

If your personal information was involved in a Data Incident involving Utah Imaging Associates, Inc., which was discovered on or about September 4, 2021, you may be entitled to a benefit from a settlement.

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

- A \$2.1 million common fund settlement has been reached in a class action lawsuit against Utah Imaging Associates, Inc. (“Defendant”) regarding a “Data Incident.” A third-party’s unauthorized access to Defendant’s computer systems on or about September 4, 2021, resulted in access to personal information, potentially including Personal Identifiable Information (“PII”) and/or Protected Health Information (“PHI”), of Settlement Class Members.
- You are a “Settlement Class Member” if your PII/PHI was potentially exposed in the Data Incident that occurred on or about September 4, 2021, including if you were mailed a notice letter notifying you that your PII and/or PHI may have been potentially exposed.
- Settlement Class Members may receive only one of the following two settlement benefit options as part of the Settlement, by submitting a timely and valid Claim Form.
 1. **Cash Payment:** A cash payment (estimated to be approximately \$50); **OR**
 2. **Reimbursement/Credit Monitoring:** You can seek reimbursement for **all** the following:
 - Compensation for Ordinary Losses;
 - Compensation for Lost Time;
 - Compensation for Extraordinary Losses; and
 - Credit Monitoring.

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

Your Legal Rights and Options		Deadline
Submit a Claim Form	To get a settlement benefit, you must submit a timely and valid Claim Form.	September 20, 2023
Exclude Yourself	Get no settlement benefit. Keep your right to file your own lawsuit against the Released Persons (including the Defendant) about the legal claims in this case.	August 21, 2023
Object	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it.	August 21, 2023
Go to a Hearing	If you are a Settlement Class Member <i>and</i> you file an Objection, you have the right, but are not required, to attend the Final Approval Hearing. You must file a Notice of Appearance.	November 8, 2023
Do Nothing	Get no settlement benefit. 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, costs, and expenses. No settlement benefits or payments will be provided unless the Court approves the Settlement, and it becomes final.

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014

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BASIC INFORMATION

1. Why is this Notice being provided?

A 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 to 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 a settlement benefit.

The Honorable Laura Scott of the Third Judicial District Court of Salt Lake County, Utah is overseeing this class action. The case is known as *Lukens v. Utah Imaging Associates, Inc.*, No. 210906618, in the Third Judicial District Court of Salt Lake County, Utah (the “Litigation”). The person who filed this lawsuit is called the “Plaintiff” and the company sued, Utah Imaging Associates, Inc. is called the “Defendant.”

2. What is this lawsuit about?

The Plaintiff alleges that a third-party’s unauthorized access to Defendant’s computer systems on or about September 4, 2021, resulted in access to personal information, potentially including Personal Identifiable Information (“PII”) and/or Protected Health Information (“PHI”) of Settlement Class Members.

The Defendant denies all claims asserted against it in the Litigation, denies all allegations of wrongdoing and liability, and denies all material allegations. By entering into the Settlement, the Defendant is not admitting any wrongdoing.

3. Why is the lawsuit a class action?

In a class action, a plaintiff (in this Litigation, Plaintiff Jerry Lukens) sues on behalf of all people who are alleged to 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 (opt out) from the Settlement Class.

4. Why is there a Settlement?

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

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 your PII and/or PHI was potentially compromised as a result of the Data Incident that Defendant discovered on or about September 4, 2021. This includes all persons who were sent a letter by Utah Imaging Associates notifying them of the Data Incident.

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

Yes. Excluded from the Settlement Class are Defendant’s officers and directors, as well as (i) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (ii)

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the Judge assigned to evaluate the fairness of this settlement; and (iii) any other Person found by a court of competent jurisdiction to be guilty under criminal law of perpetrating, 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.UIDataIncidentSettlement.com or call the Settlement Administrator’s toll-free telephone number at 1-855-575-1014.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member, you may receive only one of the following two settlement benefit options as part of the Settlement, by submitting a timely and valid Claim Form.

1. **Cash Payment:** You may submit a timely and valid Claim Form for a cash payment (estimated to be approximately \$50) subject to a pro rata share (a legal term that means equal share) that may increase or decrease as described in Question 9.
2. **Reimbursement/Credit Monitoring:** In the alternative to the Cash Payment benefit, you may submit a timely and valid Claim Form for Reimbursement/Credit Monitoring. You can seek reimbursement for some or all of the following as part of the Reimbursement/Credit Monitoring settlement benefit option:
 - Compensation for Ordinary Losses;
 - Compensation for Lost Time;
 - Compensation for Extraordinary Losses; and
 - Credit Monitoring.

Compensation for Ordinary Losses – You may submit a timely and valid Claim Form for up to \$150 by submitting supporting documentation for ordinary losses that you can demonstrate you incurred because of the Data Incident.

Ordinary Losses include:

- Documented 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, gasoline for local travel, and bank fees, all of which must be more likely than not due to the Data Incident, must not have been previously reimbursed or subject to reimbursement by insurance or a third party, and that are reasonably described.
- Fees for credit reports, credit monitoring, or other identity theft insurance product purchased between September 4, 2021, and September 20, 2023 that you incurred because of the Data Incident and not already paid for or reimbursed by a third-party. All such fees must be supported by documentation regarding the full extent of the amount claimed.

Compensation For Lost Time – You may submit a timely and valid Claim Form for up to 3.5 hours of lost time, at \$25 an hour, if at least one-half hour of documented time was spent dealing with the Data Incident. Your lost time must be reasonably described.

Compensation for Extraordinary Losses – You may submit a timely and valid Claim Form for up to \$5,000 in compensation for Extraordinary Losses. You must submit documentation regarding

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the full extent of the amount claimed that proves more likely than not that you incurred a monetary loss directly arising from identity theft or other fraud perpetrated on or against you. For Claim Forms submitted with documentation for Compensation for Extraordinary Losses, the Settlement Administrator will review this information with a heightened scrutiny. The Extraordinary Losses must satisfy the following:

- The loss is an actual, documented, and unreimbursed monetary loss;
- The loss was more likely than not the result of the Data Incident;
- The loss is not already covered by the “Compensation for Ordinary Losses” category; and
- You 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 and other available insurance.

Credit Monitoring – You may submit a timely and valid Claim Form for 24 months of three (3) bureau credit monitoring and insurance. The identity theft monitoring will have the following features:

- Real time monitoring of the credit file at all three major credit bureaus;
- Identity theft insurance (no deductible) of \$1,000,000; and
- Access to fraud resolution agents to help resolve identity thefts.

Remedial Measures/Security Enhancements. In addition to the two settlement benefit options available to Settlement Class Members, the Defendant will confirm to Class Counsel that it has made enhancements to its data security systems since the Data Incident through September 20, 2023.

9. How will claims be paid and what may cause a settlement benefit to increase or decrease?

The \$2.1 million Settlement Fund established for the Settlement will be used to pay for: (1) reasonable Notice and Claims Administration Costs incurred per the Settlement Agreement as approved by the Parties and approved by the Court, (2) any taxes owed by the Settlement Fund, (3) any Service Award approved by the Court, (4) any attorneys’ fee award and costs and expenses as approved by the Court, and (5) any benefits to Settlement Class Members. According to the Settlement Agreement, benefits to Settlement Class Members will be paid after items (1)-(4) are paid.

According to the Settlement Agreement, payment for Settlement Class Members’ benefits will be paid in the following order of priority: (1) Credit Monitoring services claimed by Claimants; (2) If money remains in the Settlement Fund after paying for Credit Monitoring services, Compensation for Ordinary Losses, Compensation for Lost Time, and Compensation for Extraordinary Losses will be paid; (3) Cash Payments. The amount of each Cash Payment will be calculated by dividing the remaining Settlement Fund money by the number of valid Claim Forms received for a Cash Payment.

If any money remains in the Settlement Fund 120 days after the distribution of settlement benefit payments to Claimants, an additional payment (of equal amount) will be made to all Claimants who cashed or deposited their initial Claim Payment, if the average payment amount is equal to or greater than \$3.00. The distribution of the remaining Settlement Fund money will continue until the average payment amount in a distribution is less than \$3.00, and the remaining amount will be paid to the Non-Profit Residual Recipient, as approved by the Court. No portion of the Settlement Fund will be returned or repaid to the Defendant.

If the Settlement Fund is insufficient to cover the payment for Credit Monitoring services claimed by Claimants, the length of Credit Monitoring coverage will be reduced to exhaust the Settlement Fund. If the Settlement is insufficient to cover the full Credit Monitoring benefit, no other settlement

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benefits will be paid, including Compensation for Ordinary Losses, Compensation for Lost Time, and Compensation for Extraordinary Losses; and Cash Payments.

If the Settlement Fund is sufficient to cover the payment for Credit Monitoring services claims by Claimants, but the Settlement Fund is insufficient to cover the payment for all payments for Compensation for Ordinary Losses, Compensation for Lost Time, and Compensation for Extraordinary Losses, then the value of those payments will be reduced on a pro rata basis (a legal term that means equal share).

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

Unless you exclude yourself (opt out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court 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 action, demand, suit, arbitration, or other claim or proceeding, regardless of forum against Released Persons with respect to the Plaintiff's Released Claims or Released Class Claims in this Litigation that are released by this Settlement. The specific rights you are giving up are called "Released Class Claims."

11. What are the Released Claims?

The Settlement Agreement in Section XV describes the Release, Released Class Claims, and Released Persons in necessary legal terminology, so please read this section carefully. The Released Class Claims also includes the release of Unknown Claims, which is also described in necessary legal terminology in the Settlement Agreement in Section XV. The Settlement Agreement is available at www.UIDataIncidentSettlement.com or in the public Court records on file in this lawsuit. For questions regarding the Releases or Released Class Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in Question 15 of this Notice 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 a settlement benefit?

To submit a Claim Form for a Cash Payment or Reimbursement/Credit Monitoring, you must submit a timely and valid Claim Form. Your Claim Form must be filed with the Settlement Administrator, **postmarked** or submitted online on or before **September 20, 2023**. Claim Forms may be submitted online at www.UIDataIncidentSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim Form is online. Claim Forms are also available by calling 1-855-575-1014 or by writing to:

Lukens v. Utah Imaging Settlement Administrator
PO Box 2683
Portland, OR 97208-2683

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

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

Lukens v. Utah Imaging Settlement Administrator
PO Box 2683
Portland, OR 97208-2683

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014

14. When will I receive my settlement benefit?

If you file a timely and valid Claim Form, payment will be provided by the Settlement 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.UIDataIncidentSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed Ben Barnow and Anthony L. Parkhill of Barnow and Associates, P.C. and Andrew W. Ferich of Ahdoot & Wolfson, PC 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 attorneys' fees not to exceed \$700,000 and for reasonable costs and expenses incurred in prosecuting the litigation. Class Counsel will also ask the Court to approve a Service Award of \$3,000 for Plaintiff Jerry Lukens, which is intended to recognize Plaintiff for his efforts in the litigation and commitment on behalf of the Settlement Class.

If awarded by the Court, attorneys' fees, costs, expenses, and the Service Award will be paid out of the Settlement Fund. The Court may award less than these amounts.

OPTING OUT 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 or Released Persons on your own based on the claims raised in this Litigation or released by the Released Class 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 a written opt out request. The written opt out request must include all of the following:

- 1) Your full name, address, and telephone number;
- 2) Your personal and original signature (or the original signature of a person previously authorized by law, such as a trustee, guardian or person acting under a power of attorney to act on behalf of the Settlement Class Member with respect to a claim or right such as those in the Litigation); and
- 3) Clearly state your intent as a Settlement Class Member to be excluded from the Settlement Class and from the Settlement.

The opt out request must be **postmarked** and must be sent to the Settlement Administrator at the following address by **August 21, 2023**:

Lukens v. Utah Imaging Settlement Administrator
Exclusions
PO Box 2683
Portland, OR 97208-2683

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014

You cannot exclude yourself by telephone or by email.

18. If I opt out, can I get anything from the Settlement?

No. If you opt out, you are telling the Court you do not want to be part of the Settlement. You can only get a settlement benefit if you stay in the Settlement.

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

No. Unless you opt out, you give up any right to sue the Released Persons (including the Defendant) for all claims and other matters released in and by the Settlement Agreement Section XV. You must opt out of this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Released Persons (including the Defendant) regarding the Released Class Claims. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECTING 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 object to the Settlement, meaning tell the Court you do not agree with all or any part of the Settlement. The objection must include the following information:

- 1) Your full name, current address, and telephone number;
- 2) Your original signature;
- 3) A statement that you object to the Settlement, in whole or in part;
- 4) A statement of the legal and factual basis for the Objection; and
- 5) Provide copies of any documents that you wish to submit in support of your position regarding the objection.

Your written objection must be filed with the Court and served on Class Counsel and Defendant's Counsel by **August 21, 2023** at the following addresses:

Court	Class Counsel	Defendant's Counsel
Clerk of the Court Salt Lake City District Court 450 South State Street Salt Lake City, UT 84114	Ben Barnow & Anthony L. Parkhill Barnow and Associates, P.C. 205 W. Randolph St., Suite 1630 Chicago, IL 60606 Andrew W. Ferich Ahdoot & Wolfson, PC 201 King of Prussia Road, Suite 650 Radnor, Pennsylvania 19087	David Ross Wilson Elser Moskowitz Edelman & Dicker LLP 1500 K Street, NW, Suite 330 Washington, D.C. 20005

21. What is the difference between objecting and asking to opt out?

Objecting is simply telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **November 8, 2023, at 9:00 a.m.** before the Honorable Laura Scott, at Third Judicial District Court of Salt Lake County, Utah, 450 South State Street, Salt Lake City, UT 84114.

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, expenses, and the Service Award to the Plaintiff. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or by phone. Any change will be posted on the Settlement Website at www.UIDataIncidentSettlement.com.

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

No. Class Counsel will answer any questions the Court may have. If you send an objection, you have the right to, but do not have to attend the Final Approval Hearing 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 Approval Hearing?

If you are a Settlement Class Member *and* you file an objection, you have the right, but are not required, to attend the Final Approval Hearing. If you are a Settlement Class Member *and* you file an objection, and you intend to appear at the Final Approval Hearing, either with or without counsel, you must also file a Notice of Appearance with the Court (as well as serve the Notice of Appearance on Class Counsel and Defendant's Counsel) at the addresses listed in Question 20, by **August 21, 2023**, the Objection Deadline.

If you are a Settlement Class Member *and* you file an objection, and you intend to appear at the Final Approval Hearing through counsel, you must identify the attorney(s) representing you who will appear at the Final Approval Hearing and include the attorney(s) name, address, telephone number, email address, state bar(s) to which counsel is admitted, as well as associated state bar number(s). If you fail to timely file and serve an objection and Notice of Appearance, if applicable, of your intent to appear at the Final Approval Hearing in person or through counsel, you will not be permitted to object to the approval of the Settlement at the Final Approval Hearing, and you will be foreclosed from seeking any review of the Settlement or the terms of the Settlement Agreement by appeal or other means. Any objecting Settlement Class Member who appeals a grant of the Final Approval Order or Final Judgment will be required to post an appeal bond if and as ordered by the Court. Any Settlement Class Member who does not submit a timely objection in compliance with all the requirements provided for in the Settlement Agreement, this Notice, and otherwise as ordered by the Court, will not be treated as having filed a valid objection to the Settlement and will be forever barred from raising any objection to the Settlement.

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014

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 a settlement benefit. You will give up rights explained in the “Opting Out 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, etc. against the Released Persons (including the Defendant) regarding the Released Class Claims in this Litigation.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.UIDataIncidentSettlement.com, by calling 1-855-575-1014 or by writing to:

Lukens v. Utah Imaging Settlement Administrator
PO Box 2683
Portland, OR 97208-2683

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

Questions? Go to www.UIDataIncidentSettlement.com or call 1-855-575-1014