

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Susan Whitaker-Pine v. Board of Trustees of the Flavius J. Witham Memorial Hospital

Marion County Superior Court, State of Indiana

Case No. 49D01-2305-PL-020025

If You Had a Witham Patient Portal Account and logged in between January 1, 2020 through December 31, 2023, You May Be Entitled to a \$25.00 Cash Payment From a Class Action Settlement.

A court authorized this notice. You are not being sued.

This is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit claiming that Defendant, Board of Trustees of the Flavius J. Witham Memorial Hospital (“Witham” or “Defendant”), disclosed confidential personally identifiable information (“PII”) and/or protected health information (“PHI”) (collectively referred to as “Private Information”) to third-party technologies without patient consent. Witham firmly denies all of Plaintiff’s claims in the lawsuit and maintains that it did nothing wrong but has agreed to the settlement to avoid the expense, burden and uncertainties associated with continuing litigation.
- You are included if you are or were a patient of Witham residing in the United States and had a patient portal account with Witham and logged in between January 1, 2020 and December 31, 2023.
- Persons included in the Settlement will be eligible to submit a Claim Form to receive a cash payment of \$25.00. Class Members will also have the option to enroll in the Privacy Shield Pro product.
- Defendant has agreed to pay all approved claims to the Settlement Class, together with notice and administrative expenses, approved attorneys’ fees and costs to Class Counsel, and an Incentive Award to the Class Representatives.
- Read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY NOVEMBER 18, 2025	This is the only way to receive a cash payment.
SIGN UP FOR PRIVACY SHIELD PRO	This is the only way to enroll in the Privacy Shield Pro product. You can do this in addition to submitting a claim form for a cash payment. You will be able to sign up if the settlement becomes effective and you will receive a separate email with instructions.
EXCLUDE YOURSELF BY NOVEMBER 3, 2025	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.

OBJECT BY NOVEMBER 3, 2025	Write to the Court explaining why you don't like the Settlement.
GO TO THE HEARING BY NOVEMBER 25, 2025	Ask to speak in Court about your opinion of the Settlement.
DO NOTHING	You will not get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

Your rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The case is called *Susan Whitaker-Pine v. Board of Trustees of the Flavius J. Witham Memorial Hospital*, Case No. 49D01-2305-PL-020025, pending in Marion County Superior Court, State of Indiana. The person who sued is called the Plaintiff. The Defendant is Witham.

2. What is a class action?

In a class action, one or more people called the class representatives (in this case, Susan Whitaker-Pine) sued on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

3. What is this lawsuit about?

This lawsuit claims that Witham violated the law by disclosing patients’ confidential personally identifiable information (“PII”) and/or protected health information (“PHI”) (collectively referred to as “Private Information”) to third-party technologies without consent. Witham firmly denies all of Plaintiff’s claims in the lawsuit and maintains that it did nothing wrong.

4. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid, timely claims will get compensation. The Class Representative and her counsel believe the settlement is fair, reasonable, and adequate and, thus, best for the Settlement Class and its members. The settlement does NOT mean that Defendant did anything wrong.

WHO'S INCLUDED IN THE SETTLEMENT?

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

The **Settlement Class** is defined as:

All patients of Witham residing in the United States who logged into a patient portal account between January 1, 2020 and December 31, 2023.

Excluded from the Settlement Class are: (1) any Judge presiding over this Action, any members of the Judges' respective staffs, and immediate members of the Judge's family; (2) officers and directors of the Defendant, its agents, affiliates, subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest; (3) persons who timely and validly request exclusion from and/or opt-out of the Settlement Class; (4) the legal representatives, successors or assigns of any such excluded persons; and (5) Class Counsel.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Monetary Relief and Privacy Shield Pro Product: Each Settlement Class Member will automatically receive a code to enroll in the Privacy Shield Pro product. The code is listed at the top of your Notice. Each Settlement Class Member who files a timely, valid claim will also have the option to select a cash payment of \$25.00. In addition, Defendant has agreed to pay the costs of notice and administration of the settlement, approved attorneys' fees and costs to Class Counsel, and an Incentive Award to the Class Representatives. To submit a claim, you can do so online here: www.WMHSettlement.com. Or you may request a paper form by calling the number at the bottom of this notice.

A detailed description of the settlement benefits can be found in the [Settlement Agreement](#).

7. How much will my payment be?

You **must** submit a Claim Form (see instructions below) to receive a payment. **If you submit a valid Claim Form and elect to receive a cash payment, you will receive a \$25.00 cash payment.**

You must verify you are a Settlement Class Member when filing a claim by providing the Notice ID and PIN on the notice you received by e-mail. If for some reason you did not receive this information, but believe you are a Settlement Class Member, please email info@WMHSettlement.com to verify your identity and receive your Notice ID and PIN.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for **November 25, 2025**. If the Court approves the settlement, eligible Class Members whose claims were approved by the Settlement Administrator will receive their payment fourteen (14) days after the Settlement has been finally approved. The payment will be made in the form of a check, unless you elect to receive payment by PayPal, Venmo, or Zelle, and all checks will expire and become void one-hundred eighty (180) days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

You **must** complete and submit a Claim Form to receive a cash payment. You may submit a Claim Form either electronically on the Settlement Website www.WMHSettlement.com, or by printing and mailing in a paper Claim Form, copies of which are available for download on the Settlement Website www.WMHSettlement.com. Claim Forms must be submitted online by 11:59 p.m. EST on **November 18, 2025** or postmarked and mailed by **November 18, 2025**.

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the Settlement becomes final, you will give up your right to sue Defendant for the claims this Settlement resolve. The Settlement Agreement describes the specific claims you are giving up against the Defendant. You will be “releasing” the Defendant and their affiliates described in Section 1.26 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “court documents” link on the Settlement Website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

11. What happens if I do nothing at all?

If you do nothing, you won’t get any benefits from this Settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by this Settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed law firms Cohen & Malad, LLP, Stranch, Jennings & Garvey PLLC, and Strauss Borelli, LLP. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting a thorough investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

13. How will the lawyers be paid?

Class Counsel’s attorneys’ fees, costs, and expenses will be paid separately by Defendant and awarded by the Court. Class Counsel is entitled to seek no more than \$566,026.25, but the Court may award less than this amount.

As approved by the Court, the Class Representative will separately be paid an Incentive Award by Defendant for helping to bring and settle the case. The Class Representative may seek up to \$3,500.00 as an Incentive Award, but the Court may award less than this amount.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the settlement. Your letter or request must be in writing and must: (i) identify the case name and number (*Susan Whitaker-Pine v. Board of Trustees of the Flavius J. Witham Memorial Hospital*, Case No. 49D01-2305-PL-020025); (ii) state the name, current address, telephone number, and Notice ID of the Class Member seeking exclusion; (iii) be physically signed by the person(s) seeking exclusion; and (iv) must also contain a statement to the effect that “I hereby request to be excluded from the Settlement Class for purposes of this Settlement.” You must mail or deliver your exclusion request no later than **November 3, 2025** to:

Witham Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

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

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this Settlement.

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

No. If you exclude yourself you will not be entitled to any benefits of the settlement, and you should not submit a Claim Form to ask for benefits.

OBJECTING TO THE SETTLEMENT

17. How do I object to the Settlement?

If you're a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a letter or brief stating that you object to the Settlement in *Susan Whitaker-Pine v. Board of Trustees of the Flavius J. Witham Memorial Hospital*, Case No. 49D01-2305-PL-020025, which must be personally signed, and identify all reasons for your objections. Your letter or brief must include: (i) the objector's name and address; (ii) an explanation of the basis upon which the objector claims to be a Settlement Class Member; (iii) all grounds for the objection, including all citations to legal authority and evidence supporting the objection; (iv) the name and contact information of any and all attorneys representing, advising, or in any way assisting the objector in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection (the "Objecting Attorneys"); (v) a statement indicating whether the objector intends to appear at the Final Approval Hearing (either personally or through counsel who files an appearance with the Court in accordance with the Local Rules); and (vi) a list, by case name, court, and docket number, of all other cases in which the objector and/or the Objecting Attorneys have filed an objection to any proposed class action settlement within the last three (3) years.

All objections must be submitted to the Settlement Administrator, Class Counsel identified below, and to the Court. Class Counsel's Motion for Fee Award will be filed with the Court and posted on the Settlement Website.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these two different places postmarked no later than **November 3, 2025**.

Court	Class Counsel	Defendant's Counsel
Clerk's Office Marion County Superior Court 675 Justice Way Indianapolis, IN 46203	Lynn A. Toops Amina A. Thomas Cohen & Malad, LLP One Indiana Square, Suite 1400 Indianapolis, Indiana 46204 (317) 636-6481 ltoops@cohenmalad.com athomas@cohenmalad.com	Michelle R. Gomez Baker & Hostetler LLP 1801 California Street, Suite 4400 Denver, CO 80202 (303) 764-4099

	J. Gerard Stranch, IV Andrew E. Mize Stranch, Jennings & Garvey, PLLC The Freedom Center 223 Rosa L. Parks Avenue, Suite 200 Nashville, Tennessee 37203 (615) 254-8801 Gstranch@stranchlaw.com amize@stranchlaw.com Samuel J. Strauss Raina Borelli Strauss & Borelli, LLP 613 Williamson St., Suite 201 Madison, Wisconsin 53703 (608) 237-1775 sam@straussborelli.com raina@straussborelli.com	
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18. What's the difference between objecting and excluding myself from the Settlement?

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

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing at **9:30 a.m. on November 25, 2025** via WebEx. Instructions are available at www.WMHSettlement.com. The purpose of the hearing will be for the Court to determine: (i) whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class; (ii) to consider the Class Counsel's request for attorneys' fees and expenses; and (iii) to consider the request for an Incentive Award to the Class Representative. At that hearing, the Court will also be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check www.WMHSettlement.com or call 1-833-417-4891.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to

talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay for your own lawyer to attend, but it's not required.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your "Notice of Intent to Appear in *Susan Whitaker-Pine v. Board of Trustees of the Flavius J. Witham Memorial Hospital*, Case No. 49D01-2305-PL-020025." It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **November 3, 2025** and be sent to the addresses listed in Question 17.

GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.WMHSettlement.com. You may also write with questions to Witham Settlement, c/o Settlement Administrator, P.O. Box 25226, Santa Ana, CA 92799. You can call the Settlement Administrator at 1-833-417-4891 or Class Counsel at (317) 636-6481, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the Settlement Website.