

Exhibit D

3:24-cv-02157-SDM-LSG
Watson Clinic Data Incident
c/o Claims Administrator
P.O. Box XXXX
City, State Zip

Document 31-1
244

Filed 07/18/25 Page 46 of 118 P
FIRST CLASS MAIL
U.S. POSTAGE PAID
CITY, STATE ZIP
PERMIT NO. XXXX

NOTICE OF CLASS ACTION
SETTLEMENT

If you received a notice of an Incident
from Watson Clinic LLP, you are
entitled to submit a claim for monetary
compensation under a class action
settlement.

www.TBD.com

<<Barcode>>

Class Member ID: <<Refnum>>

<<FirstName>> <<LastName>>
<<BusinessName>>
<<Address>>
<<Address2>>
<<City>>, <<ST>> <<Zip>>-<<zip4>>

WHO IS A SETTLEMENT CLASS MEMBER?

This notice is about the lawsuit against Watson Clinic LLP called Viviani v.

Watson Clinic LLP, Case No. 8:24-cv-2157-SDM-LSG. The lawsuit arises from the data incident discovered by Watson Clinic in February 2024 (the “Data Incident”). The parties recently agreed to settle the lawsuit.

If you received a notice letter from Watson Clinic about the Data Incident, then you are a Settlement Class Member (“Class Member”) entitled to receive a cash payment.

WHAT ARE THE SETTLEMENT BENEFITS AND TERMS?

Under the Settlement, Watson Clinic will pay \$10,000,000 into a Settlement Fund—which will be distributed to Class Members who submit Approved Claims or are issued a Digital Image Cash Payment (after deducting Cost of Claims Administration, service awards, and attorney’s fees and litigation expenses). All

Class Members may submit Claims to get cash payments. **First**, for certain Class Members, a Digital Image Cash Payment ranging from \$100.00 to \$75,000.00 will be issued regardless of whether the Class Member makes a claim. **Second**, fair, reasonable, and adequate. All persons who timely object to the Settlement Class Members who suffered unreimbursed ordinary out-of-pocket losses in may appear at the Final Fairness Hearing.

responding to receiving notice of the Incident may claim up to \$500 (but Class

Do Nothing. If you do nothing, you will **not** receive money other than a Digital Image Cash Payment (if you qualify) but you will lose the right to sue Watson Clinic individually about the Data Incident —and you will be bound by the Court’s decision in this case.

Attend the Final Fairness Hearing. The Court will hold a **Final Fairness Hearing** at _____ m. on _____, 2025 to determine if the Settlement is

Members must provide documentation of their losses). An example of an & Morgan and Gary M. Klinger of Milberg as Class Counsel to represent the

“ordinary out-of-pocket loss” is paying for credit monitoring. **Third**, Class entire Settlement Class.

Members who suffered unreimbursed extraordinary losses and/or lost time may **Do I have to pay for the attorneys**? No. The attorneys’ fees and expenses will

claim up to \$6,500 (but Class Members must provide documentation of their be paid exclusively from the Settlement Fund (subject to approval by the Court). losses). An example of “extraordinary losses” is identity theft. **Fourth**, Class The attorney’s fees will be in an amount of up to 33% of the Settlement Fund and

Members may claim a Residual Cash Payment of up to \$50 (the value will be the expenses will not exceed \$100,000. The Fee and Expense Application will be

calculated after deducting payments for Approved Claims, Costs for Claims posted on the Settlement Website after it is filed with the Court.

Administration, service awards, and attorneys’ fees and litigation expenses). More **How much are the service awards**? The named Plaintiffs, Charles Viviani and

information about the types of claims and how to file them is available at David Thorpe (also called the Class Representatives), will seek service awards in

www.TBD.com (“Settlement Website”). Any amounts remaining in the the amount of \$2,500 each for their efforts in leading this case.

Settlement Fund after Approved Claims are paid will be sent to a charitable organization proposed by the parties and approved by the Court as a *cy pres* award.

Cash Payment, you must timely mail a Claim Form. You can submit the claim form that is attached to this notice. Or you can submit a Claim Form online at www.TBD.com. Your Claim Form must be postmarked or submitted online no later than **245**, 2025.

Opt Out. You may opt-out from the Settlement by mailing a written request for exclusion to the Claims Administrator that is postmarked no later than **245**, 2025. Unless you exclude yourself, you give up any right to sue Defendant (and any other Released Parties) separately for the claims that this Settlement resolves.

Object. If you do not exclude yourself, you have the right to object to the Settlement. Written objections must be signed, postmarked no later than **245**, 2025, and provide the reasons for the objection. Please visit www.TBD.com for more details.

Do Nothing. If you do nothing, you will **not** receive money other than a Digital Image Cash Payment (if you qualify) but you will lose the right to sue Watson Clinic individually about the Data Incident —and you will be bound by the Court’s decision in this case.

Attend the Final Fairness Hearing. The Court will hold a **Final Fairness Hearing** at _____ m. on _____, 2025 to determine if the Settlement is

WHAT ARE YOUR RIGHTS AND OPTIONS?

Submit a Claim Form. To qualify for a cash payment other than a Digital Image

*** Please note that if you wish to submit a claim for compensation for out-of-pocket losses, you will likely need to submit your claim online so you may attach all information necessary to support your request for payment. A longer version of the Claim Form is on the Settlement Website.

This Notice is a summary of the proposed Settlement.

