

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK, WHITE PLAINS DIVISION

If you utilized IvyRehab’s services and your private information was maintained on IvyRehab’s system, which was compromised in a cybersecurity incident announced on or about November 26, 2019, you may be eligible for benefits from a class action settlement.

Para una notificación en Español, visitar www.IvyRehabSettlement.com.

A federal court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.

- A settlement has been proposed in a class action lawsuit against IvyRehab Network, Inc., (“IvyRehab”) relating to a cybersecurity incident involving the IvyRehab’s system, discovered on or about November 26, 2019 (the “Data Incident”). The computer system affected by the Data Incident potentially contained certain personal and protected health information (such as Social Security numbers, health insurance information, and other protected health information) relating to IvyRehab patients.
- If you are an individual who utilized IvyRehab’s services and your private information was maintained on IvyRehab’s system and potentially impacted by the Data Incident, you are a part of the Class and may be eligible for benefits.
- The Settlement provides credit monitoring and payments to individuals who submit valid, documented claims for out-of-pocket expenses and charges that were directly incurred and arose from the Data Incident.
- Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way you can receive payment or credit monitoring.
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will not get any payment or credit monitoring from the Settlement, but you also will not release your claims against IvyRehab. This is the only option that allows you to be part of any other lawsuit against IvyRehab or related parties for the claims resolved by this Settlement.
OBJECT TO THE SETTLEMENT	Write to the Court with reasons why you do not agree with the Settlement.
GO TO THE FINAL FAIRNESS HEARING	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing.
DO NOTHING	You will not get any credit monitoring or compensation from the Settlement and you will give up certain legal rights.

- These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement at www.IvyRehabSettlement.com or call (888) 490-0716.
- The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments and credit monitoring will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.

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BASIC INFORMATION

1. Why is this Notice being provided?

The Court directed that this Notice be provided because you have a right to know about a proposed settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after any objections or appeals are resolved, the Settlement Administrator appointed by the Court will distribute the payments and other relief that the Settlement allows. This Notice explains the lawsuit, the Settlement, your legal rights, what payments are available, who is eligible for them, and how to get them.

The Court in charge of this case is the United States District Court for the Southern District of New York, White Plains Division. The case is known as *Baksh et al. v. IvyRehab Network, Inc.*, Case No. 7:20-cv-01845 (the “Lawsuit”). The people who filed the Lawsuit are called Plaintiffs and the entity they sued, IvyRehab, is called the Defendant.

2. What is this Lawsuit about?

The Lawsuit claims IvyRehab was responsible for the increased risk of identity theft stemming from the Data Incident and asserts claims such as: negligence; negligence per se; breach of express contract; breach of implied contract; breach of fiduciary duty; and violation of New York General Business Law Section 349. The Lawsuit seeks, among other things, payment for persons who were injured by the Data Incident.

IvyRehab has denied and continues to deny all of the claims made in the Lawsuit, as well as all charges of wrongdoing or liability against it.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Bibi Baksh and Sharon Dunn on behalf of her daughter M.M.) sue on behalf of people who have similar claims. Together, all these people are called a Class or Class Members. One Court and one judge resolve the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or IvyRehab. Instead, the Plaintiffs negotiated a settlement with IvyRehab that allows both Plaintiffs and IvyRehab to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class Members to obtain benefits without further delay. The Class Representatives and their attorneys think the Settlement is best for all Settlement Class Members. This Settlement does not mean that IvyRehab did anything wrong.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are part of this Settlement as a Settlement Class Member if you utilized IvyRehab’s services and your private information was maintained on IvyRehab’s system, which was compromised in the Data Incident.

6. Are there exceptions to being included in the Settlement?

Yes. Specifically excluded from the Settlement Class are: (i) IvyRehab’s officers, directors, and employees; (ii) any entity in which IvyRehab has a controlling interest; and (iii) the affiliates, legal representatives, attorneys, successors, heirs, and assigns of IvyRehab. Also excluded from the Settlement Class are members of the judiciary to whom this case is assigned, their families, and members of their staff.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

There are two types of claims-based remedies available: (1) credit monitoring; and (2) expense and time reimbursement (see Question 8, below). You may submit a claim for either or both of the remedies listed above. In order to claim each type of remedy, you must provide related documentation with the Claim Form.

The Settlement will provide credit monitoring services to all valid claimants.

The Settlement will also provide for expense reimbursements as described in Question 8. The total amount of money paid by IvyRehab for expense and time reimbursement shall not exceed \$150,000. In the event the total amount of money claimed and approved for expense and time reimbursement exceeds \$150,000, each claim made and approved under the Settlement shall be reduced on a pro rata basis until the total is reduced to \$150,000.

Additionally, the Settlement provides that IvyRehab has implemented and will implement new data security measures to improve its system's cybersecurity.

8. What Settlement benefits are available?

Class Members are each individually eligible to receive 12-months of credit monitoring in addition to any credit monitoring services previously provided as a result of IvyRehab's pre-Lawsuit notifications.

Qualified Class Members are further eligible to claim reimbursement of up to \$75 (in total) for their documented out-of-pocket expenses, fees for credit based reports, and time expenses resulting from the Data Incident, including:

- out-of-pocket expenses, including bank fees, long distance phone charges, cell phone charges (if charged by the minute), data charges (if charged based on data used), postage, or gasoline for local travel;
- fees for credit reports, credit monitoring, or other identity theft insurance products purchased between September 1, 2019, and the date of the Court's Preliminary Approval Order; and
- where at least one full hour was spent exclusively dealing with the Data Incident (\$20 per Class Member).

HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

9. How do I get benefits from the Settlement?

To ask for a payment or credit monitoring, you must complete and submit a Claim Form. Claim Forms are available at www.IvyRehabSettlement.com, or you may request one by mail by calling (888) 490-0716. Read the instructions carefully, fill out the Claim Form completely, and mail it, postmarked no later than January 21, 2021, to:

IvyRehab Settlement Administrator
P.O. Box 3546
Portland, OR 97208-3546

10. How will claims be decided?

The Settlement Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Settlement Administrator may require additional information from any Class Member who submits a Claim Form. If the required information is not timely provided, the claim will be considered invalid and will not be paid, and credit monitoring will not be provided. Class Counsel and Counsel for IvyRehab will be able to review claims.

11. When will I get my payment?

The Court will hold a Final Fairness Hearing on January 27, 2021 at 11:30 a.m. in the District Court for the Southern District of New York, White Plains Division, 300 Quarropas Street, White Plains, New York 10601-4150, Courtroom 621, to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether any appeals can be resolved favorably, and resolving them can take time, perhaps more than a year. It also takes time for all Claim Forms to be processed, depending on the number of claims submitted. Please be patient.

REMAINING IN THE SETTLEMENT

12. Do I need to do anything to remain in the Settlement?

You do not have to do anything to remain in the Settlement, but if you would like to enroll in credit monitoring or be eligible to receive a payment, you must submit a Claim Form postmarked by January 21, 2021.

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

If the Settlement becomes final, you will give up your right to sue IvyRehab for the claims being resolved by this Settlement. The specific claims you are giving up against IvyRehab are described in paragraph 8 of the Settlement Agreement. You will be “releasing” IvyRehab and all related people and entities as described in paragraph 8 of the Settlement Agreement. The Settlement Agreement is available at www.IvyRehabSettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions about what this means, you can talk to the law firms listed in Question 17 for free, or you can talk to your own lawyer at your own expense.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from this Settlement, but you want to keep the right to sue IvyRehab about issues in the Lawsuit, then you must take steps to get out of the Settlement Class. This is called excluding yourself from—or is sometimes referred to as “opting out” of—the Settlement Class.

14. If I exclude myself, can I still get payment from the Settlement?

No. If you exclude yourself from the Settlement, you will not be entitled to any benefits of the Settlement, but you will also not be bound by any judgment in this case.

15. If I do not exclude myself, can I sue IvyRehab for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue IvyRehab for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for benefits.

16. 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 the Settlement in *Baksh et al. v. IvyRehab Network, Inc.*, Case No. 7:20-cv-01845. Your letter must also include your name, address, telephone number, and signature. You must mail your exclusion request, postmarked no later than December 7, 2020, to:

IvyRehab Settlement Administrator
P.O. Box 3546
Portland, OR 97208-3546

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed Gary E. Mason of Mason Lietz & Klinger LLP, 5101 Wisconsin Avenue NW, Suite 305, Washington, DC 20016, and Gary M. Klinger of Mason Lietz & Klinger LLP, 227 W. Monroe Street, Suite 2100, Chicago, IL 60606, to represent you and other Settlement Class Members. These lawyers are called Class Counsel. 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.

18. How will Class Counsel be paid?

If the Settlement is approved and becomes final, Class Counsel will ask the Court to award combined attorneys' fees and costs in the amount of \$150,000. Class Counsel will also request approval of an incentive award of \$1,000 for each Class Representative. If approved, these amounts, as well as the costs of notice and settlement administration, will be paid separately by IvyRehab and will not reduce the amount of total payments available to Settlement Class Members.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

19. 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 if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before making a decision. To object, you must file with the Court and mail copies to Class Counsel and IvyRehab's Counsel a written notice stating that you object to the Settlement in *Baksh et al. v. IvyRehab Network, Inc.*, Case No. 7:20-cv-01845.

Your objection must include:

- 1) the title of the case;
- 2) your name, address, and telephone number;
- 3) the approximate date when you were a patient at an IvyRehab facility;
- 4) all legal and factual bases for any objection; and
- 5) copies of any documents that the you want the Court to consider.

Should you wish to appear at the Final Approval Hearing, you must so state, and you must identify any documents or witnesses you intend to call on your behalf.

Your objection must be filed with the Clerk of District Court for the Southern District of New York, White Plains Division, 300 Quarropas Street, White Plains, NY 10601-4150, no later than December 7, 2020. You must also mail copies of your objection to Class Counsel and Ivy Rehab's Counsel, postmarked no later than December 7, 2020, at all of the addresses below.

CLASS COUNSEL		IVYREHAB'S COUNSEL	
Gary Mason David K. Lietz MASON LIETZ & KLINGER LLP 5101 Wisconsin Avenue NW, Suite 305 Washington, DC 20016	Gary M. Klinger MASON LIETZ & KLINGER LLP 227 W. Monroe Street, Suite 2100 Chicago, Illinois 60606	Anjali C. Das Jennifer S. Stegmaier Wilson Elser Moskowitz Edelman and Dicker LLP 55 West Monroe Street, Suite 3800 Chicago, IL 60603	David M. Ross Wilson Elser Moskowitz Edelman and Dicker LLP 1500 K Street, NW, Suite 330 Washington, DC 20005

20. What is the difference between objecting to and excluding myself from the Settlement?

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. If you exclude yourself from the Settlement, you have no basis to object or submit a Claim Form because the Settlement no longer affects you.

THE COURT’S FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. You cannot speak at the hearing if you exclude yourself from the Settlement.

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

The Court will hold a Final Fairness Hearing at January 27, 2021 at 11:30 a.m. in the District Court for the Southern District of New York, White Plains Division, 300 Quarropas Street, White Plains, NY 10601-4150. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration any properly filed written objections and may also listen to people who have asked to speak at the hearing (see Question 19). The Court will also decide whether to approve fees and costs to Class Counsel and the service awards to the Class Representatives.

22. Do I have to come to the Final Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

23. May I speak at the Final Fairness Hearing?

Yes, you may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must follow the instructions provided in Question 19 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

24. What happens if I do nothing?

If you do nothing, you will not receive any compensation or credit monitoring from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement, including the release in the Settlement Agreement. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against IvyRehab or related parties about the issues involved in the Lawsuit, resolved by this Settlement, and released by the Settlement Agreement.

GETTING MORE INFORMATION

25. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is available www.IvyRehabSettlement.com or by writing to the IvyRehab Settlement Administrator, P.O. Box 3546, Portland, OR 97208-3546.

26. How do I get more information?

Go to www.IvyRehabSettlement.com or call (888) 490-0716 or write to the IvyRehab Settlement Administrator, P.O. Box 3546, Portland, OR 97208-3546.

*Please do not call the Court or the Clerk of the Court for additional information.
They cannot answer any questions regarding the Settlement or the Lawsuit.*