

**PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO CASH COMPENSATION AND FREE CREDIT MONITORING FROM A CLASS ACTION SETTLEMENT IF YOU WERE MAILED A NOTICE BY SIU PHYSICIANS & SURGEONS, INC. REGARDING A DATA INCIDENT THAT OCCURRED IN DECEMBER 2020 AND JANUARY 2021.**

*A court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.*

A settlement has been proposed in a class action lawsuit against SIU Physicians & Surgeons, Inc. (“SIUPS”) for the potential compromise of private information of current and/or former patients of SIUPS in December 2020 and January 2021 (the “Data Incident”). The information involved in the Data Incident potentially included names, addresses, Social Security numbers, driver’s license numbers, dates of birth, medical treatment information, and/or health insurance information relating to SIUPS patients.

If you received notice of the class action, you may be included in this Settlement as a “Settlement Class Member.”

The Settlement provides payments to people who submit valid claims for lost time, out-of-pocket expenses, and/or charges that were incurred as a result of the Data Incident, and for other extraordinary unreimbursed monetary losses. The Settlement also offers one year of free credit monitoring services to Class Members who request it. Your legal rights are affected regardless of whether you choose to submit a claim. Read this notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way you can get free credit monitoring and/or a cash payment. The deadline to submit a Claim Form is August 29, 2023.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT</b>	You will <u>not</u> get any payment or credit monitoring services from the Settlement, but you also will not release your claims against SIUPS. This is the only option that allows you to be part of any other lawsuit against SIUPS or related parties for the legal claims resolved by this Settlement. The deadline to submit a request for exclusion is July 19, 2023.
<b>OBJECT TO THE SETTLEMENT</b>	Write to the Court with reasons why you do not agree with the Settlement. The deadline to object to the Settlement is July 19, 2023.
<b>GO TO THE FINAL FAIRNESS HEARING</b>	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing. The Final Fairness Hearing is scheduled on September 11, 2023 at 8:30 a.m.
<b>DO NOTHING</b>	You will <u>not</u> get any payment or credit monitoring services from this Settlement and you will give up certain legal rights. Submitting a Claim Form is the only way to obtain payment or free credit monitoring under this Settlement.

These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com).

**The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.**

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## **BASIC INFORMATION**

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

The Court directed that this Notice be provided because you have a right to know about the proposed Settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after any objections or appeals are resolved, the Settlement Administrator appointed by the Court will distribute the payments and services that the Settlement provides for. This Notice explains the lawsuit, the Settlement, your legal rights, what payments and services are available, who is eligible for them, and how to get them.

The Honorable Michael Fiello of the Circuit Court of Jackson County, Illinois is overseeing this class action. The case is *McFarland v. SIU Physicians & Surgeons, Inc.* (“SIUPS”), Case No. 2021L64 (the “Lawsuit”). The person who filed the Lawsuit is called the Plaintiff, and the company sued, SIUPS, is called the Defendant.

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

On or about January 2021, SIUPS discovered that an unknown, unauthorized third party accessed its Accellion electronic file transfer service, and potentially information relating to certain SIUPS patients’ personal information, for short periods of time in December 2020 and January 2021. The Lawsuit claims that SIUPS was responsible for the Data Incident and asserts claims under five counts: (1) negligence; (2) breach of implied contract; (3) breach of the implied covenant of good faith and fair dealing; (4) violation of the Illinois Consumer Fraud and Deceptive Business Practices Act; (5) unjust enrichment; and (6) invasion of privacy – public disclosure of private facts. The Lawsuit seeks, among other things, payment for persons who were injured by the Data Incident. SIUPS denies each and all of the claims and contentions alleged against it in the Lawsuit. SIUPS denies all allegations of wrongdoing or liability as alleged, or which could be alleged, in the Lawsuit. SIUPS denies it was negligent, breached any implied contract or implied covenant of good faith and fair dealing, violated any state or federal statute, was unjustly enriched, or that anyone’s privacy was invaded.

### **3. What is a class action?**

In a class action, one or more people called Class Representatives (in this case, Sharon McFarland) sue on behalf of people who have similar claims. Together, all these people are called a Class or Class Members. One Court and one judge – in this case, Judge Hon. Michael A. Fiello – resolves the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

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

The Court did not decide in favor of the Plaintiff or SIUPS. Instead, the Plaintiff negotiated a settlement with SIUPS that allows both Plaintiff and SIUPS to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class Members to obtain compensation without further delay. The Class Representative and her attorneys think the Settlement is best for all Settlement Class Members. This Settlement does not mean that SIUPS did anything wrong.

## WHO IS INCLUDED IN THE SETTLEMENT?

### **5. How do I know if I am part of the Settlement?**

You are part of this Settlement as a Settlement Class Member if you previously received a notification from SIUPS of the Data Incident.

If you are not sure whether you are a Class Member, you may go to the Settlement website at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com) or call 1-800-238-9104.

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

Yes. Specifically excluded from the Settlement Class are: (i) SIUPS and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the Judge(s) assigned to evaluate the fairness of this settlement; and (iv) other persons excluded by the terms of the Settlement Agreement.

## THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

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

The Settlement will provide free credit monitoring and/or monetary payments to people who submit valid claims.

SIUPS will provide each Settlement Class Member who submits a valid Claim Form with a code for one year of three-bureau (3B) Credit Monitoring service to be used after the Court grants final approval to the Settlement.

In addition, there are also two types of monetary payments that are available: (1) Ordinary Loss Compensation (Question 8, below); and (2) Extraordinary Loss Compensation (Question 9, below). To claim each type of payment, you must provide the information and documentation requested on the Claim Form.

### **8. What payments are available for ORDINARY LOSS COMPENSATION?**

Class Members are eligible to receive compensation of up to \$300.00 (in total) for the following categories of out-of-pocket expenses and lost time resulting from the Data Incident:

- (a) Unreimbursed losses relating to fraud or identity theft; professional fees, including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after December 24, 2020, through May 3, 2023, the date of preliminary approval; and miscellaneous expenses, such as notary, fax, postage, copying, mileage, and long-distance telephone charges; and
- (b) Reimbursement of up to three hours of lost time (at \$25.00 per hour) shown and attested to by the claimant to have been spent dealing with issues related to the Data Incident to prevent, detect, contest, remediate, and/or repair related damages, *e.g.*, time spent dealing with obtaining credit reports, credit monitoring or other identity theft protection products, contacting credit reporting agencies, contacting public or private health insurers, contacting financial institutions, reviewing and monitoring financial accounts and credit reports for fraudulent or suspicious activity, or reversing fraudulent charges.

More details are provided in the Settlement Agreement, which is available at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com).

## **9. What payments are available for EXTRAORDINARY LOSS COMPENSATION?**

Class Members who had extraordinary unreimbursed monetary losses because of information potentially compromised as part of the Data Incident are eligible to make a claim for compensation of up to \$2,500. As part of the claim, the Class Member must show that: (i) the loss is an actual, documented and unreimbursed monetary loss; (ii) the loss was more than likely caused by the Data Incident; (iii) the loss occurred during the specified period; (iv) the loss is not already covered by one or more of the ordinary loss category under Question 8; and (v) the class member made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring insurance and identify theft insurance.

More details are provided in the Settlement Agreement, which is available at <http://siupsdataincidentsettlement.com>.

### **HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM**

## **10. How do I get benefits from the Settlement?**

To obtain free credit monitoring or monetary compensation, you must complete and submit a Claim Form. Claim Forms may be submitted online at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com), or printed from the website and mailed to the Settlement Administrator at the address listed below. Read the instructions carefully, fill out the Claim Form electronically, or mail it postmarked no later than **August 29, 2023** to:

SIUPS Claims Administrator  
c/o RG/2 Claims Administration  
PO Box 59479  
Philadelphia, PA 19102-9479

## **11. How will claims be decided?**

The Claims Administrator will initially decide whether the information provided on the Claim Form is complete and valid. The Claims Administrator may require additional information from any claimant. If the required information is not timely provided, the claim will be considered invalid and will not be paid.

If the claim is complete and the Claims Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to cure any problems or defects.

If you submit a Claim Form online after August 29, 2023, or if you mail a Claim Form to the Settlement Administrator postmarked after August 29, 2023, then your Claim Form will be rejected.

## **12. When will I get my payment?**

The Court will hold a Final Fairness Hearing at 8:30 a.m. on September 11, 2023 to decide whether to approve the Settlement. If the Court approves the Settlement, you will receive your payment and/or your code for free credit monitoring within approximately 60 days of the Effective Date. If there is an appeal of the Settlement, payment may be substantially delayed. It also takes time for all the Claim Forms to be processed, depending on the number of claims submitted and whether any appeals are filed. Please be patient.

## REMAINING IN THE SETTLEMENT

### **13. Do I need to do anything to remain in the Settlement?**

You do not have to do anything to remain in the Settlement, but if you want a payment and/or credit monitoring you must submit a Claim Form, electronically or by mail, postmarked by **August 29, 2023**. See Section 25 below for information about what happens if you do not submit a Claim Form.

### **14. What am I giving up as part of the Settlement?**

If the Settlement becomes final, you will give up your right to sue SIUPS for the claims being resolved by this Settlement. The specific claims you are giving up against SIUPS are described in Section II.1.31 of the Settlement Agreement. You will be “releasing” SIUPS and all related people or entities as described in Sections II.1.31 and XIII.13.3 of the Settlement Agreement. The Settlement Agreement is available at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com).

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the Settlement Class Counsel listed in Question 18 for free, or you are welcome talk to your own lawyer at your own expense if you have questions about what this means.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment or credit monitoring from this Settlement, but you want to keep the right to sue SIUPS about issues in the Lawsuit, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Settlement Class.

### **15. If I exclude myself, can I still get payment from the Settlement?**

No. If you exclude yourself from the Settlement, you will not be entitled to any benefits of the Settlement, but you will not be bound by any judgment in this case.

### **16. If I do not exclude myself, can I sue SIUPS for the same thing later?**

No. Unless you exclude yourself from the Settlement, you give up any right to sue SIUPS for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment or credit monitoring.

### **17. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at SIUPS Settlement Administrator, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479, postmarked by **July 19, 2023**. You may also exclude yourself online at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com). The deadline to exclude yourself online is **July 19, 2023**. If you choose to exclude yourself by mail, the exclusion letter must state that you exclude yourself from the settlement in *McFarland v. SIU Physicians & Surgeons, Inc.*, Case No. 2021L64, and must also include your full name, address, telephone number, and your personal signature. So-called “mass” or “class” exclusion requests are not permitted. If you miss the deadline for excluding yourself from the settlement, you can still make a claim if you do so by August 29, 2023.

**THE LAWYERS REPRESENTING YOU**

**18. Do I have a lawyer in this case?**

Yes. The Court has appointed the following attorneys to represent the Settlement Class. They are called “Class Counsel.” You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Eugene Y. Turin  
Timothy P. Kingsbury  
Chandne Jawanda  
MCGUIRE LAW, P.C.  
55 W. Wacker Drive, 9<sup>th</sup> Fl.  
Chicago, IL 60601  
eturin@mcgpc.com  
tkingsbury@mcgpc.com  
cjawanda@mcgpc.com  
Tel: 312-893-7002

**19. How will Settlement Class Counsel be paid?**

If the Settlement is approved and becomes final, Settlement Class Counsel will ask the Court to award attorneys’ fees and litigation costs no greater than \$243,500.00 (two hundred forty-three thousand five hundred dollars) and a Class Representative Service Award not to exceed the total amount of \$7,500.00 (seven thousand five hundred dollars). If approved, these amounts, as well as the costs of notice and settlement administration, will be paid separately by SIUPS.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the Settlement or some part of it.

**20. How do I tell the Court that I do not like the Settlement?**

If you are a Settlement Class Member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before making a decision.

Your objection (and if you intend to appear at the Final Approval Hearing, a notice of appearance) must be filed with the Clerk of the Circuit Court of the First Judicial Circuit, Jackson County, Illinois, Jackson County Courthouse, 1001 Walnut Street P.O. Box 730, Murphysboro, IL 62966 no later than **July 19, 2023**. You must also mail copies of your objection to Settlement Class Counsel and SIUPS’s Counsel, postmarked no later than **July 19, 2023**, at all of the addresses below:

<b>SETTLEMENT CLASS COUNSEL</b>	<b>SIUPS’S COUNSEL</b>
Eugene Y. Turin Timothy P. Kingsbury McGuire Law, P.C. 55 West Wacker Drive, 9th Fl. Chicago, Illinois 60601 eturin@mcgpc.com tkingsbury@mcgpc.com	Mark A. Olthoff Catherine A. Green <b>POLSINELLI PC</b> 900 W. 48th Place, Suite 900 Kansas City, MO 64112 Phone: (816) 753-1000 molthoff@polsinelli.com cgreen@polsinelli.com

	Kevin M. Hogan Polsinelli PC 150 N. Riverside Plaza, Suite 3000 Chicago, Illinois 60606 kmhogan@polsinelli.com
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Your objection must include:

- 1) Your full name, address, telephone number, and e-mail address;
- 2) This case’s name and case number;
- 3) The reasons why you object to the Settlement, including any documents supporting your objection;
- 4) The identification of any other objections you have filed, or have had filed on your behalf, in any other class action cases in the last four years; and
- 5) Your signature.

If you object, you do not have to appear at the Final Approval Hearing. However, if you intend to appear at the Final Approval Hearing, you must also file with the Court a notice of appearance.

If any attorney will represent you at the Final Approval Hearing, the notice of appearance filed with the Court must include:

- 1) The attorney’s name, address, phone number, and email address;
- 2) The state bar(s) to which the attorney is admitted, and associated bar numbers; and
- 3) A list of all objections to class action settlements the attorney has filed in the past three years, and the results of any such objections, including any sanctions issued by a court in connection with any such objections.

If you object and intend to call witnesses at the Final Approval Hearing, you must provide a list of any such witnesses, together with a brief summary of each witness’s expected testimony, at least thirty (30) days before the Final Approval Hearing.

**21. What is the difference between objecting to and excluding myself from the Settlement?**

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. You cannot both exclude yourself and object to the Settlement; if you exclude yourself from the Settlement, you have no basis to object or submit a Claim Form because the Settlement no longer affects you.

**THE COURT’S FINAL FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. You cannot speak at the hearing if you exclude yourself from the Settlement.

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

The Court will hold a Final Fairness Hearing at 8:30 a.m. on September 11, 2023, in the Circuit Court of the First Judicial Circuit, Jackson County, Illinois, Jackson County Courthouse, 1001 Walnut Street P.O. Box 730, Murphysboro, IL 62966. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration



any properly-filed written objections and may also listen to people who have asked to speak at the hearing (*see* Question 20). The Court will also decide whether to approve fees and expenses requested by Settlement Class Counsel, and the service award requested for the Class Representative. The hearing is subject to being changed by the Court, including taking place remotely via videoconference, so please visit <http://siupsdataincidentsettlement.com> for updates.

**23. Do I have to come to the Final Fairness Hearing?**

No. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

**24. May I speak at the Final Fairness Hearing?**

Yes, you may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must follow the instructions provided in Question 20 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

**IF YOU DO NOTHING**

**25. What happens if I do nothing?**

If you do nothing, you will not receive any benefits from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement and the Release. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against SIUPS or related parties about the issues involved in the Lawsuit, resolved by this Settlement, and released by the Settlement Agreement.

**GETTING MORE INFORMATION**

**26. Are more details about the Settlement available?**

Yes. This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which, along with other documents relevant to this Litigation, are available at [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com). If you have any questions, you can also call the Settlement Administrator at 1-800-238-9104 or contact Class Counsel at the number or email addresses set forth in Question 18 above.

**27. How do I get more information?**

Go to [www.siupsdataincidentsettlement.com](http://www.siupsdataincidentsettlement.com).

***Please do not call the Court or the Clerk of the Court for additional information.  
They cannot answer any questions regarding the Settlement or the Lawsuit.***