

Exhibit D

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court for the District of Maryland

Gwendolyn Riddick v. Medstar Health, Inc.

Case No. 1:24-cv-01335

A Court has authorized this Long Form Notice (“Notice”).

This is not a solicitation from a lawyer.

If You Are a Person Residing in the United States Who MedStar Health, Inc. Identified as Having Personal Information at Issue in the Data Incident, You Are Eligible to Receive a Settlement Class Member Benefit from a Class Action Settlement

- A Court authorized this Notice to those that are eligible to receive Settlement Class Member Benefits from a proposed \$1,350,000 class action settlement. The Action is titled *Gwendolyn Riddick v. Medstar Health, Inc.*, Case No. 1:24-cv-01335, and is pending in the United States District Court for the District of Maryland. The people that filed the class action lawsuit are called Plaintiffs or Class Representatives, and the company they sued is MedStar Health, Inc. (“Defendant”). Defendant denies any wrongdoing whatsoever and the Court has not ruled that Defendant did anything wrong.

- **Who is a Settlement Class Member?**

All persons residing in the United States whom Defendant identified as having Personal Information at issue in the Data Incident.

Excluded from the Settlement Class (a) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (b) all persons who are directors or officers of Defendant; (c) governmental entities; (d) the Judge assigned to the Action, that Judge’s immediate family, and Court staff; and (e) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads nolo contendere to any such charge.

- Settlement Class Members under the Settlement Agreement will be eligible to receive:
 - ❖ **Cash Payment A – Documented Losses:** Settlement Class Members may submit a Claim for a Cash Payment for up to **\$5,000** per Settlement Class Member that had documented losses related to the Data Incident, upon submission of a Valid Claim and **supporting documentation**; **OR**
 - ❖ **Cash Payment B – Alternate Cash Payment:** As an alternative to Cash Payment A – Documented Losses above, a Settlement Class Member may elect to receive Cash Payment B – Alternate Cash Payment, which is a Cash Payment in the estimated amount of **\$100** subject to a *pro rata* (proportional) adjustment depending on the number and type of Valid Claims.

Cash Payments will be subject to a *pro rata* (proportional) increase in the event the approved dollar amount of the Valid Claims, combined with the Settlement Administration Costs, the

cost of Medical Data Monitoring, and Court-approved attorneys' fees, costs, and Service Awards are insufficient to exhaust the entire Settlement Fund. Similarly, in the event the approved dollar amount of the Valid Claims, combined with the Settlement Administration Costs, the cost of Medical Data Monitoring, and Court-approved attorneys' fees, costs, and Service Awards exhausts the amount of the Settlement Fund, the amount of the Cash Payments will be reduced *pro rata* (proportionally).

In addition to a Cash Payment, Settlement Class Members may also elect the following:

- ❖ **Medical Data Monitoring** – Settlement Class Members may elect one year of CyEx's Medical Shield Complete to monitor medical and healthcare data.
- To submit a Claim or obtain more information, visit www.website.com or call (XXX) XXX-XXXX to request a Claim Form no later than <<Claim Form Deadline>>.

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

	Summary of Legal Rights	Deadline(s)
Submit a Claim Form	The only way to receive a Settlement Class Member Benefit from the Settlement.	Submitted via www.website.com or postmarked on or before <<Claim Form Deadline>>.
Exclude Yourself by Opting-Out of the Class	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 Incident.	Mailed and postmarked on or before <<the last day of the Opt-Out Period>>.
Object to the Settlement and/or Attend the Final Approval Hearing	You can write the Court about why you agree or disagree with the Settlement or the Application for Attorneys' Fees, Costs, and Service Awards. The Court cannot order a different settlement. You can also speak at the Final Approval Hearing on <<Final Approval Hearing date>>, about the fairness of the Settlement, with or without your own attorney.	Mailed and postmarked on or before <<the last day of the Objection Period>>.
Do Nothing	You will not receive any Settlement Class Member Benefit from this class action Settlement, but will remain a Settlement Class Member and be bound by the Releases.	N/A

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your Questions? Go to www.website.com or call (XXX) XXX-XXXX**

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

Basic Information	4
Who is in the Settlement	4
The Settlement Class Member Benefits—What You Get if You Qualify	5
How Do You Submit a Claim	6
Excluding Yourself from the Settlement	7
Objecting to the Settlement	8
The Lawyers Representing You	9
The Court’s Final Approval Hearing	10
If You Do Nothing	11
Additional Information	11

Questions? Go to www.website.com or call (XXX) XXX-XXXX

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 Action that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

Judge Brendan Abell Hurson of the United States District Court for the District of Maryland is overseeing this case captioned as *Gwendolyn Riddick v. Medstar Health, Inc.*, Case No. 1:24-cv-01335. The people who brought the lawsuit are called the Plaintiffs or Class Representatives. The company being sued, MedStar Health, Inc., is called the Defendant.

2. What is the Action about?

Defendant owns and operates a regional healthcare system that provides a full complement of medical services through 120 entities, including 10 hospitals in the Baltimore-Washington area. In the course of operating its medical facilities, Defendant collects, maintains, and stores its former and current patients' and employee' Personal Information.

The Action alleges that between January 25, 2023, and October 18, 2023, an unauthorized third party gained access to the email accounts of three of Defendant's employees and accessed files containing Personal Information. On May 3, 2024, Defendant by mail began notifying the former and current patients and employees whose Personal Information may have been accessed during the Data Incident.

Defendant denies any wrongdoing 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 Plaintiffs 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 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 affected by the Settlement and potentially a Settlement Class Member if you are a person

Questions? Go to www.website.com or call (XXX) XXX-XXXX

residing in the United States whom Defendant identified as having Personal Information at issue in the Data Incident.

Excluded from the Settlement Class are (a) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (b) all persons who are directors or officers of Defendant; (c) governmental entities; (d) the Judge assigned to the Action, that Judge's immediate family, and Court staff; and (e) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident 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:

Settlement Administrator - <Case ID>
[Settlement Administrator's Address]

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

7. What does the Settlement provide?

The Settlement provides the following Settlement Class Member Benefits available to Settlement Class Members who submit Valid Claims: (a) Cash Payment A – Documented Losses, up to \$5,000 per Settlement Class Member, with supporting documentation; or (b) Cash Payment B – Alternate Cash Payment – an estimated \$100 Cash Payment subject to a *pro rata* (proportional) adjustment depending on the number and type of Valid Claims; and (c) one year of the CyEx's Medical Shield Complete medical and healthcare data monitoring.

8. What Settlement Class Member Benefits are available under the Settlement?

Settlement Class Members that submit a valid and timely Claim Form may select one or more of the following Settlement Class Member Benefits:

- a) ***Cash Payment A - Documented Losses:*** Settlement Class Members may submit a Claim for up to a total of \$5,000 per Settlement Class Member, upon submission of a Valid Claim **and supporting documentation;**
 - To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable and sufficient documentation supporting the losses.
 - By way of example, reimbursable losses may include, but are not limited to, out-of-pocket credit monitoring costs incurred, out-of-pocket losses associated with any fraud or identity theft, such as loss of funds, bank fees, long-distance phone charges, postage, travel expenses, etc. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including, without

Questions? Go to www.website.com or call (XXX) XXX-XXXX

limitation, compensation provided in connection with any identity protection and credit monitoring services.

- If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her Claim, the Claim will be rejected.

OR

- b) **Cash Payment B – Alternate Cash Payment:** a Settlement Class Member may elect to receive Cash Payment B – Alternate Cash Payment, which is a cash payment in the estimated amount of \$100, subject to the proration discussed below. The amount of the Alternate Cash Payment will be adjusted *pro rata* based on the type and number of Valid Claims, and the amount remaining in the Settlement Fund for distribution.

All Cash Payments will be subject to a *pro rata* (proportional) increase in the event the approved dollar amount of the Valid Claims, combined with the Settlement Administration Costs, the cost of Medical Data Monitoring, and Court-approved attorneys' fees, costs expenses, and Service Awards are insufficient to exhaust the entire Settlement Fund. Similarly, in the event the approved dollar amount of the Valid Claims, combined with the Settlement Administration Costs, the cost of Medical Data Monitoring, and Court-approved attorneys' fees, costs, expenses, and Service Awards exhausts the amount of the Settlement Fund, the amount of the Cash Payments will be reduced *pro rata* (proportionally).

AND

In addition to electing a Cash Payment, Settlement Class Members may also elect:

- c) **Medical Data Monitoring:** Settlement Class Members may elect to receive one year of the CyEx Medical Shield Complete to monitor medical and healthcare data. CyEx Medical Shield Complete includes one bureau of credit monitoring, health insurance plan ID monitoring, Medicare beneficiary monitoring, medical record number monitoring, Dark Web Monitoring, health savings account monitoring, national provider identifier monitoring, high-risk transaction monitoring, security freeze assistance, and victim assistance.

HOW DO YOU SUBMIT A CLAIM?

9. How do I get a Settlement Class Member Benefit?

To receive a Settlement Class Member Benefit, you must complete and submit a Claim Form online at www.website.com or by mail to Settlement Administrator - <Case ID>, [Settlement Administrator's Address]. 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

Questions? Go to www.website.com or call (XXX) XXX-XXXX

Questions? Go to www.website.com or call (XXX) XXX-XXXX

10. When will I get my Settlement Class Member Benefit?

The Court will hold a Final Approval Hearing on <<Date>>, at <<Time>> a.m. ET [and it may be conducted remotely] 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. Cash Payments and Medical Data Monitoring activation codes will be distributed after the Settlement has obtained Final Approval by the Court and the time for all appeals has expired.

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

Defendant and its affiliates will receive a Release from all claims that could have been or that were brought against Defendant relating to the Data Incident. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendant, Defendant's subsidiaries, affiliated and/or related companies, and each entity which is controlled by, controlling or under common ownership or control with Defendant, and each of the their past, present, and future direct and indirect heirs, assigns, associates, corporations, investors, owners, parents, subsidiaries, affiliates, divisions, officers, directors, shareholders, members, agents, servants, employees, partners, attorneys, insurers, reinsurers, benefit plans, predecessors, successors, managers, administrators, executors, and trustees and assigns of each of them as well as covered entities associated with the Data Incident. This is just a summary. These Releases are described in detail in Section XIV of the Settlement Agreement, which is available at www.website.com. If you have any questions, you can talk to the law firms 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.

12. If I exclude myself, can I get a Settlement Class Member Benefit from this Settlement?

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

13. 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 Incident. 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.

14. How do I exclude myself from the Settlement?

To exclude yourself, send a request to opt-out or written notice of intent to opt-out that says you want to be excluded from the Settlement. The request to opt-out must be personally signed by the Settlement Class Member and contain the requestor's name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement

Questions? Go to www.website.com or call (XXX) XXX-XXXX

Class. Any Settlement Class Member who does not timely and validly request to opt-out shall be bound by the terms of this Agreement even if that Settlement Class Member does not submit a Claim Form. You must mail your request to opt-out to the Settlement Administrator **postmarked by <<end of the Opt-Out Period>>**, to:

Settlement Administrator - <Case ID>
[Settlement Administrator's Address]

OBJECTING TO THE SETTLEMENT

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

You can tell the Court that you do not agree with all or some part of the Settlement, and/or Application for Attorneys' Fees, Costs Expenses, and Service Awards by objecting to the Settlement. For an objection to be a valid objection under the Settlement, it must be filed with the Court, and sent by U.S. Mail to Settlement Class Counsel, Defendant's Counsel, and the Settlement Administrator at the addresses listed below, postmarked by **no later than <<end of the Objection Period>>**.

Defendant's Counsel	Settlement Class Counsel
<p>Elizabeth A. Scully BakerHostetler 1050 Connecticut Ave., N.W., Suite 1100 Washington, D.C. 20036 escully@bakerlaw.com</p>	<p>Jeff Ostrow Kopelowitz Ostrow P.A. 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301 ostrow@kolawyers.com</p>
Clerk of the Court	Settlement Administrator
<p>Clerk of the Court 101 West Lombard Street Baltimore, MD 21201</p>	<p>Settlement Administrator - <Case ID> [Settlement Administrator's Address]</p>

Your objection must be written and must include all of the following:

- i) the objector's full name, mailing address, telephone number, and email address (if any);
- ii) the case name and case number;
- iii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- iv) 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 listed case;
- v) 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 the Application for Attorneys' Fees, Costs, Expenses, and Service

Questions? Go to www.website.com or call (XXX) XXX-XXXX

- Awards, and whether they will appear that the Final Approval Hearing;
- vi) 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;
 - vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
 - viii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
 - ix) the objector's signature (an attorney's signature is not sufficient).

16. 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 Class and do not want to receive any benefit from the Settlement.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed Jeff Ostrow of Kopelowitz Ostrow P.A., Ben Barnow of Barnow and Associates, P.C., Danielle Perry of Mason LLP, and Jason Rathod of Migliaccio & Rathod LLP, as Class Counsel to represent the Settlement Class in Settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the Class Counsel be paid?

Class Counsel shall apply to the Court for an award of attorneys' fees of up to one-third of the Settlement Fund (\$450,000), plus reimbursement of reasonable costs and expenses incurred related to the Action. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Class Counsel will include a request for Service Awards to the Class Representatives in recognition of their contributions to this Action not to exceed \$2,500 per Class Representative, which shall be paid from the Settlement Fund. The Service Awards shall be separate and apart from the Class Representatives' entitlement to Settlement Class Member Benefits.

Any attorneys' fees, costs, expenses, and Service Award payments must be approved by the Court. The Court may award less than the amounts requested.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on <<Date>> at <<Time>> ET, at the <<Court Address>>, Room ____ [or remotely] as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. Additionally, the Court may also hear argument from any Settlement Class Members (or their counsel) who object to the Settlement and/or to the Application for Attorneys' Fees, Costs, Expenses, and Service Awards provided the objectors submitted timely objections that meet all of the requirements for objecting. The Court will also rule on the Application for Attorneys' Fees, Costs, Expenses, and Service Awards payments. 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, or calling (XXX) XXX-XXXX.

20. 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 15, the Court will consider it.

21. May I speak at the hearing?

To speak at the Final Approval Hearing, you must file an objection according to the instructions in Question 15, including all the required information. 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 <<end of the Objection Period>>**.

IF YOU DO NOTHING

22. What happens if I do nothing?

If you do nothing, you will not receive any Settlement Class Member Benefits from this Settlement. If the Settlement is granted Final Approval and becomes final, 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 Incident. You will be bound by the Releases of the Released Parties as defined in the Settlement Agreement.

ADDITIONAL INFORMATION

Questions? Go to www.website.com or call (XXX) XXX-XXXX

23. How do I get more information?

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

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

24. 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:

Settlement Administrator – <Case ID>

[Settlement Administrator's Address]

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

Questions? Go to www.website.com or call (XXX) XXX-XXXX