

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT  
FOR PERSONS WHOSE PERSONAL OR HEALTH-RELATED INFORMATION MAY HAVE BEEN  
DISCLOSED TO AN UNAUTHORIZED THIRD PARTY THROUGH NETGAIN TECHNOLOGY,  
LLC’S (“NETGAIN”) DATA BREACH BETWEEN SEPTEMBER 2020 AND NOVEMBER 2020.**

*In re Netgain Technology, LLC Consumer Data Breach Litigation, No. 21-cv-1210 (SRN/LIB) (D. Minn.)*

*A United States District Court authorized this Notice. This is not a solicitation from a lawyer.*

**THIS IS A NOTICE OF A PROPOSED SETTLEMENT OF A CLASS ACTION LAWSUIT.  
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 PERSONAL AND HEALTH-RELATED INFORMATION MAY  
HAVE BEEN SHARED WITH THIRD PARTIES AS A RESULT OF A DATA BREACH THAT  
OCCURRED BETWEEN SEPTEMBER 2020 AND NOVEMBER 2020.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM BY SEPTEMBER 17, 2025</b>	You must timely submit a Claim Form either via U.S. mail or online to receive Settlement benefits.
<b>DO NOTHING</b>	You will not receive Settlement benefits, but you will still be bound by the Settlement.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT BY SEPTEMBER 2, 2025</b>	You will receive no Settlement benefits, but you will retain any legal claims you may have against Netgain.
<b>OBJECT BY SEPTEMBER 2, 2025</b>	File with the Court a written objection to the Settlement, at the address below, about why you do not like the Settlement. You must remain in the Settlement Class to object to the Settlement and will still be bound by the Settlement if the Court approves it.
<b>GO TO THE FINAL APPROVAL HEARING ON OCTOBER 30, 2025 AT 9:30 AM</b>	Ask to speak in Court about the fairness of the Settlement. You do not need to attend the hearing to object to the Settlement, or to receive Settlement benefits. If you have filed a timely and valid written objection, the Court will consider it.

***QUESTIONS? VISIT [WWW.NETGAINCLASSACTIONSETTLEMENT.COM](http://WWW.NETGAINCLASSACTIONSETTLEMENT.COM)***

## **1. What is this Notice?**

This is a court-authorized Long-Form Notice of a proposed Settlement (the “Settlement”) of a class action lawsuit (the “Litigation”), *In re Netgain Technology, LLC, Consumer Data Breach Litigation* Case No. 21-cv-1210 (SRN/LIB), pending in the United States District for the District of Minnesota (the “Court”). The Settlement would resolve the Litigation that arose on September 23, 2021, after a class action complaint was filed indicating that Netgain Technology, LLC’s (“Netgain” or “Defendant”) data environment was accessed by an unauthorized third party resulting in certain personal or health-related information being disclosed to that third party (the “Data Incident”). The Court granted Preliminary Approval of the Settlement Agreement and conditionally certified the Settlement Class for purposes of Settlement only. This Long-Form Notice explains the nature of the Litigation, 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 CPT Group, Inc.

## **2. What is this Notice about?**

You may have received a previous notification regarding the Data Incident from either Netgain or a different third party referencing the Data Incident. This Notice is to provide those persons whose personal or health-related information may have been shared with a third party because of Netgain’s Data Incident between September 2020 and November 2020 notice of their rights and benefits relating to this Settlement.

## **3. What is this lawsuit about?**

Netgain is a service provider who externally manages IT and cloud computing services for companies primarily in the healthcare and accounting industries. In the course of its business, Netgain received and stored personally identifiable information and private health information of the Plaintiffs and Settlement Class Members.

Plaintiffs and the Settlement Class Members allege that the data incident occurred between September 2020 and November 2020 when an unauthorized individual accessed Netgain’s computer systems and accessed certain personal or health-related information.

## **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. In a class action settlement, all of these people together are a “Settlement Class” or “Settlement Class Members.” When a class action is settled, the Settlement, which must be approved by the Court, resolves the claims for all Settlement Class Members, except for those who exclude themselves from the Settlement.

## **5. Why is there a settlement?**

To resolve this matter without the further expense, delay, and uncertainties of protracted litigation, the Parties reached a Settlement that, if approved by the Court, would resolve all claims brought on behalf of the Settlement

Class related to the Data Incident. If approved by the Court, the Settlement Agreement requires Netgain to provide cash compensation to Settlement Class Members who submit valid and timely Claim Forms. The Settlement is not an admission of wrongdoing by Netgain and does not imply that there has been, or would be, any finding that Netgain violated the law. The Court overseeing the Litigation has not determined that Netgain did anything wrong.

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 Settlement Class, the Court overseeing this Litigation 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 notice and the opportunity to exclude themselves from the Settlement Class or 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 Litigation will proceed as if there had been no settlement and no certification of the Settlement Class.

## **6. How do I know if I am a part of the Settlement?**

You are a member of the Settlement Class if you are a natural person, reside in the United States, and you are among the individuals who Netgain or another third party identified as potentially having their personal or health-related information disclosed to a third party between September 2020 and November 2020 (“Settlement Class”).

Excluded from the Class are: (i) the officers and directors of Defendant and its affiliates, parents, and subsidiaries; (ii) any judge, justice, or judicial officer presiding over the Litigation and the members of their immediate families and judicial staff; (iii) any individual who timely and validly excludes themselves from the Settlement, and (iv) the successors or assigns of any such excluded natural persons. This exclusion does not apply, and should not be read to apply, to those employees of Defendant who receive notification from the Settlement Administrator regarding this Settlement Agreement.

## **YOUR BENEFITS UNDER THE SETTLEMENT**

### **7. What can I get from the Settlement?**

Settlement Class Members who file a valid and timely Claim Form may be eligible for the following Settlement benefits:

**Documented Ordinary Losses and Attested Time Spent** – Up to \$5,000 for documented out-of-pocket unreimbursed expenses fairly traceable to the Data Incident and reimbursement for time spent remedying issues related to the Data Incident. Examples of Documented Ordinary Losses may include:

- Unreimbursed losses relating to fraud or identity theft;
- Out-of-pocket credit monitoring costs that were incurred on or after the Data Incident through the date of claim submission; or
- Unreimbursed bank fees, long distance phone charges, postage, or gasoline for local travel.

This list of reimbursable documented out-of-pocket expenses is not meant to be exhaustive. Settlement Class Members may make claims for any documented unreimbursed out-of-pocket losses reasonably related to the Data Incident or for dealing with the effects of the Data Incident. The Claims Administrator shall have discretion to determine whether any claimed loss is reasonably related to the Data Incident. Settlement Class Members with Ordinary Losses must submit documentation supporting their claims. This may include receipts or other documentation not “self-prepared” by the claimant that documents the costs incurred. “Self-prepared” 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.

Examples of Time spent may include:

- Changing passwords on potentially impacted accounts;
- Monitoring for or investigating suspicious activity on potentially impacted medical, financial, or other accounts;
- Contacting a financial institution or other provider to discuss suspicious activity;
- Signing up for identity theft or fraud monitoring; or
- Researching information about the Data Incident, its impact, or how to protect from harm due to the Data Incident.

Please Note: Claims for Attested Time Spent will be capped at 3 hours and \$25.00 per hour. Claims for Documented Ordinary Losses and Attested Time Spent will be limited to \$5,000 combined. All cash payments may be adjusted *pro rata* depending on the number of Class Members that participate in the Settlement.

**Alternative Cash Payment:** As an alternative to filing a Claim for reimbursement of Ordinary Losses and Attested Time Spent, you may submit a Claim to receive a *pro rata* (a legal term meaning equal share) payment from the net settlement fund, which is \$1,900,000 minus payment of costs of the Settlement including costs of the Notice Program and Claims Administration, Attorneys’ Fees and Expenses up to 33 1/3% of the Settlement Fund, Service Awards of up to \$1,500 each to the Representative Plaintiffs, and payments for claims for Ordinary Losses and Attested Time Spent. *Note that if the costs of the settlement, fees, awards, and claims exceed the Settlement Fund, individuals selecting this option may not receive any payment.*

**\*\*\*To receive Settlement benefits, you must submit a Claim Form by September 17, 2025\*\*\***

## **8. When will I receive the benefits?**

If you timely submit a valid Claim for a cash payment, you will receive payment in the amount approved by the Settlement Administrator once the Settlement is Final and has become effective.

## **9. I want to be a part of the Settlement. What do I do?**

All Settlement Class Members are part of the Settlement unless they request to be excluded from it. To submit a claim for cash compensation, you must timely submit the Claim Form on the Settlement Website at [www.NetgainClassActionSettlement.com](http://www.NetgainClassActionSettlement.com), or by mail to the Settlement Administrator

***QUESTIONS? VISIT [WWW.NETGAINCLASSACTIONSETTLEMENT.COM](http://WWW.NETGAINCLASSACTIONSETTLEMENT.COM)***

In re Netgain Technology, LLC, Consumer Data Breach Litigation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

You must submit any claims by **September 17, 2025**. There can be only one (1) valid and timely Claim per Settlement Class Member.

#### **10. What am I giving up if I remain in the Settlement?**

By staying in the Settlement Class, you will give Netgain a “release,” and all the Court’s orders will apply to you and legally bind you. A release means you cannot sue or be part of any other lawsuit or other legal action against Netgain about or arising from the claims or issues in this Litigation that are released by this Settlement.

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 Settlement Class Counsel 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.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want to remain in the Settlement, and instead want to keep any legal claims you may have against Netgain, then you must take steps to exclude yourself from this Settlement.

#### **11. 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 *In re Netgain Technology, LLC, Consumer Data Breach Litigation*, Case No. 21-cv-1210 (SRN/LIB) (D. Minn.) to the Settlement Administrator. Such notice must include: (1) the case name and number of the Litigation (*In re Netgain Technology, LLC, Consumer Data Breach Litigation*, Case No. 21-cv-1210 (SRN/LIB)); (2) your full name, address, and telephone number; (3) your personal and original signature; and (4) a written statement that you wish to be excluded from the Settlement. You may only request exclusion for yourself, and no one else can request exclusion for you. You must mail your exclusion request so that it is postmarked **no later than September 2, 2025**, to:

In re Netgain Technology, LLC Consumer Data Breach Litigation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

## **12. If I exclude myself, do I still receive benefits from this Settlement?**

No, if you submit an exclusion request, you will not receive anything from the Settlement, but you may sue Netgain over the claims raised in the Litigation.

## **THE LAWYERS REPRESENTING THE SETTLEMENT CLASS**

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

The Court has appointed the following attorneys to be the lead attorneys representing the Settlement Class as Settlement Class Counsel:

Zimmerman Reed, LLP  
c/o Brian C. Gudmundson and Michael J. Laird and Rachel K. Tack  
1100 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
(612) 341-0400

Chestnut Cambronne PA  
c/o Bryan L. Bleichner and Christopher P. Renz  
100 Washington Avenue South, Ste. 1700  
Minneapolis, MN 55401-2138  
(612) 339-7300

Casey Gerry Francavilla Blatt & Penfield, LLP  
c/o Gayle M. Blatt  
110 Laurel Street  
San Diego, CA 92101  
(612) 238-1811

If you want to be represented by your own lawyer, you may hire one at your own expense.

### **14. How will the lawyers for the Settlement Class be paid?**

Settlement Class Counsel will be paid from the Settlement Fund. Settlement Class Counsel will seek Court approval to be paid reasonable attorneys' fees up to 33 1/3% of the Settlement Fund. Settlement Class Counsel will also ask the Court to approve Service Awards of up to \$1,500 from the Settlement Fund for each of the Representative Plaintiffs for participating in this lawsuit and for their efforts in achieving the Settlement. The Court may award less than the amounts requested by Settlement Class Counsel.

Settlement Class Counsel's application for reasonable attorneys' fees and expenses, and the Service Award will be made available on the Settlement Website at [www.NetgainClassActionSettlement.com](http://www.NetgainClassActionSettlement.com) before the deadline for you to comment or object to the Settlement.

## OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can object to the Settlement, or some part of it, and the Court will consider your views. In order to object to the Settlement, you must submit a written objection (such as a letter or legal brief) to the Court stating that you object and the reasons why you think the Court should not approve some or all of the Settlement. The objection must be submitted by September 2, 2025. Your objection must include: (1) the case name and number of the Litigation (*In re Netgain Technology, LLC, Consumer Data Breach Litigation*, Case No. 21-cv-1210 (SRN/LIB) (D. Minn.)); (2) your full name, telephone number, email address, and current mailing address (3) a statement indicating the basis for your belief that you are a member of the Settlement Class; (4) a statement about whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class; (5) specific grounds for the objection, with any factual and legal support for the stated objection, including any supporting materials; (6) a statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through your attorney; and (7) your personal and original signature.

If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your attorney. If you are objecting and represented by counsel, and such counsel intends to speak at the Final Approval Hearing, your written objection must also include (1) the identity of witnesses whom you intend to call to testify at the Final Approval Hearing; (2) a description of any documents or evidence that you intend to offer at the Final Approval Hearing, and (3) a list, including case name, court, and docket number, of all other cases in which you or your attorney have filed an objection to any proposed class action settlement in the past three (3) years.

If you file an objection, you may still receive benefits under the Settlement so long as you timely file a valid claim. To be timely, written notice of an objection in the appropriate form described above must be filed with the Court no later than the Objection Deadline, as noted below:

United States District Court for the District of Minnesota  
St. Paul Division  
316 N. Robert Street  
St. Paul, Minnesota 55101

## 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.

### 16. Where and when is the Final Approval Hearing?

The Court has already given Preliminary Approval to the Settlement Agreement.

The Court will hold a hearing on **October 30, 2025, at 9:30 a.m. CT** in the courtroom of the United States District Judge Susan Richard Nelson, Courtroom 7B, which is located at 316 N. Robert Street, St. Paul, Minnesota 55101. The purpose of the Final Approval hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class and to determine the appropriate amount of compensation for Settlement Class Counsel and rule on the request for a Service Award for the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement. The Court will then 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.

### **GETTING MORE INFORMATION**

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.NetgainClassActionSettlement.com](http://www.NetgainClassActionSettlement.com)**

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

**DO NOT CALL OR SEND ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, OR NETGAIN OR ITS COUNSEL. ALL QUESTIONS ABOUT THE SETTLEMENT SHOULD BE REFERRED TO THE SETTLEMENT ADMINISTRATOR OR SETTLEMENT CLASS COUNSEL.**

***QUESTIONS? VISIT [WWW.NETGAINCLASSACTIONSETTLEMENT.COM](http://WWW.NETGAINCLASSACTIONSETTLEMENT.COM)***