

IN THE STATE OF ILLINOIS, FOURTEENTH JUDICIAL CIRCUIT FOR
WHITESIDE COUNTY, CHANCERY DIVISION

Heath, et al. v. Steel River Systems, LLC., Case No. 2023-LA-000006

**If Steel River Systems, LLC notified you of a Data Incident which occurred
in or around July 2022,
you may be eligible for benefits from a class action settlement.**

A court authorized this Notice. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit against Steel River Systems, LLC (“Steel River” or “Defendant”) concerning an alleged data security incident affecting Defendant which occurred in or around July 2022 (the “Data Incident”).
- The lawsuit is called *Heath et al. v. Steel River Systems, LLC., Case No. 2023-LA-000006* (the “Action”). The lawsuit alleges that the Data Incident exposed certain personal information of Plaintiffs and the members of the putative class.
- The Settlement Class includes all individuals who were sent notification by Defendant that their personal information was or may have been compromised in the Data Incident. It excludes: (i) Steel River and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the Judge assigned to evaluate the fairness of this settlement; (iv) the attorneys representing the Settling Parties in the Litigation; and (v) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.
- Your legal rights are affected regardless of whether you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	This is the only way you may receive benefits from this Settlement. The deadline to submit a Claim Form is December 21, 2023 .
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will receive no payment, but you will retain any rights you currently have with respect to Defendant and the issues in this case. The deadline to exclude yourself from the Settlement is December 21, 2023 .
OBJECT TO THE SETTLEMENT	Write to the Court explaining why you do not agree with the Settlement. The deadline to object is December 21, 2023 .
ATTEND THE FINAL APPROVAL HEARING	You or your attorney may attend and speak about your objection at the Final Approval Hearing. The Final Approval Hearing will be held on December 15, 2023 at 10:00 a.m. (Central Time)
DO NOTHING	You will not get any benefits from the Settlement and you will give up certain legal rights. You will remain in the Settlement Class and be subject to the Release.

- These rights and options, and the deadlines to exercise them, are explained in this Notice. For complete details, please see the Settlement Agreement, whose terms control, available at www.SRSDataBreachSettlement.com.
- The Court in charge of this case still has to decide whether to approve the Settlement. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

BASIC INFORMATION

1. What is this Notice and why should I read it?

The Court authorized this Notice to inform you about a proposed Settlement with Defendant. The case is called *Heath et al. v. Steel River Systems, LLC.*, Case No. 2023-LA-000006. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Plaintiffs and Class Representatives Jay D. Heath, Beverly Stoll, Amber Bower, and Joel Courtney—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class.

3. What is this lawsuit about?

Plaintiffs claim that Defendant failed to implement and maintain reasonable security measures to adequately protect the personal information and/or protected health information in its possession and to prevent the Data Incident from occurring.

Defendant denies that it is liable for the claims made in the lawsuit and deny any allegations of wrongdoing. More information about the complaint in the lawsuit can be found on the Settlement Website, at www.SRSDataBreachSettlement.com.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or Defendant should win this case. Instead, both sides agreed to this Settlement. That way, they can avoid the uncertainty, risks, and expense of ongoing litigation, and Settlement Class Members will be eligible to get compensation now rather than years later—if ever. The Class Representatives and attorneys for the Settlement Class Members, called Class Counsel, agree the Settlement is in the best interests of the Settlement Class Members. The Settlement is not an admission of wrongdoing by the Defendant.

WHO'S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

You are part of the Settlement as a Settlement Class Member if you received a notification letter from Defendant stating that your personal information and/or protected health information was or may have been compromised in the Data Incident.

Settlement Class Members will have been mailed notice of their eligibility. If you are still not sure whether you are included, you can contact the Settlement Administrator by calling **1-888-510-2130**, by emailing SRSDataBreachSettlement@cptgroup.com, or by visiting the Settlement Website, at www.SRSDataBreachSettlement.com.

This Settlement Class does not include (i) Steel River and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the Judge assigned to evaluate the fairness of this settlement; (iv) the attorneys representing the Settling Parties in the Litigation; and (v) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing,

aiding, or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

- Under the proposed Settlement, Defendant will pay (or cause to be paid) up to \$200,000 in monetary benefits, as well as equitable relief in the form of data security enhancements. Separate and apart from the funds used to provide monetary and equitable relief, Defendant will also pay notice and administration costs, Court-approved attorneys' fees and costs, Court-approved service awards for class representatives.

- **MONETARY RELIEF**

- **Reimbursement for Lost Time and Ordinary Out-of-Pocket Losses:** If you spent time responding to the Data Incident, you may be eligible to receive compensation for Lost Time. If you incurred financial losses that are fairly traceable to the Data Incident, you may be eligible to receive reimbursement for out-of-pocket losses. Reimbursement for lost time and ordinary out-of-pocket losses are capped at \$310 per claimant.

A. Out-of-Pocket Losses: A claim for reimbursement may include, but are not limited to the following provided the expenses were incurred primarily as a result of the Data Incident: (i) unreimbursed bank fees; (ii) long distance telephone charges; (iii) cell minutes (if charged by minute), Internet usage charges (if charged by the minute or by the amount of data usage and incurred solely as a result of the Data Incident), and text messages (if charged by the message and incurred solely as a result of the Data Incident); (iv) postage; (v) gasoline for local travel; (vi) costs of credit report(s) purchased by Settlement Class Members between July 16, 2022 and the Claims Deadline (with reasonable documentation, proof of purchase, and an affirmative statement by Settlement Class Member that it was purchased primarily because of the Data Incident, including, if purchased prior to December 15, 2022, identification of a fraudulent charge caused by the Data Incident that prompted the purchase); and (vii) costs of credit monitoring purchased by Settlement Class Members between July 16, 2022 and the Claims Deadline (with reasonable documentation, proof of purchase, and an affirmative statement by Settlement Class Member that it was purchased primarily because of the Data Incident and not for other purposes, including, if purchased prior to December 15, 2022, identification of a fraudulent charge caused by the Data Incident that prompted the purchase).

B. Lost Time: A claim for reimbursement may also include a claim for up to 3 hours of time spent in response to the Data Incidents, but only if at least one full hour was spent. Lost Time will be compensated at \$25.00/hour and requires a brief description of the action taken in response to the Data Incident and the time associated with those actions.

- **Reimbursement for Extraordinary Expenses:** Settlement Class Members may also make a claim for up to \$5,000 in extraordinary expense reimbursements. Extraordinary expenses must be documented and are compensable if: a) it is an actual, documented, and unreimbursed monetary loss; (b) was more likely than not caused by the Data Incident; (c) occurred during the time period from July 16, 2022, through and including the end of the Claims Deadline; (d) is not an amount already covered by one or more of the categories in Section IV ¶ 2.1 of the Settlement Agreement; and (e) the claimant made reasonable efforts to avoid or seek reimbursement for the loss, including but not limited to exhaustion of all available credit monitoring insurance and identity theft insurance.

- **Equitable Relief:** Defendant has also agreed to implement, continue, and maintain certain data security measures for a period of one year following final approval of the settlement.

- For complete details, please see the Settlement Agreement, whose terms control, at www.SRSDataBreachSettlement.com.

HOW TO GET BENEFITS

7. How do I make a Claim?

To qualify for a Settlement benefit, you must complete and submit a Claim Form.

Settlement Class Members who want to submit a Claim must fill out and submit a Claim Form online at the Settlement Website at, www.SRSDataBreachSettlement.com, or by mail to the Settlement Administrator. Claim Forms are available through the Settlement Website at, www.SRSDataBreachSettlement.com or by calling 1-888-510-2130.

All Claim Forms must be submitted no later than December 21, 2023.

8. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for **December 15, 2023**. If the Court approves the Settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will be sent payment after all appeals and other reviews, if any, are completed. Please be patient.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

Yes, the Court has appointed Mason LLP and Cole & Van Note as “Class Counsel” to represent you and all Settlement Class Members. You will not be charged for these lawyers. You can ask your own lawyer to appear in Court for you at your own expense if you want someone other than Class Counsel to represent you.

10. How will the lawyers be paid?

To date, Class Counsel has not received any payment for their services in conducting this litigation on behalf of the Class and have not been paid for their out-of-pocket expenses. Class Counsel will ask the Court for an award of attorneys’ fees and for the reimbursement of litigation costs and expenses which were incurred in connection with the Action not to exceed \$123,750. Such sums as may be approved by the Court will be paid by Defendant separate and apart from the funds available for class monetary relief and equitable relief.

Class Counsel will also request a service award payment of \$1,250.00 for each Plaintiff Representative to be paid from the Settlement Fund.

The Court will determine the proper amount of any attorneys’ fees, costs, and expenses to award Class Counsel and the proper amount of any service awards to the Plaintiff Representatives.

Class Counsel will file their request for attorneys’ fees, costs, and expenses and service awards for the Plaintiff Representatives with the Court, which will also be posted on the Settlement Website, at www.SRSDataBreachSettlement.com.

YOUR RIGHTS AND OPTIONS

11. What claims do I give up by participating in this Settlement?

If you do not exclude yourself from the Settlement, you will not be able to sue Defendant about the Data Incident, and you will be bound by all decisions made by the Court in this case, the Settlement, and its included Release. This is true regardless of whether you submit a Claim Form. However, you may exclude yourself from the

Settlement (*see* Question 14). If you exclude yourself from the Settlement, you will not be bound by any of the Released Claims, which are described in the Settlement Agreement available on the Settlement Website, at www.SRSDataBreachSettlement.com.

12. What happens if I do nothing at all?

If you do nothing, you will receive no benefits under the Settlement. You will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court, the Settlement, and its included Release. You will be deemed to have participated in the Settlement and will be subject to the provisions of Section 11 above. Unless you exclude yourself, you won't be able to file a lawsuit or be part of any other lawsuit against Defendant for the claims or legal issues released in this Settlement.

13. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no benefits under the Settlement. However, you will not be in the Settlement Class and will not be legally bound by the Court's judgments related to the Settlement Class and Defendant in this class action.

14. How do I ask to be excluded?

You can ask to be excluded from the Settlement. To do so, you must send a written statement to the Settlement Administrator stating that you want to be excluded from the Settlement in *Heath et al. v. Steel River Systems, LLC*, Case No. 2023-LA-000006. Your written notification must include: (1) the name of the proceeding; (2) your full name and current address; (3) your signature; and (4) the words "Request for Exclusion" or a comparable statement that you not wish to participate in the Settlement at the top of the communication. You must mail your exclusion request, postmarked no later than **December 21, 2023**, to the following address:

Steel River Settlement Administrator
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

You cannot exclude yourself by phone or email. Any individual who wants to be excluded from the Settlement must submit his or her own exclusion request. No group opt-outs shall be permitted.

15. If I don't exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant for the claims or legal issues released in this Settlement, even if you do nothing.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for any benefits.

17. How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you do not agree with any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a written objection with the Clerk of Court stating that you object to the Settlement in *Heath et al. v. Steel River Systems, LLC*, Case No. 2023-LA-000006. Your objection must be filed no later than **December 21, 2023**.

The objection must include (i) the objector’s full name, address, telephone number, and e-mail address (if any); (ii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class; (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (iv) the identity of all counsel representing the objector; (v) a statement whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; (vi) the objector’s signature and the signature of the objector’s duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation); and (vii) a list, by case name, court, and docket number, of all other cases in which the objector and/or the objector’s counsel has filed an objection to any proposed class action settlement within the last three (3) years.

You must file the objection with the Clerk of Court at the address listed below, and concurrently serve your objection on Class Counsel and Counsel for Steel River, postmarked no later than **December 21, 2023**. The addresses for Class Counsel and Counsel for Steel River are:

Class Counsel

Gary E. Mason
Mason LLP
5335 Wisconsin Ave. NW, Ste. 640
Washington, D.C. 20015
T: 202.429.2290

Scott Cole
Cole & Van Note
555 12th Street, Suite 1725
Oakland, CA 94607
T: 510.891.9800

Counsel for Steel River

Paul G. Karlsgodt
Baker & Hostetler LLP
1801 California Street, Ste. 4400
Denver, CO 80202
T: 303.764.4013

The address for the Court is:

Circuit Court for Whiteside County
200 East Knox Street
Morrison IL 61270

18. What’s the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself from the Settlement Class is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT’S FINAL APPROVAL HEARING

19. When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the Final Approval Hearing on **December 15, 2023 at 10:00 a.m. (Central Time)** at the Courthouse located at 200 East Knox Street, Morrison, IL 61270 or Join Judge Heuerman Courtroom B Zoom Hearing via the court’s website <https://www.whitesidecountyil.gov/252/Whiteside-County-Courts-Zoom-Information> (meeting ID 854 4100 6493). The purpose of the hearing is for the Court to determine whether the

Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees, costs, and expenses and the service awards to Class Representatives.

The location, date and time of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the Settlement Website, at www.SRSDataBreachSettlement.com, or through the Court's publicly available docket. You should check the Settlement Website to confirm the date and time have not been changed.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. If your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. However, you may appear on your behalf or pay a lawyer to attend on your behalf to assert your objection if you would like.

21. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you (or your attorney) may appear and speak at the Final Approval Hearing concerning any part of the proposed Settlement.

GETTING MORE INFORMATION

22. Where can I get additional information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is available at www.SRSDataBreachSettlement.com or by writing to:

Steel River Settlement Administrator
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

23. How do I get more information?

Go to the Settlement Website, at www.SRSDataBreachSettlement.com, call 1-888-510-2130, email SRSDataBreachSettlement@cptgroup.com or write to Steel River Settlement Administrator, c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606.

You can also consult the Superior Court website by going to:

[HTTPS://WWW.WHITESIDECOUNTYIL.GOV/252/WHITESIDE-COUNTY-COURTS-ZOOM-INFORMATION](https://www.whitesidecountyil.gov/252/whiteside-county-courts-zoom-information)

PLEASE DO NOT CALL THE COURT, THE CLERK OF THE COURT, THE JUDGE, OR THE DEFENDANTS WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.