

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

If you received a notice from Maxim Healthcare Services, Inc. on or about November 4, 2021 notifying you that your information may have been exposed in a data incident, you may be eligible for a payment from a class action settlement.

*Superior Court of California, County of San Diego ordered this notice.
This is not a solicitation from a lawyer.*

Si desea recibir esta notificación en español, visite el sitio web.

- A settlement has been reached with Maxim Healthcare Services, Inc. (“Maxim” or the “Defendant”) in a class action lawsuit about a data incident that occurred on October 1, 2020 through December 4, 2020 (“the Data Incident”). Defendant announced the Data Incident on or about November 4, 2021. The Plaintiff, Michael Wilson, through his conservator, Mosanthy Wilson, filed a lawsuit asserting claims against Defendant relating to the Data Incident. Defendant denies all of the claims and says it did not do anything wrong.
- Plaintiff alleges that from October 4, 2020 through December 4, 2020, Maxim was the target of a criminal cyber-attack in which third-party criminals gained unauthorized access to some of Maxim’s email mailboxes and thereby obtained information from Defendant including the personally identifiable information (“PII”) and protected health information (“PHI”) (collectively, “Private Information”) of at least 28,425 people. Plaintiff alleges that, as a result of the Data Incident, an unauthorized user gained access to Plaintiff’s and Class Members’ Private Information contained in email accounts and attachments containing including names, addresses, dates of birth, contact information, medical history, medical condition or treatment information, medical record number, diagnosis code, patient account number, Medicare/Medicaid number, username/password, and Social Security numbers (“SSNs”).
- The Settlement Class includes all Persons to whom Maxim mailed notice of the Data Incident and who are not otherwise excluded by the Settlement Agreement. You should have received a letter from the Claims Administrator if you are a member of the Settlement Class. That notification included a unique username and password for you to verify your identity to receive the settlement benefits described in this notice. If for some reason you have not received a unique ID, but believe you are a Settlement Class Member, please call 1-833-630-8181 to verify your identity and request further information on how to file a claim.
- For Persons who file a Valid Claim, the Settlement provides reimbursement of up to \$5,000 for Extraordinary Expenses incurred as a result of the Data Incident, and lost time expenses for up to three (3) hours at \$20 per hour (maximum \$60) that resulted from the Data Incident. The Settlement also provides a flat monetary benefit of approximately \$100 for Settlement Class Members who were California Residents between October 1, 2020 and December 4, 2020. The Settlement also provides that all Class Members shall receive a code for 12-months of Financial Shield identity theft protection – without the need to submit a Settlement Claim. Your activation code is contained on your Postcard Notice, and may be used to activate the Financial Shield service at <https://app.financialshield.com/enrollment/activate/maxim> after the Effective Date, estimated to be August 28, 2023.
- You must file a Claim Form to receive a payment. You can file a claim online on the Settlement Website, www.MaximSettlement.com, download a Claim Form and mail it, or you may call 1-833-630-8181 and ask that a Claim Form be mailed to you. The Claims Deadline is July 24, 2023. You must use the unique ID you received with your notification to verify your identity as a member of the Settlement Class. If for some reason you did not receive a unique ID, but believe you are a Settlement Class Member, please call 1-833-630-8181 your identity and request further information on how to file a claim.

**Your legal rights are affected even if you do nothing.
Read this Notice carefully.**

Your Legal Rights & Options in this Settlement		
Submit a Claim	You must submit a claim to get a payment.	Deadline: JULY 24, 2023
Ask to be Excluded	This allows you to sue Defendant over the claims resolved by this Settlement. You will not get anything from this Settlement.	Deadline: JUNE 23, 2023
Object	Write to the Court about why you do not like the Settlement. You can still get a payment.	Deadline: JUNE 23, 2023
Do Nothing	You get no payment but will be eligible for one (1) year of identity theft protection, and you give up rights.	

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the settlement and after any appeals are resolved in favor of the Settlement

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Questions? Call 1-833-630-8181 or visit www.MaximSettlement.com

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 lawsuit 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 Keri Katz of the Superior Court of California, San Diego County, Dept. C-74, is overseeing this case. The case is known as *Michael Wilson v. Maxim Healthcare Services, Inc.*, Case No.: 37-2022-00046497-CU-MC-CTL (Cal. Super. Ct. for San Diego Cty.) The person who sued is called the Plaintiff. Maxim Healthcare Services, Inc., is called the Defendant.

2. What is this lawsuit about?

The lawsuit claims that Defendant was responsible for the Data Incident that occurred and asserts violations of the Confidentiality of Medical Information Act (“CMIA”) and a claim of negligence. The lawsuit seeks compensation for people who had losses as a result of the Data Incident. Defendant denies all of Plaintiff’s claims and asserts it did not do anything wrong.

3. Why is this lawsuit a class action?

In a class action, one or more people called a “Representative Plaintiff” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.” In this case, the Representative Plaintiff is Michael Wilson. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit Valid Claims will get compensation. The Representative Plaintiff and his attorneys believe the Settlement is fair, reasonable, and adequate and, thus, in the best interests of the Settlement Class and its members. The Settlement does not mean that Defendant did anything wrong.

WHO IS IN THE SETTLEMENT?

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

You are included in the Settlement if you were sent a notice letter notifying you that your information may have been compromised in the Data Incident announced by Defendant on or about November 4, 2021. If you were affected, you should have received an email or postcard notification. Specifically excluded from the Settlement Class are: (a) Maxim and its respective officers and directors; (b) all members of the Settlement Class who timely and validly request exclusion from the Settlement Class; (c) the Judge assigned to evaluate the fairness of this Settlement; and (d) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the Data Incident or who pleads *nolo contendere* to any such charge.

Questions? Call 1-833-630-8181 or visit www.MaximSettlement.com

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 1-833-630-8181;
2. Use the “Contact” section of the Settlement Website, www.MaximSettlement.com; or
3. Write to:
Maxim Healthcare Data Incident Settlement
c/o Claims Administrator, Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY, 10150-5391

Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

All Settlement Class Members will be provided access to free identity-theft protection called “Financial Shield” by Pango for a period of 12 months from the Effective Date of the Settlement without the need to submit a Settlement Claim. **Your activation code is contained on your Postcard Notice, and may be used to activate the Financial Shield service at <https://app.financialshield.com/enrollment/activate/maxim> after the Effective Date, estimated to be August 28, 2023.** If for some reason you have not received a unique ID, but believe you are a Settlement Class Member, please call 1-833-630-8181 to verify your identity and request further information on how to file a claim.

The Settlement will also provide payments to people who submit Valid Claims for expenses incurred or time spent as a result of the Data Incident.

Settlement Class Members who were residents of California at the time of the Data Incident will also be eligible for a flat monetary benefit of approximately \$100 each in addition to being eligible for reimbursements of Extraordinary expenses and for Identity-Theft protection.

8. What payments are available?

Settlement Class Members are eligible to receive reimbursement of up to \$5,000 (in total per class member) for “Extraordinary Expense Reimbursement”:

- the loss is an actual, documented and unreimbursed monetary loss;
- the loss was more likely than not caused by the Data Incident;
- the loss occurred between October 1, 2020 and the Claims Deadline; and
- the loss is not for time expended or statutory damages; and,
- the member of the Settlement Class 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.

Reasonable documentation must be submitted with your Claim Form showing that the Data Incident caused the costs incurred in order to receive reimbursement for out-of-pocket costs.

More details are provided in the Settlement Agreement, which is available at www.MaximSettlement.com.

Questions? Call 1-833-630-8181 or visit www.MaximSettlement.com

HOW TO GET BENEFITS

9. How do I get these benefits?

To activate Financial Shield identity theft protection, visit <https://app.financialshield.com/enrollment/activate/maxim> after the Effective Date, estimated to be August 28, 2023, and enter the activation code contained on your Postcard Notice. Please visit www.MaximSettlement.com for updates on the Settlement and to the Effective Date.

To get a monetary payment from the Settlement, you must complete a Claim Form. Please read the instructions carefully, fill out the Claim Form, provide reasonable documentation (where applicable), and submit it online or mail it postmarked no later than **July 24, 2023**, to:

Maxim Healthcare Data Incident Settlement
c/o Claims Administrator, Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY. 10150-5391

You may submit a claim online at www.MaximSettlement.com, download a Claim Form at the Settlement Website and mail it, or you may call 1-833-630-8181 to request that a Claim Form be mailed to you.

10. How will claims be decided?

The Claims Administrator, Kroll Settlement Administration, 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 required information is not provided timely, the claim will be considered invalid and will not be paid.

If the claim is complete and the Claims Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to have their claim reviewed by an impartial Claims Referee selected by the Settling Parties.

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 by **July 24, 2023**.

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

If the Settlement becomes Final, you will give up your right to sue Defendant for the claims being resolved by this Settlement. The specific claims you are giving up against Defendant are described in paragraphs 1.19, 1.20, 1.21 and 1.29 of the Settlement Agreement. You will be releasing Defendant and all related people or entities as described in Section IV.1 of the Settlement Agreement. The Settlement Agreement is available at www.MaximSettlement.com.

The Settlement Agreement describes the Released Claims with specific descriptions, so read it carefully. If you have any questions you can talk to the law firms listed in Question 16 for free, or you can, of course, talk to your own lawyer at your own expense.

Questions? Call 1-833-630-8181 or visit www.MaximSettlement.com

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue Defendant 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 Defendant for the same thing later?

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

15. How do I exclude myself from the Settlement?

To exclude yourself, send a letter that says you want to be excluded from the Settlement in *Michael Wilson v. Maxim Healthcare Services, Inc.*, Case No.: 37-2022-00046497-CU-MC-CTL (Cal. Super. Ct. for San Diego Cty.), and include your name, address, and signature. You must mail your request for exclusion postmarked by **June 23, 2023**, to:

Maxim Healthcare Data Incident Settlement
ATTN: Exclusion Form
c/o Claims Administrator, Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court appointed the following law firms as class counsel: M. Anderson Berry of Clayco C. Arnold, A Professional Law Corp. 865 Howe Avenue, Sacramento, CA 95825, and John J. Nelson of Milberg Coleman Bryson Phillips Grossman, PLLC, 401 W Broadway, Suite 1760, San Diego, CA 92101.

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 the lawyers be paid?

Class counsel will request the Court’s approval of an award for attorneys’ fees of up to \$195,000, inclusive of costs and expenses of the litigation. Class counsel will also request approval of a service award of up to \$2,500 for the Representative Plaintiff. Any amount that the Court awards for attorneys’ fees, costs, expenses, and the incentive award will be paid separately from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

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

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

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed Settlement must be in writing and sent to Class counsel, M. Anderson Berry of Clayco C. Arnold, A Professional Law Corp. 865 Howe Avenue, Sacramento, CA 95825, and counsel for Maxim, Casie D. Collignon, Baker & Hostetler, LLP, 1801 California Street, Suite 4400, Denver, Colorado 80202-2662. In the alternative to the foregoing mailing procedure, you may also file objections with the Claims Administrator, by mailing a copy with a postmark date no later than sixty (60) days from the Notice Commencement Date, or June 23, 2023, to the dedicated post-office box established by the Claims Administrator for receiving correspondence:

Maxim Healthcare Data Incident Settlement
ATTN: Exclusion Form
c/o Claims Administrator, Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person, remotely by conferencing software (instructions will be posted at www.MaximSettlement.com, or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

Your objection must include all of the following information: (i) your full name and address; (ii) the case name and docket number – *Michael Wilson v. Maxim Healthcare Services, Inc.*, Case No.: 37-2022-00046497-CU-MC-CTL; (iii) information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., a copy of your Settlement notice, a copy of the original notice of the Data 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(s) you believe applicable; (v) the identity of any and all counsel (if any) representing you in connection with the objection; (vi) a statement whether you and/or your counsel will appear at the Final Fairness 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.

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 it should be approved. 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.

Questions? Call 1-833-630-8181 or visit www.MaximSettlement.com

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

The Court will hold a Final Approval Hearing on July 28, 2023, at 8:30 a.m., at the San Diego Courthouse, 330 West Broadway, San Diego, California 92101, Department SD-74. The Final Approval Hearing may also be conducted remotely by conferencing software. Instructions for joining remotely will be posted at www.MaximSettlement.com. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.MaximSettlement.com or call 1-833-630-8181 for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and will listen to people who have asked to speak at the hearing. The Court will also rule on the request for an award of attorneys' fees and reasonable costs and expenses, as well as the request for a service award for the Representative Plaintiff. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

21. Do I have to attend the hearing?

No. Class counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to appear at your 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 mailed it or filed it in person with the Court according to the instructions provided in Question 18, the Court will consider it.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file 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, but you will be entitled to access to free identity-theft monitoring protection, called "Financial Shield" by Pango for a period of 12 months from the Effective Date of the Settlement, if it is finally approved. Once the Settlement is granted 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 Defendant 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 Defendant for the claims resolved by this Settlement.

Questions? Call **1-833-630-8181** or visit www.MaximSettlement.com

GETTING MORE INFORMATION

24. How do I get more information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.MaximSettlement.com, by contacting Class Counsel (information provided below), or by visiting the office of the Clerk of the Court for Superior Court of California, County of San Diego.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

You may contact class counsel at:

M. ANDERSON BERRY
CLAYEO C. ARNOLD,
A PROFESSIONAL LAW CORP.
865 Howe Avenue
Sacramento, CA 95825
Telephone: (916) 239-4778
Facsimile: (916) 924-1829
aberry@justice4you.com

John J. Nelson (SBN 317598)
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
401 W Broadway, Suite 1760
San Diego, CA 92101
Tel.: (858) 209-6941
jnelson@milberg.com

Questions? Call **1-833-630-8181** or visit www.MaximSettlement.com