide if you want to:

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.HeartDeviceDataSettlement.com .	September 2, 2026
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the Settlement and receive no benefits. This is the only option that potentially allows you to ever be part of any other lawsuit against Defendant or any other Released Persons about the legal claims related to the Data Incident issues raised in this Litigation, subject to any defenses Defendant may have to such claims, including the statutes of limitations. You can hire your own legal counsel at your own expense.	August 3, 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. You may also object to Class Counsel’s attorneys’ fees and expense request, and ask the Court for permission to speak about your objection at the Final Approval Hearing.	August 3, 2026

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
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 Defendant or the Released Persons related to the legal claims resolved by this Settlement.	No Deadline

The Court in charge of this case still has to decide whether to approve the Settlement.

Read on to understand the specifics of the Settlement and what each choice would mean for you.

3) What are the most important dates?

Your deadline to object or opt out: **August 3, 2026**

Settlement approval hearing: **September 10, 2026**

Your deadline to submit a Claim Form: **September 2, 2026**

Basic Information

4) What is this lawsuit about?

This lawsuit concerns the alleged unauthorized access to Defendant's internal computer network, which may have included Personal Information. Defendant denies all claims alleged against it and denies all charges of wrongdoing or liability. The Settlement is not an admission of wrongdoing or an indication that Defendant has violated any laws, but rather the resolution of disputed claims.

5) 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 known as "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 of the Settlement.

6) Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Plaintiffs and Defendant 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. Plaintiffs and their attorneys think the Settlement is best for all Settlement Class Members.

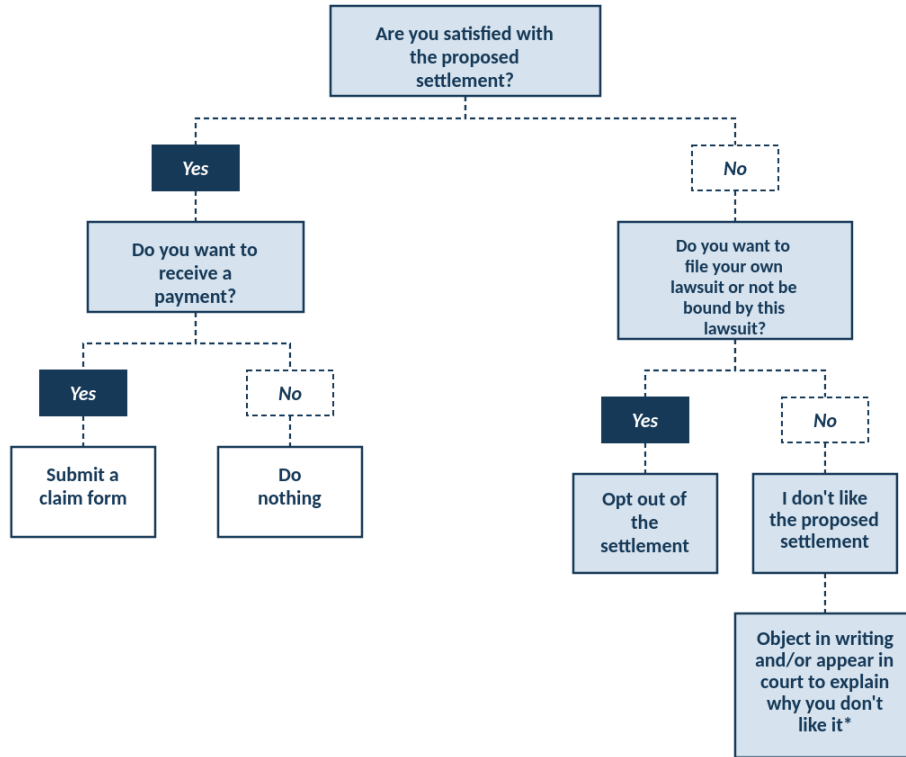
7) How do I weigh my options?

You have four options. You can stay in the Settlement and submit a claim, you can opt out of the Settlement, you can object to the Settlement, or you can do nothing. This chart shows the effects of each option:

	Submit a Claim	Opt Out	Object	Do Nothing
Can I receive Settlement money if I . . .	YES	NO	YES	NO
Am I bound by the terms of this lawsuit if I . . .	YES	NO	YES	YES
Can I pursue my own case if I . . .	NO	YES	NO	NO
Will the class lawyers represent me if I . . .	YES	NO	NO	YES

8) What is the best path for me?

The chart below can help you decide:



**You can object to the Settlement AND submit a Claim Form to receive payment, but you must submit a Claim Form to receive payment.*

Who is in the Settlement?

9) Who is included in the Settlement?

The Settlement Class is defined as: All living persons who reside in the United States and to whom Defendant issued notice of the Data Incident that certain Personal Information was impacted in the Data Incident.

10) Are there exceptions to being included?

Yes. The Settlement Class specifically excludes: (i) Defendant and its officers and directors; (ii) all Persons who timely and validly request exclusion from the Settlement Class; and (iii) the Judge assigned to evaluate the fairness of this Settlement.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by contacting the Settlement Administrator by mail, email, or by calling toll-free.

ZOLL Data Settlement

P.O. Box 4089

Baton Rouge, LA 70821

info@HeartDeviceDataSettlement.com

1-844-518-0188

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

The Settlement Benefits

11) What does the Settlement provide?

The Settlement provides for the creation of a \$3,500,000.00 Settlement Fund to pay for: (i) Valid *Pro Rata* Cash Claims; (ii) Valid Out-of-Pocket Loss Claims; (iii) tax and tax-related expenses; (iv) attorneys' fees; (v) Class Counsel's litigation expenses; (vi) costs of Settlement Administration; and (vii) Service Awards to Class Representatives. The Settlement benefits are summarized below. Visit www.HeartDeviceDataSettlement.com for a full description of these benefits.

Settlement Class Members may submit claims for compensation for Out-of-Pocket Losses, and either a *pro rata* payment for Settlement Class Members whose Social Security number were not impacted in the Data Incident ("Non-SSN Subclass Members") or a two-times *pro rata* payment for Settlement Class Members whose Social Security numbers were potentially impacted in the Data Incident, as reflected in the notice of the Data Incident sent to such class members by Defendant ("SSN Subclass Members").

Compensation for Out-of-Pocket Losses. Settlement Class Members can submit a claim for up to a total of \$5,000 per person for Out-of-Pocket Losses incurred as a result of the Data Incident, including, without limitation: (i) costs, expenses, losses, or charges incurred as a result of identity theft or identity fraud or other misuse of a Settlement Class Member's Personal

Information; (ii) costs associated with accessing or freezing/unfreezing credit reports with any credit reporting agency; (iii) miscellaneous expenses such as notary, postage, copying, mileage, and other charges; and (iv) charges for credit monitoring or other mitigative expenditures incurred as a result of the Data Incident.

Settlement Class Members submitting claims for Out-of-Pocket Losses must submit sufficient documentation and an attestation supporting their claims. This can include receipts or other documentation that document the costs incurred but does not include documentation that is “self-prepared” by the claimant. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support to other submitted documentation. The attestation must state that the monetary losses are fairly traceable to the Incident and were not incurred due to some other event or reason.

The Settlement Administrator will review the information submitted to determine if it is sufficient to support a Valid Claim. If a Claim Form is incomplete, unsigned or is not supported by sufficient documentation, the Settlement Administrator will provide Claimants with 14 days to correct the issue or provide supplemental information before determining the claim is not valid.

Pro Rata Cash Claim Payment. All Settlement Class Members are eligible to make a claim for a cash payment from the Settlement Fund. The Settlement Fund will first be used to pay taxes and tax-related expenses, then Costs of Settlement Administration, then Service Awards to the Class Representatives, then Class Counsel’s attorneys’ fees and expenses as may be awarded by the Court, then Valid Out-of-Pocket Loss Claims. The remainder will be known as the Net Settlement Fund. The Settlement Administrator will make payments from the Net Settlement Fund on a *pro rata* basis to the Class Members who submit a Valid Claim for a Pro Rata Cash Claim, weighted such that SSN Subclass Members will receive two (2) shares per Valid Claim and Non-SSN Subclass Members will receive one (1) share per Valid Claim.

SSN Subclass Members are Settlement Class Members whose Social Security numbers were potentially impacted in the Data Incident, as reflected in the notice of the Data Incident sent to such Class Members by Defendant. Non-SSN Subclass Members are Class Members whose Social Security numbers were not impacted in the Data Incident. The Settlement Administrator will confirm whether Class Members are SSN Subclass Members or Non-SSN Subclass Members before distribution of pro rata shares.

The estimated *Pro Rata* Cash Claim Payment for SSN Subclass Members is \$100. The estimated *Pro Rata* Cash Claim Payment for Non-SSN Subclass Members is \$50.

12) 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 Defendant or the Released Persons about any of the legal claims this Settlement resolves. The “Releases” section of the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement is available for review at www.HeartDeviceDataSettlement.com.

Submitting a Claim Form for Settlement Benefits

13) How do I submit a claim for a Settlement benefit?

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

ZOLL Data Settlement

P.O. Box 4089

Baton Rouge, LA 70821

You may also contact the Settlement Administrator to request a Claim Form by calling toll-free 1-844-518-0188, by emailing info@HeartDeviceDataSettlement.com, or by writing to the address above.

14) What is the deadline for submitting a claim?

If you are submitting a Claim Form online, you must do so by September 2, 2026. If you are submitting a claim by U.S. mail, the completed and signed Claim Form, along with any supporting documentation, must be mailed so it is postmarked no later than September 2, 2026.

15) When will the Settlement benefits be issued?

The Court will hold a Final Approval Hearing on September 10, 2026 at 2:30 p.m. ET. 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 if the Court grants final approval of the Settlement and after any appeals are resolved, or after the period to seek an appeal has expired.

The Lawyers Representing You

16) Do I have a lawyer in the case?

Yes, the Court appointed Jean S. Martin of Aylstock Witkin Kreis & Overholtz PLC to represent you and other Settlement Class Members as Class Counsel.

Jean S. Martin

Aylstock Witkin Kreis & Overholtz PLC

17 E. Main Street, Suite 200

Pensacola, FL 32502

Telephone: 850-202-1010

jmartin@awkolaw.com

17) Should I get my own lawyer?

You will not be charged for Class Counsel's services. If you want to be represented by your own lawyer, you may hire one at your own expense.

18) How will Class Counsel be paid?

Class Counsel will file an application for an award of attorneys' fees to be paid from the Settlement Fund of up to one-third of the Settlement Fund. Class Counsel will also seek an award for payment of reasonable litigation expenses, in addition to any attorneys' fee award.

Class Counsel's application for an award of attorneys' fees will be available at www.HeartDeviceDataSettlement.com after it is filed with the Court.

Excluding Yourself from the Settlement

19) 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, if any, to separately sue Defendant about the legal issues in this case (subject to any defenses Defendant may have to such a suit, including the statutes of limitations), there are steps that you must take to exclude yourself from the Settlement Class. This is called requesting an

exclusion from, or “opting out” of the Settlement Class. The deadline to submit a request for exclusion from the Settlement is August 3, 2026.

To exclude yourself from the Settlement, you must submit a written request for exclusion that includes the following information:

- Settlement Class Member’s full name;
- personal signature; and
- the words “Request for Exclusion” or a comparable statement that the individual does not wish to participate in the Settlement, or some other clear manifestation of the intent to opt out of the Settlement.

Your request for exclusion must be mailed to the Settlement Administrator at the address below, **postmarked no later than August 3, 2026**.

ZOLL Data Settlement

P.O. Box 4089

Baton Rouge, LA 70821

If you exclude yourself, 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 exclude yourself.

You may only exclude yourself—not any other person. **Any Settlement Class Member who does not file a timely request for exclusion in accordance with this section will lose the opportunity to exclude himself or herself from the Settlement and will be bound by the Settlement.**

Commenting on or Objecting to the Settlement

20) How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class Member and you do not like the Settlement, you can object to it, if you choose. You can give reasons why you think the Court should not approve it. The Court will consider your views.

For an objection to be a valid objection under the Settlement, it must include or substantially comply with the following: (a) the objector’s full name and address; (b) the case name and docket number, Smith v. ZOLL Medical Corporation, Case No. 1:23-CV-10575, pending in the United States District Court of Massachusetts, Eastern Division; (c) information identifying the objector as a Class Member, including proof that the objector is a member of the Settlement Class (e.g., copy of the objector’s settlement notice, copy of original notice of the Data Incident, or a statement explaining why the objector believes he or she is a Class Member); (d) a written

statement of the specific grounds for the objection, accompanied by any documents supporting the objection; (e) the identity of any attorneys representing the; (f) a statement whether the objector (or his /her attorney) intends to appear at the Final Approval Hearing; and (g) the objector's signature or the signature of the objector's attorney.

To be timely, an objection must be mailed to Jean S. Martin of Aylstock Witkin Kreis Overholtz PLC as Class Counsel; and Gilbert S. Keteltas of Baker & Hostetler LLP as Counsel for Defendant, so it is postmarked no later than **August 3, 2026**. Objections may also be filed with the Court through the Court's ECF system or by submitting them to the Clerk of Court, with service on Class Counsel and Defendant's Counsel made through the ECF system.

21) 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

22) When is the Court's Final Approval Hearing?

The Court will hold a Final Approval Hearing on **September 10, 2026 at 2:30 p.m. ET**, in the John Joseph Moakley U.S. Courthouse, located at 1 Courthouse Way, Boston, Massachusetts 02210.

At the Final Approval Hearing, the Court will consider whether to approve the Settlement, Class Counsel's application for attorneys' fees and expenses, and Plaintiffs' application for Service Awards. The Court will also consider any objections to the Settlement that were submitted in accordance with the requirements outlined in **Question 20**, above.

If you are a Settlement Class Member, you or your attorney may ask permission to speak at the hearing at your own cost (**See Question 20**).

The date and time of this hearing may change without further notice. Please check www.HeartDeviceDataSettlement.com for updates.

23) 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. If you file an objection, you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but such attendance is not necessary.

If I Do Nothing

24) What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up the rights described in **Question 12**, including your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against Defendant and the Released Persons about the legal issues resolved by this Settlement. In addition, if you do nothing, you will not receive any benefits from this Settlement.

Getting More Information

25) 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.HeartDeviceDataSettlement.com.

If you have additional questions, you may contact the Settlement Administrator by mail, email, or by calling toll-free.

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Publicly filed documents can also be obtained by visiting the office of the Clerk of the Court, located at John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210.

DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING QUESTIONS ABOUT THIS SETTLEMENT.