

**YOU HAVE RECEIVED THIS NOTICE BECAUSE YOUR PERSONAL INFORMATION WAS EXPOSED DURING A CYBERSECURITY INCIDENT ANNOUNCED BY LEHIGH VALLEY HEALTH NETWORK, INC. ON OR ABOUT FEBRUARY 22, 2023, AND YOU WERE PREVIOUSLY SENT A DATA BREACH NOTICE SO THAT YOU MAY RECEIVE MONEY FROM THIS CLASS ACTION SETTLEMENT.**

**A CLASS ACTION IS PENDING THAT MAY AFFECT YOUR LEGAL RIGHTS.  
PLEASE READ THIS NOTICE CAREFULLY**

- A \$65 million settlement (“Settlement Fund”) has been reached in a class action lawsuit brought in 2023 by Plaintiff Jane Doe (“Class Representative”) against Lehigh Valley Health Network, Inc. (“LVHN” or “Defendant”) in the Court of Common Pleas of Lackawanna County, Pennsylvania (the “Court”).
- The lawsuit alleges that Defendant failed to adequately protect patient data it received from patients and healthcare providers whose Personal Information was exposed during a data breach announced by Defendant on or about February 22, 2023. A Data Breach Notice was sent to each of the individuals who comprise the Settlement Class. A portion of certain Settlement Class Members’ Personal Information was published on the dark web by the perpetrator of the data breach, an entity known as BlackCat. Defendant denies doing any wrongdoing and further denies that the Settlement Class has a viable legal claim.
- You have been identified as a potential member of the Settlement Class. Each Settlement Class Member has been placed into one or more of four Relief Tiers as described in the Settlement Agreement. An independent Special Master allocated the Settlement Fund among the four Relief Tiers. The amount of the Settlement Fund allocated to each Relief Tier will be paid on a pro rata basis to Settlement Class Members up to a specific amount in the particular Relief Tier. Each Settlement Class Member has received a unique identifier to allow the Settlement Class Member to confidentially view the Relief Tier(s) into which they are placed and their estimated gross settlement payout. A Settlement Class Member can also submit a Claim Form for Out-of-Pocket Losses. All payments to Settlement Class Members, other than those for Out-of-Pocket Losses based on a Claim Form, shall be sent automatically after the Effective Date.
- The Settlement must be approved by the Court before any payment is issued from the Settlement Fund to any Settlement Class Member.
- Your rights regarding this Settlement, and the actions you can take, are explained in this Notice. You may also review the Settlement Website at [www.LVHNDataBreachSettlement.com](http://www.LVHNDataBreachSettlement.com) for updates and further details, or call 1-877-399-3230.

**PLEASE READ THIS NOTICE CAREFULLY AS IT DESCRIBES THE OPTIONS AVAILABLE TO YOU AND THE OUTCOME OF THE OPTION YOU PICK**

**1. What is this lawsuit about?**

The Class Representative filed this class action against Defendant on March 13, 2023, in the Court under the following caption: *Jane Doe, individually and on behalf of all others similarly situated, v. Lehigh Valley Health Network, Inc.*, Docket No. 23-cv-1149 (the “Action”). On or about February 22, 2023, Defendant announced that a data breach perpetrated by an entity known as BlackCat had occurred that affected certain systems at LVHN and exposed the Personal Information of Settlement Class Members. Some of this Personal Information for some of the Settlement Class Members was published on the dark web by BlackCat. The Action alleges Defendant failed to protect the Personal Information entrusted to it by Settlement Class Members and their healthcare providers.

Defendant disputes the Class Representative’s claims and denies any wrongdoing, but has agreed to enter this Settlement. This Settlement is the result of good-faith, arms-length negotiations between the Class Representative and Defendant through their respective attorneys. Both sides agree that, in light of the risks and expense associated with continued litigation, this Settlement is fair and appropriate under the circumstances, and it is in the best interests of the Settlement Class.

## 2. Why are you receiving this Notice?

You are receiving this Notice because you were sent a Data Breach Notice as a person whose Personal Information may have been exposed during a data breach announced by Defendant on or about February 22, 2023. As a Settlement Class Member, you have certain rights and options prior to the Court deciding whether to approve the Settlement. This Notice informs you of those rights and options and where additional information can be found.

## 3. What are the terms of the Settlement?

The Defendant agreed to pay \$65 million to create a Settlement Fund for payments to the Settlement Class as set forth in the Plan of Allocation and detailed in the Settlement Agreement. The Settlement Fund also provides for the payment of all Administrative Expenses, Attorneys' Fees and Costs to Class Counsel, and the Service Award for the Class Representative. Defendant shall establish the Settlement Fund under the terms of the Settlement Agreement in exchange for Settlement Class Members releasing the Released Parties for the Released Claims.

## 4. What will you receive from the Settlement?

Each Settlement Class Member is entitled to a payment from one or more of four Relief Tiers as described in the Settlement Agreement. An independent Special Master allocated the Settlement Fund among the four Relief Tiers. The amount of the Settlement Fund allocated to each Relief Tier will be paid on a pro rata basis to Settlement Class Members in each Relief Tier. The four Relief Tiers are as follows:

- Relief Tier One was allocated \$7,150,000 (11%) of the Settlement Fund that will be paid to all Settlement Class Members on a pro rata basis. In addition to this payment, a Settlement Class Member can file a Claim Form for Out-of-Pocket Losses up to \$5,000 (or a pro rata distribution if the aggregate Approved Claims exceed \$500,000) on or before November 3, 2024.
- Relief Tier Two was allocated \$1,300,000 (2%) of the Settlement Fund that will be paid, on a pro rata basis, to Settlement Class Members whose sensitive medical diagnosis information and/or sensitive employment data was published on the Dark Web by BlackCat.
- Relief Tier Three was allocated \$4,550,000 (7%) of the Settlement Fund that will be paid, on a pro rata basis, to Settlement Class Members whose images were published on the Dark Web by BlackCat, but do not qualify as Nude given the presence of an opaque covering.
- Relief Tier Four was allocated \$52,000,000 (80%) of the Settlement Fund that will be paid, on a pro rata basis, to Settlement Class Members whose Nude images were published on the Dark Web by BlackCat.

Each Settlement Class Member was sent a Summary Notice that included a unique identifier that allows the Settlement Class Member to confidentially view the Relief Tier(s) in which they were placed and an estimated gross payment to be made to the individual Settlement Class Member. Any uncollected payments from the four Relief Tiers shall be distributed pro rata to Settlement Class Members in Relief Tier Four through a supplemental distribution until less than \$50,000 remains. All payments are set forth in the Plan of Allocation and subject to a pro rata reduction for Administrative Expenses, the Service Award, and any Attorneys' Fees and Costs awarded by the Court.

## 5. What are you giving up to receive money and benefits of the Settlement?

If you do not exclude yourself from the Settlement Class by opting out (described in Question 6), and the Court approves the Settlement, in exchange for the payment to you as described in Question 4, you will forever release and discharge the Released Claims against the Released Parties.

### YOUR OPTIONS

## 6. How do you exclude yourself from the Settlement?

If you do not want to be a member of the Settlement Class and receive the payment identified in Question 4 in exchange for providing a release of the Released Claims to the Released Parties and wish to pursue an individual separate lawsuit over the issues in the lawsuit, then you must take affirmative steps to exclude yourself from this Settlement and the Settlement Class. This process is referred to as "opting out" of the Settlement Class. **To opt-out of the Settlement Class, you must mail a request to opt-out or exclude yourself from the Settlement and Settlement Class to the Settlement Administrator at P.O. Box 5178, Portland, OR 97208-5178 by October 21, 2024. If you do not timely opt-out, you will not be permitted to opt-out at a later date.**

## 7. If you opt-out, will you still get money from the Settlement?

No. If you timely opt-out as described in Question 6, you will not receive money from the Settlement, and you may bring an individual lawsuit against Defendant for your individual damages relating to the data breach. Defendant retains all available defenses to any separate lawsuit filed if you opt-out of the Settlement.

## 8. How do you object to the Settlement?

If you are a Settlement Class Member, you can submit written comments to the Court in support of, or in opposition to, the Settlement or any of the Settlement Agreement's terms. A written comment in opposition to the Settlement is called an "objection." To object, a Settlement Class Member must send their written objection to the Court and mail a copy of the objection on the Settlement Administrator and Counsel, identified below by October 21, 2024.

Class Counsel	Defense Counsel	Settlement Administrator
Patrick Howard Saltz Mongeluzzi & Bendesky, P.C. 120 Gibraltar Road, Suite 218 Horsham, PA 19044	David Balsler King & Spalding 1180 Peachtree Street Atlanta, GA 30309	Epiq Class Action & Claims Solutions, Inc. P.O. Box 5178 Portland, OR 97208-5178

To be considered by the Court, all objections must be in writing and personally signed by the Settlement Class Member, postmarked by October 21, 2024, and include

- (i) the case name and number of the filed action, *Jane Doe, individually and on behalf of all others similarly situated, v. Lehigh Valley Health Network, Inc.*, Docket No. 23-cv-1149;
- (ii) the objector's full name, address, telephone number;
- (iii) an explanation of the basis upon which the objector claims to be a Settlement Class Member;
- (iv) all grounds for the objection, accompanied by any legal support for the objection;
- (v) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement, the fee application, or the application for Service Awards;
- (vi) a statement confirming whether the objector intends to appear personally or through counsel and/or testify at the Final Approval Hearing;
- (vii) a statement confirming the objector's understanding that any objection submitted to the Court is subject to the provisions 231 Pa. Code § 1023.1 and the potential for sanctions if violated;
- (viii) a statement confirming the objector's understanding that any appeal from entry of the Final Approval Order may require the posting of an appeal bond for up to the Settlement Fund, plus interest and costs, as allowable under Pennsylvania law; and
- (ix) the objector's signature on the written objection (an attorney's signature is not sufficient).

In addition, any Settlement Class Member objecting to the Settlement shall provide a list of any other objections submitted by the objector, or the objector's counsel, to any class action settlements submitted in any court in Pennsylvania or the United States in the previous five years. If the Settlement Class Member or his or her counsel has not made any such prior objection, the Settlement Class Member shall affirmatively so state in the written materials provided with the objection. Class Counsel and/or Defense Counsel may seek information directly from any Settlement Class Member who submits an objection pursuant to the Court's Preliminary Approval Order.

The written objection must indicate whether the Settlement Class Member and/or their counsel intend to appear at the Final Approval Hearing, and failure to do so may preclude you from speaking during the Final Approval Hearing. If you have opted out, you are no longer a Settlement Class Member and you cannot submit an objection.

## **9. What is the difference between opting out and objecting?**

If you opt-out, you are no longer part of the Settlement Class subject to the terms of the Settlement. This means you will not participate in its benefits or release any claims against the Defendant. If you object, you can comment on the terms of the Settlement and remain part of the Settlement Class so that you can receive the Settlement's benefits in exchange for providing Released Claims to the Released Parties if and when the Court approves the Settlement. If you choose to opt-out, you cannot object. If you choose to object, you cannot opt-out. If you choose to do nothing, see Question 10 below.

## **10. What happens if you do nothing at all?**

If the Court approves the Settlement and you are a Settlement Class Member, you will receive payment as set forth in the Settlement Agreement pursuant to your assigned Relief Tier(s) without the need to do anything further. If you seek to recover Out-of-Pocket Losses, you will need to file a Claim Form on or before the Claims Deadline of November 3, 2024. If you receive payment pursuant to the Settlement Agreement, you will release the Released Parties for the Released Claims.

### **THE COURT'S FINAL APPROVAL HEARING**

## **11. Where and when will the Court decide whether to approve the Settlement?**

The Court will hold a Final Approval Hearing on November 15, 2024, at 1:00 P.M. in a Courtroom to be designated by the Court Administrator at the Lackawanna County Courthouse: 200 N Washington Ave, Scranton, PA 18503. The Honorable Senior Judge Thomas A. James, will preside at the hearing.

The Final Approval Hearing may be moved to a different date, time or location without additional notice to the Settlement Class, but it will be posted to the Settlement Website, [www.LVHNDDataBreachSettlement.com](http://www.LVHNDDataBreachSettlement.com), so please confirm if you have notified the Court you intend to appear.

## **12. What will the Court decide at the Final Approval Hearing?**

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to award Class Counsel for attorneys' fees, which shall not exceed one-third of the Settlement Fund, plus reimbursement of litigation costs. The Court will also consider whether to award a Service Award to the Class Representative who prosecuted the lawsuit on behalf of the Settlement Class in an amount not to exceed \$125,000. The Court will also award payment to the Settlement Administrator for Administrative Expenses, including costs of the Notice Plan.

## **13. Do you have to come to the Final Approval Hearing?**

No. Class Counsel will answer any questions that the Court may have and address any challenges to the Settlement. If you timely send a comment supporting or objecting to the Settlement, you may, but do not have to come to Court to discuss the issues raised in your written objection, so long as you correctly follow the procedure set forth in Question 8 of this Notice. You may also attend the hearing in person and may hire your own attorney to attend for you, at your own expense.

## **14. Do you need an attorney to represent you at the Final Approval Hearing?**

No. Class Counsel has been appointed by the Court and will be present at the hearing to appear on behalf of all Settlement Class Members.

## **15. How can you get more information about this Settlement?**

If you have any questions regarding your rights as a Settlement Class Member or the options and rights discussed in this Notice, you may contact Lead Class Counsel (identified in Question 8) without charge. You can also obtain more information by visiting the Settlement Website [www.LVHNDDataBreachSettlement.com](http://www.LVHNDDataBreachSettlement.com) or by calling 1-877-399-3230.

**PLEASE DO NOT CONTACT THE COURT**