

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT  
FOR PERSONS WHOSE PERSONAL OR HEALTH-RELATED INFORMATION WAS  
ALLEGEDLY DISCLOSED TO A THIRD PARTY BECAUSE OF NOVANT HEALTH,  
INC.'S ("NOVANT HEALTH") USE OF CERTAIN INTERNET TRACKING  
TECHNOLOGY ON ITS WEBSITES OR MYCHART PATIENT PORTAL BETWEEN  
MAY 1, 2020 AND AUGUST 12, 2022.**

*In re: Novant Health, Inc., No. 1:22-cv-00697 (M.D.N.C.)*

*A United States District Court authorized this Notice. This is not a solicitation from a lawyer.*

**THIS IS A NOTICE OF A PROPOSED SETTLEMENT OF A CLASS ACTION LAWSUIT.  
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

**YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING.**

**PLEASE READ THIS NOTICE CAREFULLY.**

**YOU MAY BE ENTITLED TO PARTICIPATE IN A CLASS ACTION  
SETTLEMENT BECAUSE YOUR PERSONAL INFORMATION  
MAY HAVE BEEN SHARED WITH THIRD PARTIES WHEN YOU VISITED NOVANT  
HEALTH'S WEBSITES OR MYCHART PATIENT PORTAL BETWEEN MAY 1, 2020  
AND AUGUST 12, 2022.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM BY MAY 6, 2024</b>	If you submit a Claim Form by <b>MAY 6, 2024</b> , you <b>may</b> receive a pro rata share of the Net Settlement Fund as compensation. You must timely submit a Claim Form either via U.S. mail or online to receive monetary compensation under this Settlement.  <b>IF YOU DO NOTHING</b> , you will not receive Settlement benefits, but you will still be bound by the Settlement.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT BY APRIL 4, 2024</b>	You will receive no benefits, but you will retain any legal claims you may have against Novant Health.
<b>OBJECT BY APRIL 4, 2024</b>	File with the Court a written objection to the Settlement, at the address below, about why you do not like the Settlement. You must remain in the Settlement Class to object to the Settlement.
<b>GO TO THE FINAL APPROVAL HEARING ON JUNE 6, 2024 AT 9:30 AM</b>	Ask to speak in Court about the fairness of the Settlement. You do not need to attend the hearing to object to the Settlement, or to receive monetary compensation under the Settlement.

## **1. What is this Notice?**

This is a court-authorized Long-Form Notice of a proposed Settlement (the “Settlement”) of a class action lawsuit (the “Litigation”), *In re: Novant Health, Inc.*, Case No. 1:22-cv-00697, pending in the U.S. District for the Middle District of North Carolina (the “Court”). The Settlement would resolve the Litigation that arose after a notification provided by Novant Health, Inc. (“Novant Health” or “Defendant”) on August 12, 2022, indicating that because it had used certain Internet tracking technology supplied by a third party, including a piece of code known as a “pixel” (referred to herein as “Tracking Tools”), on its websites and MyChart patient portal, certain personal or health-related information may have been disclosed to a vendor. The Court has granted Preliminary Approval of the Settlement Agreement and has conditionally certified the Settlement Class for purposes of Settlement only. This Long-Form Notice explains the nature of the Litigation, the terms of the Settlement Agreement, and the legal rights and obligations of members of the Settlement Class. Please read the instructions and explanations below carefully so that you can better understand your legal rights. The Settlement Administrator in this case is Postlethwaite & Netterville.

## **2. Why did I get this Notice?**

You may have received a notice because you were identified as a person whose personal or health-related information may have been shared with a third party because of Novant Health’s use of certain Tracking Tools on its websites or MyChart patient portal between May 1, 2020 and August 12, 2022.

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

The Litigation arises out of Novant Health’s implementation and use of Tracking Tools on its websites and MyChart patient portal, which Plaintiffs allege caused their web usage data—containing personal and health-related information—to be shared with a third party, allegedly resulting in the invasion of Plaintiffs’ and Settlement Class Members’ privacy (referred to herein as the “Pixel Disclosure”). Plaintiffs allege that the “Pixel Disclosure” occurred between May 1, 2020 and August 12, 2022.

## **4. Why is this a class action?**

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. In a class action settlement, all of these people together are a “Settlement Class” or “Settlement Class Members.” When a class action is settled, the Settlement, which must be approved by the Court, resolves the claims for all Settlement Class Members, except for those who exclude themselves from the Settlement.

## **5. Why is there a settlement?**

**QUESTIONS? VISIT [WWW.NHPRIVACYSETTLEMENT.COM](http://WWW.NHPRIVACYSETTLEMENT.COM) OR CALL 1-844-925-0521**

To resolve this matter without the expense, delay, and uncertainties of protracted litigation, the Parties reached a Settlement that, if approved by the Court, would resolve all claims brought on behalf of the Settlement Class related to the Pixel Disclosure. If approved by the Court, the Settlement Agreement requires Novant Health to provide cash compensation to Settlement Class Members who submit valid and timely Claim Forms. The Settlement is not an admission of wrongdoing by Novant Health and does not imply that there has been, or would be, any finding that Novant Health violated the law. The Court overseeing the Litigation has not determined that Novant Health did anything wrong.

The Court already has preliminarily approved the Settlement Agreement. Nevertheless, because the settlement of a class action determines the rights of all members of the Settlement Class, the Court overseeing this Litigation must give final approval to the Settlement Agreement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class may be given notice and the opportunity to exclude themselves from the Settlement Class or to voice their support or opposition to final approval of the Settlement Agreement. If the Court does not grant final approval to the Settlement Agreement, or if it is terminated by the Parties, then the Settlement Agreement will be void, and the Litigation will proceed as if there had been no settlement and no certification of the Settlement Class.

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

You are a member of the Settlement Class if you reside in the United States and you are among the individuals who Novant Health identified as potentially having their personal or health-related information disclosed to a third party because of Novant Health's use of Tracking Tools on its websites or MyChart patient portal between May 1, 2020 and August 12, 2022 ("Settlement Class").

Excluded from the Class are (i) Novant Health, any entity in which Novant Health has a controlling interest, and Novant Health's affiliates, parents, subsidiaries, officers, directors, legal representatives, successors, subsidiaries, and assigns; (ii) any judge, justice, or judicial officer presiding over the Litigation and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly excludes themselves from the Settlement.

## **YOUR BENEFITS UNDER THE SETTLEMENT**

### **7. What can I get from the Settlement?**

Settlement Class Members who file a valid and timely Claim Form may receive a pro rata cash payment from the Net Settlement Fund. The Net Settlement Fund is what remains of the \$6,660,000 Settlement Fund following the payment of Notice and Settlement Administration Costs, Class Representative Service Awards (\$2,500 per Class Representative), and Attorneys' Fees and Expenses Award (fees up to 33% of the Settlement Fund, plus expenses up to \$30,000.00), subject to the Court's approval.

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**\*\*\*To receive Settlement benefits, you must submit a Claim Form by May 6, 2024. \*\*\***

### **8. When will I receive the benefits?**

If you timely submit a valid Claim Form for a cash payment, you will receive payment in the amount approved by the Settlement Administrator once the Settlement is Final and has become effective.

### **9. I want to be a part of the Settlement. What do I do?**

All Settlement Class Members are part of the Settlement unless they request to be excluded from it. To submit a claim for cash compensation, you must timely submit the Claim Form on the Settlement Website at [www.NHPrivacySettlement.com](http://www.NHPrivacySettlement.com), or by mail to In re: Novant Health, Inc. c/o Postlethwaite & Netterville, PO Box 3678, Baton Rouge, LA 70821.

You must submit any claims by **May 6, 2024**. There can be only one (1) valid and timely Claim per Settlement Class Member.

### **10. What am I giving up if I remain in the Settlement?**

By staying in the Settlement Class, you will give Novant Health a “release,” and all the Court’s orders will apply to you and bind you. A release means you cannot sue or be part of any other lawsuit or other legal action against Novant Health about or arising from the claims or issues in this Litigation, Novant Health’s use of Tracking Tools, or the alleged Pixel Disclosure.

The precise terms of the release are in the Settlement Agreement, which is available on the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to Class Counsel identified below who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want to remain in the Settlement, and instead want to keep any legal claims you may have against Novant Health, then you must take steps to exclude yourself from this Settlement.

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

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from *In re: Novant Health, Inc.*, Case No. 1:22-cv-00697 (M.D.N.C.) to the Settlement Administrator. Such notice must include: (1) the case name and number of the Litigation (*In re: Novant Health, Inc.*, Case No. 1:22-cv-00697); (2) your full name, address, and telephone number; (3) your personal and original signature; and (4) a written statement that you wish to be excluded from the Settlement. You may only request exclusion for yourself, and no one else can request

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exclusion for you. You must mail your exclusion request so that it is postmarked **no later than April 4, 2024**, to:

In re: Novant Health, Inc.  
c/o Postlethwaite & Netterville  
PO Box 3678  
Baton Rouge, LA 70821

**12. If I exclude myself, do I still receive benefits from this Settlement?**

No, if you submit an exclusion request, you will not receive anything from the Settlement, but you may sue Novant Health over the claims raised in the Litigation.

**THE LAWYERS REPRESENTING THE SETTLEMENT CLASS**

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

The Court has appointed the following attorneys to represent the Settlement Class as Class Counsel:

**Class Counsel**

Milberg Coleman Bryson Phillips Grossman, PLLC  
c/o Gary M. Klinger  
227 W. Monroe Street, Suite 2100  
Chicago, IL 60606

Milberg Coleman Bryson Phillips Grossman, PLLC  
c/o Scott C. Harris  
900 W. Morgan Street  
Raleigh, NC 27603

If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. How will the lawyers for the Settlement Class be paid?**

Class Counsel will be paid from the Settlement Fund. Class Counsel will seek Court approval to be paid reasonable attorneys' fees up to 33.33% of the Settlement Fund, plus their expenses incurred in the Litigation up to \$30,000. The motion for attorneys' fees and expenses will be posted on the Settlement Website after it is filed.

**OBJECTING TO THE SETTLEMENT**

**15. 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, or some part of it, and the Court will consider your views. In order to object to the Settlement, you must submit a written objection (such as a letter or legal brief) stating that you object and the reasons why you think the

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Court should not approve some or all of the Settlement. Your objection must include: (1) your full name, telephone number, address, and email address; (2) a statement indicating the basis for your belief that you are a member of the Settlement Class; (3) the case name and number of the Litigation (*In re: Novant Health, Inc.*, Case No. 1:22-cv-00697 (M.D.N.C.)); (4) a statement about whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class; (5) all grounds for the objection, with any factual and legal support for the stated objection, including any supporting materials; (6) if you are represented by an attorney, or received assistance from an attorney in drafting your objection, the name, address, telephone number, and email address of the attorney; (7) a statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through your attorney; and (8) your personal and original signature.

If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your attorney. If you are objecting and represented by counsel, and such counsel intends to speak at the Final Approval Hearing, your written objection must also include (1) the identity of witnesses whom you intend to call to testify at the Final Approval Hearing; (2) a description of any documents or evidence that you intend to offer at the Final Approval Hearing, and (3) a list, including case name, court, and docket number, of all other cases in which you or your attorney have filed an objection to any proposed class action settlement in the past three (3) years.

If you file an objection, you may still receive benefits under the Settlement so long as you timely file a valid claim. To be timely, written notice of an objection in the appropriate form described above must be filed with the Court no later than the Objection Deadline, as noted below:

United States District Court for the Middle District of North Carolina  
Greensboro Division  
324 W. Market St.  
Greensboro, North Carolina 27401

## THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement. You may attend if you wish, but you are not required to do so.

### 16. Where and when is the Final Approval Hearing?

The Court has already given Preliminary Approval to the Settlement Agreement. A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement Agreement.

The Court will hold a hearing on **June 6, 2024, at 9:30 AM ET** in the courtroom of the Honorable Chief Judge Catherine C. Eagles, Courtroom #3, which is located at 324 W. Market St., Greensboro, North Carolina 27401. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class

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and to determine the appropriate amount of compensation for Class Counsel and rule on the request for a Service Award for the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement. The Court will then decide whether to approve the Settlement.

YOU ARE **NOT** REQUIRED TO ATTEND THE FINAL APPROVAL HEARING TO RECIEVE BENEFITS FROM THIS SETTLEMENT. Please be aware that the hearing may be postponed to a later date without notice.

### **GETTING MORE INFORMATION – CONTACT:**

This notice only provides a summary of the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available on the Settlement Website.

**Settlement Website:** [www.NHPrivacySettlement.com](http://www.NHPrivacySettlement.com)

**Settlement Administrator Email:** [info@NHPrivacySettlement.com](mailto:info@NHPrivacySettlement.com)

**Settlement Administrator Phone Number:** 1-844-925-0521

If you have any questions, you can contact the Settlement Administrator or Class Counsel at the phone numbers listed above. In addition to the documents available on the Settlement Website, all pleadings and documents filed in this Litigation may be reviewed or copied at the Clerk of Court's office.

**DO NOT CALL OR SEND ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, OR NOVANT HEALTH OR ITS COUNSEL. ALL QUESTIONS ABOUT THE SETTLEMENT SHOULD BE REFERRED TO THE SETTLEMENT ADMINISTRATOR OR CLASS COUNSEL.**

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