

# Exhibit D

United States District Court for the Middle District of Tennessee  
*In Re: Numotion Data Incident Litigation* (Numotion I Action)  
Case No. 3:24-cv-00545

&

*Sylvester, et al. v. United Seating and Mobility, LLC d/b/a Numotion* (Numotion II Action)  
Case No. 3:25-cv-00469

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**If You Are a Living Person in the United States Who Received Notice of the Data Incidents,  
You May Be Eligible to Receive Settlement Class Member Benefits from a Class Action  
Settlement**

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*A Court has authorized this Long Form Notice ("Notice"). This is not a solicitation from a lawyer.*

A Settlement has been reached in a class action lawsuit against United Seating and Mobility, LLC d/b/a Numotion ("Defendant") arising out of: 1) a March 2024 Data Incident in which an unauthorized individual accessed certain of Defendant's systems, which may have included Private Information belonging to Defendant's former and current customers and employees; and 2) a September 2024 Data Incident in which an unauthorized individual accessed certain user accounts within Defendant's environment, in which the personal health information may have been impacted. Defendant denies any liability or wrongdoing, and the Court has not decided that Defendant did anything wrong. The Parties have agreed to settle the Actions ("Settlement") to avoid the risks, disruption, and uncertainties of continued litigation.

You are part of the Settlement Class if you are a living person in the United States who received notice of the Data Incidents.

You are a member of the Social Security Class if you received notice that your Social Security Number may have been involved in the Data Incidents.

If you are a Settlement Class Member, you may be able to receive one or more of the following benefits:

- ❖ **Cash Payment A - Documented Out-of-Pocket Losses:** Settlement Class Members may submit a Claim, with supporting documentation, showing you spend money or incurred losses related to the March 2024 Data Incident or the September 2024 Data Incident, that are fairly traceable to the March 2024 Data Incident or September 2024 Data Incident, up to \$15,000.00 per Settlement Class Member.
- ❖ **Medical Monitoring -** In addition to the above, **Social Security Settlement Class Members** may submit a Claim for two (2) years of CyEx Medical Shield Pro ("Medical Monitoring"). **You must include your email address to receive this Settlement Class Member Benefit.**
- ❖ **Cash Payment B - Pro Rata Cash:** Settlement Class Members may submit a claim for a Cash Payment.

**AND**

**ALL SETTLEMENT CLASS MEMBERS WILL AUTOMATICALLY, WITHOUT HAVING TO FILE A CLAIM,** will be automatically entitled to receive two (2) years of CyEx Identity Defense Plus ("Credit Monitoring").

**Please read this Long Form Notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

	Summary of Legal Rights	Deadline(s)
<b>Submit a Claim Form</b>	The only way to receive a Cash Payment from the Settlement. However, all Settlement Class Members <i>automatically</i> receive Credit Monitoring.	Submitted or postmarked by << <b>Claim Form Deadline</b> >>.
<b>Exclude Yourself by Opting Out of the Settlement Class</b>	Receive no benefit from the Settlement. This is the only option that allows you to keep your right to bring any other lawsuit against Defendant relating to the Data Incidents.	Postmarked by << <b>Opt-Out Deadline</b> >>.
<b>Object to the Settlement and/or Attend the Final Approval Hearing</b>	You can write the Court about why you do not agree with the Settlement or the Application for Attorneys' Fees, Costs, and Service Awards. The Court cannot order a different settlement. You can also ask to speak at the Final Approval Hearing on << <b>Final Approval Hearing date</b> >> at [TIME] CT, about the fairness of the Settlement, with or without your own attorney.	Postmarked by << <b>Objection Deadline</b> >>.
<b>Do Nothing</b>	You will not receive any Cash Payment from this class action Settlement, but you will <i>automatically</i> receive Credit Monitoring. You also will be bound by the Released Claims.	N/A

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your rights** – are explained in this Notice.
- The Court still will have to decide whether to approve the Settlement. Settlement Class Member Benefits will be made available only if the Court approves the Settlement and after any possible appeals are resolved.

## What This Notice Contains

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## BASIC INFORMATION

### 1. Why is there a Notice?

The Court authorized this Notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to give Final Approval to the Settlement. This Notice explains the nature of the Actions that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

Judge Aleta A. Trauger of the United States District Court for the Middle District of Tennessee is overseeing the Actions, captioned as *In Re: Numotion Data Incident Litigation* (Numotion I Action) Case No. 3:24-cv-00545 and *Sylvester, et al. v. United Seating and Mobility, LLC d/b/a Numotion* (Numotion II Action) Case No. 3:25-cv-00469. The people who brought the lawsuit are called the Class Representatives. The company being sued, United Seating and Mobility, LLC d/b/a Numotion, is called the Defendant.

### 2. What are the Actions about?

Plaintiffs filed the Actions against Defendant, individually, and purportedly on behalf of the individuals whose Private Information may have been impacted in the March 2024 Data Incident or the September 2024 Data Incident. The Actions allege that on March 2, 2024, Defendant discovered that between February 29, 2024, and March 2, 2024, an unauthorized individual accessed certain of Defendant's systems, which may have included Private Information belonging to Defendant's former and current customers and employees. Following the March 2024 Data Incident, Defendant sent letters to individuals whose Private Information may have been impacted in the Data Incident.

The Actions also allege that on September 29, 2024, Defendant discovered that it had been the victim of a criminal third-party phishing incident wherein an unauthorized individual accessed certain user accounts within Defendant's environment, in which individuals' personal health information may have been impacted (September 2024 Data Incident). Following the September 2024 Data Incident, the Defendant provided notice to the individuals whose information may have been impacted. Together, the March 2024 Data Incident and September 2024 Data Incident are called "the Data Incidents."

Defendant denies the legal claims and denies any wrongdoing or liability whatsoever. No court or other judicial body has made any judgment or other determination that Defendant has done anything wrong.

### 3. Why is this a class action?

In a class action, one or more people called "Class Representatives" or "Plaintiffs" sue on behalf of all people who have similar claims. Together, all of these people are called a "Settlement Class," and the individuals are called "Settlement Class Members." 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?

The Court has not decided in favor of the Class Representatives or Defendant. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to Settlement Class Members. The Class Representatives appointed to represent the Settlement Class, and the attorneys for the Settlement Class, Class Counsel, think the Settlement

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is best for all Settlement Class Members.

## WHO IS IN THE SETTLEMENT?

### 5. How do I know if I am part of the Settlement?

You are a Settlement Class Member if you are a living person in the United States who received notice of the Data Incidents.

You are also a Social Security Settlement Class Member if you are a Settlement Class Member whose Social Security Number may have been involved in the Data Incidents.

Excluded from the Settlement Class are (1) Defendant and its parents, subsidiaries, officers and directors, and any entity in which Defendant has a controlling interest; (2) all persons who submit a timely and valid opt out from the Settlement Class; (3) the Judge assigned to these Actions, and the Judge's immediate family, and Court staff; and (4) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrences of the Data Incidents, or who pleads *nolo contendere* to any such charge.

### 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, you may call (XXX) XXX-XXXX with questions. You may also write with questions to:

Numotion Data Incidents Settlement  
c/o Kroll Settlement Administration, LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

## THE SETTLEMENT CLASS MEMBER BENEFITS—WHAT YOU GET IF YOU QUALIFY

### 7. What does the Settlement provide?

If you are a Settlement Class Member and you submit a timely and valid Claim Form, you may be eligible for the following Settlement benefits:

#### Cash Payment A:

- ☐ You may submit a timely and valid Claim Form, with supporting documentation, showing you spent money or incurred losses that are reasonably and fairly traceable to the Data Incidents, for reimbursement up to \$15,000.00 per Settlement Class Member. Documented Out-of-Pocket Losses must include an attestation that the monetary losses are fairly traceable to the Data Incidents and were not incurred due to some other event or reason.

Documented Out-of-Pocket Losses may include, but are not limited to, unreimbursed costs, expenses, or charges incurred addressing or remedying identity theft, fraud, or misuse of personal information.

You must submit documentation supporting your Claim Form. This may include receipts or other documentation, not “self-prepared” by you, that shows the costs incurred. “Self-prepared”

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documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but may be considered to add clarity or support to other submitted documentation.

- ☐ **Social Security Class Members** may also submit a timely and valid claim for two (2) years of Medical Monitoring with CyEx Medical Shield Pro.

**Cash Payment B:** Settlement Class Members may also submit a timely and valid Claim Form to receive a Cash Payment.

Cash Payment B may be subject to a *pro rata* (a legal term meaning equal share) adjustment increase from the Net 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 the amount of the Net Settlement Fund, your Cash Payment may be subject to a *pro rata* reduction.

The Cash Payment B will be paid out of the Net Settlement Fund, which is the Settlement Fund after the following have been paid: (1) all Settlement Administration Costs, including Defendant's cost of data mining to confirm membership in the Settlement Class; (2) CAFA Notice; (3) any Service Awards awarded to Class Representatives; and (4) up to \$1,333,333.33 in attorneys' fees and costs awarded to Class Counsel.

**Additionally, all Settlement Class Members will automatically receive two (2) years of Credit Monitoring without having to file a claim.**

## HOW DO YOU SUBMIT A CLAIM?

### 8. How do I get a Cash Payment?

To receive a Cash Payment you must complete and submit a Claim Form online at [www.website.com](http://www.website.com) or by mail to Numotion Data Incidents Settlement, c/o Kroll Settlement Administration, LLC, P.O. Box XXXX, New York, NY 10150-XXXX. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by <<Claim Form Deadline>> or by mail **postmarked by <<Claim Form Deadline>>**.

**TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR VALID CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT [WWW.WEBSITE.COM](http://WWW.WEBSITE.COM)**

### 9. When will I get my Settlement Class Member Benefits?

The Court will hold a Final Approval Hearing on <<Date>>, at <<Time>> a.m. CST to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving them can take time. It also takes time for all of the Claim Forms to be processed. Please be patient. Settlement Class Member Benefits will begin after the Settlement has obtained Court approval and the time for all appeals has expired.

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

Unless you exclude yourself (opt-out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Released Parties about the legal issues in this lawsuit that are released by the Settlement. These releases are

described in Section XIII of the Settlement Agreement, which is available at [www.website.com](http://www.website.com). If you have any questions, you can talk to Class Counsel listed in **Question 17** for free or you can talk to your own lawyer.

### EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to be part of the Settlement, then you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as “opting-out” of the Settlement Class.

#### 0. If I exclude myself, can I get a Settlement Class Member Benefits from this Settlement?

No. If you exclude yourself, you will not be entitled to receive any benefits from the Settlement.

#### 1. If I do not exclude myself, can I sue the Released Parties for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant and any other Released Parties for any claim that could have been or was brought relating to the Data Incidents, known as the Released Claims. You must exclude yourself from the Settlement to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case.

#### 2. How do I exclude myself from the Settlement?

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

- 1) Your full name, current address, telephone number, and email address (if any);
- 2) Your personal physical signature;
- 3) The case names and numbers: *In Re: Numotion Data Incident Litigation*, Case No. 3:24-cv-00545 (Numotion I) and *Jennifer Sylvester, et al. v. United Seating and Mobility, LLC d/b/a Numotion*, Case No. 3:25-cv-00469 (Numotion II); and
- 4) A statement that you want to be excluded from the Settlement and Settlement Class, such as “I hereby request to be excluded from the Settlement Class in the Numotion I and Numotion II Actions.

The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked by MONTH DD, 20YY:** .”Numotion Data Incidents Settlement  
c/o Kroll Settlement Administration, LLC

P.O. Box XXXX  
New York, NY 10150-XXXX

**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

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX



Settlement Class Members or multiple Settlement Class Members where the opt out has not been signed by each and every individual Settlement Class Member will not be allowed.

## OBJECTING TO THE SETTLEMENT

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

You can tell the Court that you do not agree with the Settlement, and/or Application for Attorneys' Fees, Costs, and Service Awards or some part of it by objecting to the Settlement. Objections must be mailed to the Clerk of the Court, Class Counsel, Defendant's Counsel, and the Settlement

Administrator at the addresses listed below, **postmarked by no later than** **<< Objection Deadline>>**. If submitted by mail, an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

Clerk of the Court	Class Counsel
Fred D. Thompson U.S. Courthouse and Federal Building 719 Church Street, Suite 1300 Nashville, TN 37203	J. Gerard Stranch IV <b>Stranch, Jennings &amp; Garvey, PLLC</b> 223 Rosa L. Parks Avenue, Suite 200 Nashville, TN 32703 <a href="mailto:gstranch@stranchlaw.com">gstranch@stranchlaw.com</a>
Defendant's Counsel	Settlement Administrator
Casie D. Collignon Keeley O. Cronin <b>Baker &amp; Hostetler LLP</b> 1801 California Street, Suite 4400 Denver, CO 80202 <a href="mailto:ccollignon@bakerlaw.com">ccollignon@bakerlaw.com</a> <a href="mailto:kcronin@bakerlaw.com">kcronin@bakerlaw.com</a>	Numotion Data Incidents Settlement c/o Kroll Settlement Administration, LLC P.O. Box XXXX New York, NY 10150-XXXX

For an objection to be considered by the Court, the objection must also state:

- the objector's full name, mailing address, telephone number, and email address (if any);
- the case names and numbers: *In Re: Numotion Data Incident Litigation*, Case No. 3:24-cv-00545 (Numotion I) and *Jennifer Sylvester, et al. v. United Seating and Mobility, LLC d/b/a Numotion*, Case No. 3:25-cv-00469 (Numotion II);
- documentation sufficient to establish membership in the Settlement Class, such as a copy of the Postcard Notice or Email Notice the objector received;
- all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- the number of times the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each

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- listed case;
- vi) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
  - vii) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding five years;
  - viii) the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
  - ix) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
  - x) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
  - xi) the objector's signature (an attorney's signature is not sufficient).

#### **15. What is the difference between objecting and asking to be excluded?**

Objecting is telling the Court that you do not like the Settlement or parts of it and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Classes and do not want to receive any benefit from the Settlement.

### **THE LAWYERS REPRESENTING YOU**

#### **16. Do I have a lawyer in this case?**

Yes. The Court appointed J. Gerard Stranch, IV of Stranch, Jennings & Garvey, PLLC, as Class Counsel to represent the Settlement Classes in Settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **17. How will the Class Counsel be paid?**

Class Counsel shall apply to the Court for a total award of attorneys' fees of up to \$2,666,333.33, which includes Class Counsel's request for \$1,333,333.33 in attorneys' fees and costs to be paid from the Settlement Fund, and an additional \$1,333,000.00 attorneys' fees and costs to be paid by Defendant as part of the claims-made portion of the Settlement.

Class Counsel will file an application seeking a Service Award not to exceed \$2,500.00 for each of the Class Representatives, in recognition of their contributions to these Actions, subject to Court approval. The Service Awards approved by the Court shall be paid by the Settlement Administrator out of the Settlement Fund directly to the Class Representatives.

Any attorneys' Application for Attorneys' Fees, Costs, and Service Awards payments must be approved by the Court. The Court may award less than the amounts requested.

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

## THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on <<Date>> at <<Time>> CST, at the <<Court Address>>, Room \_\_\_, or by virtual means, as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the Application for Attorneys' Fees, Costs, and Service Awards. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommends checking the Settlement Website [www.website.com](http://www.website.com), or calling (XXX) XXX-XXXX.

### 12. Do I have to attend the hearing?

No. Class Counsel will present the Settlement Class to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in **Question 14**, the Court will consider it.

### 13. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file an objection according to the instructions in **Question 14**, including all the information required. Your objection must be **mailed** to the Clerk of the Court, Class Counsel, Defendant's Counsel and the Settlement Administrator, at the mailing addresses listed above, **postmarked by no later than <<Objection Deadline>>**.

## IF YOU DO NOTHING

### 14. What happens if I do nothing?

If you do nothing, you will receive Credit Monitoring under the Settlement, but only if the Settlement is granted Final Approval and becomes final, you will not receive any Cash Payment, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant or the other Released Parties based on any claim that could have been or that was brought relating to the Data Incidents.

## ADDITIONAL INFORMATION

### 15. How do I get more information?

This Long Form Notice summarizes the Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at [www.website.com](http://www.website.com). You may also call the Settlement Administrator with questions or to receive a **Claim Form at (XXX) XXX-XXXX**.

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

**23. What if my contact information changes or I no longer live at my address?**

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below, calling toll-free (XXX) XXX-XXXX or at the Contact page of the Settlement Website:

Numotion Data Incidents Settlement  
c/o Kroll Settlement Administration, LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

**PLEASE DO NOT CONTACT THE COURT OR CLERK OF THE COURT FOR  
INFORMATION ABOUT THE CLASS ACTION SETTLEMENT**