

# You may be entitled to benefits from a Settlement due to the potential compromise of your Private Information in the Data Incident involving MNGI Digestive Health, P.A. in August 2023.

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

- A \$2,838,749.62 settlement has been reached in a class action lawsuit against MNGI Digestive Health, P.A. (“Defendant”) involving a Data Incident experienced on or around August 20, 2023, that involved an unauthorized third-party accessing Defendant’s network and computer systems and potentially accessing the Private Information of Class Members. The Private Information involved potentially included full names, dates of birth, passport numbers, drivers’ license or state identification numbers, medical information, health insurance information, payment card information, account numbers, and Social Security numbers. Plaintiffs also alleged negligence, negligence *per se*, breach of implied contract, unjust enrichment, breach of fiduciary duty, and violations of various Minnesota laws.
- The Class includes: all individuals to whom Defendant sent notice of the security breach incident that Defendant experienced on or about August 20, 2023. The Class specifically excludes: (i) all Persons who timely and validly request exclusion from the Class; (ii) the Judge assigned to evaluate the fairness of this settlement (including any members of the Court’s staff assigned to this case); (iii) Defendant’s officers and directors, and (iv) 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.
- If you are a member of the Class, you can submit a Claim Form for the following Settlement benefits:  
**Out-of-Pocket Losses:** You may submit a Claim Form with documentation for unreimbursed costs, expenses, and losses fairly traceable to the Data Incident for up to \$10,000 per Class Member; **AND**  
**Cash Payment:** Without providing documentation, you may submit a Claim Form to receive a pro rata (a legal term meaning equal share) cash payment; **AND**  
**Medical Monitoring:** You may also submit a Claim Form to receive two years of free Medical Monitoring.

Your Out-of-Pocket Losses cash payment may be subject to a pro rata decrease and your Cash Payment may be subject to a pro rata increase or decrease depending upon the total value of the Valid Claims submitted.

**This Notice may affect your rights. Please read it carefully.**

| Your Legal Rights & Options     |  | Deadline  |
|---------------------------------|--|---|
| <b>Submit a Claim Form</b>      | The only way to get Settlement benefits is to submit a timely and valid Claim Form.  | Submitted or Postmarked by:<br><b>September 4, 2025</b> |
| <b>Exclude Yourself</b>         | Get no Settlement benefits. Keep your right to file your own lawsuit against the Released Persons about the Released Claims that are released by the Settlement in this lawsuit. | Postmarked by:<br><b>August 5, 2025</b>                 |
| <b>Object to the Settlement</b> | 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.                         | Filed by:<br><b>August 5, 2025</b>                      |
| <b>Do Nothing</b>               | Get no Settlement benefits. Give up your legal rights.   |   |

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court must decide whether to approve the Settlement, attorneys’ fees, expenses, and Service Awards. No Settlement benefits will be provided unless the Court approves the Settlement.

**Questions? Go to [www.MNGIsettlement.com](http://www.MNGIsettlement.com) or call 1-888-876-3767**

## BASIC INFORMATION

### 1. Why is this Notice being provided?

A court authorized this Notice because you have the right to know about the Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval to the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

The Honorable Judge Nelson Peralta of the Fourth Judicial District in the Hennepin County District Court for the State of Minnesota, is overseeing this class action. The lawsuit is known as *In re MNGI Digestive Health, P.A.*, Court File No. 27-CV-24-10788 (the “lawsuit”). The individuals who filed this lawsuit are called the “Plaintiffs” and/or “Class Representatives” and the company sued, MNGI Digestive Health, P.A. is called the “Defendant.”

### 2. What is this lawsuit about?

The Plaintiffs filed this lawsuit against Defendant on behalf of Class Members regarding a Data Incident experienced on or around August 20, 2023, that involved an unauthorized third-party accessing Defendant’s network and computer systems and potentially accessing the Private Information of Class Members. The Private Information involved potentially included Class Members’ full names, dates of birth, passport numbers, drivers’ license or state identification numbers, medical information, health insurance information, payment card information, account numbers, and Social Security numbers.

Plaintiffs also alleged negligence, negligence *per se*, breach of implied contract, unjust enrichment, breach of fiduciary duty, violations of the Minnesota Consumer Fraud Act, violations of the Minnesota Uniform Deceptive Trade Practices Act, and violations of the Minnesota Health Records Act.

Defendant denies the legal claims and denies any wrongdoing or liability. The Court has not made any determination of any wrongdoing by Defendant, or that any law has been violated. Instead, the Plaintiffs and Defendant have agreed to a settlement to avoid the risk, cost, and time of continuing the lawsuit.

### 3. Why is there a Settlement?

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

### 4. Why is this lawsuit a class action?

In a class action, one or more people (called Class Representatives) sue on behalf of all people who have similar legal claims. Together, all these people are called a “Class” or “Class Members”. One court resolves the issues for all Class Members, except for those Class Members who timely exclude themselves (opt out) from the Class.

## WHO IS INCLUDED IN THE SETTLEMENT?

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

You are included in the Class if you are an individual to whom Defendant sent notice of the Data Incident that Defendant experienced on or about August 20, 2023.

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

Yes. Excluded from the Class are: (i) all Persons who timely and validly request exclusion from the Class; (ii) the Judge assigned to evaluate the fairness of this settlement (including any members of the Court's staff assigned to this lawsuit); (iii) Defendant's officers and directors, and (iv) 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.

### 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 Class Member, you may go to [www.MNGIsettlement.com](http://www.MNGIsettlement.com) or call toll-free 1-888-876-3767.

## THE SETTLEMENT BENEFITS

### 8. What does this Settlement provide?

If you are a Class Member, you can submit a Claim Form for the following Settlement benefits:

#### **Out-of-Pocket Losses**

You may submit a Claim Form with documentation for unreimbursed costs, expenses, and losses fairly traceable to the Data Incident for up to \$10,000 per Class Member.

To submit a Claim Form for Out-of-Pocket Losses, you must provide: (1) your name and current address; (2) documentation reasonably supporting your Claim Form; and (3) a brief description of the nature of the loss, if the nature of the loss is not apparent from the documentation alone.

Examples of expenses incurred as a result of the Data Incident, include (without limitation):

- Unreimbursed costs, expenses, losses or charges incurred as a result of identity theft or identity fraud, falsified tax returns or other possible misuse of your Social Security number;
- Unreimbursed costs incurred on or after August 20, 2023, associated with accessing or freezing/unfreezing credit reports with any credit reporting agency;
- Other unreimbursed miscellaneous expenses incurred related to any Out-of-Pocket Losses such as notary, fax, postage, copying, mileage and long-distance telephone charges;
- Other mitigative costs that were incurred on or after August 20, 2023, through the date you submit your Claim Form;
- Unpaid time off work to address issues fairly traceable to the Data Incident at your actual hourly rate; and
- Unreimbursed costs for credit or health care monitoring after August 20, 2023.

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Class Members who elect to submit a claim for reimbursement of Out-of-Pocket Losses must provide to the Settlement Administrator information required to evaluate the claim, including: (1) the Class Member's name and current address; (2) documentation reasonably supporting their claim; and (3) a brief description of the nature of the loss, if the nature of the loss is not apparent from the documentation alone.

Documentation supporting Out-of-Pocket Losses can include receipts or other documentation not "self-prepared" by the Class Member concerning the costs incurred. "Self-prepared" documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to clarify or support other submitted documentation.

Out-of-Pocket Losses will be deemed "fairly traceable" if: (1) the timing of the loss occurred on or after August 20, 2023, and (2) in the Settlement Administrator's sole determination, the Out-of-Pocket Losses could reasonably be caused by the Data Incident.

Claims for Out-of-Pocket Losses may be reduced pro rata in the unlikely event that insufficient funds remain in the Settlement Fund after the payment of Attorneys' Fees and Expenses Award, any Service Awards and Administration Fees.

### **Cash Payment**

Without providing documentation, you may also submit a Claim Form to receive a pro rata (a legal term meaning equal share) cash payment.

Your Cash Payment may be subject to a pro rata (a legal term meaning equal share) increase or decrease based on the remaining funds in the Net Settlement Fund after payment of Valid Claims for Out-of-Pocket Losses and Medical Monitoring.

For purposes of calculating the pro rata increase or decrease, the Settlement Administrator must distribute the funds in the Net Settlement Fund first for payment of Out-of-Pocket Losses and then for Medical Monitoring.

### **Medical Monitoring**

You may also submit a Claim Form to receive two years of free Medical Monitoring.

Medical Monitoring is a service that would be performed by a third-party company – CyEx. CyEx would monitor medical and healthcare data to determine if your private medical information is at risk or has been exposed to medical fraud, and if so, alert you so that you could address any such activity at its earliest stages.

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

Unless you exclude yourself (opt out), you will remain in the Class. If the Settlement is approved and becomes final, all Court orders and any judgments 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 Persons about the Released Claims in this lawsuit. The specific rights you are giving up are called "Released Claims."

## **10. What are the Released Claims?**

Section VI of the Settlement Agreement describes the Release, Released Claims, and Released Persons, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at [www.MNGIsettlement.com](http://www.MNGIsettlement.com). For questions regarding the Release, Released Claims, or Released Persons and what the language in the Settlement Agreement means, you can also contact Class Counsel listed below for free, or you can talk to your own lawyer at your own expense.

**Questions? Go to [www.MNGIsettlement.com](http://www.MNGIsettlement.com) or call 1-888-876-3767**

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### 11. How do I submit a Claim Form?

You must submit a timely and valid Claim Form to receive any Settlement benefits as described above. Your Claim Form must be submitted online at [www.MNGIsettlement.com](http://www.MNGIsettlement.com) by **September 4, 2025**, or mailed to the Settlement Administrator at the address on the Claim Form, **postmarked by September 4, 2025**. Claim Forms are also available at [www.MNGIsettlement.com](http://www.MNGIsettlement.com) or by calling 1-888-876-3767 or by writing to:

*MNGI Data Incident Litigation*  
Settlement Administrator  
PO Box 2410  
Portland, OR 97208-2410

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

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 writing to:

*MNGI Data Incident Litigation*  
Settlement Administrator  
PO Box 2410  
Portland, OR 97208-2410

### 13. When will I receive my Settlement benefits?

If you file a timely and valid Claim Form, the Settlement benefits will be provided 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.MNGIsettlement.com](http://www.MNGIsettlement.com) for updates.

## EXCLUDE YOURSELF OR OPT OUT OF THE SETTLEMENT

If you are a member of the Class and want to keep any right you may have to sue or continue to sue the Released Persons on your own about the legal claims in this lawsuit or the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from—or “opting out” of—the Settlement.

### 14. How do I opt out of the Settlement?

To exclude yourself from the Settlement, you must mail a written request for exclusion, which includes the following:

- 1) Your full name and current address;
- 2) Your personal physical signature; and
- 3) A statement that you want to be excluded from the Class, such as “I hereby request to be excluded from the Class in the *MNGI Data Incident Litigation*.”

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The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked** by **August 5, 2025**:

*MNGI Data Incident Litigation*  
Settlement Administrator  
PO Box 2410  
Portland, OR 97208-2410

**You cannot opt out (exclude yourself) by telephone or by email.**

#### **15. If I opt out can I still get anything from the Settlement?**

No. If you opt out, you will not be able to receive Settlement benefits, and you will not be bound by the Settlement or any judgments in this lawsuit. You can only get Settlement benefits if you stay in the Settlement and submit a timely and valid Claim Form.

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

No. Unless you opt out, you give up any right to sue any of the Released Persons for the legal claims this Settlement resolves and Releases, and you will be bound by all the terms of the Settlement, proceedings, orders, and judgments in the lawsuit. You must opt out of this lawsuit to start or continue your own lawsuit or be part of any other lawsuit against the Released Persons about the Released Claims in this Settlement. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately.

### **OBJECTING TO THE SETTLEMENT**

#### **17. How do I tell the Court I do not like the Settlement?**

If you are a Class Member, you can tell the Court you do not agree with all or any part of the Settlement Agreement.

To object, you must file your written objection with the Court as provided below by **August 5, 2025**, and send by U.S. mail to the Settlement Administrator **postmarked** by **August 5, 2025**, stating you object to the Settlement in *In re MNGI Digestive Health, P.A.*, No. 27-CV-24-10788.

To file an objection, you cannot exclude yourself from the Class. Your objection must include all of the following information:

- 1) Your full name, telephone number, and address;
- 2) The case name and docket number, *In re MNGI Digestive Health, PA*, No. 27-cv-10788;
- 3) Information identifying you as a Class Member, including proof that you are a Member of the Class (e.g., copy of your settlement notice, copy of original notice of the Data Incident or a statement explaining why you believe you are a Class Member);
- 4) A written statement of all grounds for the objection, accompanied by any legal support for the objection that you believe is applicable;
- 5) The identity of any and all lawyers representing you in connection with the objection;
- 6) A statement whether you and/or your lawyer will appear at the Final Fairness Hearing; and
- 7) Your signature or the signature of your duly authorized lawyer or other duly authorized representative (if any) representing you in connection with the objection.

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To object, you must file your timely written objection with the Court as provided below by **August 5, 2025**, and send it by U.S. mail to the Settlement Administrator **postmarked** by **August 5, 2025**, at the following addresses:

| COURT   | SETTLEMENT ADMINISTRATOR   |
|---|--|
| Clerk of Fourth Judicial District Court<br>Hennepin County Government Center<br>300 South Sixth Street<br>Minneapolis, MN 55487 | <i>MNGI Data Incident Litigation</i><br>Settlement Administrator<br>PO Box 2410<br>Portland, OR 97208-2410 |

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

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. If you opt out, you are telling the Court that you do not want to be part of the Class. If you opt out, you cannot object because you are no longer part of the Settlement.

## THE LAWYERS REPRESENTING YOU

### 19. Do I have a lawyer in the lawsuit?

Yes. The Court has appointed Raina Borrelli (Strauss Borrelli PLLC), Christopher P. Renz (Chestnut Cambronne PA), Brian Gudmundson (Zimmerman Reed LLP), E. Michelle Drake (Berger Montague PC), Melissa Weiner (Pearson Warshaw, LLP), Kate Baxter-Kauf (Lockridge Grindal Nauen PLLP), Nathan Prosser (Hellmuth & Johnson PLLC) and David Goodwin (Gustafson Gluek PLLC) as Class Counsel to represent you and the Class for the purposes of this Settlement. You may hire your own lawyer at your own cost if you want someone other than Class Counsel to represent you in this lawsuit.

### 20. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award the attorneys' fees at or below 33.33% of the Settlement Fund, or approximately \$946,155, plus reasonable expenses. Class Counsel will also ask the Court to approve the Service Awards for the Class Representatives of up to \$5,000 each for their efforts. If awarded by the Court, the attorneys' fees and expenses, and the Service Awards will be paid from the Settlement Fund. The Court may award less than these amounts.

## THE FINAL FAIRNESS HEARING

The Court will hold a "Final Fairness Hearing" to decide whether to approve the Settlement, Class Counsel's attorneys' fees, expenses, and Service Awards. You may attend and you may ask to speak if you file an objection by the deadline, but you do not have to.

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

The Court will hold a Final Fairness Hearing on **September 4, 2025, at 9:00 a.m.** before the Honorable Judge Nelson Peralta at the Hennepin County Government Center, 300 S 6<sup>th</sup> Street, Minneapolis, MN 55487. The courtroom for the hearing will be displayed on the video monitors on the main floor (skyway level) of the Court tower of the Hennepin County Government Center on the day of the hearing. At this hearing, the Court will consider whether the Settlement is fair, reasonable,

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and adequate and decide whether to approve the Settlement, Class Counsel's attorneys' fees, expenses, and Service Awards.

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you (or your lawyer) ask to speak at the hearing, the Court may also listen to you or your lawyer speak at the hearing.

**Note:** The date and time of the Final Fairness Hearing are subject to change without further notice to the Class. The Court may also decide to hold the hearing via video conference or by telephone. You should check the Settlement Website [www.MNGIsettlement.com](http://www.MNGIsettlement.com) to confirm the date and time of the Final Fairness Hearing have not changed.

## **22. Do I have to attend the Final Fairness Hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to attend the Final Fairness Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

## **23. May I speak at the Final Fairness Hearing?**

Yes, as long as you do not exclude yourself (opt out) and you file a timely written objection requesting to speak at the hearing, you can (but do not have to) participate and speak for yourself at the Final Fairness 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 hearing, you must follow all of the procedures for objecting to the Settlement listed above—and specifically include a statement whether you and your counsel will appear at the Final Fairness Hearing.

## **GET MORE INFORMATION**

### **24. How do I get more information about the Settlement?**

This Notice summarizes the Settlement. Complete details about the Settlement are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at [www.MNGIsettlement.com](http://www.MNGIsettlement.com). You may get additional information at [www.MNGIsettlement.com](http://www.MNGIsettlement.com), by calling toll-free 1-888-876-3767, or by writing to:

*MNGI Data Incident Litigation*  
Settlement Administrator  
PO Box 2410  
Portland, OR 97208-2410

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

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