

# NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Kornegay et al. v. Heart South Cardiovascular Group, P.C.*

Case No. 07-CV-2024-900089.00

Circuit Court of Bibb County, Alabama

**IF YOU WERE IMPACTED BY THE MAY 2024  
HEART SOUTH CARDIOVASCULAR DATA INCIDENT,  
A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS,  
AND ENTITLE YOU TO A CASH PAYMENT.**

*A court has authorized this notice. This is not a solicitation from a lawyer.*

*You are not being sued.*

***Please read this Notice carefully and completely.***

- A Settlement has been reached with the Heart South Cardiovascular Group, P.C. (“HSCG” or “Defendant”), in a class action lawsuit. This class action lawsuit is about the targeted cyberattack on HSCG's computer systems that occurred in May 2024 (the “Data Incident”). Certain files containing sensitive information were accessed. This sensitive information may have included names, addresses, dates of birth, driver's license numbers, Social Security numbers, diagnoses, conditions, lab results, medications, and other treatment information.
- The lawsuit is captioned *Kornegay et al. v. Heart South Cardiovascular Group, P.C.*, Case No. 07-CV-2024-900089.00, pending in the Circuit Court of Bibb County, Alabama (the “Action”).
- HSCG denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (the “Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the litigation.
- HSCG's records indicate that you are a Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from HSCG.
- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
<b>SUBMIT A CLAIM</b>	<p>The only way to receive benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>The fastest way to submit your Claim Form is online at <a href="http://www.heartssouthsettlement.com">www.heartssouthsettlement.com</a>. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.</p>	<b>OCTOBER 9, 2025</b>
<b>OPT OUT OF THE SETTLEMENT</b>	You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	<b>SEPTEMBER 9, 2025</b>
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	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 ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for Settlement benefits.	<b>SEPTEMBER 9, 2025</b>
<b>DO NOTHING</b>	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 the Defendant related to the legal claims resolved by this Settlement.	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.

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### Basic Information

#### 1. Why was this Notice issued?

The Circuit Court of Bibb County, Alabama, authorized this Notice. You have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is captioned *Kornegay et al. v. Heart South Cardiovascular Group, P.C.*, Case No. 07-CV-2024-900089.00, pending in the Circuit Court of Bibb County, Alabama. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the entity they sued, HSCG, is called the “Defendant.”

#### 2. What is this lawsuit about?

This class action lawsuit is about the targeted cyberattack on HSCG's computer systems that occurred in May 2024 (the “Data Incident”). Certain files containing sensitive information were accessed. This sensitive information may have included names, addresses, dates of birth, driver’s license numbers, Social Security numbers, diagnoses, conditions, lab results, medications, and other treatment information.

#### 3. 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 called the “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 from the settlement. In this Settlement, the Class Representatives Dana Kornegay, Megan Moore, Roland Johnson, John Kopp, and Jennifer Craft, and everyone included in this Action are the Class Members.

#### 4. Why is there a Settlement?

The Court did not decide whether the Plaintiffs or the Defendant is right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Class Members to receive benefits from the Settlement. Plaintiffs and their attorneys think the Settlement is best for all Class Members.

#### Who is in the Settlement?

#### 5. Who is included in the Settlement?

The court has defined the Class this way: “all individuals residing in the United States who, following Defendant’s investigation of the Data Incident, were sent notification by Defendant that their Personal Information was or may have been compromised in the Data Incident.”

#### 6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) the Judge in this case, and the Judge’s family and staff; (2) HSCG and related companies and corporate directors; and (3) anyone who timely removes themselves from the Settlement.

If you are not sure whether you are a Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@heartsouthsettlement.com](mailto:info@heartsouthsettlement.com)
- Call toll free, 24/7: (833) 360-6883
- By mail:

HSCG Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

You may also view the Settlement Agreement at [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com).

#### The Settlement Benefits

#### 7. What does the Settlement provide?

HSCG has agreed to establish a \$500,000.00 Settlement Fund. Part of the Settlement Fund will be used to pay for expenses like attorneys' fees and costs, the Service Award to the Plaintiffs, and the costs of administering the Settlement. All the rest of the Settlement Fund will be used to pay benefits that Class Members can claim. You are not limited to one benefit, and can claim one or all of them.

#### **BENEFITS**

**Pro Rata Cash Payment.** All Class Members may submit a claim for a *pro rata* cash payment. After all expenses and other claims have been paid out, the money remaining in the Settlement Fund will be equally divided among everyone who claimed a *pro rata* cash payment. Class Counsel expects that these payments will be approximately \$50.00 per valid claim.

**Reimbursement for Out-of-Pocket Losses.** If the Data Incident caused you real, documented losses, you may file a claim for reimbursement. These expenses must have happened on after May 29, 2024, and must be unreimbursed. You can get back up to \$5,000.00.

This benefit covers out-of-pocket expenses like:

- (1) losses relating to fraud, identity theft, falsified tax returns, or other ways your information was misused
- (2) costs associated with freezing or unfreezing your credit report with any credit reporting agency
- (3) buying or extending credit monitoring services
- (4) miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges

You must send proof, like receipts, to establish a valid claim. You can add your own notes to explain other papers, but those notes alone are not enough to make a valid claim.

**Credit Monitoring.** All Class Members are eligible to receive two years of Medical Shield Complete. These services include:

- (1) credit monitoring
- (2) dark web monitoring
- (3) real-time inquiry alerts
- (4) \$1 million in identity theft insurance

If you have questions about these benefits, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@heartsouthsettlement.com](mailto:info@heartsouthsettlement.com)
- Call toll free, 24/7: (833) 360-6883
- By mail:

HSCG Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

## 8. What claims am I releasing if I stay in the Class?

Unless you opt out of the Settlement, you won't be able to sue, continue to sue, or be part of any other lawsuit against the Defendants about any of the legal claims this Settlement resolves. The "Releases" section of the Settlement Agreement (Section XII) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com)

## Submitting a Claim Form for a Settlement Payment

### 9. How do I submit a claim for a Settlement benefit?

The fastest way to submit your Claim Form is online at [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com). If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

HSCG Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 360-6883 by email [info@heartsouthsettlement.com](mailto:info@heartsouthsettlement.com), or by U.S. mail at the address above.

### 10. Are there any important Settlement payment deadlines?

If you are filing online, complete your claim by **October 9, 2025**. If you are filing a paper copy, your signed Claim Form along with any necessary documentation must be postmarked by October 9, 2025.

### 11. When will the Settlement benefits be issued?

The Court will hold a final hearing at a date to be determined. Please check the Important Dates page for updates. If the Court approves the Settlement, there may be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Settlement benefits will be distributed if the Court grants final approval, and after any appeals are resolved.

## The Lawyers Representing You

### 12. Do I have a lawyer in the case?

Yes, the Court appointed attorneys Jon Mann of Pittman, Dutton, Hellums, Bradley & Mann, PC; Mariya Weekes of Milberg Coleman Bryson Phillips Grossman, PLLC; and Raina C. Borrelli of Strauss Borrelli PLLC, to represent you and other Class Members ("Class Counsel").

### 13. Should I get my own lawyer?

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

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

Class Counsel will ask the court to approve attorneys' fees and costs up to \$186,666.66. Class Counsel will also ask for a Service Award of \$4,000.00 for the Class Representative. These expenses along with the cost of administration will be paid from the Settlement Fund.

#### Excluding Yourself from the Settlement

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

If you do not want to be part of the Settlement, you must formally exclude yourself from the Settlement. This is called a Request for Exclusion and is sometimes also called "opting out." If you opt out, you will not receive a Settlement payment, but you will keep any rights you may have to sue HSCG on your own about the legal issues in this case.

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.

The deadline to exclude yourself from the Settlement is **September 9, 2025**.

To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Action: *Kornegay et al. v. Heart South Cardiovascular Group, P.C.*, Case No. 07-CV-2024-900089.00, pending in the Circuit Court of Bibb County, Alabama;
- (2) your full name and current mailing address;
- (3) personal signature; and
- (4) the words "Request for Exclusion" or a clear and similar statement that you do not want to participate in the Settlement.

You may only exclude yourself—not any other person.

Mail your Request for Exclusion to the Settlement Administrator at:

HSCG Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

Your Request for Exclusion must be postmarked by **September 9, 2025**.

#### Commenting on or Objecting to the Settlement

#### 16. How do I tell the Court if I like or do not like the Settlement?

If you are in the Class and do not like the Settlement, you can object. That means telling the Court why you think it should not be approved. The Court will consider what you say.

You cannot object if you have excluded yourself from the Settlement (*see Question 15*)

To be valid, your objection must provide the following information:

- (1) the name of the Action: *Kornegay et al. v. Heart South Cardiovascular Group, P.C.*, Case No. 07-CV-2024-900089.00, pending in the Circuit Court of Bibb County, Alabama;
- (2) your full name, current mailing address, and telephone number;
- (3) a clear description of all the reasons you object; include any legal support you may have for your objection and explain if your objection applies only to you or the entire Class;
- (4) if you have hired your own lawyer to represent you at the Final Approval Hearing, provide their name and telephone number;
- (5) whether or not you or your lawyer would like to speak at the Final Approval Hearing;
- (6) if you have objected in other cases, list those cases;
- (7) your signature (or, if you have hired your own lawyer, your lawyer's signature).

For your objection to be valid, it must meet each of these requirements.

You must file your complete objection with the Clerk of Court by **September 9, 2025**. You must also send copies of the objection to both Class Counsel and counsel for Defendant.

Clerk of the Court	Class Counsel	Counsel for Defendants
Clerk of the Court <b>Circuit Court of Bibb County, Alabama</b> 35 Court Square East Centreville, AL 35042	Jonathan S. Mann <b>Pittman, Dutton, Hellums, Bradley &amp; Mann, P.C.</b> 2001 Park Place North Suite 1100 Birmingham, AL 35203 Tel: (205) 322-8880 Email: jonm@pittmandutton.com	Jill H. Fertel <b>Cipriani &amp; Werner P.C.</b> 3155 North Point Parkway Suite G-100 Alpharetta, GA 30005

## 17. 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

### 18. When is the Court's Final Approval Hearing?

The Court will hold a hearing in this case to consider whether to approve the Settlement. The hearing will be at the Bibb County Courthouse, 35 Court Square East, Centreville, AL 35042, at a date to be determined. **Please check the Settlement website at [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com) for updated information regarding the hearing date and time.**

At the final approval hearing, the Court will decide whether to approve the Settlement. The court will also decide how Class Counsel should be paid, and whether to award a Service Award to the Class Representative who brought this Action on behalf of the Class. The Court will also consider any objections to the Settlement.

If you are a Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (**See Question 16**).

The hearing date and time may change without further notice. Please check [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com) for updates.

### 19. 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 want to, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was complete and filed on time. You may also pay your own lawyer to attend, but you do not have to.

#### If I Do Nothing

### 20. What happens if I do nothing at all?

If you do nothing, you will not receive a benefit from this Settlement. You will also give up the rights described in **Question 8**.

#### Getting More Information

### 21. How do I get more information?

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, [www.heartsouthsettlement.com](http://www.heartsouthsettlement.com)

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: [info@heartsouthsettlement.com](mailto:info@heartsouthsettlement.com)
- Call toll free, 24/7: (833) 360-6883
- By mail:

HSCG Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, Circuit Court of Bibb County, Alabama, at 35 Court Square East Centreville, AL 35042.

**DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS  
SETTLEMENT**