

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ERICA FRASCO, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FLO HEALTH, INC., META PLATFORMS,
INC., GOOGLE, LLC, and FLURRY, INC.,

Defendants.

Case No.: 3:21-cv-00757-JD

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENTS, FINAL APPROVAL HEARING AND
CLASS MEMBERS' RIGHTS**

**If You Used the Flo App Anytime From November 1, 2016 to
February 28, 2019**

You Could Get Money from \$59.5 Million in Settlements

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

The purpose of this Notice is to inform you that proposed settlements (the “Settlements”) have been reached with three Defendants: Google LLC (“Google”), Flo Health, Inc. (“Flo”), and Flurry LLC (“Flurry” and, together with Flo and Google, “Settling Defendants”), in a class action lawsuit. Plaintiffs entered into a Settlement Agreement with Flurry on March 20, 2025, with Google as of August 8, 2025, and with Flo on September ___, 2025.

The lawsuit alleged that between November 1, 2016 and February 28, 2019 (the “Class Period”), Flo incorporated code from Flurry, Meta Platforms, Inc. (f/k/a Facebook, Inc.) (“Meta”), and Google’s software development kits (“SDKs”), among others, in the Flo Period and Ovulation Tracker app (the “Flo App”) through which Flo allegedly shared information with Flurry, Meta, and Google related to Flo App users’ menstruation and/or pregnancy.

Generally, Plaintiffs alleged violation of their common law privacy rights, along with various federal and California state privacy and consumer protection laws. For example, Plaintiffs said that Flo’s alleged disclosure of their personal health information between November 1, 2016 and February 28, 2019 violated the California’s Confidentiality of Medical Information Act (“CMIA”), intruded upon their seclusion, was an invasion of privacy under Art. 1 Sec. 1 of the California Constitution, and was a breach of contract. Plaintiffs also said that Flurry, Meta, and Google’s alleged receipt of this alleged personal health information between November 1, 2016 and February 28, 2019 violated Section 632 of the California Invasion of Privacy Act (“CIPA”). Flo, Flurry, and Google all deny Plaintiffs’ allegations, deny that they violated any laws, deny that personal or health information was shared, and deny they did anything wrong. The Court has not determined whether they did anything wrong or caused damages.

You may have seen a previous notice about the Court certifying a nationwide Class and California Subclass and determining that certain claims could proceed to trial as a class action.

Google, Flurry, and Flo have not admitted any wrongdoing, but have agreed to the Settlements solely to eliminate the uncertainties, burden, expense, and delay of further protracted litigation. If the Court approves the proposed Settlements, the claims in the lawsuit against Google, Flo, and Flurry will be resolved.

Under the Settlements, Google has agreed to pay \$48,000,000, Flo has agreed to pay \$8,000,000, and Flurry has agreed to pay \$3,500,000 to the Class. These amounts will be combined into a total Settlement Fund of \$59,500,000 that will be used to compensate eligible Class Members (including California Subclass Members) that submit valid and timely Claim Forms. The Settlement Fund will also be used to pay for the notice and settlement administration costs, taxes, service awards for the named Plaintiffs, and attorneys' fees and expenses.

Please do not contact the Court regarding this Notice. Inquiries concerning this Notice, the Claim Form, or any other questions should be directed to:

Period Tracker Data Privacy Litigation
P.O. Box 173126
Milwaukee, WI 53217
Tel: (866) 778-9626
Email: info@PeriodTrackerDataPrivacyLitigation.com
Website: www.PeriodTrackerDataPrivacyLitigation.com

The following table contains a summary of your rights and options regarding the Settlements. More detailed information can be found in the Settlement Agreements, which are available at www.PeriodTrackerDataPrivacyLitigation.com.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS	
DO NOTHING	Get no payment from the Settlements. If you do nothing, you will receive no payment from the Settlements. <i>See</i> Question 19.
SUBMIT A CLAIM FORM	The only way to receive your share of the Settlement Fund is to complete and submit a timely and valid Claim Form electronically by no later than [DATE] , or to mail your Claim Form so that it is postmarked no later than [DATE] . <i>See</i> Question 13.
OBJECT	Write to the Court about why you do not like the Settlements or related relief by no later than [DATE] . If you wish to object to the Settlements, you must file a written objection with the Court by this date. You must be a Class Member to object. <i>See</i> Questions 20-22.
GO TO THE FINAL APPROVAL HEARING	You may ask the Court for permission to speak about the Settlements at the Final Approval Hearing by including such a request in your written objection, which you must file with the Court by [DATE] . The Final Approval Hearing is scheduled for [DATE] . <i>See</i> Questions 25-26.
APPEAR THROUGH AN ATTORNEY	You or your own attorney may appear at your own expense. <i>See</i> Question 27.

These rights and options, and the deadlines to exercise them, are explained in this Notice.

The capitalized terms used in this Notice are explained or defined below or in the Settlement Agreements, which are available at www.PeriodTrackerDataPrivacyLitigation.com. The Court in charge of this case still has to decide whether to approve the Settlements. Payments will only be made if the Court approves the Settlement and after any appeals, if any, are resolved. Please be patient.

The Court has appointed lawyers to represent members of the Class and California Subclass in this Action. The following are lead counsel representing the Class:

Christian Levis
LOWEY DANNENBERG, P.C.
 44 South Broadway, Ste 1100
 White Plains, NY 10601

Carol C. Villegas
LABATON KELLER
SUCHAROW LLP
 140 Broadway
 New York, NY 10005

Diana J. Zinser
SPECTOR ROSEMAN &
KODROFF, P.C.
 2001 Market Street, Suite 3420
 Philadelphia, PA 19103

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BASIC INFORMATION

1. Why is there a notice?

Class Members have a right to know about the proposed Settlements with Google, Flo, and Flurry before the Court decides whether to approve the Settlements. This Notice explains the consolidated litigation, the Settlements, your legal rights, what benefits are available, who is eligible for them, and how you can apply to receive your portion of the benefits if you are eligible. Your legal rights are affected whether you act or not.

The purpose of this Notice is also to inform you of the Final Approval Hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlements, and to consider requests for awards of attorneys' fees and expenses, and any service awards for Plaintiffs ("Fee and Expense Application"), and the plan for allocating the Settlements among eligible Class Members.

Judge James Donato of the United States District Court for the Northern District of California is overseeing this case. The lawsuit is known as *Frasco et al. v. Flo Health, Inc. et al.*, No. 3:21-cv-00757 (N.D. Cal.). The people who filed the case are called the Plaintiffs. The remaining non-settling Defendant in the lawsuit is Meta.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more representative plaintiffs bring a lawsuit on behalf of themselves and other similarly situated persons (*i.e.*, a class) who have similar claims against the defendants.

In this case, Erica Frasco, Sarah Wellman, Jennifer Chen, Tesha Gamino, and Autumn Meigs are class representatives for the nationwide class ("Class Representatives"). Sarah Wellman, Jennifer Chen, and Tesha Gamino are also class representatives for the California Subclass.

One court decides the issues for everyone in the class—except for those people who chose to exclude themselves from the class or are excluded by definition—and the class representatives, the court, and counsel appointed to represent the class all have a responsibility to make sure that the interests of all class members are adequately represented.

Here, the Court decided that the lawsuit can move forward as a class action because, among other things, the claims of the nationwide Class and California Subclass are similar enough that trying them all together would be fair and more efficient than trying them separately.

However, when class representatives enter into a settlement with a defendant on behalf of a class, such as in these Settlements with Flurry, Google, and Flo, the court requires that the class members be given notice of the settlement and an opportunity to be heard with respect to the settlement. The court then conducts a hearing (called a Final Approval Hearing) to determine, among other things, if the settlement is fair, reasonable, and adequate.

3. What definitions are used in this notice?

Capitalized terms used in this Notice, but not otherwise defined, generally have the same meanings as in the Settlement Agreements with Google, Flo, and Flurry, and the Court's Preliminary Approval Order. The Settlement Agreements and the Court's Preliminary Approval Order are posted on the case website, www.PeriodTrackerDataPrivacyLitigation.com.

4. What is this lawsuit about?

Flo operates a period-tracking app in the United States that allows users to track their menstrual cycle, predicts ovulation times, and tracks pregnancy, among other functions. Plaintiffs allege that between November 1, 2016 and February 28, 2019, Flo incorporated code from Flurry, Meta, and Google's software development kits ("SDKs") in the Flo App, through which Flo allegedly shared information with Flurry, Meta, and Google, among others, related to Flo App users' menstruation and/or pregnancy along with persistent identifiers unique to those users' devices.

Plaintiffs alleged Flo (i) violated California's Confidentiality of Medical Information Act ("CMIA"), (ii) was liable for common law invasion of privacy - intrusion upon seclusion, (iii) was liable for invasion of privacy under Art. 1 Sec. 1 of the California Constitution, and (iv) breached its contracts with Plaintiffs. Plaintiffs alleged Flurry, Meta, and Google violated Section 632 of the California Invasion of Privacy Act ("CIPA"). Flo, Google, and Flurry each deny all of Plaintiffs' allegations, that they violated any laws, and that personal or health information was shared, and assert they did nothing wrong. The Court did not decide whether Flo, Flurry, or Google did anything wrong.

5. What about Meta (Facebook)?

Separate from the allegations against Flurry, Google, and Flo, Plaintiffs also alleged that Meta (formerly known as Facebook) unlawfully intercepted Flo App communications in violation of Section 632 of CIPA. A trial between Plaintiffs and Meta concluded on August 1, 2025, and the jury returned a verdict in favor of Plaintiffs. If you are eligible to receive money from that verdict, you will be contacted at a later time. Your election in response to this notice will not impact your right to receive money from the Meta verdict.

6. What is the history of this litigation?

On January 29, 2021, Plaintiff Erica Frasco filed the initial complaint in this action against Flo, alleging that Flo incorporated software development kits ("SDKs") in the Flo Health App through which Flurry, Google, and Meta intercepted Flo App users' communications with Flo, including their health information. Six later-filed actions were subsequently consolidated with the case, and on September 2, 2021, Plaintiffs filed a consolidated class action complaint alleging claims against Flurry, Google, AppsFlyer, and Meta, in addition to Flo.

Google, Meta, Flurry, and AppsFlyer jointly and Flo separately filed motions to dismiss the case. The Court granted the motion to dismiss as to AppsFlyer only and granted the motion as to the Stored Communications Act as to Flo, but denied the motions in other respects, in the end sustaining Plaintiffs' claims under CIPA, California Comprehensive Computer Data Access and Fraud Act ("CDAFA"), the Federal Wiretap Act, Unfair Competition Law ("UCL"), CMIA, and common law invasion of privacy.

Following the motions to dismiss and Defendants' answers to the Complaint, Plaintiffs engaged in substantial discovery, serving numerous Requests for Production of Documents, Interrogatories, and Requests for Admission on Defendants, as well as answering discovery requests from Defendants. Class Counsel reviewed thousands of documents produced by Flo as well as tens of thousands of documents produced by Flurry, Meta, and Google. The Parties spent a significant amount of time preparing for and taking or defending depositions. In addition to expert depositions, Class Counsel deposed current and former Flurry, Flo, Meta, and Google employees and corporate representatives, and defended the depositions of each of the eight named Plaintiffs.

Plaintiffs engaged in extensive expert discovery, offering three experts to testify on the various highly technical or scientific aspects of the case and to rebut Defendants' nine expert witnesses. Class Counsel took the deposition of each of Defendants' experts and defended the depositions of Plaintiffs' experts.

Following the close of fact and expert discovery, Plaintiffs moved for class certification, and Plaintiffs and Defendants filed their respective motions to exclude experts. After those motions were fully briefed, the Court terminated the motions without prejudice and provided additional direction to facilitate a renewed motion for class certification. Class Counsel resumed expert discovery, proffering two experts and a third expert to rebut Defendants' economics expert. Class Counsel again took the deposition of Defendants' five experts identified in this round of expert discovery and defended the depositions of Plaintiffs' three experts.

During this time, Flurry filed an amended corporate disclosure statement with the Court in which Flurry alerted the Court that it was in the process of dissolving.

After the conclusion of the renewed expert discovery, Plaintiffs again moved for class certification.

Shortly after Plaintiffs moved for class certification, Google also moved for summary judgment, which Plaintiffs opposed. The Court granted Google's motion as to Plaintiffs' UCL and aiding-and-abetting claims, but otherwise denied the motion. In February 2025, Flo and Meta moved for summary judgment.

While briefing for Plaintiffs' renewed motion for class certification was ongoing, the Court referred the Parties to private mediation before retired Ambassador Jeff Bleich. Plaintiffs and Flurry mediated before Ambassador Bleich on October 30, 2024, and after extensive negotiations, Plaintiffs and Flurry reached an agreement in principle to settle Plaintiffs' claims against Flurry for \$3,500,000. Plaintiffs and Flurry negotiated the material terms of the Settlement and executed the Settlement Agreement on March 20, 2025. Flurry denies the allegations in the pleadings in the case, denies that it has engaged in any wrongdoing, denies that Plaintiffs' allegations state valid claims, and vigorously disputes that Plaintiffs and the Class are entitled to any relief, but nevertheless agrees to resolve the case to eliminate the uncertainties, burden, expense, and delay of further protracted litigation.

On May 19, 2025, the Court certified the Class and California Subclass and determined that the remaining claims should proceed to trial as a class action. Notice of the class action was issued beginning in June 2025.

On May 22, 2025, as to Flo, the Court granted Flo's motion for summary judgment as to implied contract, UCL, and unjust enrichment, as well as all claims asserted by plaintiff Pietrzyk as to Flo, but otherwise denied the motion. As to Meta, the Court denied Meta's motion for summary judgment except as to Plaintiffs' UCL claim and aiding-and-abetting claims.

On July 3, 2025, Plaintiffs and Google reached an agreement in principle to settle Plaintiffs' claims against Google for \$48,000,000. Plaintiffs and Google negotiated the material terms of the Settlement and executed the Settlement Agreement as of August 8, 2025. Google denies the allegations in the pleadings in the case, denies that it has engaged in any wrongdoing, denies that Plaintiffs' allegations state valid claims, and vigorously disputes that Plaintiffs and the Class are entitled to any relief, but nevertheless agrees to resolve the case to eliminate the uncertainties, burden, expense, and delay of further protracted litigation.

The trial against Flo and Meta began on July 21, 2025. While the trial was ongoing, on July 30, 2025, Plaintiffs and Flo reached an agreement in principle to settle Plaintiffs' claims against Flo for \$8,000,000.

Plaintiffs and Flo negotiated the material terms of the Settlement and executed the Settlement Agreement on September __, 2025. Flo denies each and all of the claims and allegations of wrongdoing in Plaintiffs' pleadings and maintains that it has good and meritorious defenses to the claims of liability and damages made by Plaintiffs, but Flo nevertheless agreed to resolve the Action on the terms set forth in this Settlement solely to eliminate the uncertainties, burden, expense, and delay of further protracted litigation.

The trial concluded on August 1, 2025 against Meta, as the sole non-settling Defendant. A jury verdict for Class Representatives was delivered as to Meta on August 1, 2025 and announced on the docket on August 4, 2025.

7. Why are there Settlements?

Plaintiffs and Class Counsel believe that Class Members have been damaged by Flurry, Google, and Flo's conduct. Flurry, Google, and Flo deny the allegations made by Plaintiffs, believe that they have meritorious defenses to them, and contend that Plaintiffs' claims would have been dismissed before trial, at trial, or on appeal. As a result, Flurry, Google, and Flo believe Plaintiffs would have received nothing if the lawsuit against them had continued to trial and verdict.

The Court did not decide in favor of Plaintiffs, Flurry, Google, or Flo. Instead, Class Counsel engaged in separate negotiations with Flurry, Google, and Flo to reach the negotiated Settlements. The Settlements allow the parties to avoid the risks and costs of lengthy litigation and the uncertainty of additional pre-trial proceedings, a trial, and/or appeals. If approved, the Settlements will also permit Class Members who submit timely and valid Claim Forms to receive some compensation, rather than risk ultimately receiving nothing. Plaintiffs and Class Counsel believe the Settlements are in the best interest of all Class Members.

If the Settlements are approved, the claims against Flurry, Google, and Flo in this Action will be resolved; all Released Plaintiffs' Claims (as defined in the Settlement Agreements) against the Released Flurry, Google and Flo Parties will be released by the Releasing Plaintiffs Parties. If the Settlements are not approved, Class Representatives will continue to litigate their claims against Flurry, Google, and Flo.

WHO GETS MONEY FROM THE SETTLEMENTS

8. Who is included in the Settlements?

You are included in the Settlements if you are a member of the nationwide Class and/or California Subclass and you did not previously request to be excluded or you are not excluded by definition.

You are a member of the nationwide Class if:

- i. You used the Flo App in the United States between November 1, 2016, and February 28, 2019; *and*
- ii. You entered menstruation and/or pregnancy information into the Flo App during that time.

You are a member of the California Subclass if:

- i. You used the Flo App in California between November 1, 2016 and February 28, 2019;
- ii. You entered menstruation and/or pregnancy information into the Flo App during that time; *and*
- iii. You resided¹ in California during that time.

These people are excluded from the nationwide Class and California Subclass by definition:

(1) any Judge or Magistrate presiding over this action and any members of their families; (2) Defendants, Defendants' subsidiaries, parents, successors, predecessors, and any entity in which Defendants or their parents have a controlling interest and their current or former employees, officers, and directors; (3) persons who properly executed and filed a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs' counsel and Defendants' counsel; (6) the legal representatives, successors, and assigns of any excluded persons.

9. What if I am still not sure if I am included?

If you are still not sure whether you are included, you can ask for free help. You can email info@PeriodTrackerDataPrivacyLitigation.com, call toll-free 1-866-778-9626 or visit the website, www.PeriodTrackerDataPrivacyLitigation.com for more information.

10. Can I still ask to exclude myself from the Settlements?

No. The deadline to exclude yourself from the Class (and, if applicable, California Subclass) has passed. If you did not exclude yourself previously in connection with the June 2025 class notice, you cannot ask to be excluded now.

11. If I didn't exclude myself previously, can I sue later?

No. Unless you previously excluded yourself from the Class (and, if applicable, California Subclass), you gave up the right to sue Defendants for the claims in this lawsuit, and will be bound by the releases in the Settlement Agreements and all orders and judgments in the Action, whether favorable or unfavorable. You can access the Settlement Agreements, including the release language, on the website: www.PeriodTrackerDataPrivacyLitigation.com.

THE SETTLEMENTS' BENEFITS**12. What do the Settlements provide?**

Google has agreed to pay \$48,000,000, Flo has agreed to pay \$8,000,000, and Flurry has agreed to pay \$3,500,000 to the Class in exchange for the releases and dismissals of claims. These amounts will be combined into a total Settlement Fund of \$59,500,000.

The Settlement Fund will be used to pay any Court-approved disbursements, including notice and settlement administration costs, taxes, service awards for representative Plaintiffs, attorneys' fees, and litigation expenses. The remaining amount ("Net Settlement Fund") will be used to make payments to eligible Class Members who submit timely and valid Claim Forms ("Authorized Claimants").

¹ You must have lived in California, but California did not need to be the state of your legal residency.

If the Settlements are approved, each Authorized Claimant will receive a *pro rata* (or proportional) share of the Net Settlement Fund, calculated according to the plan of allocation approved by the Court. To account for the increased legal value of claims under California's data protection laws, which provide statutory damages, Authorized Claimants who provide reasonable documentation showing they are also members of the California Subclass will receive twice the *pro rata* share of Authorized Claimants who are residents of other states.

13. How can I get a payment?

If you are a Class Member and did not exclude yourself previously, you are eligible to submit a Claim Form to receive your share of money from the Net Settlement Fund. Claim Forms must be submitted online at the website, www.PeriodTrackerDataPrivacyLitigation.com, on or before 11:59 p.m. Pacific Time on [DATE], OR be postmarked by [DATE] and mailed to:

Period Tracker Data Privacy Litigation
P.O. Box 173126
Milwaukee, WI 53217

Following the timely submission and receipt of your Claim Form online, a printable "Confirmation of Claim Receipt" will be displayed on the screen, which will acknowledge receipt of your Claim. If you do not submit a Claim Form, you will not receive any payments under the Settlements. Class Members who do not timely submit valid Claim Forms will still be bound by the Settlements.

14. How much will my payment be?

At this time, we do not know precisely how much each Authorized Claimant will receive from the Settlements or when payments will be made. The amount of your payment will primarily depend on the number of timely valid claims submitted; the amount of fees and expenses approved by the Court; whether you are a member of the California Subclass; and the plan of allocation approved by the Court.

The Settlement Amounts paid by the Settling Defendants, and interest earned, is the gross "Settlement Fund." The Settlement Fund, after the deduction of Court-approved attorneys' fees, litigation expenses, notice and administration expenses, taxes, and any other fees or expenses approved by the Court, is the "Net Settlement Fund." If the Settlements are approved by the Court, the Net Settlement Fund will be distributed to Authorized Claimants according to the following proposed plan of allocation, or another plan of allocation that the Court approves. The Court may approve the proposed plan of allocation, or modify it, without additional individual notice to the Class. Any order modifying the plan of allocation will be posted on www.PeriodTrackerDataPrivacyLitigation.com.

The objective of this plan of allocation is to distribute the Net Settlement Fund equitably among Class Members as a result of the alleged violations. The calculations made pursuant to the plan of allocation, however, are not intended to estimate, or be indicative of, the amounts that Class Members might have been able to recover after a trial. The computations under the plan of allocation are only a method to weigh the Claims of Authorized Claimants against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund. The Settlement Administrator will determine each Authorized Claimant's *pro rata* share of the Net Settlement Fund.

Pursuant to the proposed plan of allocation, Authorized Claimants who are members of the California Subclass will be allocated twice the *pro rata* amount allocated to Authorized Claimants who are not members of the California Subclass. This is to account for the increased legal value of claims under California's data protection laws, which provide statutory damages.

The Net Settlement Fund will be paid to all Authorized Claimants whose prorated payment is \$1.00 or more, given the costs of issuing payments. If the prorated payment to any Authorized Claimant calculates to less than \$1.00, it will not be included in the calculation and no payment will be made to that Authorized Claimant. Payments will be made after all Claims have been processed and after the Court has finally approved the Settlements and the Settlements have reached their Effective Dates.

15. What happens if there are funds remaining?

If there are any funds remaining after all Claims are processed and paid, the unclaimed funds will be redistributed to Authorized Claimants who negotiated their prior payment, if feasible and economical, after the payment of notice and administration expenses, taxes, and any unpaid attorneys' fees and expenses. These redistributions shall be repeated until the balance in the Net Settlement Fund is no longer feasible or economical to distribute. Any balance that still remains, after payment of unpaid notice and administration expenses and taxes, will be contributed to a non-profit, non-sectarian organization approved by the Court. No remaining funds will be returned to Flurry, Google or Flo.

16. When will I receive a payment?

The Court will hold the Final Approval Hearing on [DATE] to decide whether to approve the Settlements. If the Court approves the Settlements, there may be appeals after that. It can sometimes take a year or more for the appellate and Claims process to conclude. Please be patient; status updates will be posted on the website.

17. What do I have to do after I submit a Claim Form?

The Settlement Administrator will evaluate your Claim Form after you submit it to determine if you have provided sufficient information to validate whether you are a Class Member and to approve your Claim. If the Settlement Administrator determines that your Claim Form is deficient or defective for any reason other than a determination that the Claim was fraudulently submitted, it will contact you, and you will have twenty (20) days from the date of the written notice to cure the deficiencies. If you then provide information that satisfies the Settlement Administrator and shows your Claim Form is valid, you will just have to provide accurate and current payment information. If the defect is not cured within the 20-day period, then your Claim will be deemed invalid. Claims determined to be fraudulently submitted will be denied without further recourse. If any disputes cannot be resolved, Class Counsel will submit them to the Court, and the Court will make a final determination about your Claim Form's validity.

18. If I excluded myself, can I get money from the Settlements?

No. You cannot submit a Claim, and you will not get any money from the Settlements if you timely and validly excluded yourself.

19. What if I do nothing?

Unless you previously excluded yourself from the Class (and, if applicable, California Subclass), you remain a Class Member. However, if you do not submit a timely and valid Claim Form, you will not receive any payment from the Settlements. You are bound by past and any future Court rulings, including rulings on the Settlements. You cannot start a lawsuit, continue with a lawsuit, or be a part of any other lawsuit about the claims against the Defendants in this case, including the Released Plaintiffs' Claims (as defined in the Settlement Agreements).

OBJECTING TO THE SETTLEMENTS

20. How do I tell the Court what I think about the Settlements?

If you are a Class Member and you did not exclude yourself, you can tell the Court what you think about the Settlements. You can object to all or any part of the Settlements, the application for attorneys' fees and expenses, and/or the motion for any service awards for the named Plaintiffs. You can give reasons why you think the Court should approve them or not. You can't ask the Court to order different settlements; the Court can only approve or reject the Settlements. If the Court denies approval, no settlement payments will be made, and the lawsuit against Flurry, Google and Flo will continue. The Court will consider your views.

If you choose to object, you must file a written objection with the Court. You cannot object by telephone or email. All written objections and supporting papers must: (i) clearly identify the case name and number (*Frasco, et al. v. Flo Health, Inc., et al.*, No. 3:21-cv-00757 (N.D. Cal.)); (ii) be submitted to the Court either by mailing them to the Clerk of the Court at the United States District Court for the Northern District of California, Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, or by filing them in person at any location of the United States District Court for the Northern District of California, or by filing them electronically through an attorney; and (iii) be filed ***no later than*** _____, 2025.

Your written objection must also include: (i) your full name, current address, telephone number, email address, and email address that you used with the Flo App (if any); (ii) your signature; (iii) proof² or an attestation that you are a Class Member; (iv) a statement of whether your objection applies only to you, to a specific subset of the Class, or to the entire Class; (v) a statement of whether your objection applies to the Flurry Settlement, Google Settlement, Flo Settlement or all three Settlements; (vi) a statement about the legal and factual basis for your objection; (vii) copies of any documents that the you wish to submit in support of your position, and the names of any witnesses; (viii) an identification of all attorneys representing you, if any; (ix) the signature of your duly authorized attorney or other duly authorized representative, if any, along with documentation of their representation; and (ix) a list, including case name, court, and docket number, of all other cases in which you and/or your attorney have filed an objection to any proposed class action settlement in the past three (3) years.

You may, but are not required to, appear at the Final Approval Hearing. If you intend to speak at the Final Approval Hearing (whether on your own or through an attorney), you must file a notice of appearance ***on or before*** ____, 2025, and you must identify: the attorney(s) representing you who will appear at the Final Approval Hearing, if any, by including the attorney's name, address, phone number, email address, the state bar(s) to which the attorney is admitted, as well as associated state bar numbers.

If you appear through your own attorney, you are responsible for hiring and paying that attorney and they must formally appear in the case. If you do not appear through your own attorney, you will be represented by Class Counsel.

If you do not timely and validly submit your objection, your views will not be considered by the Court or any court on appeal. Check the website, www.PeriodTrackerDataPrivacyLitigation.com, for updates on important dates and deadlines relating to the Settlements.

21. If I object to the Settlements, can I still submit a Claim?

Yes. You may submit a Claim if you are a Class Member even if you object to the Settlements.

22. What is the difference between objecting and excluding myself?

Objecting is telling the Court that you do not like something about the Settlements. You can object only if you did not exclude yourself from the Class. Excluding yourself is telling the Court that you do not want to be a part of a class. The time to exclude yourself has already passed. If you previously excluded yourself, you cannot object because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

23. Do I have a lawyer in this case?

Yes. The Court has appointed lawyers to represent the members of the Class and California Subclass. These lawyers are called Class Counsel. The following lawyers are Class Counsel here:

Christian Levis
LOWEY DANNENBERG, P.C.
44 South Broadway, Ste 1100
White Plains, NY 10601

Carol C. Villegas
**LABATON KELLER
SUCHAROW LLP**
140 Broadway
New York, NY 10005

Diana J. Zinser
**SPECTOR ROSEMAN &
KODROFF, P.C.**
2001 Market Street, Suite 3420
Philadelphia, PA 19103

You will not be individually charged for contacting these lawyers or for their services. If you want to be represented by your own lawyer, you may hire one at your own expense.

²Proof may include the Unique ID code and other information included on the Email Notice you may have received from the Settlement Administrator that identifies you as a Class Member.

24. How will the lawyers be paid?

To date, Class Counsel and the other Plaintiffs' Counsel have not been paid anything for their work on this case. The Settlements provide that Class Counsel may apply to the Court, on Plaintiffs' Counsel's behalf, for an Attorneys' Fees and Litigation Expenses award from the Settlement Fund. Class Counsel will ask the Court for an award not to exceed 32.5% of the Settlement Fund (20% of the Flurry Settlement, and 33.3% of the Settlements with Flo and Google) as an attorneys' fees award and up to \$_____ for Litigation Expenses. Plaintiffs may also ask the Court to grant Service Awards up to a total of \$_____.

This is only a summary of the request for attorneys' fees, Litigation Expenses, and Service Awards. Any motions in support of the requests will be available for viewing on the website after they are filed. If you wish to review the motion papers, you may do so by viewing them at www.PeriodTrackerDataPrivacyLitigation.com.

The Court will consider the motion for attorneys' fees, Litigation Expenses, and Service Awards at or after the Final Approval Hearing. Any awards approved by the Court will be paid out of the Settlement Fund.

THE COURT'S FINAL APPROVAL HEARING**25. When and where will the Court decide whether to approve the Settlements?**

The Court will hold the Final Approval Hearing on [DATE], at [TIME], at the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Courtroom 11, 19th Floor, San Francisco, CA 94102. The Final Approval Hearing may be moved to a different date or time without notice to you. The Final Approval Hearing could also be conducted remotely. Although you do not need to attend, if you plan to do so, you should check www.PeriodTrackerDataPrivacyLitigation.com or the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov> to confirm that the date has not been changed before making travel plans.

At the Final Approval Hearing, the Court will consider whether the Settlements are fair, reasonable, and adequate. The Court will also consider whether to approve the requests for attorneys' fees, Litigation Expenses, and any Service Awards for the named Plaintiffs. If there are any objections, the Court will consider them at this time. We do not know how long the Final Approval Hearing will take or when the Court will make its decision. The Court's decision may be appealed.

26. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You are, however, welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you file your written objection on time, the Court will consider it. You may also hire your own lawyer to attend, but you are not required to do so.

27. May I speak at the Final Approval Hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. If you want to appear at the Final Approval Hearing, you must enter an appearance at your own expense, individually, or through your own attorney, by filing a notice of appearance with the Clerk of Court as described in Question 27, such that it is received **no later than [DATE]**, or as the Court may otherwise direct. All documents sent to the Court by any Class Member, including any objection to the proposed Settlements, are filed electronically by the Clerk and therefore, will be available for public review. Any Class Member who does not enter an appearance will be represented by Class Counsel. You cannot request to speak at the Final Approval Hearing by telephone or email.

GETTING MORE INFORMATION**28. How do I get more information?**

The Court has appointed A.B. Data, Ltd. as the Settlement Administrator. Among other things, the Settlement Administrator is responsible for providing this Notice about the Settlements and processing the Claim Forms.

This Notice summarizes the Settlement Agreements. For the precise terms of the Settlements, please see the Settlement Agreements, which are available for your review at the website, www.PeriodTrackerDataPrivacyLitigation.com, by accessing the Court docket in this case (for a fee) through the Court's PACER system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, at the Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. The case website also has answers to common questions about the Settlements, the Claim Form, and other information to help you determine whether you are a Class Member and if you are eligible for a payment. You may contact the Settlement Administrator at:

Period Tracker Data Privacy Litigation
P.O. Box 173126
Milwaukee, WI 53217
(866) 778-9626
info@PeriodTrackerDataPrivacyLitigation.com
www.PeriodTrackerDataPrivacyLitigation.com

If your contact information changes, please send it to the Settlement Administrator at the mailing or email address above.

****PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE, THE SETTLEMENTS, OR FOR ADDITIONAL INFORMATION ABOUT THE CLAIMS PROCESS.****

DATED: _____, 2025

BY ORDER OF THE COURT