

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

RALPH ENGLE,
*individually and on behalf of all others
similarly situated,*

Plaintiff,

v.

TALBERT HOUSE,

Defendant.

Case No.: A2103650

JUDGE JENNIFER BRANCH

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
FOR PERSONS WHOSE PRIVATE INFORMATION WAS POTENTIALLY
ACCESSED IN A DATA SECURITY INCIDENT FIRST DETECTED BY
TALBERT HOUSE IN JUNE 2021**

All persons whose Private Information may have been compromised as a result of the data security incident that Talbert House discovered on or about June 11, 2021 may benefit from this class action Settlement.

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

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING.

PLEASE READ THIS NOTICE CAREFULLY.

**YOU MAY BE ENTITLED TO PARTICIPATE IN A CLASS ACTION
SETTLEMENT BECAUSE YOUR PRIVATE INFORMATION
WAS POTENTIALLY COMPROMISED IN A DATA SECURITY INCIDENT
EXPERIENCED BY TALBERT HOUSE JUNE 2021.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

**SUBMIT A CLAIM BY
DECEMBER 21, 2022**

If you submit a Claim Form by **December 21, 2022**, you **may** receive (i) monetary compensation for time you have spent in response to Talbert House's data security incident, (ii) monetary compensation for out-of-pocket expenses you incurred as a result of Talbert House's data security incident, and (iii) either one year of free one bureau credit monitoring and identify restoration services or

	<p>two years of free three bureau credit monitoring and identify restoration services. You must timely submit a Claim Form either via U.S. mail or online to receive monetary compensation and/or credit monitoring under this Settlement.</p> <p>IF YOU DO NOTHING, you will not receive Settlement benefits, but you will bound by the Settlement.</p>
EXCLUDE YOURSELF FROM THE SETTLEMENT BY NOVEMBER 21, 2022	You will receive no benefits, but you will retain your legal claims against the Defendant.
OBJECT BY NOVEMBER 21, 2022	Write to both the Settlement Administrator and the Clerk of Court about why you do, or do not, like the settlement. You must remain in the Settlement Class to object to the settlement.
GO TO A HEARING ON FEBRUARY 8, 2023	Ask to speak in Court about the fairness of the Settlement.

1. What is this Notice?

This is a court-authorized Notice of a proposed Settlement (the “Settlement”) in a Class Action lawsuit, *Engle v. Talbert House*; Case No. A2103650, pending in the Court of Common Pleas of Hamilton County, Ohio (the “Court”). The Settlement would resolve the Lawsuit brought on behalf of persons who allege that their information may have been impacted by the data security incident first discovered by Defendant Talbert House (“Talbert House” or “Defendant”) on or about June 2021 (the “Data Security Incident”). The Court has granted Preliminary Approval of the Settlement Agreement and has conditionally certified the Settlement Class for purposes of Settlement only. This Notice explains the nature of the Class Action lawsuit, the terms of the Settlement Agreement, and the legal rights and obligations of members of the Settlement Class. Please read the instructions and explanations below carefully so that you can better understand your legal rights. The Settlement Administrator in this case is Kroll Settlement Administration LLC.

2. Why did I get this Notice?

You are receiving this Notice because you were identified as a person whose Private Information may have been accessed without authorization by an unknown individual in the June 2021 Data Security Incident experienced by Talbert House.

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3. What is this lawsuit about?

On or about June 11, 2021, Talbert House experienced a data security incident that potentially exposed the Private Information of its clients, patients, employees, partners, and third parties. Talbert House then provided notice to individuals whose Private Information may have been impacted. The Lawsuit alleges that Talbert House failed to adequately protect the Private Information of the potentially affected individuals, and asserts various claims, including negligence, negligence per se, invasion of privacy, breach of implied contract, breach of fiduciary duty, and unjust enrichment. Talbert House contests these claims and denies any wrongdoing.

4. Why is this a class action?

A Class Action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Class” or “Class Members.” When a class action is settled, the settlement, which must be approved by the Court, resolves the issues for all Class Members, except for those who exclude themselves from the settlement.

5. Why is there a settlement?

To resolve this matter without the expense, delay, and uncertainties of protracted litigation, the Parties reached a settlement that resolves all claims brought on behalf of the Classes related to the Data Security Incident. If approved by the Court, the Settlement Agreement requires Talbert House to provide, at no cost to Class Members, credit monitoring services and compensation to certain Class Members who submit valid and timely Claim Forms. The Settlement is not an admission of wrongdoing by Talbert House and does not imply that there has been, or would be, any finding that Talbert House violated the law.

The Court already has preliminarily approved the Settlement Agreement. Nevertheless, because the settlement of a Class Action determines the rights of all members of the Class, the Court overseeing this lawsuit must give final approval to the Settlement Agreement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class may be given this Notice and the opportunity to exclude themselves from the Settlement Class, and to voice their support or opposition to final approval of the Settlement Agreement. If the Court does not grant final approval to the Settlement Agreement, or if it is terminated by the Parties, then the Settlement Agreement will be void, and the Lawsuit will proceed as if there had been no settlement and no certification of the Settlement Class.

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6. How do I know if I am a part of the settlement?

You are a member of the Settlement Class if your Private Information was potentially compromised through Talbert House's June 2021 Data Security Incident and your Private Information potentially was maintained on Defendant Talbert House's system ("Settlement Class").

Further, there is a subclass of individuals whose Social Security number, driver's license number, and/or financial information (credit and/or account information) were included in Talbert House's Data Security Incident ("Settlement Subclass").

YOUR BENEFITS UNDER THE SETTLEMENT

7. What can I get from the settlement?

Monetary Compensation: All Class Members may receive monetary compensation for valid losses including: (1) reimbursement for loss of time compensated at \$20.00 per hour up to 5 hours (\$100 cap); and (2) reimbursement for documented out-of-pocket expenses and financial losses up to \$4,000.00 per claimant.

Credit Monitoring: Additionally, all Class Members may receive extended credit monitoring, with Settlement Class Members eligible to receive one year of one bureau credit and identity monitoring with fraud insurance up to \$1,000,000, and Settlement Subclass Members eligible to receive two years of three bureau credit and identity monitoring with fraud insurance up to \$1,000,000.

*****To receive Monetary and/or Credit Monitoring Settlement benefits, you must submit a Claim Form.**

Injunctive Relief: Talbert House has agreed to implement a series of data security enhancements to potentially reduce the likelihood of such a security incident occurring in the future, including,

- a. Multi-factor authentication for all Microsoft 365 email users;
- b. Global password reset for all accounts with authorized access to Talbert House's network during the data security incident in question;
- c. A network-monitoring tool to monitor for and identify unusual or suspicious behavior, including potential malware, on the company's network;
- d. Ongoing endpoint security tool; and,
- e. Ongoing security awareness training for its employees, which will include awareness training specifically regarding phishing attacks.

8. When will I receive these benefits?

If you timely submit a valid Claim Form for monetary recovery, you will receive payment in the amount approved by the Claims Administrator after processing your Claim. If you pre-register for, or submit a Claim for, credit monitoring and identity restoration services, you will receive these benefits after the Court enters a Final Approval Order.

9. I want to be a part of the settlement. What do I do?

For Claims for Monetary Compensation: To submit a claim for Monetary Compensation, you must timely submit the Claim Form on the Settlement Website or by mail. If you are making a Claim for out-of-pocket losses, you must also submit the requisite documentation for out-of-pocket losses. No documentation is required for Claims for Lost Time.

For Credit Monitoring and Identity Restoration Services: You may pre-register for these services by submitting a claim **using the 13-digit, Class Member ID located on your Short Form Notice.** You can also submit your Claim by mail. Each Settlement Class Member who pre-registers or submits a Claim that is approved shall receive one year of free credit one bureau monitoring and identity restoration services which includes \$1,000,000 in identity theft insurance per Class Member. This benefit is in addition to any free credit monitoring services previously provided by Talbert House following the Data Security Incident. All Settlement Subclass Members who pre-register or submit a Claim that is approved shall receive two years of free three bureau credit monitoring and identity restoration services which includes \$1,000,000 in identity theft insurance per Class Member. This benefit is also in addition to any free credit monitoring services previously provided by Talbert House following the data security incident.

You must submit any Claims by December 21, 2022. There can be only one valid and timely Claim per Class Member.

10. Payments for the Class and Subclass.

Class Members are eligible to submit Claims of up to \$4,000 (in total per Class Member) including a Claim for monetary compensation for Lost Time (i.e. time spent responding to the Data Security Incident such as reviewing your personal credit and/or bank accounts, speaking with anyone about the Data Security Incident, or otherwise reviewing information about the Data Security Incident) at \$20 per hour capped at 5 hours (cap for \$100 total for Lost Time), and for the following categories of Out-Of-Pocket Expenses incurred as a result of the Data Security Incident giving rise to this lawsuit:

- Costs associated with obtaining credit reports;

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- Costs associated with purchasing identity theft insurance products for the period after the expiration of the credit monitoring and identity theft insurance coverage offered to the Subclass Members at the time of notice;
- Credit monitoring costs that were incurred on or after June 11, 2021 through the date of the Claim submission;
- Long distance telephone charges;
- Cell minutes (if charged by the minute or the amount of data usage);
- Internet usage charges (if charge by the minute or the amount of data usage);
- Text messages (if charged by the message);
- Miscellaneous expenses such as notary, fax, postage, copying and mileage;
- Unreimbursed bank fees;
- Unreimbursed card reissuance fees;
- Unreimbursed overdraft fees;
- Unreimbursed charges related to unavailability of funds;
- Unreimbursed late fees;
- Unreimbursed over-limit fees; and
- Unreimbursed charges from banks or credit card companies.

Class Members may be required to:

- a. Show that the loss was more likely than not caused by the Data Security Incident.
- b. Show that the loss occurred during the time period after the Data Security Incident and before the Claim Deadline.
- c. Show that the loss is not already covered by one or more of the normal reimbursement categories; and the Settlement Class Member 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.
- d. Attest (“Declare with Signature”) that the Class Member spent the amount of hours included in his or her Claim Forms as a result of the Data Security Incident and/or that the information contained in his or her Claim Forms is true and accurate.

Reasonable documentation must be submitted with all Claims showing that the Out-Of-Pocket Expenses were caused by the Data Security Incident. More details are provided in the Settlement Agreement, which is available at www.thdatasettlement.com.

11. If I’m eligible for loss reimbursement, when will I be paid?

The Parties cannot predict exactly when (or whether) the Court will give final approval to the Settlement Agreement, so please be patient. However, if the Court gives final approval to the

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Settlement, eligible Settlement Class Members will be paid after the Court's entry of its Final Approval Order. If there is an appeal of the Settlement, the distribution of Settlement benefits may be delayed. Updated information about the case will be available at www.thdatasettlement.com or you may contact the Settlement Administrator or Class Counsel at the information provided below.

12. What am I giving up if I remain in the settlement?

By staying in the Class, all the Court's orders will apply to you and will bind you, and you give Defendant a "release." A release means you cannot sue or be part of any other lawsuit or other legal action against Defendant about or arising from the claims or issues in this lawsuit with respect to the potential unauthorized access of your information stored in Defendant's system on or about June 2021.

The precise terms of the release are in the Settlement Agreement, which is available on the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. To the extent applicable, each releasor is given the opportunity to read and review the following provision of California Civil Code Section 1542:

A general release does not extend to claims which the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and which if known by him or her would have materially affected his or her settlement with the debtor.

Your release shall apply according to its terms, regardless of any provision of law or legal authority similar to California Civil Code Section 1542 identified above. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

The precise terms of the release are in the Settlement Agreement, which is available on the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class and Settlement Subclass or you are welcome to talk to any other lawyer of your choosing at your own expense.

13. How much will the Class Representative receive?

The Plaintiff will seek a payment of \$5,000 for his services to the Class Members. This payment is subject to the Court's Approval and is not included in the amount available to Class Members.

EXCLUDING YOURSELF FROM THE SETTLEMENT

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If you do not want to remain in the Settlement, but you want to keep your legal claims against Defendant, then you must take steps to exclude yourself from this Settlement.

14. How do I get out of the settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from *Engle v. Talbert House*; Case No. A2103650 (Hamilton County, Ohio) to both the Settlement Administrator and the Hamilton County Clerk of Court. Such notice shall state: (1) your full name and address; (2) the case name and docket number; (3) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (4) the identification of any other objections you have filed, or you had filed on your behalf, in any other class action cases in the last four years; (5) whether you intend to appear at the Final Approval Hearing, and (6) your signature. You must mail your exclusion request so that it is postmarked **no later than November 21, 2022**, to both:

Engle v. Talbert House
c/o Kroll Settlement Administration
PO BOX 225391
New York, NY 10150-5391

AND

Hamilton County Clerk of Courts
1000 Main Street, Room 315
Cincinnati, OH 45202

15. If I exclude myself, do I still receive benefits from this Settlement?

No, if you submit an opt-out notice, you will not receive anything resulting from the Settlement, but you may sue Defendant over the Claims raised in this case, either on your own or as a part of a different lawsuit. If you exclude yourself, the time you have in which to file your own lawsuit (called the “statute of limitations”) will begin to run again. You will have the same amount of time to file the suit that you had when this case was filed. If you file an objection, you may still receive benefits if you timely file a Claim.

THE LAWYERS REPRESENTING THE CLASS

16. Do I have a lawyer in this case?

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The Court has appointed three law firms to represent the Class as Class Counsel -- Markovits, Stock & DeMarco, LLC, Milberg Coleman Bryson Phillips Grossman, PLLC, and The Lyon Firm, LLC:

Terence R. Coates
Markovits, Stock & DeMarco, LLC
119 E. Court Street, Suite 530
Cincinnati, OH 45202
Phone: (513) 651-3700
tcoates@msdlegal.com

Gary M. Klinger
**Milberg Coleman Bryson
Phillips Grossman, PLLS**
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Phone: (866) 252-0878
Fax: (865) 522-0049
gklinger@milberg.com

Joseph M. Lyon
The Lyon Firm, LLC
2754 Erie Avenue
Cincinnati, OH 45208
Phone: (513) 381-2333
jlyon@thelyonfirm.com

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 be paid reasonable attorneys' fees and expenses up to \$385,000, subject to Court approval. The motion for attorneys' fees and expenses will be posted on the Settlement Website after it is filed.

OBJECTING TO THE SETTLEMENT

18. 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 or some part of it. If you are a Class Member, you can object to the Settlement and the Court will consider your views. In order to object to the Settlement, you must provide a written objection (such as a letter or legal brief)

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stating that you object and the reasons why you think the Court should not approve the Settlement. Your objection should include: (1) the objector's full name and address; (2) the case name and docket number, *Engle v. Talbert House*; Case No. A2103650; (3) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (4) the identification of any other objections he/she has filed, or has had filed on his/her behalf, in any other class action cases in the last four years; (5) whether the objector intends to appear at the Final Approval Hearing, and (6) the objector's signature.

If represented by counsel, the objecting Settlement Class Member must also provide the name and telephone number of his/her counsel. If the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he/she must state as such in the written objection, and must also identify any witnesses he/she may call to testify at the Final Approval Hearing and all exhibits he/she intends to introduce into evidence at the Final Approval Hearing, which must also be attached to, or included with, the written objection.

To be timely, written notice of an objection in the appropriate form must be mailed, with a postmark date no later than the Objection Date, to both (1) the Hamilton County Clerk of Court, 1000 Main Street, Room 315, Cincinnati, OH 45202, and to (2) the Settlement Administrator, Kroll Settlement Administration, LLC at *Engle v. Talbert House* c/o Kroll Settlement Administration PO BOX 225391 New York, NY 10150-5391

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement. You may attend if you wish, but you are not required to do so.

19. Where and when is the Final Approval Hearing?

The Court has already given Preliminary Approval to the Settlement Agreement. A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement Agreement.

The Court will hold a hearing on **February 8, 2022 at 12:30 p.m. ET.** in the courtroom of the Honorable Jennifer Branch, Court of Common Pleas in Hamilton County, Ohio, which is located at 1000 Main Street, Room 320, Cincinnati, OH 45202. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class and to determine the appropriate amount of compensation for Class Counsel and rule on the request for an Incentive Award for the Plaintiff. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement. After the hearing, the Court will decide whether to approve the Settlement.

YOU ARE NOT REQUIRED TO ATTEND THE FINAL APPROVAL HEARING TO RECIEVE BENEFITS FROM THIS SETTLEMENT. Please be aware that the hearing may be postponed to a later date without notice.

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GETTING MORE INFORMATION – CONTACT:

This Notice only provides a summary of the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available on the Settlement Website.

www.thdatasettlement.com

If you have any questions, you can contact the Settlement Administrator or Class Counsel at the numbers or email addresses set forth above. In addition to the documents available on the Settlement Website, all pleadings and documents filed in this lawsuit may be reviewed or copied at the Hamilton County Clerk of Court's office.

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR TO THE JUDGE.

They are not permitted to answer your questions.
All questions about the Settlement shall be referred to
the Settlement Administrator and/or Class Counsel.