

If you were notified of a Data Incident involving The Urology Center of Colorado between September 7, 2021 and September 8, 2021, you may be entitled to benefits from a settlement.

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

- A settlement has been reached in a class action lawsuit against The Urology Center of Colorado, P.C., (“TUCC” or “Defendant”), arising out of a Data Incident between September 7, 2021, and September 8, 2021, where TUCC was targeted by cybercriminals who may have obtained access to the personally identifiable information (“PII”) of TUCC’s current and former patients.
- You are a “Settlement Class Member” if you were mailed a notification that your PII may have been impacted in the Data Incident experienced by TUCC between September 7, 2021, and September 8, 2021. The Settlement provides the following settlement benefits to Settlement Class Members:

Compensation for Documented Out-of-Pocket Losses and Lost Time: If you have documentation showing that you spent money or incurred losses as a result of the Data Incident, you may be eligible for reimbursement up to \$500. For certain documented monetary losses, you may be eligible for reimbursement up to \$2,500. If you lost time as a result of the Data Incident, you may be eligible for reimbursement of up to five hours of lost time spent dealing with the Data Incident. You must submit a Claim Form to receive these benefits.

California Statutory Payment: If you can confirm that you had a California mailing address at the time of the Data Incident, you are eligible for an additional \$50 in compensation. You must submit a Claim Form to receive this benefit.

Identity Theft Protection: Settlement Class Members who previously enrolled in the IDX identity protection services offered by TUCC in connection with the Data Incident will be automatically provided two (2) years of additional identity theft protection services without the need to make an affirmative claim. Settlement Class Members who did not previously enroll in the identity protection services offered by TUCC during the incident response may submit a claim for two (2) years of identity protection services.

This Notice may affect your rights. Please read it carefully.

Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM	The only way to get Settlement benefits for out-of-pocket losses, lost time, extraordinary losses, and the California statutory payment is to submit a Claim Form.	November 7, 2022
OBTAIN IDENTITY THEFT PROTECTIONS	<p>If you previously enrolled in the IDX identity protection services offered by TUCC, you will be automatically provided two years of additional identity theft protection services. You do not need to submit a Claim Form to receive this benefit.</p> <p>If you did not previously enroll in the identity protection services offered by TUCC, you may submit a claim for two years of identity protection</p>	November 7, 2022

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

	services. You must submit a Claim Form to receive this benefit.	
EXCLUDE YOURSELF	Get no Settlement benefits. Keep your right to file your own lawsuit against the Defendant about the legal claims in this case.	October 10, 2022
OBJECT	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it. You may still file a Claim Form and/or receive Identity Theft Protection Services.	October 10, 2022
DO NOTHING	Get no Settlement benefits. Be bound by the Settlement.	

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees and expenses. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

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Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

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BASIC INFORMATION

1. Why is this Notice being provided?

A State Court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

Judge Andrew P. McCallin of the 2nd District Court of Colorado is overseeing this class action. The case is known as *Snyder et al. v. The Urology Center of Colorado, P.C.*, Case No. 2021CV33707 (the “Litigation”). The people who filed this lawsuit are called the “Plaintiffs” or “Class Representatives” and the company they sued, The Urology Center of Colorado, P.C., is called “TUCC” or the “Defendant.”

2. What is this lawsuit about?

Plaintiffs allege that between September 7, 2021, and September 8, 2021, cybercriminals obtained unauthorized access to TUCC’s network and may have acquired the personally identifiable information (PII) of TUCC’s current and former patients. This information may include names, addresses, dates of birth, phone numbers, email addresses, Social Security Numbers, medical record numbers, treating physicians, treating costs, diagnosis, and health insurance information.

Defendant denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing, or that any law has been violated. Defendant denies these and all other claims made in the Litigation. By entering the Settlement, Defendant is not admitting any wrongdoing.

3. Why is the lawsuit a class action?

In a class action, one or more people called Class Representatives sue on behalf of all people who have similar claims. Together all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves from the Settlement Class.

The proposed Class Representatives in this case are the Plaintiffs: Kristen Snyder and Diona Lopez.

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

4. Why is there a Settlement?

Plaintiffs and Defendant do not agree about the claims made in this Litigation. The Litigation has not gone to trial, and the Court has not decided in favor of Plaintiffs or Defendant. Instead, Plaintiffs and Defendant have agreed to settle the Litigation. Plaintiffs and the attorneys for the Settlement Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the Settlement benefits and the risks and uncertainty associated with continued litigation and the nature of the defenses raised by the Defendant.

WHO IS INCLUDED IN THE SETTLEMENT?

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

You are a Settlement Class Member if you were one of the approximately 137,820 individuals who were mailed a notification that your personally identifiable information may have been impacted in the Data Incident between September 7, 2021, and September 8, 2021. If you were mailed a notification, you are a Settlement Class Member.

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

Yes. Excluded from the Settlement Class are: (i) TUCC and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) Judge Andrew P. McCallin and his staff and family; and (iv) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* (a legal term that means "I do not wish to contend") to any such charge.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement Website at www.TUCCSettlement.com or call the Claims Administrator’s toll-free number at 1-855-424-0789.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member and you file a valid and timely Claim Form with the necessary supporting documentation, you may be eligible for reimbursement of the following documented out-of-pocket expenses incurred because of the Data Incident, not to exceed \$500 per Settlement Class Member:

Compensation for Documented Ordinary Losses

TUCC will provide compensation for unreimbursed losses, up to a total of \$500 per person, for Settlement Class Members who submit a Claim Form and supporting documentation for Out-of-Pocket expenses incurred as a result of the Data Incident, including unreimbursed bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel.

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

Compensation for Lost Time

TUCC will provide compensation for up to three hours of time spent dealing with the Data Incident at \$20 per hour for Settlement Class Members who provide an attestation that the lost time was spent responding to issues raised by the Data Incident;

TUCC will provide compensation for up to two additional hours of lost time at \$20 per hour if Settlement Class Members submit reasonable supporting documentation of the time spent along with a brief description of the documentation describing the nature of the loss.

Compensation for Documented Extraordinary Losses

TUCC will provide up to \$2,500 in compensation to each Settlement Class Member for proven monetary loss if:

- (1) The loss is an actual, documented, and unreimbursed monetary loss;
- (2) The loss was more likely than not caused by the Data Incident;
- (3) The loss occurred between September 2021 and the Claims Deadline of **November 7, 2022**;
- (4) The loss is not already covered by one or more of the reimbursement categories listed above; and the Settlement 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 identity theft insurance.

California Statutory Payment

TUCC will provide \$50 in compensation to each Settlement Class Member who confirms they had a California mailing address at the time of the Data Incident.

Identity Theft Protection

Settlement Class Members who previously enrolled in the IDX identity protection services offered by TUCC in connection with the Data Incident will be automatically provided two (2) years of additional identity theft protection services without the need to make a claim.

Settlement Class Members who did not previously enroll in the identity protection services offered by TUCC in connection with the Data Incident may submit a claim for two (2) years of identity protection services.

9. Is there additional information available regarding the reimbursement of out-of-pocket expenses and compensation for time spent dealing with the Data Incident?

Yes. Settlement Class Members seeking reimbursement must complete and submit a Claim Form to the Claims Administrator by **November 7, 2022**. Claim Forms can be submitted online at www.TUCCSettlement.com or by mail at TUCC Claims Administrator, PO Box 5420, Portland, OR 97228-5420. If by mail, the Claim Form must be postmarked by **November 7, 2022**.

10. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you exclude yourself, you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against TUCC and Released Parties about the legal issues in this Litigation that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

11. What are the Released Claims?

The Settlement Agreement in Section IV, paragraphs 1.20 and 6.1–6.3 describes the Release, Released Claims and the Released Parties in necessary legal terminology, so please read these sections carefully. The Settlement Agreement is available at www.TUCCSettlement.com or in the public court records on file in this lawsuit. For questions regarding the Releases and what they mean, you can also contact one of the lawyers listed in Question 15 for free, or you can, talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

12. How do I make a claim for Settlement benefits?

To submit a claim for reimbursement for Documented Ordinary Losses, Lost Time, Documented Extraordinary Losses, or the California Statutory Payment, you must submit a valid Claim Form.

Settlement Class Members who previously enrolled in the IDX identity protection services offered by TUCC in connection with the Data Incident will be automatically provided two (2) years of additional identity theft protection services **without the need to submit a claim**. Settlement Class Members who did not previously enroll in the identity protection services offered by TUCC in connection with the Data Incident **may submit a claim** for two (2) years of identity protection services.

Settlement Class Members seeking reimbursement under the Settlement must complete and submit a Claim Form to the Claims Administrator, postmarked or submitted online on or before **November 7, 2022**. Claim Forms may be submitted online at www.TUCCSettlement.com, or printed from the website and mailed to the Claims Administrator at the address on the form. The quickest way to submit a claim is online. Claim Forms are also available by calling 1-855-424-0789 or by writing to:

TUCC Claims Administrator
PO Box 5420
Portland, OR 97228-5420

13. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Claims Administrator of your updated information. You may notify the Claims Administrator of any changes by calling 1-855-424-0789 or by writing to:

TUCC Claims Administrator
PO Box 5420
Portland, OR 97228-5420

14. When will I receive my Settlement benefits?

If you make a Valid Claim, payment will be provided by the Claims Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.TUCCSettlement.com for updates.

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed the law firm of Milberg Coleman Bryson Phillips Grossman, PLLC, 5335 Wisconsin Avenue NW, Suite 440, Washington, D.C. 20015 as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this Litigation.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award them attorneys' fees and costs not to exceed \$215,000 to be paid by TUCC. They will also ask the Court to approve \$2,000 service awards to each of the named Plaintiffs (totaling \$4,000) for participating in this Litigation and for their efforts in achieving the Settlement. If awarded by the Court, Defendant will pay fees, costs, expenses, and incentive awards directly. The Court may award less than these amounts.

Class Counsel's application for attorneys' fees, expenses, and service awards will be made available on the Settlement Website at www.TUCCSettlement.com before the deadline for you to comment or object to the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant on your own based on the claims raised in this Litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from – or “opting out” of – the Settlement.

17. How do I get out of the Settlement?

To opt-out of the Settlement, you must mail written notice of a request for exclusion. The written notice must be signed and clearly state that you wish to be excluded from the Settlement Class.

The exclusion request must be **postmarked** and sent to the Claims Administrator at the following address by **October 10, 2022**:

TUCC Claims Administrator
Exclusions
PO Box 5420
Portland, OR 97228-5420

You cannot exclude yourself by telephone or by email.

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

No. If you exclude yourself, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement benefits if you stay in the Settlement and submit a valid Claim Form.

19. If I do not exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant and Released Parties for the claims this Settlement resolves relating to the Data Incident. You must exclude yourself from this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

OBJECT TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement or requested attorneys' fees and expenses. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees and expenses. To object, you must file timely written notice as provided below no later than **October 10, 2022**, stating you object to the Settlement in *Snyder et al. v. The Urology Center of Colorado, P.C.*, Case No. 2021CV33707. The objection must also include all of the following additional information:

- (1) Your full name, address, telephone number, and e-mail address (if any);
- (2) Information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of notice, copy of original notice of the Data Incident);
- (3) A written statement of all grounds for the objection, accompanied by any legal support for the objection you believe applicable;
- (4) A statement as to whether the objection applies only to you, to a specific subset of the class, or to the entire class
- (5) The identity of any and all counsel representing you in connection with the objection;
- (6) A statement as to whether you and/or your counsel will appear at the Final Fairness Hearing; and
- (7) Your signature and the signature of you duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation).

To be timely, written notice of an objection in the appropriate form containing the case name and docket number (*Snyder et al. v. The Urology Center of Colorado, P.C.*, Case No. 2021CV33707) must be filed with the Clerk of the Court located at:

Clerk of the Court
Denver District Court
1437 Bannock Street, Room 256
Denver, Colorado 80202

Any Settlement Class Member who fails to comply with the requirements for objecting in Section VIII of the Settlement Agreement shall waive and forfeit any and all rights he or she may have to appear separately and/or to object to the Settlement Agreement and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the Litigation.

21. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees and expenses. You can object only if you stay in the Settlement Class (that is, do not exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you cannot object to the Settlement.

THE FINAL FAIRNESS HEARING

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

The Court will hold a Final Fairness Hearing via videoconference on **October 26, 2022, at 1:00 p.m.** before Judge Andrew P. McCallin.

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve: the Settlement, Class Counsel’s application for attorneys’ fees, costs and expenses, and the incentive awards to Plaintiffs. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing. If you wish to appear at the hearing by video, please visit <https://judicial.webex.com/meet/d02-dnvr-courtroom466>. The Meeting ID for Courtroom 466 is: 2595037 4600.

Note: The date and time of the Final Fairness Hearing are subject to change. Any change will be posted at www.TUCCSettlement.com.

23. Do I have to attend to the Final Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to speak about it. As long as you file or mail your written objection on time the Court will consider it.

24. May I speak at the Final Fairness Hearing?

Yes, as long as you do not exclude yourself, you can (but do not have to) participate and speak for yourself in this Litigation and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you in this Litigation, you must follow all of the procedures for objecting to the Settlement listed in Section 20 above – and specifically include a statement whether you and your counsel will appear at the Final Fairness Hearing.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement benefits. You will give up rights explained in the “Excluding Yourself from the Settlement” section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant or any of the Released Parties about the legal issues in this Litigation that are released by the Settlement Agreement relating to the Data Incident.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.TUCCSettlement.com, by calling 1-855-424-0789, or by writing to:

TUCC Claims Administrator
PO Box 5420
Portland, OR 97228-5420

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT’S CLERK OFFICE
REGARDING THIS NOTICE.**

Questions? Go to www.TUCCSettlement.com or call 1-855-424-0789