

**If you were notified by the California Department of Corrections and Rehabilitation of a Data Incident discovered in January 2022, you may be entitled to a Cash Payment**

**Thomas, et al. v. California Department of Corrections and Rehabilitation  
Sacramento County Case No. 34-2022-00328693**

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

- A settlement has been reached in a class action lawsuit against the California Department of Corrections and Rehabilitation (“Defendant” or “CDCR”) regarding a data incident (the “Incident”) that resulted in an unauthorized user gaining access to one of CDCR’s platforms.
- You are a “Class Member” if your protected health information (“PHI”) and/or personally identifiable information (“PII”) was stored on the platform accessed in the Incident. CDCR mailed and published notice of the Incident to Class Members in August 2022. Class Members may also receive notice of this Settlement via direct mail.
- CDCR has agreed to pay \$1,800,000.00 (the “Settlement Fund”) to settle the claims in this case. All Class Members may receive a **Cash Payment**: All Class Members are eligible to receive a *pro rata* cash distribution from the Settlement Fund referred to as the “Settlement Share.” The Settlement Share amount depends on how many Class Members are allocated a Cash Payment. If you received a Postcard Notice from the Settlement Administrator in the mail telling you about this Settlement, **you do not need to do anything to receive a Cash Payment**. If your address has changed from the time you received the Postcard Notice, it is your responsibility to update the Settlement Administrator. If you did not receive a Postcard Notice in the mail, but reasonably believe you are a Class Member, you must submit a timely and valid Claim Form for a Cash Payment.

**This Notice may affect your rights. Please read it carefully.**

<b>Your Legal Rights and Options</b>		<b>Deadline</b>
<b>DO NOTHING</b>	If you received a Postcard Notice, you will be allocated a Cash Payment. If you do nothing, you will remain in the Class. If your address has changed from the time you received the Postcard Notice, it is your responsibility to update the Settlement Administrator. If you did not receive a Postcard Notice and do nothing, you will remain in the Class and forfeit your right to receive the cash payment.	
<b>SUBMIT A CLAIM FORM</b>	<b>If you did not receive a Postcard Notice in the mail and qualify as a Class Member</b> , you must submit a valid claim form by the deadline to receive a cash payment.	<b>FEBRUARY 14, 2025</b>
<b>EXCLUDE YOURSELF</b>	If you ask to be excluded, you will not receive a cash payment, but you may be able to file your own lawsuit against CDCR, for the same claims. This is the only option that leaves you the potential to file your own lawsuit against CDCR for the claims that are being resolved by the Settlement. To be effective, you must submit a request for exclusion by the deadline.	<b>FEBRUARY 14, 2025</b>
<b>OBJECT</b>	If you do not exclude yourself from the Settlement Class, you may submit an objection telling the Court why you do not like the Settlement. If your objection is overruled, you will be bound by the Settlement.	<b>FEBRUARY 14, 2025</b>

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees, service awards, and costs. No settlement benefits or payments will be provided unless and until the Court approves the Settlement and it becomes final.

**Questions? Go to [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com), call 1-888-735-6130, email [CDCRDataClassActionSettlement@cptgroup.com](mailto:CDCRDataClassActionSettlement@cptgroup.com), or write to Thomas v. California Department of Corrections and Rehabilitation, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.**

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## BASIC INFORMATION

### 1. Why is this Notice being provided?

A California court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

The Honorable Jill H. Talley of the Superior Court of the State of California, County of Sacramento, is overseeing this class action. The case is known as *Thomas, et al. v. California Department of Corrections and Rehabilitation*, Case No. 34-2022-00328693 (Superior Court of the State of California, County of Sacramento) (the “Litigation”). The people who filed this lawsuit are referred to here as the “Plaintiffs” or “Class Representatives,” and the entity sued, the California Department of Corrections and Rehabilitation is referred to here as “CDCR” or the “Defendant.”

### 2. What is this lawsuit about?

The Litigation arises from a data incident. In January 2022, CDCR discovered a potential data breach. CDCR took immediate action to secure its network and launched an investigation, which found that an unauthorized user accessed data on a CDCR platform. Defendant asserts there was no indication that any data was copied, downloaded, or otherwise acquired by the unauthorized user as a result of this Incident.

CDCR denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing or that any law has been violated. CDCR denies these and all other claims made in the Litigation. By entering into the Settlement, CDCR is not admitting any wrongdoing.

### 3. Why is the lawsuit a class action?

In a class action, Class Representatives sue on behalf of all people who have similar claims. Together, in the context of a settlement like this one, all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves (opt-out) from the Settlement Class.

The Class Representatives in this case are Billy Thomas, Darrell Denson, Andre Brown, and Joseph Williams.

### 4. Why is there a Settlement?

Plaintiffs and the Defendant do not agree about the claims made in this Litigation. The Litigation did not go to trial, and the Court did not decide in Plaintiffs’ or Defendant’s favor. Instead, Plaintiffs and Defendant agreed to settle the Litigation. Plaintiffs and the attorneys for the Settlement Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the Settlement Benefits made available under the Settlement, because of the risks and uncertainty associated with continued litigation, and because of the nature of the defenses raised by Defendant.

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## WHO IS INCLUDED IN THE SETTLEMENT?

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

You are a Settlement Class Member if your protected health information (“PHI”) and/or personally identifiable information (“PII”) was on CDCR’s platform that was accessed by the unauthorized user in the Incident discovered in January 2022. CDCR previously mailed and published notice of the Incident to Class Members. Notice of this Settlement also may have been sent directly to Settlement Class Members. If you are not sure whether you are a Settlement Class Member, you may contact the Settlement Administrator at 1-888-735-6130 or by emailing CDCRDataClassActionSettlement@cptgroup.com. Standard data, call and messaging rates apply.

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

Yes. Excluded from the Settlement Class are Defendant and its managing agents and representatives, the judge presiding over the Action and members of their immediate family, and Class Members who submit a Request for Exclusion.

### 7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the settlement website at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com) or call the Settlement Administrator’s toll-free number at 1-888-735-6130 or by emailing [CDCRDataClassActionSettlement@cptgroup.com](mailto:CDCRDataClassActionSettlement@cptgroup.com).

## THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

### 8. What does the Settlement provide?

CDCR has agreed to pay \$1,800,000.00 (the “Settlement Fund”) to settle this Litigation. The Settlement Fund will be used to pay benefits to the Class Members who have identifiable and valid mailing addresses, the costs of notice and claims administration, attorneys’ fees and costs, and service awards to the Plaintiffs, and other court approved costs and expenses reasonably contemplated by the settlement. If you are a Settlement Class Member and received Postcard Notice in the mail of this Settlement, you will be allocated a Settlement Share Payment. If you are a Class Member but did not receive that Notice in the mail of this Settlement, you may be eligible for allocation of this Settlement Share by completing and timely submitting a valid Claim Form. By submitting a valid and timely claim for the Cash Payment benefit using the Claim Form, you are eligible to receive a Cash Payment (prorated depending upon how many Settlement Class Members have valid claims).

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### 9. Do I need to submit a claim?

If you received a Postcard Notice in the mail, you will be allocated a Settlement Share. The Settlement Share payment will be mailed to the same address where your Postcard Notice was sent. If your address changes between the time you received the Postcard Notice until you receive payment, it is your responsibility to update the Settlement Administrator **via mail or email**.

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## 10. How do I submit a claim for the cash payment?

Settlement Class Members who did not receive a Postcard Notice of this Settlement in the mail and who want to be allocated a Settlement Share and to receive a Cash Payment must submit a valid and timely Claim Form to the Settlement Administrator by **February 14, 2025**. You will need your name, address, and/or CDCR number, if applicable, to file a Claim Form. If you are not sure if you are a Settlement Class Member or have questions regarding qualifying as a Settlement Class Member, contact the Settlement Administrator at 1-888-735-6130 or by emailing CDCRDataClassActionSettlement@cptgroup.com.

Claim forms can be submitted by mail or online at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com). If by mail, the Claim Form must be **postmarked** by **February 14, 2025**. You may request a Claim Form be mailed to you by calling 1-888-735-6130 or by writing to:

Thomas v. California Department of Corrections and Rehabilitation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

## 11. What am I giving up to receive the Cash Payment or to stay in the Settlement Class?

Unless you timely submit a request for exclusion to exclude yourself (opt-out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendant and Released Parties about the legal issues in this Litigation that are released by this Settlement. The specific rights you are giving up are called “Released Claims.”

## 12. What are the Released Claims?

The Settlement Agreement in Section IX describes the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com), in the public Court records on file in this Lawsuit. You can also request a copy of the Settlement Agreement be mailed to you by calling or writing to the Settlement Administrator. For questions regarding the Releases or Released Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in Question 15 for free, or you can talk to your own lawyer at your own expense.

## 13. What happens if my contact information changes after I submit a claim or receive the Postcard Notice?

If you change your mailing address or email address after you submit a claim form or after you received the Postcard Notice, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1-888-735-6130, by emailing CDCRDataClassActionSettlement@cptgroup.com, or by writing to:

Thomas v. California Department of Corrections and Rehabilitation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

## 14. When will I receive my Settlement Benefits?

If you received notice in the mail, or if you file a timely and valid claim form, payment will be provided by the

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Settlement Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com) or call the Settlement Administrator or the attorneys in section 15, below, for updates.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

Yes, the Court has appointed Scott Edward Cole of Cole & Van Note, 555 12th Street, Ste. 2100, Oakland, CA 94607, (510) 891-9800 as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this Litigation.

### 16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees of \$630,000.00 plus reasonable costs of this Litigation to Class Counsel. They will also ask the Court to approve Service Awards of \$2,500 to each of the four (4) Plaintiffs for participating in this Litigation and for their efforts in achieving the Settlement. If awarded by the Court, attorneys' fees and costs and the Service Awards will be paid out of the Settlement Fund. The Court may award less than these amounts.

A copy of Class Counsel's application for attorneys' fees, costs, and service awards will be made available on the settlement website at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com) before the deadline for submission of objections. You may also request a copy be mailed to you by calling the Settlement Administrator.

## OPTING OUT OF THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant on your own based on the claims raised in this Litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from or "opting-out" of the Settlement.

### 17. How do I get out of the Settlement?

To opt-out of the Settlement, you must mail or email a written notice of intent to opt-out, also referred to as a "Request for Exclusion" in the Settlement Agreement. The written notice must be signed by you, include your name, mailing address, and clearly state that you wish to be excluded from the Settlement.

The opt-out request must be **postmarked by the United State Postal Service** and sent to the Settlement Administrator at the following address by **February 14, 2025**:

Thomas v. California Department of Corrections and Rehabilitation  
Exclusions  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

You cannot exclude yourself by telephone.

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### 18. If I opt out, can I get anything from the Settlement?

No. If you opt out, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement benefits if you stay in the Settlement. If you opt out, do not submit a claim form.

### 19. If I do not opt out, can I sue the Defendant for the same thing later?

No. Unless you opt-out, you give up any right to sue the Defendant and Released Parties for the claims this Settlement resolves and releases relating to Incident. You must opt-out of this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

## OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement or requested attorneys' fees, costs and service awards. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees, costs and service awards. To object, you must mail timely written notice to the Settlement Administrator as provided below no later than **February 14, 2025**, stating you object to the Settlement. The objection must include all the following additional information:

- 1) Your full name, current address, current telephone number;
- 2) The case name and number—*Thomas, et al. v. California Department of Corrections and Rehabilitation*, Case No. 34-2022-00328693 (Superior Court of the State of California, County of Sacramento).
- 3) Information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of your postcard notice, copy of the original notice of the Incident, or a statement explaining why you believe you are a Settlement Class Member);
- 4) A written statement of the position you wish to assert, including the legal and factual grounds for the position;
- 5) Copies of any other documents you wish to submit in support of your position;
- 6) The identity of any and all counsel representing you in connection with the objection;
- 7) A statement whether you or your counsel request to appear at the Final Approval Hearing (If you are incarcerated in CDCR custody, you will have to follow all CDCR rules to attend the hearing. If incarcerated, your attendance at the hearing is not guaranteed.); and
- 8) Your signature or the signature of your duly authorized attorney or other duly authorized representative (if any) representing you in connection with the objection.

To be timely, written notice of an objection in the appropriate form must be emailed or mailed, postmarked by the United State Postal Service no later than **February 14, 2025**, to the Settlement Administrator at the following address:

Thomas v. California Department of Corrections and Rehabilitation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606  
CDCRDataClassActionSettlement@cptgroup.com

Any Settlement Class Member who fails to comply with the requirements for objecting in Section VII of the Settlement Agreement waives and forfeits any and all rights they may have to appear separately and/or to object

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to the Settlement Agreement and will be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the litigation.

### **21. What is the difference between objecting and asking to opt out?**

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees, service awards, and costs. You can object only if you stay in the Settlement Class (meaning you do not opt-out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt-out, you cannot object to the Settlement.

## **THE FINAL APPROVAL HEARING**

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

The Court will hold a Final Approval Hearing on **March 7, 2025, at 9:00 a.m.** before Judge Jill H. Talley at the Superior Court of California, County of Sacramento, Department 23.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's application for attorneys' fees, costs and expenses, and the service awards to the Plaintiffs. If there are objections, the Court will consider them. The Court may also listen to people who have asked to speak at the hearing. You may attend the hearing at your own expense, or you may pay your own lawyer to attend, but it is not necessary. If you are incarcerated in CDCR custody, you will have to follow all CDCR rules and regulations to attend the hearing and apply in advance. You are not guaranteed the ability to attend the hearing if you are incarcerated.

Note: The date and time of the Final Approval Hearing are subject to change. Any change will be posted at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com).

### **23. Do I have to attend to the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you are incarcerated at the time of this hearing, you must follow CDCR's guidelines in order to make an appearance, and apply in advance. You are not guaranteed the ability to attend the hearing if you are incarcerated. If you send an objection, you do not have to come to Court to speak about it. As long as you mail your written objection on time, the Court will consider it.

### **24. May I speak at the Final Approval Hearing?**

Yes, as long as you do not exclude yourself (opt-out), you can (but do not have to) participate and speak for yourself in this Litigation and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you at the hearing, you must follow all of the procedures for objecting to the Settlement listed in Section 20 and specifically include a statement whether you and your counsel (if any) will appear at the Final Approval Hearing. If you are incarcerated at the time of the hearing, you must follow all additional procedures required by CDCR to have an opportunity to appear. You are not guaranteed the ability to attend the hearing if you are incarcerated.

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## IF YOU DO NOTHING

### 25. What happens if I do nothing at all?

If you received notice in the mail of this settlement and you do nothing, you will receive a cash payment in the mail after the effective date of the settlement. If you are a Settlement Class Member who did not receive notice in the mail and you do nothing, you will not receive any Settlement Benefit and you will give up rights explained in the “Opting Out from the Settlement” section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant or any of the Released Parties about the legal issues in this Litigation that are released by the Settlement Agreement relating to the Incident.

## RESTITUTION DEDUCTIONS

### 26. What happens if I owe restitution or have other liens against me?

If you are incarcerated in CDCR custody or on parole and you owe restitution, CDCR will collect any amounts owed pursuant to a restitution fine or order, including any administrative fees related to such amount pursuant to Penal Code Section 2085.8. CDCR is also obligated to pay all outstanding liens against **incarcerated** Class Members, **whether known or unknown**, which amounts must be deducted from **your cash payment and paid on the incarcerated Class Member’s behalf to the lienholder(s)**.

## GETTING MORE INFORMATION

### 27. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at [www.CDCRDataClassActionSettlement.com](http://www.CDCRDataClassActionSettlement.com), by calling 1-888-735-6130 or by writing to:

Thomas v. California Department of Corrections and Rehabilitation  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

**PLEASE DO NOT TELEPHONE THE COURT OR ITS  
CLERK’S OFFICE REGARDING THIS NOTICE.**

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