

IN THE DISTRICT COURT FOR JEFFERSON COUNTY,
IN THE STATE OF COLORADO

David Davis et al. v. Rocky Mountain Gastroenterology Associates PLLC,
Case No. 2024CV31831

**IF YOU WERE NOTIFIED BY ROCKY MOUNTAIN
GASTROENTEROLOGY ASSOCIATES PLLC OF A SEPTEMBER 2024
DATA INCIDENT, YOU MAY BE ELIGIBLE FOR PAYMENT AND
CREDIT MONITORING SERVICES FROM A CLASS ACTION
SETTLEMENT.**

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

- A settlement has been reached in a class action lawsuit against Rocky Mountain Gastroenterology Associates PLLC (“RMG” or “Defendant”) concerning the cyberattack carried out by an unauthorized third party on RMG’s computer systems in September 2024, that potentially resulted in the potential access of certain Private Information by an unauthorized third party (the “Data Incident”).
- The lawsuit is called *David Davis et al. v. Rocky Mountain Gastroenterology Associates PLLC*, Case No. 2024CV31831 (the “Litigation”). The lawsuit alleges that the Data Incident potentially exposed certain Private Information of Plaintiffs and the members of the putative class.
- The Settlement Class includes all individuals residing in the United States whose Private Information was potentially compromised as a result of the Data Incident discovered by RMG in September 2024. It excludes: ((1) the Judge presiding over this Litigation, and members of his direct family; (2) the Defendant and its current or former officers and directors; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.
- Your legal rights are affected regardless of whether you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way you may receive cash benefits from this Settlement. The deadline to submit a Claim Form is February 2, 2026.
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will receive no payment, but you will retain any rights you currently have with respect to Defendant and the issues in this case. The deadline to exclude yourself from the Settlement is January 2, 2026.

OBJECT TO THE SETTLEMENT	Write to the Settlement Administrator explaining why you do not agree with the Settlement but remain bound by the Settlement. The deadline to object is January 2, 2026.
ATTEND THE FINAL APPROVAL HEARING	You or your attorney may attend and speak about your objection at the Final Approval Hearing. The Final Approval Hearing will be held on January 23, 2026.
DO NOTHING	You will not get any benefits from the Settlement, and you will give up certain legal rights. You will remain in the Settlement Class and be subject to the Release.

- These rights and options, and the deadlines to exercise them, are explained in this Notice. For complete details, please see the Settlement Agreement, whose terms control, available at www.RockyMountainSettlement.com.
- The Court in charge of this case still has to decide whether to approve the Settlement. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

BASIC INFORMATION

What is this Notice and why should I read it?

The Court authorized this Notice to inform you about a proposed Settlement with Defendant. The case is called *David Davis et al. v. Rocky Mountain Gastroenterology Associates PLLC*, Case No. 2024CV31831. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This Notice explains the Litigation, the Settlement, and your legal rights.

What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Plaintiffs and Class Representatives David Davis, James Salazar, Dierdre Milligan, Shawn Johnston, Colleen White, Keith Minch, and Philip Lowe —sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class.

THE CLAIMS IN THE LITIGATION AND THE SETTLEMENT

What is this lawsuit about?

Plaintiffs claim that Defendant failed to implement and maintain reasonable security measures to adequately protect the Private Information in its possession and to prevent the Data Incident from occurring.

Defendant denies that it is liable for the claims made in the lawsuit and denies all allegations of wrongdoing. More information about the complaint in the lawsuit can be found on the Settlement Website, at www.RockyMountainSettlement.com.

Why is there a Settlement?

The Court has not decided whether the Plaintiffs or Defendant should win this case. Instead, both sides agreed to this Settlement. That way, they can avoid the uncertainty, risks, and expense of ongoing litigation, and Settlement Class Members will be eligible to get compensation now rather than years later—if ever. The Class Representatives and attorneys for the Settlement Class Members, called Class Counsel, agree the Settlement is in the best interests of the Settlement Class Members. The Settlement is not an admission of wrongdoing by the Defendant.

WHO'S INCLUDED IN THE SETTLEMENT?

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

You are part of the Settlement as a Settlement Class Member if you are an individual residing in the United States whose Private Information may have been accessed and/or acquired by an unauthorized party as a result of the Data Incident reported experienced by Defendant in September 2024.

Settlement Class Members will have been emailed or mailed notice of their eligibility. If you are still not sure whether you are included, you can contact the Settlement Administrator by calling 833-417-4917, by emailing Info@RockyMountainSettlement.com, or by visiting the Settlement Website, at www.RockyMountainSettlement.com.

This Settlement Class does not include (1) the Judge presiding over this Action, and members of his direct family; (2) Defendant, and its current and former officers and directors; and (3) Settlement Class Members who submit a valid a Request for Exclusion prior to the Opt-Out Deadline.

THE SETTLEMENT BENEFITS

What does the Settlement provide?

The Settlement provides for access to two years of credit and medical identity monitoring to be provided automatically to all Settlement Class Members. Additionally, Settlement Class Members may make a claim for reimbursement of up to \$1,000 of documented monetary losses related to the Data Incident.

Reimbursement of Documented Monetary Losses: Settlement Class Members may claim reimbursement for associated monetary loss by submitting a claim along with supportive documentation for monetary losses (“Documented Monetary Loss”). To be eligible for reimbursement, Documented Monetary Losses, as further described below, must be fairly traceable to the Data Incident, and will be capped at \$1,000 per Settlement Class Member.

- i. **Supporting Documents:*** To receive reimbursement for any Documented Monetary Loss, Settlement Class Members must submit supporting documentation of the loss and a description of how the loss is fairly traceable to the Data Incident, if not readily apparent from the documentation. Documented Monetary Losses can be supported with the following evidence: receipts or other documentation not “self-prepared” by the Claimant that demonstrates the reasonable costs actually incurred by the Claimant. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but may be considered to add clarity or support other submitted documentation.
- ii. **Documented Monetary Losses:*** Settlement Class Members may submit a claim for documented out-of-pocket expenses incurred on or after September 1, 2024 through the date of the claim submission deadline that are fairly traceable to the Data Incident, up to \$1,000 total per individual. Documented Monetary Losses may include, without limitation, the unreimbursed costs, expenses, losses or charges incurred as a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of Private Information; credit monitoring costs, unreimbursed bank fees, long distance phone charges, postage, or gasoline for local travel. This list of reimbursable documented out-of-pocket expenses is not meant to be exhaustive, rather it is exemplary. Settlement Class Members may make claims for any documented unreimbursed out-of-pocket losses reasonably related to the Data Incident or to mitigating the effects of the Data Incident. The Claim Form and supporting documentation must demonstrate that: (i) the loss is an actual, documented, and unreimbursed monetary loss; (ii) the loss was more likely than not caused by the Data Incident; (iii) the loss occurred between September 1, 2024 and the date of claim submission; (iv) the Claimant made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance. The Settlement Administrator shall have discretion to determine whether any claimed loss is reasonably related to the Data Incident.

Credit and Medical Monitoring Services: All Settlement Class Members will be provided a code for two years of CyEx's Medical Shield Complete product. Medical Shield Complete includes one-bureau credit monitoring as well as monitoring of various categories of medical information. The product retails for \$14.95 per month. Codes will be valid beginning two weeks after the Effective Date. Codes will remain eligible for activation for one-year.

The Settlement Administrator, from the Settlement funds provided by Defendant, will purchase/provide credit monitoring codes to all Settlement Class Members for whom they have a valid address and/or email address. The Settlement Administrator will also provide Settlement Class Members for whom they have a valid email address, a reminder email prior to activation of the codes.

HOW TO GET BENEFITS

How do I make a Claim?

To access your credit and medical monitoring, once two-weeks have passed since the Effective Date, enter the code provided in your notice at the website: <https://app.medicalshield.cyex.com/enrollment/activate/rockymountain>.

To qualify for a cash benefit under the Settlement, you must make a claim.

Settlement Class Members who want to submit a Claim must fill out and submit a Claim Form online at the Settlement Website at, www.RockyMountainSettlement.com, or by mail to the Settlement Administrator. Claim Forms are available through the Settlement Website at, www.RockyMountainSettlement.com or by calling 833-417-4917.

All Claim Forms must be submitted no later than February 2, 2026.

When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for January 23, 2026. If the Court approves the Settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will be sent payment after all appeals and other reviews, if any, are completed. Please be patient.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in this case?

Yes, the Court has appointed the law firms of Milberg Coleman Bryson Phillips Grossman, PLLC and Mason LLP as "Class Counsel" to represent you and all Settlement Class Members. You will not be charged for these lawyers. You can ask your own lawyer to appear in Court for you at your own expense if you want someone other than Class Counsel to represent you.

How will the lawyers be paid?

To date, Class Counsel has not received any payment for their services in conducting this litigation on behalf of the Class and have not been paid for their out-of-pocket expenses. Class Counsel will ask the Court for an award of attorneys' fees and reimbursement of litigation costs not to exceed \$500,000. Defendant shall pay such funds separate and apart from other benefits to the Class.

Class Counsel will also request a service award payment of \$1,500 for each of the seven Class Representatives.

The Court will determine the proper amount of any attorneys' fees, costs, and expenses to award Class Counsel and the proper amount of any service awards to the Class Representatives.

Class Counsel will file their request for attorneys' fees, costs, and expenses and service awards for the Class Representatives with the Court, which will also be posted on the Settlement Website, at www.RockyMountainSettlement.com.

YOUR RIGHTS AND OPTIONS

What claims do I give up by participating in this Settlement?

If you do not exclude yourself from the Settlement, you will not be able to sue Defendant about the Data Incident and you will be bound by all decisions made by the Court in this case, the Settlement, and its included Release. This is true regardless of whether you submit a Claim Form. However, you may exclude yourself from the Settlement (*see below*). If you exclude yourself from the Settlement, you will not be bound by any of the Released Claims, which are described in the Settlement Agreement available on the Settlement Website, at www.RockyMountainSettlement.com.

What happens if I do nothing at all?

If you do nothing, you will receive no benefits under the Settlement. You will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court, the Settlement, and its included Release. You will be deemed to have participated in the Settlement and will be subject to the provisions of the Settlement Agreement. Unless you exclude yourself, you won't be able to file a lawsuit or be part of any other lawsuit against Defendant for the claims or legal issues released in this Settlement.

What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no benefits under the Settlement. However, you will not be in the Settlement Class and will not be legally bound by the Court's judgments related to the Settlement Class and Defendant in this class action.

How do I ask to be excluded?

You can ask to be excluded from the Settlement. To do so, you must send a written notification to the Settlement Administrator stating that you want to be excluded from the Settlement in *David Davis et al. v. Rocky Mountain Gastroenterology Associates PLLC*, Case No. 2024CV31831. Your written notification must include: (1) the name of the proceeding; (2) your full name and current address; (3) your signature; and (4) the words “Request for Exclusion” or a comparable statement that you not wish to participate in the Settlement at the top of the communication. You must mail your exclusion request, postmarked no later than January 2, 2026, to the following address:

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

You cannot exclude yourself by phone or email. Any individual who wants to be excluded from the Settlement must submit his or her own exclusion request. No group opt-outs shall be permitted.

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

No. Unless you exclude yourself, you give up any right to sue Defendant for the claims or legal issues released in this Settlement, even if you do nothing.

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

No. If you exclude yourself, do not submit a Claim Form to ask for any benefits.

How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you do not agree with any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must mail a written objection to the Settlement Administrator and file it with the Court stating that you object to the Settlement in *David Davis et al. v. Rocky Mountain Gastroenterology Associates PLLC*, Case No. 2024CV31831. Your objection must be filed no later than January 2, 2026.

The objection must be in writing and be personally signed by you. The objection must include: (i) the name of the proceedings; (ii) the Settlement Class Member’s full name, current mailing address, and telephone number; (iii) a statement of the specific grounds for the objection, as well as any documents supporting the objection; (iv) the identity of any attorneys representing the objector; (v) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; (vi) a statement identifying all class action settlements objected to by the Settlement Class Member in the previous five years; and (vii) the signature of the Settlement Class Member or the Settlement Class Member’s attorney.

Written objections should be submitted to the Court at the address listed below:

Jefferson County Court
100 Jefferson County Pkwy
Golden, CO 80401

You must also mail the objection to the Settlement Administrator at the address listed below, postmarked no later than January 2, 2026:

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

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 Settlement Class. Excluding yourself from the Settlement 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

When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the Final Approval Hearing at 9:00 a.m. on January 23, 2026, at the Courthouse located at 100 Jefferson County Parkway Golden, CO 80401, room 430, 4th floor. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees, costs, and expenses and the service awards to Class Representatives.

The location, date and time of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the Settlement Website, at www.RockyMountainSettlement.com, or through the Court's publicly available docket. You should check the Settlement Website to confirm the date and time have not been changed.

Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. If your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. However, you may appear on your behalf or pay a lawyer to attend on your behalf to assert your objection if you would like.

May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you (or your attorney) may appear and speak at the Final Approval Hearing concerning any part of the proposed Settlement.

GETTING MORE INFORMATION

Where can I get additional information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is available at www.RockyMountainSettlement.com or by writing to RMG Data Incident, c/o Settlement Administrator, P.O. Box 25226 Santa Ana, CA 92799.

How do I get more information?

Go to the Settlement Website, at www.RockyMountainSettlement.com, call 833-417-4917, email Info@RockyMountainSettlement.com or write to RMG Data Incident, c/o Settlement Administrator, P.O. Box 25226 Santa Ana, CA 92799.

PLEASE DO NOT CALL THE COURT, THE CLERK OF THE COURT, THE JUDGE, OR THE
DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.