

If you reside in the state of Ohio and are or were a patient of Bon Secours Mercy Health, and logged into Mercy MyChart between March 27, 2018, and December 31, 2021, you may be entitled to a cash payment from a settlement.

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

- A settlement has been reached in a class action lawsuit against Bon Secours Mercy Health (“Defendant” or “Mercy”) arising out of an alleged disclosure of personally identifiable information and protected health information for patients who logged into the Mercy MyChart between March 27, 2018, and December 31, 2021.
- Plaintiff alleges Defendant maintained a web property at www.mercy.com and an online patient portal through which it encouraged patients to exchange communications to search for a doctor, learn more about their conditions and treatments, access medical records and test results, and make appointments. Plaintiff alleges that through these web properties, Defendant caused the unprivileged, unauthorized transmissions of personally identifiable information and protected health information to third parties, including Facebook and Google. Mercy denies this allegation, including specifically denying that any medical information from either the patient portal or the website was shared with Facebook or Google. Nonetheless, the Parties collectively agreed to resolve their dispute on a class-wide basis.
- The Settlement Class includes all natural persons residing in the State of Ohio who are, or were, patients of Bon Secours Mercy Health and logged into their Mercy MyChart patient portal between March 27, 2018, and December 31, 2021. This means you were residing in the State of Ohio when you logged into the Mercy MyChart patient portal.
- Settlement Class Members are eligible to receive the following benefits:

Cash Payment: If you are a Settlement Class Member, you can submit a Claim Form to receive a \$35.00 cash payment.

Your cash payment may be subject to a pro rata (a legal term meaning equal share) increase from the Settlement Fund if the amount of timely and valid Claim Forms does not use the entire net Settlement Fund. Alternatively, if the amount of timely and valid Claim Forms exceeds \$7.5 million, your cash payment may be subject to a pro rata reduction.

Injunctive Relief: As part of the Settlement, Mercy has also agreed to refrain from using certain digital analytics technologies on Mercy’s web properties for a period of two years.

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

| Your Legal Rights & Options | | Deadline |
|---------------------------------|--|---|
| Submit a Claim Form | The only way to get a cash payment is to submit a timely and valid Claim Form. | Submitted or Postmarked by AUGUST 21, 2025 |
| Exclude Yourself | Get no cash payment. Keep your right to file your own lawsuit against the Released Persons about the legal claims released by the Settlement. | Postmarked by JULY 22, 2025 |
| Object to the Settlement | Stay in the Settlement, but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it. | Filed by JULY 22, 2025 |
| Do Nothing | Get no cash payment. Give up your legal rights. | |

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court must decide whether to approve the Settlement, Attorneys’ Fees and Expenses, and service award. Cash payments will not be provided unless the Court approves the Settlement.

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

BASIC INFORMATION

1. Why is this Notice being provided?

A state court authorized this Notice because you have the right to know about the Settlement of this class action lawsuit and about 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 them.

The Honorable Christian A. Jenkins of the Court of Common Pleas in and for Hamilton County, Ohio is overseeing this class action. The lawsuit is known as *John Doe v. Bon Secours Mercy Health*, Case No. A 2002633 (the “lawsuit”). The individual who filed this lawsuit is called the “Plaintiff” and/or “Class Representative” and the company sued, Bon Secours Mercy Health, is called the “Defendant.”

2. What is this lawsuit about?

Plaintiff filed this lawsuit against Defendant on behalf of Settlement Class Members alleging the disclosure of nonpublic medical information, invasion of privacy – intrusion upon seclusion (legal terms meaning intentionally interfering with another person’s privacy), and breach of contract, for the Defendant’s disclosure of personally identifiable information and protected health information for patients who logged into the Mercy MyChart between March 27, 2018, and December 31, 2021.

Plaintiff alleges Defendant maintained a web property at www.mercy.com and an online patient portal through which it encourages patients to exchange communications to search for a doctor, learn more about their conditions and treatments, access medical records and test results, and make appointments. Plaintiff alleges that through these web properties, Defendant caused the unprivileged, unauthorized transmissions of personally identifiable information and protected health information to third parties, including Facebook and Google. Mercy denies this allegation, including specifically denying that any medical information from either the patient portal or the website was shared with Facebook or Google. Nonetheless, the Parties collectively agreed to resolve their dispute on a class-wide basis.

Defendant denies the legal claims and denies any wrongdoing or liability. The Court has not determined any wrongdoing by Defendant, or that any law has been violated. Instead, Plaintiff and Defendant have agreed to a settlement to avoid the risk, cost, and time of continuing the lawsuit.

3. Why is there a settlement?

Plaintiff and Defendant do not agree about the legal claims made in this lawsuit. The lawsuit has not gone to trial, and the Court has not decided in favor of Plaintiff or Defendant. Instead, Plaintiff and Defendant have agreed to settle the lawsuit. The Class Representative, Defendant, and their lawyers believe the Settlement is best for Settlement Class Members because of the benefits available and the risks and uncertainty associated with continuing the lawsuit.

4. Why is this lawsuit a class action?

In a class action, one or more people (called class representatives) sue on behalf of all people who have similar legal claims. Together, all these people are called a class or class members. One court resolves the issues for all class members, except for those class members who timely exclude themselves (opt out) from the class.

WHO IS INCLUDED IN THE SETTLEMENT?

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

You are included in the Settlement Class if you are a natural person residing in the State of Ohio and you are, or were, a patient of Bon Secours Mercy Health and logged into the Mercy MyChart patient portal between March 27, 2018, and December 31, 2021. This means you were residing in the State of Ohio when you logged into the Mercy MyChart patient portal.

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

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

Yes. Excluded from the Settlement Class are (1) all Persons who timely and validly request exclusion from the Settlement Class and (2) the Judge assigned to evaluate the fairness of this Settlement.

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 www.MercyHealthSettlement.com or call toll-free 1-888-859-3670.

THE SETTLEMENT BENEFITS

8. What does this Settlement provide?

A \$5 million Settlement Fund will be established to pay costs of notice and administration for the Settlement, a service award to Named Plaintiff, payment of Class Counsel's Attorneys' Fees and Expenses, and the payment of claims. In addition, Defendant will pay an amount up to \$2.5 million on a claims-made basis for the additional number of claims to the extent that the initial Settlement Fund of \$5 million is not sufficient to cover the claims that are made.

Cash Payment: If you are a Settlement Class Member, you can submit a Claim Form to receive a \$35.00 cash payment.

Your cash payment may be subject to a pro rata (a legal term meaning equal share) increase from the Settlement Fund if the amount of timely and valid Claim Forms does not use the entire net Settlement Fund. Alternatively, if the amount of timely and valid Claim Forms exceeds \$7.5 million, your cash payment may be subject to a pro rata reduction.

Injunctive Relief: As part of the Settlement Mercy has also agreed to refrain from using certain digital analytics technologies on Mercy's web properties for a period of two years.

9. What am I giving up to receive a cash payment 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 and any judgments will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Released Persons about the legal issues in this lawsuit that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

10. What are the Released Claims?

Section VII of the Settlement Agreement describes the Released Claims and the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.MercyHealthSettlement.com. For questions regarding the Release or Released Claims and what the language in the Settlement Agreement means, you can also contact Class Counsel listed below for free, or you can talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

11. How do I submit a Claim Form?

You must submit a timely and valid Claim Form to receive a cash payment as described above. Your Claim Form must be submitted online at www.MercyHealthSettlement.com by **AUGUST 21, 2025**, or mailed to the Settlement Administrator at the address on the Claim Form, **postmarked** by **AUGUST 21, 2025**. Claim Forms are also available on the Settlement Website at www.MercyHealthSettlement.com, by calling 1-888-859-3670, or by writing to the Settlement Administrator:

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

Mercy Health Privacy Litigation
Settlement Administrator
P.O. Box 6909
Portland, OR 97228-6909

12. 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 the following address:

Mercy Health Privacy Litigation
Settlement Administrator
P.O. Box 6909
Portland, OR 97228-6909

13. When will I receive my Cash Payment?

If you submit a timely and valid Claim Form, the cash 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.MercyHealthSettlement.com for updates.

EXCLUDE YOURSELF OR OPT OUT OF 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 Released Persons on your own based about the legal claims in this lawsuit or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from—or “opting out” of—the Settlement.

14. How do I opt out of the Settlement?

To exclude yourself from the Settlement, you must mail a written request for exclusion, which includes the following:

- 1) Your name, address, telephone number, and email address (if any);
- 2) Your personal physical signature; and
- 3) A statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the Settlement Class in the *Mercy Health Privacy Litigation*.”

The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked** by **JULY 22, 2025**:

Mercy Health Privacy Litigation
Settlement Administrator
P.O. Box 6909
Portland, OR 97228-6909

You cannot opt out (exclude yourself) by telephone or by email.

“Mass” or “class” requests for exclusion filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Settlement Class Members where the opt-out hasn’t been signed by each and every individual Settlement Class Member will not be allowed.

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

No. If you opt out, you will not be entitled to receive a cash payment, and you will not be bound by the Settlement or any judgment in this lawsuit. You can only get a cash payment if you stay in the Settlement and submit a timely and valid Claim Form.

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

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

No. Unless you opt out, you give up any right to sue any of the Released Persons for the legal claims this Settlement resolves and Releases relating to the lawsuit, and you will be bound by all the terms of the Settlement and by all proceedings, orders, and judgments in the lawsuit. You must opt out of this lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against the Released Persons. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court I do not like the Settlement?

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement.

To object, you must file a written objection with the Court by **JULY 22, 2025**, and serve on Class Counsel and Defendant's Counsel by U.S. Mail or private courier (such as Federal Express) by **JULY 22, 2025**, stating you object to the Settlement in *John Doe v. Bon Secours Mercy Health*, Case No. A 2002633.

To file an objection, you cannot exclude yourself from the Settlement Class. Your objection must include all of the following information:

- 1) Your full name, current address, telephone number, and email address;
- 2) Your signature as the objector;
- 3) Proof that you are a member of the Settlement Class (e.g., copy of settlement notice);
- 4) State that you object to the Settlement in whole or in part;
- 5) A statement of the legal and factual basis for the objection;
- 6) Copies of any documents that you wish to submit in support of your position;
- 7) The identity of all lawyers representing you (if any);
- 8) If applicable, include your signature and duly authorized by your attorney or other duly authorized representative, along with documentation setting forth such representation; and
- 9) A list, including case name, court, and docket number, of all other cases in which you and/or your lawyer has filed an objection to any proposed class action settlement in the past three (3) years.

To object, your written objection must be filed with the Court by **JULY 22, 2025**, and you must serve a copy to Class Counsel and Defendant's Counsel, by U.S. Mail or private courier (such as Federal Express) by **JULY 22, 2025**, at the following addresses:

| COURT | CLASS COUNSEL | DEFENDANT'S COUNSEL |
|--|---|--|
| Clerk of Court Attn: Judge Christian A. Jenkins Court of Common Pleas Hamilton County 1000 Main Street Cincinnati, OH 45202 | Kevin C. Hulick Spangenberg, Shibley & Liber 1001 Lakeside Avenue East, Suite 1700 Cleveland, OH 44114 Eric Johnson Simmons Hanly Conroy LLC 112 Madison Avenue, 7 th Floor New York, NY 10016 | David Carney Baker & Hostetler, LLP 127 Public Square Suite 2000 Cleveland, OH 44114 |

Notice of Intention to Appear:

If you are a Settlement Class Member and you object, you have the right, but are not required, to attend the Final Approval Hearing.

- To appear, you must file a Notice of Intention to Appear with the Court.
- Your Notice of Intention to Appear must identify the attorney(s) representing you as an objecting Settlement Class Member 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 numbers.

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

- Your Notice of Intention to Appear must be filed with the Court by **July 22, 2025**, and serve a copy to Class Counsel and Defendant's Counsel, by U.S. Mail or private courier (such as Federal Express) by **July 22, 2025**, at the addresses in the table above.

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

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Opting out is telling the Court that you do not want to be part of the Settlement Class. If you opt out, you cannot object because you are no longer part of the Settlement.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in the lawsuit?

Yes. The Court has appointed Stuart E. Scott and Kevin S. Hulick of Spangenberg, Shibley & Liber, and Jason 'Jay' Barnes and Eric Johnson of Simmons Hanly Conroy LLC 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 lawsuit.

20. How will Class Counsel be paid?

Class Counsel will ask the Court to award attorneys' fees of up to \$2.1 million of the Settlement Fund, plus reimbursement of costs. Class Counsel will also ask the Court to approve a service award for the Class Representative of up to \$18,000 for their efforts in achieving the Settlement. If awarded by the Court, the Attorneys' Fees and Expenses, and the service award will be paid from the Settlement Fund. The Court may award less than these amounts.

Class Counsel's application for the Attorneys' Fees and Expenses, and service award will be made available on the Settlement Website at www.MercyHealthSettlement.com after it is filed with the Court.

THE FINAL APPROVAL HEARING

The Court will hold a "Final Approval Hearing" to decide whether to approve the Settlement. You may attend and you may ask to speak if you file an objection by the deadline, but you do not have to.

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

The Court will hold a Final Approval Hearing on **August 19, 2025, at 2:30 p.m. (Eastern)** before the Honorable Christian A. Jenkins at the Hamilton County Courthouse, 1000 Main Street, Cincinnati, Ohio 45202. 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 and Expenses, and service award.

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you would like to speak at the hearing, the Court will also listen to you or your lawyer speak at the hearing, if you so request.

Note: The date and time of the Final Approval Hearing are subject to change without further notice to the Settlement Class. The Court may also decide to hold the hearing via video conference or by telephone. You should check the Settlement Website www.MercyHealthSettlement.com to confirm the date and time of the Final Approval Hearing have not changed.

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

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.

23. May I speak at the Final Approval Hearing?

Yes, as long as you do not exclude yourself (opt out) and you file a timely written objection, and a Notice of Intention to Appear requesting to speak at the hearing, you can (but do not have to) participate and speak for yourself at the Final Approval Hearing. This is called making an appearance. You can also have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you at the hearing, you must follow all of the procedures for objecting and file a Notice of Intention to Appear as listed above—and specifically include a statement whether you or your lawyer will appear at the Final Approval Hearing.

GET MORE INFORMATION

24. How do I get more information about the Settlement?

This Notice summarizes the Settlement. Complete details about the Settlement are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.MercyHealthSettlement.com. You may get additional information at www.MercyHealthSettlement.com, by calling toll-free 1-888-859-3670, or by writing to the following address:

Mercy Health Privacy Litigation
Settlement Administrator
P.O. Box 6909
Portland, OR 97228-6909

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

Questions? Go to www.MercyHealthSettlement.com or call 1-888-859-3670.