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ELECTRONICALLY FILED
Superior Court of California,
County of Tulare
01/29/2025
By: Charisma Hughes,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TULARE

DAVID UNDERWOOD and DUNCAN MEADOWS, individually and on behalf of all others similarly situated, <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">HAPY BEAR SURGERY CENTER, LLC Defendant.</p>
--

Case No. VCU307987

**DECLARATION OF ELENA
MACFARLAND REGARDING THE
STATUS OF NOTICE AND
SETTLEMENT ADMINISTRATION**

1 I, Elena MacFarland, hereby declare and state as follows:

2 **INTRODUCTION**

3 1. I am a Project Manager for the Court-appointed Claims Administrator, EAG Gulf Coast, LLC
4 (“EAG” or “EisnerAmper”), a full-service administration firm providing legal administration services,
5 including the design, development, and implementation of unbiased complex legal notification programs. As
6 the Project Manager, I am personally familiar with the facts set forth in this Declaration.

7 2. I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration
8 are based upon my personal knowledge, information received from the parties in this proceeding, and the
9 information provided by other experienced employees working under my supervision.

10 **BACKGROUND**

11 3. On October 7, 2024, the Court entered its order preliminarily approving the Settlement
12 Agreement and appointing EisnerAmper as the Claims Administrator. Preliminary Approval Order, ¶6. After
13 the Court’s preliminary approval of the Settlement, EisnerAmper began to implement and coordinate the
14 Notice Program.

15 4. I submit this Declaration to evidence EisnerAmper’s compliance with the terms of the
16 Settlement Agreement and Preliminary Approval Order, and detail EisnerAmper’s execution of its role as
17 the Claims Administrator.

18 **NOTICE PROGRAM EXECUTION**

19 **Notice Database**

20 5. EisnerAmper maintains a database of 108,083 Settlement Class Members which was used to
21 effectuate the Notice campaign as outlined within the Settlement Agreement. On September 15, 2024,
22 EisnerAmper received an Excel file from the Defendant’s Counsel, containing to the extent available, the
23 names and physical mailing addresses for each Settlement Class Member for a total of 109,425 records. After
24 deduplicating the data, EisnerAmper determined that a total of 108,083 unique records exist in the class data,
25 inclusive of records for the 107,418 California Subclass members (the “Class Notice List”)¹.

26 **Direct Mail Notice**

27 _____
28 ¹ All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Settlement Agreement.

1 6. EisnerAmper coordinated and caused the Short-Form Notice (“Postcard Notice”) to be mailed
2 via First-Class Mail to Settlement Class Members for which a mailing address was available from the class
3 data. The Postcard Notice included (a) a “tear-off” Claim Form with prepaid return postage, (b) the web
4 address to the case website for access to additional information, (c) rights and options as a Settlement Class
5 Member and the dates by which to act on those options, and (d) the date of the Final Approval Hearing. The
6 Notice mailing commenced on November 6, 2024, in accordance with the Preliminary Approval Order. A
7 true and correct copy of the Postcard Notice is attached hereto as **Exhibit A**.

8 7. Prior to the mailing, all mailing addresses were checked against the National Change of
9 Address (NCOA) database maintained by the United States Postal Service (“USPS”). In addition, the
10 addresses were certified via the Coding Accuracy Support System (CASS) to ensure the quality of the zip
11 code and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses. Of the
12 107,434 Settlement Class Members with mailing address information sufficient to attempt the Postcard
13 Notice mailing, 335 records did not successfully pass the address validation procedures noted above.

14 **Mailed Notice Delivery**

15 8. In the initial mailing campaign, EisnerAmper executed Postcard Notice mailings to 107,099
16 Settlement Class Members that passed address validation. EisnerAmper executed skip tracing on the 335
17 records that did not pass address validation and was able to mail the Postcard Notice to an additional 218
18 Settlement Class Members. EisnerAmper also executed supplemental mailings for 6,940 Settlement Class
19 Members for which the initial Postcard Notice was not deliverable but for which EisnerAmper was able to
20 obtain an alternative mailing address through (1) forwarding addresses provided by the USPS, or (2) skip
21 trace searches using a third-party vendor database. Mail notice delivery statistics are detailed in paragraph
22 13 below.

23 **Settlement Post Office Box**

24 9. EisnerAmper maintains the following Post Office Box for the Settlement Program:

25 In re Hapy Bear Surgery Center Settlement
26 c/o HBSC Settlement Administrator
27 P.O. Box 4206
28 Baton Rouge, LA 70821

This P.O. Box serves as a location for the USPS to return undeliverable program mail to EisnerAmper and

1 for Settlement Class Members to submit exclusion requests, Claim Forms, and other settlement-related
2 correspondence. The P.O. Box address appears prominently in all Notices, the Claim Form, and in multiple
3 locations on the Settlement Website. EisnerAmper monitors the P.O. Box daily and uses a dedicated mail
4 intake team to process each item received.

5 **Settlement Website**

6 10. On November 5, 2024, EisnerAmper published the Settlement Website,
7 www.HBSCDataSettlement.com. Visitors to the Settlement Website can download the Short-Form and
8 Long-Form Notices (collectively, the “Notices”), the Claim Form, as well as Court Documents, such as the
9 Class Action Complaint, the Settlement Agreement, Plaintiffs’ motions, Orders of the Court, and other
10 relevant documents. A true and correct copy of the Long-Form Notice is attached hereto as **Exhibit B**, with
11 a copy of the Claim Form as **Exhibit C**. Visitors to the Settlement Website are also able to submit claims
12 electronically, find answers to frequently asked questions (FAQs), important dates and deadlines, and contact
13 information for the Claims Administrator. As of January 29, 2025, the Settlement Website received 6,359
14 unique visitors and 13,863 page views.

15 **Dedicated Toll-Free Hotline**

16 11. EisnerAmper established a dedicated toll-free telephone number, 1-855-783-9809 (the “Toll-
17 Free Number”), which is available twenty-four hours a day, seven days a week. Settlement Class Members
18 can call and interact with an interactive voice response system (“IVR”) that provides important settlement
19 information and offers the option to leave a voice message to address specific requests or issues and receive
20 a call back from the Claims Administrator. The Toll-Free Number appears in all Notices, as well as in
21 multiple locations on the Settlement Website, and will remain active through the close of this Settlement
22 Program.

23 **Email Support**

24 12. EisnerAmper established an Email address, info@HBSCDataSettlement.com, to provide an
25 additional option for Settlement Class Members to address specific questions and requests to the Claims
26 Administrator for support.

27 **NOTICE PROGRAM REACH**

1 **Notice Reach Results**

2 13. Through the Notice procedures outlined above, EisnerAmper attempted to send direct notice
3 to 107,317 (99.29%) Settlement Class Members. As of January 29, 2025, the Notice Program reached a total
4 of 97,011 (89.76%) of Settlement Class Members². Table 1 below provides an overview of dissemination
5 results and reach statistics for the Notice Program.

6

Table 1: Notice Dissemination Statistics		
Description	Volume of Class Members	Percentage of Class Members
Class Members	108,083	100.0%
Initial Notice Mailing		
(+) Total Postcard Notices Mailed	107,317	99.29%
(-) Total Postcard Notices Returned as Undeliverable	16,692	15.44%
Supplemental Notice Mailing		
(+) Total Postcard Notices Re-Mailed	6,940	6.42%
(-) Total Postcard Notices Returned as Undeliverable	554	0.51%
Direct Notice Program Reach		
(=) Received Direct Notice	97,011	89.76%

15

16 **CLAIM ACTIVITY**

17 **Claim Intake and Processing**

18 14. Settlement Class Members can submit claims online by visiting the Settlement Website or by
19 mailing a Claim Form to the Claims Administrator. The online claim submission feature became available
20 on the Settlement Website beginning November 5, 2024. As of January 29, 2025, EisnerAmper has received
21 a total of 2,449 claim submissions, of which 2,400 claims have been determined to be non-duplicative and
22 from Settlement Class Members. Table 2 below provides summary statistics of claim submissions received.
23 Table 3 below provides a summary of approved claims and estimated awards by category as of January 29,
24 2025. If Attorneys' Fees, Costs, and Service Awards are approved as requested in the Plaintiffs' Motion for
25 Fees, Costs, and Service Awards, factoring in the costs of notice and administration, and the number of claims
26 approved to date, EisnerAmper anticipates for payments to Settlement Class Members to be reduced pro rata.

27 _____
28 ² A Settlement Class Member is considered "reached" by direct Notice if a Postcard Notice mailed to the Settlement Class Member has not been returned by the USPS as undeliverable.

The deadline for Settlement Class Members to submit a claim is February 4, 2025. EisnerAmper will continue to intake and analyze claims submitted online on the Settlement Website or mailed to the Settlement P.O. Box.

Table 2: Claims Statistics	
Description	Volume (#)
Total Claims Received	2,449
(-) Duplicate Claims Identified	41
(-) Invalid Claims – Not a Class Member	8
(=) Net Claims Received	2,400

Table 3: Approved Claims Summary	
Claim Form Category	Approved
Number of Lost Time Claims	2,023
Total Number of Hours Claimed	7,218
Total Hours Claimed (\$)	\$180,450.00
Number of Claims with Ordinary Expenses	25
Total Ordinary Expenses (\$)	\$250.00
Number of Claims with Extraordinary Expenses	11
Total Extraordinary Expenses (\$)	\$0.00
Number of California Subclass Claims	2,020
Total California Subclass Claims (\$)	\$101,000.00
Number of Credit Monitoring Claims	1,379
Total Credit Monitoring Claims (\$)	\$12,576.48
Total (\$)	\$294,276.48

EXCLUSIONS AND OBJECTIONS

Exclusions (Opt-Outs) Received

15. Preliminary Approval Order directs that Settlement Class Members who wish to exclude themselves from the Settlement Class for purposes of this Settlement do so by submitting a request for exclusion to the Claims Administrator. The deadline for Settlement Class Members to request to be excluded from the Settlement was January 6, 2025. EisnerAmper has not received any exclusion requests from Settlement Class Members as of January 29, 2025.

Settlement Objections

1 16. Preliminary Approval Order directs that any member of the Settlement Class who has not
2 timely filed a request for exclusion may object to the granting of final approval to the Settlement by sending
3 a letter to the Claims Administrator, and as more set forth in the Settlement Agreement. The deadline to
4 object to the Settlement was January 6, 2025. EisnerAmper has not received any objections from Settlement
5 Class Members as of the date of this Declaration.

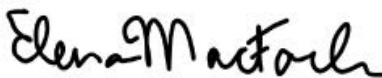
6 **NOTICE AND ADMINISTRATION EXPENSES**

7 17. EisnerAmper has agreed to notice and administration costs not to exceed \$99,600.00.

8 **CERTIFICATION**

9 I, Elena MacFarland, declare under the penalty of perjury that the foregoing is true and correct.

10 Executed on this 29th day of January, 2025, in Baton Rouge, Louisiana.

11
12 Handwritten signature of Elena MacFarland in black ink.

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14 _____
Elena MacFarland
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Exhibit A

Legal Notice

In re: Hapy Bear Surgery Center Data Security Incident Litigation, Case No. VCU307987

Individuals whose personal information was involved in the data security incident that Hapy Bear Surgery Center discovered on or about December 27, 2023, including those who were sent a notice about the incident, may be eligible for benefits from a class action settlement.

A California court ordered this notice. This is not a solicitation from a lawyer.

A Settlement has been reached in a class action against Hapy Bear Surgery Center, LLC ("HBSC") in an action arising out of a cyberattack during which a hacker may have gained access to personally identifiable information ("PII") and protected health information ("PHI") stored by HBSC that occurred on or before December 27, 2023 ("Data Security Incident"). HBSC announced the Data Security Incident in April 2024. The lawsuit was filed asserting claims against HBSC relating to the Data Security Incident. HBSC denies all of the claims and denies that it did anything wrong.

For more information on the proposed settlement, including how to submit a claim, exclude yourself, or submit an objection, please visit www.HBSCDataSettlement.com or call 1-855-783-9809.

In re Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator
P.O. Box 4206
Baton Rouge, LA 70821

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
FPI

ELECTRONIC SERVICE REQUESTED

SETTLEMENT CLAIM ID: [claim Id]
[FIRST NAME] [LAST NAME]
[ADDRESS1]
[ADDRESS2]
[CITY] [STATE] [ZIP]



Postal Service: Do Not Mark or Cover Barcode

GJ08



The deadline to submit this form is **February 4, 2025**. Questions? Call 1-855-783-9809 or visit www.HBSCDataSettlement.com

Signature: _____ Date (mm/dd/yyyy): _____ Print Name: _____
I declare under penalty of perjury under the laws of the United States and the laws of my State of residence that the information supplied in this claim form is true and correct to the best of my recollection, and that this form was executed on the date set forth below. I understand that I may be asked by the Claims Administrator to provide supplemental information before my claim will be considered complete and valid.

SIGN AND DATE YOUR CLAIM FORM

I wish to make a claim for an additional two (2) years of Credit Monitoring Services.

Credit Monitoring Services

1 Hour 2 Hours 3 Hours 4 Hours

Examples – You spent an hour contacting your bank and/or implementing credit monitoring, and/or checking your statements as a result of the Data Security Incident. Recovery for this category is paid out at \$25/hour, for up to four (4) hours.

Time reimbursement for time spent dealing with the Data Security Incident

Full Name: _____ Telephone Number: _____
Address: _____
City, State, Zip Code: _____
Email Address: _____

Contact Information (Please fill in completely.)

separate Claim Form.
Note: Claims for documented ordinary out-of-pocket losses and documented extraordinary out-of-pocket losses require supporting documentation and therefore must be submitted online at www.HBSCDataSettlement.com or mailed to the Settlement Administrator with a **Postcard Claim Form**.
You may claim one or both options.
To submit a claim for up to four (4) hours of time at \$25 per hour reasonably spent responding to the Data Security Incident and/or two years of additional Credit Monitoring Services, please complete the form below, sign, and mail this portion of the postcard to the Settlement Administrator by **no later than February 4, 2025**. Please complete the claim form for each category of benefits that you would like to claim.

POSTCARD CLAIM FORM -- MEMBER ID: [claim Id]

WHAT CAN I GET? The settlement provides the following relief to people who submit a valid claim form:

- (1) up to **\$500** in documented ordinary out-of-pocket losses and up to four hours of time at \$25 per hour reasonably spent responding to the Data Security Incident;
- (2) up to **\$7,500** in reimbursement for documented extraordinary out-of-pocket losses related to the Data Security Incident;
- (3) two years of additional Credit Monitoring Services; and
- (4) California Residents are eligible to receive an additional \$50 payment.

WHO IS INCLUDED? You received this notice because HBSC’s records show you are a member of the Class. The Class consists of all individuals residing in the United States whose personal information was implicated in the Data Security Incident, including those to whom HBSC or its authorized representative sent a notice concerning the Data Security Incident.

CLAIM FORM. You must file a Claim Form to receive a cash payment or Credit Monitoring Services. You can file a claim online or download a Claim Form at www.HBSCDataSettlement.com and mail it, or you may call 1-855-783-9809 and ask that a Claim Form be mailed to you. The claim deadline is **February 4, 2025**.

OTHER OPTIONS. If you do not want to be legally bound by the Settlement, you must exclude yourself by **January 6, 2025**. If you stay in the Settlement, you may object to it by **January 6, 2025**. A more detailed notice is available to explain how to exclude yourself or object. Please visit the website www.HBSCDataSettlement.com or call the toll-free number **1-855-783-9809** for a copy of the more detailed notice. On **February 24, 2025 at 8:30 a.m.**, the Court will hold a Final Approval Hearing to determine whether to approve the Settlement, Class Counsel’s request for attorneys’ fees of \$312,500, attorneys’ costs of up to \$20,000, and an incentive award of \$5,000 for each of the Class Representatives. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but you do not have to. This is only a summary. For more information, call or visit the website below.

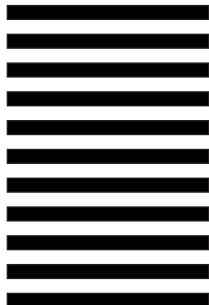
www.HBSCDataSettlement.com **1-855-783-9809**



HAPPY BEAR SURGERY CENTER SETTLEMENT
 CO HBSC SETTLEMENT ADMINISTRATOR
 PO BOX 4206
 BATON ROUGE LA 70821-9986

POSTAGE WILL BE PAID BY ADDRESSEE

BUSINESS REPLY MAIL
 FIRST-CLASS MAIL PERMIT NO. 416 BATON ROUGE LA



NO POSTAGE
 NECESSARY
 IF MAILED
 IN THE
 UNITED STATES



Exhibit B

In re Hapy Bear Surgery Center Data Security Incident Litigation, Case No. VCU307987
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

If your personal information was involved in the Data Security Incident that Hapy Bear Surgery Center discovered on or about December 27, 2023, including if you were sent a notice about this Incident, you may be eligible for benefits from a class action settlement.

www.HBSCDataSettlement.com

A California court authorized this notice. This is not junk mail, an advertisement or a lawyer solicitation.

- A settlement has been proposed in a class action case against Hapy Bear Surgery Center, LLC (“HBSC”) arising out of a cyberattack that occurred on or around December 27, 2023, during which unauthorized third parties gained access to certain files containing the personal information of current and former patients of HBSC (“Data Security Incident”). The computer files accessed in the Data Security Incident contained for some person’s name, Social Security number, health insurance information, and information about a person’s care, among other sensitive information.
- Plaintiffs David Underwood and Duncan Meadows filed a class action on behalf of themselves and those similarly situated and claim that HBSC failed to prevent the Data Security Incident and assert claims for: (i) negligence; (ii) negligence per se; (iii) breach of implied contract; (iv) violation of the California Confidentiality of Medical Information Act; (v) violation of the California Unfair Competition Law; (vi) unjust enrichment; (vii) declaratory judgment; (viii) violation of the California Customer Records Act; and (ix) invasion of privacy.
- If your personal information was implicated in the Data Security Incident, including if you received a notice from HBSC concerning the Data Security Incident, you are part of the Class and may be eligible for benefits. The settlement provides (1) up to **\$500** in documented ordinary out-of-pocket losses and up to four (4) hours of time at \$25 per hour reasonably spent responding to the Data Security Incident; (2) up to **\$7,500** in reimbursement for documented extraordinary out-of-pocket losses related to the Data Security Incident; and (3) two years of additional Credit Monitoring Services. California Residents are also eligible to receive a \$50 payment.
- Your legal rights are affected regardless of whether you do or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM Deadline: February 4, 2025	This is the only way to receive a payment.
EXCLUDE YOURSELF FROM THE SETTLEMENT Deadline: January 6, 2025	Get no benefits. This is the only option that may allow you to sue HBSC over the claims being resolved by this settlement.
OBJECT TO THE SETTLEMENT Deadline: January 6, 2025	Write the Court with reasons why you do not agree with the settlement.
GO TO THE FINAL APPROVAL HEARING	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Approval Hearing.
DO NOTHING	You will not get any compensation from the settlement and you will give up certain legal rights.

Questions? Call 1-855-783-9809 or visit www.HBSCDataSettlement.com

- These rights and options – **and the deadlines to exercise them** – are explained in this notice. For complete details, view the Settlement Agreement at www.HBSCDataSettlement.com or call 1-855-783-9809.
- The Court in charge of this case still has to decide whether to grant final approval of the settlement. Payments will be made and settlement benefits distributed only after the Court grants final approval of the settlement and after any appeals are resolved in favor of the settlement.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION Page 3

1. Why was this Notice issued?
2. What is this lawsuit about?
3. What is a class action?
4. Why is there a settlement?

WHO IS IN THE SETTLEMENT?..... Pages 3 and 4

5. How do I know if I am included in the settlement?
6. What if I am not sure whether I am included in the settlement?

THE SETTLEMENT BENEFITS Page 4

7. What does the settlement provide?
8. What payments are available?

HOW TO GET BENEFITS..... Page 5

9. How do I get benefits?
10. How will claims be decided?

REMAINING IN THE SETTLEMENT Page 5

11. Do I need to do anything to remain in the settlement?
12. What am I giving up as part of the settlement?

EXCLUDING YOURSELF FROM THE SETTLEMENT Page 6

13. If I exclude myself, can I get a payment from this settlement?
14. If I do not exclude myself, can I sue HBSC for the same thing later?
15. How do I get out of the settlement?

THE LAWYERS REPRESENTING YOU Page 6 and 7

16. Do I have a lawyer in this case?
17. How will Settlement Class Counsel be paid?

OBJECTING TO THE SETTLEMENT..... Pages 6 and 7

18. How do I tell the Court that I do not like the settlement?
19. What is the difference between objecting and asking to be excluded?

THE COURT’S FINAL APPROVAL HEARING Pages 7 and 8

20. When and where will the Court decide whether to approve the settlement?
21. Do I have to attend the Final Approval Hearing?
22. May I speak at the Final Approval Hearing?

23. What happens if I do nothing?

24. How do I get more information?

BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this notice because you have a right to know about the proposed settlement in this Class Action and about all of your options before the Court decides whether to give “Final Approval” to the settlement. This notice explains the legal rights and options that you may exercise before the Court decides whether to approve the settlement.

Judge Gary M. Johnson of the Superior Court of California, County of Tulare, is overseeing this case. The case is known as *In re Hapy Bear Surgery Center Data Security Incident Litigation*, Case No. VCU307987 (the “Lawsuit”). The people who filed the Lawsuit are called the Plaintiffs. HBSC is called the Defendant.

2. What is this lawsuit about?

Plaintiffs claim HBSC failed to prevent the Data Security Incident and assert claims including: (i) negligence; (ii) negligence per se; (iii) breach of implied contract; (iv) violation of the California Confidentiality of Medical Information Act; (v) violation of the California Unfair Competition Law; (vi) unjust enrichment; (vii) declaratory judgment; (viii) violation of the California Customer Records Act; and (ix) invasion of privacy. The Lawsuit seeks, among other things, payment for persons whose personal information was at issue in the Data Security Incident.

HBSC has denied and continues to deny all of the claims made in the Lawsuit, as well as all charges of wrongdoing or liability against it.

3. What is a class action?

In a class action, one or more people called “Plaintiff(s)” or “Representative Plaintiff(s)” (in this case, David Underwood and Duncan Meadows) sue(s) on behalf of all people who they allege have similar claims. One Court and one judge resolves the issues in the case.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or HBSC. Instead, the parties negotiated a settlement that allows both Plaintiffs and HBSC to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of trial and appeals. The settlement allows people in the class to participate in a settlement (“Settlement Class members”) to obtain benefits without further delay. The Representative Plaintiffs and their attorneys believe the settlement is best for all Settlement Class members. The settlement does not mean that HBSC did anything wrong.

WHO IS IN THE SETTLEMENT?

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

You are part of this settlement if you are an individual residing in the United States and your personal information was involved in the 2023 Data Security Incident discovered on or about December 27, 2023, including those to whom HBSC or its authorized representative sent notice concerning the Data Security Incident.

Specifically excluded are: (i) HBSC and HBSC's parents, subsidiaries, affiliates, officers and directors, and any entity in which HBSC has a controlling interest; all individuals who make a timely election to be excluded from this settlement using the correct protocol for opting out; any and all federal, state or local governments, including but not limited to their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

6. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are included in the settlement, or have any other questions related to the settlement, you may:

1. Call 1-855-783-9809
2. Email info@HBSCDataSettlement.com; or
3. Write to:

In re: Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator
P.O. Box 4206
Baton Rouge, LA 70821

Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the settlement provide?

Under the terms of the settlement, there are three kinds of compensation available: (1) up to **\$500** in documented ordinary out-of-pocket losses and up to four (4) hours of time at \$25 per hour reasonably spent responding to the Data Security Incident; (2) up to **\$7,500** in reimbursement for documented extraordinary out-of-pocket losses related to the Data Security Incident; and (3) two years of additional Credit Monitoring Services. You may submit a claim for any or all of the above-listed remedies. In addition to the above, Settlement Class members who are California residents are also eligible to receive an additional payment of \$50.00. To claim each type of remedy, you must provide information and documentation with the Claim Form, as described on the Claim Form.

HBSC has also agreed that it has and will continue to undertake certain reasonable steps to enhance the security deployed to secure access to its data network.

8. What compensation is available?

Ordinary Expense and Time Reimbursements: Settlement Class members are eligible to claim up to \$500, which may be decreased based on the number of claims and available funds, in reimbursement for the following:

Questions? Call 1-855-783-9809 or visit www.HBSCDataSettlement.com

- Out of pocket expenses, namely, postage, copying, scanning, faxing, mileage and other travel-related charges, parking, notary charges, research charges, cell phone charges (only if charged by the minute), long distance phone charges, data charges (only if charged based on the amount of data used), text message charges (only if charged by the message), bank fees, accountant fees, credit monitoring fees, and attorneys' fees, all of which must be fairly traceable to the Data Security Incident and must not have been previously reimbursed by a third party; and
- Up to four (4) hours of lost time, at \$25/hour for time spent dealing with the Data Security Incident.

Extraordinary Losses: HBSC will provide compensation, up to a total of \$7,500.00 per person, to Settlement Class members, upon submission of an Approved Claim and supporting documentation for proven monetary loss associated with fraud or identity theft if:

- If the loss is actual, documented and an unreimbursed monetary loss;
- The loss was more than likely than not caused by and fairly traceable to the Data Security Incident; and
- The loss is not already covered by the Ordinary Expense Reimbursement defined above.

Credit Monitoring: "Credit Monitoring Services" means two (2) years of credit monitoring to Participating Settlement Class members under the Settlement. These services include three-bureau credit monitoring; dark web monitoring; real-time inquiry alerts; and \$1 million in identity theft insurance, among other features. All Settlement Class members are eligible to enroll in two (2) years of Credit Monitoring Services, upon submission of a valid Claim Form regardless of whether the Settlement Class Member submits a claim for reimbursement of Unreimbursed Economic Losses or Lost Time. The Settlement Administrator shall send an activation code to each valid Credit Monitoring Services claimant within forty-five (45) days of the Effective Date that can be used to activate Credit Monitoring Services. Such enrollment codes shall be sent via e-mail, unless the claimant did not provide an e-mail address, in which case such codes shall be sent via U.S. mail. Codes will be active for 180 days after the date of mailing, and may be used to activate the full term if used at any time during that 180 day period. The provider shall provide Credit Monitoring Services to all valid claimants who timely activate those services for a period of two (2) years from the date of activation.

California Residents: Class Members who attest to being a resident of California shall receive an additional payment of \$50.

HOW TO GET BENEFITS

9. How do I get benefits?

To receive a payment or credit monitoring services from the settlement, you must complete a Claim Form. You may download a copy of the Claim Form at www.HBSCDataSettlement.com, or you may request one by mail by calling 1-855-783-9809. To complete the Claim Form, please read the instructions carefully, fill out the Claim Form, provide reasonable documentation (where applicable), and submit your Claim online or mail it postmarked no later than **February 4, 2025** to:

In re: Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator

Questions? Call 1-855-783-9809 or visit www.HBSCDataSettlement.com

10. How will claims be decided?

The Claims Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Claims Administrator may request additional information from any claimant. If the claimant does not timely provide the required information, the Claim will be considered invalid and will not be paid. If the claim is rejected in whole or in part, for any other reason, then the Claims Administrator shall refer the claim to the Representative Plaintiffs, HBSC and their counsel for a determination.

REMAINING IN THE SETTLEMENT

11. 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, you must submit a Claim Form postmarked or submitted online by **February 4, 2025**.

12. What am I giving up as part of the settlement?

By not timely opting-out of the class, all of the Court’s orders will apply to you, and you give HBSC a “Release.” A Release means you cannot sue or be part of any other lawsuit against HBSC about the claims or issues in this lawsuit (relating to the Data Security Incident), and you will be bound by the settlement. The specific claims you are giving up against HBSC and related persons or entities are called “Released Claims.” The Released Claims are defined in the Settlement Agreement, which is available under the Important Documents page at www.HBSCDataSettlement.com. The Settlement Agreement describes the Released Claims with specific and accurate legal descriptions, so read it carefully.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this settlement, but you want to keep the right to sue HBSC about issues in this case, 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.

13. If I exclude myself, can I get a payment from this settlement?

No. If you exclude yourself, you will not be entitled to any benefits of the settlement. You will also not be bound by any judgment in this case.

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

No. Unless you exclude yourself, you give up any right to sue HBSC for the Claims that this settlement resolves. You must exclude yourself from the Settlement Class to start your own individual 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.

15. How do I get out of the settlement?

To exclude yourself from the settlement, send a letter that says you want to be excluded from the settlement in *In re Hapy Bear Surgery Center Data Security Incident Litigation*, Case No. VCU307987 (Tulare County, California) (“Exclusion Request”). Include your name, address, and signature. Your Exclusion Request must be postmarked by **January 6, 2025** and mailed to:

In Re Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator
P.O. Box 4206
Baton Rouge, LA 70821

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court appointed Daniel Srourian of Srourian Law Firm, P.C. and Jason M. Wucetich of Wucetich & Korovilas LLP to represent you and other Settlement Class members. These lawyers are called Settlement 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.

17. 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 of \$312,500 and costs not to exceed \$20,000. Settlement Class Counsel will also request approval of a service award to each of the Representative Plaintiffs in the amount of \$5,000. If approved, these amounts, as well as the costs of notice and settlement administration, will be paid separately by HBSC and will not reduce the amount of total payments available to Settlement Class members.

OBJECTING TO THE SETTLEMENT

18. 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 some part 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. To object, you must file with the Court and mail or email copies to Class Counsel and HBSC’s counsel a written notice stating that you object to the settlement. Your objection must include all of the following information: (i) your full name and address; (ii) the case name and docket number - *In re Hapy Bear Surgery Center Data Security Incident Litigation*, Case No. VCU307987 (Tulare County, California); (iii) proof that you are a member of the Settlement Class (e.g., copy of your settlement notice, a copy of original notice of the Data Security Incident, or a statement explaining why you believe you are a Settlement Class member); (iv) a written statement of all grounds for the objection, accompanied by any legal support for the objection you believe applicable; (v) the identity of any and all counsel representing you in connection with the objection; (vi) a statement whether you and/or your counsel will appear at the Final Approval Hearing; and (vii) your signature or the signature of your duly authorized attorney or other duly authorized representative (if any) representing you in connection with the objection.

Your written notice of an objection, in the appropriate form, must be mailed, with a postmark date no later than **January 6, 2025**, to all of the following:

Class Counsel	Counsel for HBSC
Daniel Srourian Srourian Law Firm, P.C. 3435 Wilshire Blvd., Suite 1710 Los Angeles, California 90010	David M. Ross Wilson Elser LLP 1500 K Street, NW, Suite 330 Washington DC 20005
Jason Wucetich Wucetich & Korovilas LLP 222 N. Pacific Coast Highway, Ste. 2000 El Segundo, CA 90245	

The Court may elect to hear your oral objection, even if you do not follow the above procedure, at the Final Approval Hearing, however, the Parties reserve the right to challenge the objection of any Settlement Class Member who does not follow the above procedure.

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

Objecting is telling the Court that you do not like the settlement and why you do not think the Court should approve it. You can object only if you do not exclude yourself from the Settlement Class. Excluding yourself is telling the Court that you do not 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

20. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Approval Hearing on February 24, 2025 at 8:30 a.m. PT in the Superior Court of California, County of Tulare. 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 18). The Court will also decide whether to approve fees and costs to Settlement Class Counsel, and the service award to the Representative Plaintiffs.

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

No. Settlement Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your own expense, but you are not required to do so. If you send an objection, you do not have to come to the Court to talk about it. As long as you filed your written objection on time with the Court and served it according to the instructions provided in Question 18, the Court will consider it.

22. May I speak at the Final Approval Hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file and serve an objection according to the instructions in Question 18, including all the information required.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing, you will get no monetary benefits from this settlement. Once the Court grants the settlement Final Approval and the judgment becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against HBSC about the legal issues in this case, ever again.

You must exclude yourself from the settlement if you want to retain the right to sue HBSC for the Claims resolved by this settlement.

GETTING MORE INFORMATION

24. How do I get more information?

This notice only provides a summary of the proposed settlement. You can find complete details about the settlement in the Settlement Agreement available at www.HBSCDataSettlement.com. You may also:

1. Write to:

In Re Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator
P.O. Box 4206
Baton Rouge, LA 70821

2. Visit the settlement website at www.HBSCDataSettlement.com
3. Call the toll-free number 1-855-783-9809

PLEASE DO NOT CALL THE COURT OR THE JUDGE WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.

Exhibit C

In re: Hapy Bear Surgery Center Settlement
c/o HBSC Settlement Administrator
PO Box 4206
Baton Rouge, LA, 70821

**Your Claim Form Must Be Submitted
On or Before February 4, 2025**

In Re: Hapy Bear Surgery Center Data Security Incident Litigation

In the Superior Court of Tulare County, California
(Case No. VCU307987)

Claim Form

This claim form should be filled out online or submitted by mail if you are a U.S. resident whose personal information was implicated in the Data Security Incident that Hapy Bear Surgery Center ("HBSC") discovered on or about December 27, 2023 (the "Data Security Incident"), including those who were sent notice about the Data Security Incident. The potential benefits include (1) up to \$500 in documented ordinary out-of-pocket losses and up to four (4) hours of time at \$25 per hour reasonably spent responding to the Data Security Incident; (2) up to \$7,500 in reimbursement for documented extraordinary out-of-pocket losses related to the Data Security Incident; and (3) two years of additional Credit Monitoring Services. California Residents are also eligible to receive an additional \$50 payment. You may get a payment or other benefit if you timely fill out and submit this claim form, if the settlement is approved, and if you are found to be eligible for a payment or other benefit.

The settlement notice describes your legal rights and options. Please visit the official settlement administration website, www.HBSCDataSettlement.com, or call 1-855-783-9809 for more information.

If you wish to submit a claim for a settlement payment or Credit Monitoring Services, you need to provide the information requested below. Please print clearly in blue or black ink. This claim form must be mailed and postmarked by **February 4, 2025**.

TO RECEIVE BENEFITS FROM THIS SETTLEMENT, YOU MUST PROVIDE ALL OF THE REQUIRED (*) INFORMATION BELOW AND YOU MUST SIGN THIS CLAIM FORM. THIS CLAIM FORM SHOULD ONLY BE USED IF A CLAIM IS BEING MAILED IN AND IS NOT BEING FILED ONLINE. YOU MAY ALSO FILE YOUR CLAIM ONLINE AT WWW.HBSCDATASETTLEMENT.COM.

1. CLASS MEMBER INFORMATION

_____		_____
First Name*		Middle Initial
_____		_____
Last Name*		Suffix

Mailing Address: Street Address/P.O. Box (include Apartment/Suite/Floor Number)*		
_____		_____
City*	State*	Zip Code*

Current Email Address*		
_____ - _____		_____ - _____
Current Phone Number		Settlement Claim ID*

Your Settlement Claim ID is printed on the notice you received in the mail. If you no longer have your notice, contact the Settlement Administrator at 1-855-783-9809.

2. PAYMENT ELIGIBILITY INFORMATION

Please review the notice and paragraphs 50-56 of the Settlement Agreement for more information on who is eligible for a payment and the nature of the expenses or losses that can be claimed.

Please provide as much information as you can to help us determine if you are entitled to a settlement payment or other benefit.

PLEASE PROVIDE THE INFORMATION LISTED BELOW:

Check the box for each category of expenses or lost time that you incurred as a result of the Data Security Incident. Please be sure to fill in the total amount you are claiming for each category and to attach documentation of the charges as described in bold type (if you are asked to provide account statements as part of proof required for any part of your claim, you may mark out any unrelated transactions if you wish). Please note that recovery is limited to (1) up to \$500 in documented ordinary out-of-pocket losses and up to four (4) hours of time at \$25 per hour reasonably spent responding to the Data Security Incident; (2) up to \$7,500 in reimbursement for documented extraordinary out-of-pocket losses related to the Data Security Incident; and (3) two years of additional Credit Monitoring Services. California Residents are also eligible to receive an additional \$50 payment.

Ordinary expenses and/or lost time incurred as a result of the Data Security Incident. This category is capped at \$500 to include lost time amounts. You must provide a description of the charges or time sought to be reimbursed.

Time reimbursement for time spent dealing with the Data Security Incident

Examples - You spent an hour contacting your bank and/or implementing credit monitoring, and/or checking your statements as a result of the Data Security Incident. Recovery for this category is paid out at \$25/hour, for up to four (4) hours.

1 Hour 2 Hours 3 Hours 4 Hours

Explanation of Time Spent (Identify what you did by activity and why)	Approx. Date(s) if known	Time Spent on Activity
_____	_____	_____
_____	_____	_____
_____	_____	_____

Documented Out of Pocket Expenses/Reimbursement of fees paid for services or products purchased as a result of the Data Security Incident between December 27, 2023 and the Claims Deadline up to a maximum of \$500.

You must provide supporting documentation. **Examples** - bank fees, long distance phone charges, cell phone charges (if charged by the minute), data charges (if charged based on the amount of data used), postage, or gasoline/electricity for travel; fees for credit reports, credit monitoring, or other identity theft insurance, purchased between December 27, 2023 and **February 4, 2025**.

Total amount for this category: \$ _____ . _____

Expense Type	Approximate Amount of Expense and Date	Description of Expense or Money Paid and Supporting Documents <i>(Identify what you are attaching, and why it's related to the Data Security Incident)</i>
_____	\$ _____ Amount Date	_____
_____	\$ _____ Amount Date	_____
_____	\$ _____ Amount Date	_____

If you are seeking reimbursement for out-of-pocket expenses, please attach a copy of a statement or receipt from the company that charged you, showing the amount of charges incurred. You may mark out any transactions that are not relevant to your claim before sending in the documentation.

Extraordinary Expenses as a result of the Data Security Incident. This category is capped at \$7,500.

Documented Out of Pocket Expenses/Reimbursement of fees and damages for unreimbursed monetary losses as a result of the Data Security Incident between December 27, 2023 and the Claims Deadline up to a maximum of \$7,500.

You must provide supporting documentation. Examples - funds stolen from bank accounts; unreimbursed fraudulent credit card purchases, money taken from financial accounts, fraudulent loans, tax liens, etc., and any other unreimbursed cost that occurred between December 27, 2023 and **February 4, 2025** and is more than likely related to the Data Security Incident.

Total amount for this category: \$ _____ . _____

Expense Type	Approximate Amount of Expense and Date	Description of Expense or Money Paid and Supporting Documents <i>(Identify what you are attaching, and why it's related to the Data Security Incident)</i>
_____	\$ _____ Amount _____ Date _____	_____
_____	\$ _____ Amount _____ Date _____	_____
_____	\$ _____ Amount _____ Date _____	_____

If you are seeking reimbursement for out-of-pocket expenses, please attach a copy of a statement or receipt from the company that charged you, showing the amount of charges incurred. You may mark out any transactions that are not relevant to your claim before sending in the documentation.

I wish to make a claim for an additional two (2) years of Credit Monitoring Services.

3. SIGN AND DATE YOUR CLAIM FORM

I declare under penalty of perjury under the laws of the United States and the laws of my State of residence that the information supplied in this claim form is true and correct to the best of my recollection, and that this form was executed on the date set forth below. I understand that I may be asked by the Claims Administrator to provide supplemental information before my claim will be considered complete and valid.

Signature

Printed Name

Date

4. REMINDER CHECKLIST

1. Keep copies of the completed Claim Form and documentation for your own records.
2. If your address changes or you need to make a correction to the address on this claim form, please visit the settlement administration website at www.HBSCDataSettlement.com and complete the Update Contact Information form or send written notification of your new address. Make sure to include your Settlement Claim ID and your phone number in case the Settlement Administrator needs to contact you in order to complete your request.
3. If you need to supplement your claim submission with additional documentation, please visit the settlement administration website at www.HBSCDataSettlement.com and provide these documents by completing the Secure Contact Form.
4. For more information, please visit the settlement administration website at www.HBSCDataSettlement.com or call the Settlement Administrator at 1-855-783-9809. Please do not call the Court or the Clerk of the Court.