

## **NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

### **If Des Moines Orthopaedic Surgeons Notified You Of A Data Incident, You May Be Eligible For Benefits From A Class Action Settlement.**

*This is not a solicitation from a lawyer, junk mail, or an advertisement.*

*A court authorized this Notice.*

This notice summarizes the proposed settlement reached in a lawsuit entitled *Rogers, et al., v. Des Moines Orthopaedic Surgeons, P.C.* Case No. 05251CVC044835, pending in the Iowa District Court, Dallas County (“Lawsuit”). For the precise terms and conditions of the settlement, please see the Settlement Agreement available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) or by contacting the Claims Administrator at **833-806-5710**.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE  
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

**This Notice explains the nature of the lawsuit and claims being settled, your legal rights,  
and the benefits to the Settlement Class.**

**This notice may affect your rights – please read it carefully.**

- A Settlement has been reached in the class action lawsuit against Des Moines Orthopaedic Surgeons, P.C. (“Des Moines Orthopaedic Surgeons”). The Lawsuit alleges that in February 2023, Des Moines Orthopaedic Surgeons was the victim of a data incident impacting its computer systems and potentially impacting the Personal Information of certain prospective and actual patients. Des Moines Orthopaedic Surgeons maintains that it had meritorious defenses, and it was prepared to vigorously defend the Lawsuit. The settlement is not an admission of wrongdoing or an indication that Des Moines Orthopaedic Surgeons has violated any laws, but rather the resolution of disputed claims.
- If you received this Notice, you have been identified as a part of the Settlement Class. More specifically, you have been identified as a living individual who was sent a notice by Des Moines Orthopaedic Surgeons that your Private Information may have been impacted in the Data Incident, which began on or about February 17, 2023. Some limited exclusions apply and can be found in the Settlement Agreement available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) and in Section 1 below.
- All Settlement Class Members can receive the following Monetary Relief from the Settlement: (a) reimbursement for documented ordinary out-of-pocket losses of up to \$400, (b) reimbursement for up to 4 hours lost time (at a rate of \$25 per hour), and (c) reimbursement for documented extraordinary losses of up to \$5,000. As an alternative to a claim for documented ordinary and extraordinary losses and lost time, Settlement Class Members may claim a \$25 Alternative Cash Payment, or a \$100 Alternative Cash Payment if their Social Security Number was identified as having been affected by this Data Incident. Monetary Relief is subject to a maximum aggregate cap of \$1,000,000 for all Settlement Class Members combined.
- In addition to, and regardless of whether submitting a claim for any form of Monetary Relief, Settlement Class Members may claim three (3) years of three-bureau credit monitoring and identity theft protection services. The identity theft monitoring will include identity theft insurance of at least \$1,000,000.

YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT	
<b>Submit a Claim</b>	<p><b>You must submit a valid Claim to get monetary relief or credit monitoring from this Settlement.</b></p> <p>Claim Forms must be submitted online by <b>March 23, 2026</b>, or, if mailed, postmarked no later than <b>March 23, 2026</b>.</p>
<b>Do Nothing</b>	<p>If you do nothing, you remain in the Settlement.</p> <p>You give up your rights to sue and you will not get monetary relief or credit monitoring benefits.</p>
<b>Exclude Yourself</b>	<p><b>Get out of the Settlement. Get no money. Keep your rights.</b></p> <p>This is the only option that allows you to keep your right to sue about the claims in this Lawsuit. You will not get any money or credit monitoring from the Settlement.</p> <p>Your request to exclude yourself must be postmarked no later than <b>February 23, 2026</b>.</p>
<b>File an Objection</b>	<p>Stay in the Settlement, but tell the Court why you think the Settlement should not be approved.</p> <p>Objections must be postmarked no later than <b>February 23, 2026</b> .</p>
<b>Go to a Hearing</b>	<p>You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details.</p> <p>The Final Approval Hearing is scheduled for <b>April 2, 2026 , at 1:30 pm</b>, and will be held at Dallas County Courthouse.</p>

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## BASIC INFORMATION

### 1. How do I know if I am affected by the Lawsuit and Settlement?

You are a Settlement Class Member (unless you are one of the individuals who the next paragraph says are excluded from the Settlement Class) if the Claims Administrator identified you as being among those individuals whose Personal Information was compromised in the Data Incident experienced by Des Moines Orthopaedic Surgeons which began on or around June 2, 2023, including all those who received notice of the Data Incident.

The Settlement Class excludes all persons who are: (a) directors and officers of Des Moines Orthopaedic Surgeons; (b) the Judge assigned to the Action, that Judge's immediate family, and Court staff; and (c) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period.

This Notice explains the nature of the lawsuit and claims being settled, your legal rights, and the benefits to the Settlement Class.

### 2. What is this case about?

This case is known *Rogers, et al., v. Des Moines Orthopaedic Surgeons, P.C.* Case No. 05251CVC044835, pending in the Iowa District Court, Dallas County. The persons who sued is called the "Plaintiffs," and the company being sued, Des Moines Orthopaedic Surgeons P.C., is known as the "Defendant" in this case.

Plaintiffs filed the Lawsuit against Defendant, on behalf of themselves and anyone whose Personal Information was potentially impacted as a result of the Data Incident.

On or around February 17, 2023, Des Moines Orthopaedic Surgeons became aware of unusual and suspicious activity on its computer network environment. Defendant took steps to secure its systems, and through investigation determined that its network had been accessed and exfiltrated by an unauthorized user from February 15, 2023, through February 17, 2023. The type of Private Information accessed by the unauthorized actor in the Data Incident included names, Social Security numbers, dates of birth, driver's license numbers and/or state identification numbers, passports, direct deposit bank information, medical information, health insurance information, and other sensitive information. Des Moines Orthopaedic Surgeons began sending notices to those whose PII was exfiltrated on or around January 2024. This Lawsuit was subsequently filed asserting claims against Defendant relating to this Data Incident. Defendant denies any wrongdoing.

### 3. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Plaintiffs, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiff or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com)

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

In a class action, one or more people called a "Class Representative" sue on behalf of all people who have similar claims. All of these people together are the "Settlement Class" or "Settlement Class Members."

### 5. How do I know if I am included in the Settlement?

You are included in the Settlement if you were identified as being among those living individuals who were sent a notice by Des Moines Orthopaedic Surgeons that your Private Information may have been impacted in the Data Incident. Some limited exclusions apply and can be found in the Settlement Agreement available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) and in Section 1 above. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com), call toll-free at 833-806-5710, or write to Des Moines Orthopaedic Data Incident, c/o Analytics Consulting LLC, P.O. Box 2010, Chanhassen, MN 55317-2010.

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

The proposed Settlement will provide the following benefits to Settlement Class Members:

**Documented ORDINARY Out-of-Pocket Losses:** All Settlement Class Members who submit a Valid Claim using the Claim Form are eligible for any documented and attested-to ordinary out-of-pocket expenses directly associated with dealing with the Data Incident, not to exceed \$400 per Settlement Class Member, that were incurred more likely than not as a result of the Data Incident, including but not limited to (i) unreimbursed expenses, charges and/or losses relating to fraud or identity theft such as unreimbursed bank fees; long distance phone charges; cell phone charges (only if charged by the minute); data charges (only if charged based on the amount of data used); postage; gasoline for local travel; fees for credit repair or similar services; and costs associated with freezing or unfreezing credit; and/or any other charge or loss reasonably related to the Data Incident incurred by Class Members between February 15, 2023 and the March 23, 2026. To receive monetary relief for ORDINARY out-of-pocket losses, Settlement Class Members must submit a Valid Claim, including supporting documentation, to the Settlement Administrator.

**Documented EXTRAORDINARY Loss Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for documented extraordinary losses, not to exceed \$5,000 per Settlement Class Member. To be eligible for this benefit the monetary loss must be: (i) actual, documented, and unreimbursed, with documented proof of loss to be submitted with the claim; (ii) more likely than not caused by the Data Incident; (iii) have occurred between February 15, 2023 through and including the end of the March 23, 2026; and (iv) must not already be covered by one or more of the above-referenced reimbursed expenses. A Settlement Class Member who claims extraordinary losses must also provide documentation that he or she made reasonable efforts to avoid, or seek reimbursement for, such extraordinary losses, including, but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance. To receive monetary relief for EXTRAORDINARY out-of-pocket losses, Settlement Class Members must submit a Valid Claim, including supporting documentation, to the Settlement Administrator.

**Lost Time Reimbursement:** Class Members are also eligible to receive reimbursement for up to four (4) hours of Lost Time spent dealing with the Data Incident, rounded to the nearest whole hour, calculated at the rate of \$25 per hour. Class Members may receive up to four hours of lost time if the Class Member attests that any claimed lost time was spent responding to issues raised by the Data Incident, and briefly describes how the lost time was spent. Claims for reimbursement of lost time may be combined with claims for documented ordinary out-of-pocket expenses. To receive monetary relief for Lost Time, Settlement Class Members must submit a Valid Claim, but no documentation is required.

**Alternative Cash Payment:** As an alternative to seeking reimbursement of documented ordinary out-of-pocket and extraordinary losses and lost time, Settlement Class Members may receive a one-time cash payment of \$25. Settlement Class Members whose Social Security Numbers were identified by Defendant as being affected by the Data Incident may claim a one-time cash payment of \$100 (in lieu of, and not in addition to the \$25 payment). To receive monetary relief in the form of an Alternative Cash Payment, Settlement Class Members must submit a Valid Claim form, but no documentation is required.

**Credit Monitoring and Identity Theft Protection:** In addition to, and regardless of whether submitting a claim for any form of Monetary Relief, Settlement Class Members may claim three (3) years of three-bureau credit monitoring and identity theft protection services. The identity theft monitoring will include identity theft insurance of at least \$1 million.

**Note:** Documented Ordinary Loss Expense Reimbursement, Lost Time Reimbursement, Documented Extraordinary Loss Reimbursement, and Alternative Cash Payments are subject to a maximum aggregate cap of \$1,000,000 for all Settlement Class Members combined. Payments to Settlement Class Members who make a valid claim for these benefits will be reduced on a *pro rata* basis according to the number of claims made if the total exceeds this overall cap.

**Remedial Relief:** Defendant has implemented various technical, administrative, and physical security improvements, including new and additional hardware and software security tools. The costs associated with such data security measures have been paid by Defendant separate and apart from the Settlement Amount.

## 7. How to submit a claim?

All claims will be reviewed by the Claims Administrator for completeness and plausibility. You must file a Claim Form to get money from the proposed Settlement. Claim Forms must be submitted online by **March 23, 2026**, or postmarked no later than **March 23, 2026**. You can submit an online claim or download a Claim Form at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com), or you can call the Claims Administrator toll-free at 833-806-5710 to have a Claim Form mailed to you.

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

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Des Moines Orthopaedic Surgeons and its respective predecessors, successors, assigns, parents, subsidiaries, divisions, departments, owners, Trustees, and the present and former directors, trustees, officers, employees, agents, insurers, reinsurers, shareholders, attorneys, advisors, consultants, representatives, partners, joint venturers, independent contractors, wholesalers, resellers, distributors, retailers, vendors and related or affiliated entities of any nature whatsoever, whether direct or indirect, as well as any and all of Defendant's and these entities' respective predecessors, successors, officers, directors, employees, advisors, vendors, stockholders, partners, agents, attorneys, representatives, insurers, reinsurers, subrogees and assigns (collectively "Released Parties") regarding the claims in this case.

The Settlement Agreement, which includes all provisions and definitions about settled claims, releases, and Released Parties, is available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com). The only way to keep the right to sue is to exclude yourself (*see* Question 10), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you give up the right to sue for the claims in this case.

## 9. Will the Class Representative receive compensation?

Yes. The Class Representatives will receive a service award of up to \$1,500, to compensate them for their services and efforts in bringing the Lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representatives.

### EXCLUDE YOURSELF

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

If you do not want to be included in the Settlement, you must send a timely written request for exclusion, stating your full name, address, and telephone number. Your request for exclusion must be personally signed by you and contain your original signature (or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under power of attorney to act on your behalf with respect to a claim or right, such as those in the Lawsuit). Your request must also clearly manifest your intent to be excluded from the Settlement Class.

Your written request for exclusion must be postmarked no later than **February 23, 2026** to:

Des Moines Orthopaedic Data Incident  
c/o Analytics Consulting LLC  
P.O. Box 2010  
Chanhassen, MN 55317-2010

Instructions on how to submit a request for exclusion are available at [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) or from the Claims Administrator by calling **833-806-5710**.

If you exclude yourself, you will not be able to receive any monetary relief or credit monitoring from the Settlement, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Lawsuit, and you will keep your right to sue Defendant on your own for the claims that this Settlement resolves.



### **11. If I do not exclude myself, can I sue later?**

No. If you do not exclude yourself from the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Parties (listed in Question 8) for the claims this Settlement resolves.

### **12. What happens if I do nothing at all?**

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not get any monetary relief or credit monitoring services from the Settlement, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Parties (listed in Question 8) about the settled claims in this case at any time.

## **THE LAWYERS REPRESENTING YOU**

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

Yes. The Court has appointed CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP, MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN LLC, CHESTNUT CAMBRONNE PA, MARKOVITS, STOCK, & DEMARCO, LLC, LAUKAITIS LAW LLC and COHEN MALAD, LLP (called “Settlement Class Counsel”) to represent the interests of all Settlement Class Members in this case. 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.

### **14. How will the lawyers be paid?**

Settlement Class Counsel will apply to the Court for an award of combined attorneys’ fees, costs, and expenses in an amount not to exceed \$900,000. A copy of Class Counsel’s Motion for Attorneys’ Fees, Costs, Expenses, and Service Award for Class Representative will be posted on the Settlement Website, [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com), before the Final Approval Hearing. The Court will make the final decisions as to the amounts to be paid to Settlement Class Counsel and may award less than the amount requested by Settlement Class Counsel.

## **OBJECTING TO THE SETTLEMENT**

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

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you must file an objection with the Court telling it why you do not think the Settlement should be approved.

For a written objection to be considered by the Court, the objection must also set forth:

- a) The objector’s full name, mailing address, telephone number, and email address (if any);
- b) All grounds for the objection, accompanied by any legal support for the objection known to the objector or objector’s counsel;
- c) The identity of all counsel (if any) who represent the objector, including any former or current counsel who may claim an entitlement to compensation for any reason related to the objection to the Settlement and/or Motion for Attorneys’ Fees, Costs, and Service Awards);
- d) The identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- e) A list of all cases, including case name, court file number, and court, in which the objector has previously filed an objection;
- f) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);

- g) A statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- h) The objector's signature (an attorney's signature is not sufficient).

Your Objection must be sent to the Settlement Administrator no later than **February 23, 2026**.

Des Moines Orthopaedic Data Incident  
c/o Analytics Consulting LLC  
ATTN: Exclusions  
P.O. Box 2010  
Chanhassen, MN 55317- 2010

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

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

## **THE FINAL APPROVAL HEARING**

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

The Court will hold a Final Approval Hearing on **April 2, 2026, at 1:30 p.m.** at the Dallas County Courthouse, 801 Court Street, Adel, IA, 50003. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be finally approved. If there are valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the award of attorneys' fees, costs, and expenses to Settlement Class Counsel and the request for a Service Award to the Class Representatives.

## **18. Do I have to come to the hearing?**

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

## **19. May I speak at the hearing?**

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

## **DO NOTHING**

## **20. What happens if I do nothing?**

If you do nothing, you will not get any monetary relief or credit monitoring from the Settlement, you will not be able to sue



for the claims in this case, and you release the claims against Defendants and the Released Parties described in Question No. 8.

## **GET MORE INFORMATION**

### **21. How do I get more information about the Settlement?**

This is only a summary of the proposed Settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Settlement Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Service Award for Class Representative, and more, please visit [www.DesMoinesOrthoDataIncident.com](http://www.DesMoinesOrthoDataIncident.com) or call 833-806-5710. You may also contact the Claims Administrator at:

Des Moines Orthopaedic Data Incident  
c/o Analytics Consulting LLC  
P.O. Box 2010  
Chanhassen, MN 55317-2010

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANT, OR DEFENDANT'S COUNSEL.**