

**FILED**  
Superior Court of California  
County of Sacramento  
09/11/2024  
T. Shaddix, Deputy

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12 Attorneys for Representative Plaintiffs  
13 And the Plaintiff Class

14 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **IN AND FOR THE COUNTY OF SACRAMENTO**

16 BILLY THOMAS, ANDRE BROWN,  
17 DARRELL DENSON, and JOSEPH  
18 WILLIAMS, individually, and on behalf  
19 of all others similarly situated,

20 Plaintiffs,

21 v.

22 CALIFORNIA DEPARTMENT OF  
23 CORRECTIONS AND  
24 REHABILITATION and DOES 1  
25 through 100, inclusive,

26 Defendants.

**Case No. 34-2022-00328693-CU-PO-GDS**

**CLASS ACTION**

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

27 This matter came before the Superior Court of the State of California, in and for the County  
28 of Sacramento, at 9:00 a.m. on June 14, 2024 with Cole & Van Note appearing as counsel for  
Representative Plaintiffs Billy Thomas, Andre Brown, Darrell Denson and Joseph Williams,  
individually, and on behalf of the Settlement Class, and the Office of the Attorney General  
appearing as counsel for Defendant California Department of Corrections and Rehabilitation. The  
Court, having carefully considered the briefs, argument of counsel, and all matters presented to the

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1 Court and good cause appearing, hereby **GRANTS** Plaintiffs’ Motion for Preliminary Approval  
2 of Class Action Settlement.

3  
4 **IT IS HEREBY ORDERED THAT:**

5 1. The Court preliminarily approves the Settlement Agreement entitled “Class Action  
6 Settlement Agreement and Release,” attached to the Declaration of Scott Edward Cole, Esq. in  
7 Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (“Cole Decl.”)  
8 filed on May 22, 2024. This is based on the Court’s determination that the Settlement is within the  
9 range of possible final approval.

10 2. Having made the findings set forth below, the Court conditionally certifies the  
11 following Class for settlement purposes only:

12 All individuals within the State of California whose [Protected Health  
13 Information (PHI) and/or Personally Identifiable Information (PII)] was stored  
14 by Defendant and/or was exposed to unauthorized third parties as a result of the  
data breach discovered in or around January 2022.

15 Excluded from the Settlement Class are Class Members who submit a Request for Exclusion.

16 3. The Court approves the proposed “Claim Form” agreed upon by the Parties as part  
17 of the Settlement Agreement and attached hereto as **Exhibit A**.

18 4. For settlement purposes only, with respect to the Settlement Class, the Court  
19 preliminary finds the prerequisites for a class action pursuant to California Code of Civil Procedure  
20 382 have been met, in that: (a) the Settlement Class is so numerous that joinder of all individual  
21 Settlement Class members in a single proceeding is impracticable, (b) questions of law and fact  
22 common to all Settlement Class Members predominate over any potential individual questions,  
23 (c) the claims of the Named Plaintiff are typical of the claims of the Settlement Class, (d) Plaintiff  
24 and proposed Class Counsel will fairly and adequately represent the interests of the Settlement  
25 Class, and (e) a class action is the superior method to fairly and efficiently adjudicate this  
26 controversy.

27 5. The Court appoints Cole & Van Note as Class Counsel.  
28

1           6.           The Court appoints Representative Plaintiffs Billy Thomas, Andre Brown, Darrell  
2 Denson and Joseph Williams as the Class Representatives.

3           7.           The terms of the Settlement, including its proposed release, are preliminarily  
4 approved as within the range of fair, reasonable, and adequate, and are sufficient to warrant  
5 providing notice of the Settlement to the Settlement Class in accordance with the notice plan, and  
6 are subject to further and final consideration at the Final Approval Hearing provided for below. In  
7 making this determination, the Court considered the fact that the Settlement is the product of arm's-  
8 length negotiations facilitated by a neutral mediator and conducted by experienced and  
9 knowledgeable counsel, the current posture of the Action, the benefits of the Settlement to the  
10 Settlement Class, and the risk and benefits of continuing litigation to the Parties and the Settlement  
11 Class.

12           8.           As provided for in the Settlement Agreement, if the Court does not grant final  
13 approval of the Settlement or if the Settlement is terminated or cancelled in accordance with its  
14 terms, then the Settlement, and the conditional certification of the Settlement Class for settlement  
15 purposes only provided for herein, will be vacated and the Action shall proceed as though the  
16 Settlement Class had never been conditionally certified for settlement purposes only, with no  
17 admission of liability or merit as to any issue, and no prejudice or impact as to any Party's position  
18 on the issue of class certification or any other issue in the case.

19           9.           The Court appoints CPT Group as the settlement Claims Administrator. The  
20 responsibilities of the Settlement Administrator are set forth in the Settlement Agreement.

21           10.          The Court approves, both as to form and content, the Long Notice, Summary  
22 Notice, Poster Notice and Media Template, attached hereto as **Exhibits B, C, D and E**,  
23 respectively. The Class Notice shall be provided to Settlement Class Members in the manner set  
24 forth in the Settlement Agreement. The Court orders the Settlement Administrator to commence  
25 the notice plan following entry of this Order in accordance with the terms of the Settlement  
26 Agreement.

27           11.          Each person wishing to opt out of the Settlement Class must individually sign and  
28 timely mail written notice of such intent to the Settlement Administrator at the addresses set forth

1 in the Class Notice. The written notice must clearly manifest the Settlement Class Member's intent  
2 to be excluded from the Settlement Class. To be effective, written notice must be postmarked no  
3 later than 60 days after the Class Notice Date. Class Members whose Class Notice is remailed have  
4 an additional 14 days to submit a request for exclusion.

5 12. Persons who submit valid and timely notices of their intent to be excluded from the  
6 Settlement Class shall neither receive any benefits of nor be bound by the terms of the Settlement.

7 13. Persons falling within the definition of the Settlement Class who do not timely and  
8 validly request to be excluded from the Settlement Class shall be bound by the terms of the  
9 Settlement, including its releases, and all orders entered by the Court in connection therewith.

10 14. Each Settlement Class Member desiring to object to the Settlement must submit a  
11 timely written notice of his or her objection to the Court, Settlement Administrator, Class Counsel  
12 and Defense Counsel at the addresses set forth in the Class Notice. Such notice must include: (i)  
13 the objector's full name, current address, current telephone number, and be personally signed, (ii)  
14 the case name and number—*Thomas v. California Department of Corrections and Rehabilitation*,  
15 Case No. 34-2022-00328693-CU-PO-GDS, (iii) a statement of the position(s) the objector wishes  
16 to assert, including the factual and legal grounds for the position, (iv) provide copies of any other  
17 documents that the objector wishes to submit in support of his/her position, (v) whether the  
18 objecting Class Member intends to appear at the Final Approval Hearing, and (vi) whether the  
19 objecting Class Member is represented by counsel and, if so, the name, address, and telephone  
20 number of his/her counsel.

21 15. To be timely, written notice of an objection in appropriate form must be mailed to  
22 the Settlement Administrator and postmarked no later than 60 days after the Class Notice Date.

23 16. Unless otherwise ordered by the Court, any Settlement Class Member who does not  
24 timely object in the manner prescribed above shall be deemed to have waived all such objections  
25 and shall forever be foreclosed from making any objection to the fairness, adequacy, or  
26 reasonableness of the Settlement, including its releases, the Final Approval Order and Judgment  
27 approving the Settlement, Plaintiffs' Counsel's Fees and Expenses and Service Awards to  
28 Plaintiffs.

1           17.           The Final Approval Hearing shall be held on HÖÖ at Jæ in Department 23 of  
2 this Court, to consider: (a) whether certification of the Settlement Class for settlement purposes  
3 only should be confirmed, (b) whether the Settlement should be approved as fair, reasonable,  
4 adequate and in the best interests of the Settlement Class, (c) the application by Plaintiff’s Counsel  
5 for an award of attorneys’ fees, costs and expenses as provided for under the Settlement, (d) the  
6 application for Plaintiff’s Service Award, as provided for under the Settlement, (e) whether the  
7 release of Released Claims as set forth in the Settlement should be provided, (f) whether the Court  
8 should enter the [Proposed] Final Order and [Proposed] Judgment, and (g) ruling upon such other  
9 matters as the Court may deem just and appropriate. The Final Approval Hearing may, from time  
10 to time and without further notice to Settlement Class Members be continued or adjourned by order  
11 of the Court. The Settlement Administrator and/or Plaintiffs’ Counsel will provide notice to any  
12 objecting party of any continuance of the motion for final approval.

13           18.           No later than 16 court days prior to the Final Approval Hearing, Plaintiffs shall file  
14 their Motion for Final Approval of Class Action Settlement and their Motion for Award of  
15 Attorneys’ Fees and Expenses and Plaintiffs’ Service Awards. No later than five court days prior  
16 to the Final Approval Hearing, Plaintiffs may file a Reply Brief in Support of Motion for Final  
17 Approval of Class Action Settlement Agreement and a Reply Brief in Support of Motion for Award  
18 of Attorneys’ Fees and Expenses and Plaintiffs’ Service Award, including as needed to respond to  
19 any valid and timely objections.

20           19.           The related time periods for events preceding the Final Approval Hearing are as  
21 follows:  
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ATTORNEYS AT LAW  
555 12<sup>TH</sup> STREET, SUITE 2100  
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Event	Timing
Class Notice Date	10 days after the Settlement Administrator receives the Class Data.
Request for Exclusion Deadline	60 days after the Notice Date
Objection Deadline	60 days after the Notice Date
Motion for Final Approval filing Deadline	16 court days prior to the Final Approval Hearing
Final Approval Hearing	_____, 2024 at ____:____.m. HON. JILL H. TALLEY

20. Any action brought by a Settlement Class Member concerning a Released Claim shall be stayed pending final approval of the Settlement.

**IT IS SO ORDERED.**

Dated: 09/11/2024

By: Jill Talley  
Hon. Jill H. Talley



# **Exhibit A**

**Must be postmarked or  
submitted online NO  
LATER THAN  
Month Day, 2024**

CDCR Data Breach Settlement Administrator  
P.O. BOX XXX  
XXXXXX, XX XXXXXX  
[www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com)  
[XXX@XXXXXX.com](mailto:XXX@XXXXXX.com)

## California Department of Corrections and Rehabilitation Data Incident Settlement Claim Form

### SETTLEMENT BENEFITS - WHAT YOU MAY GET

If your personally identifiable information and/or protected health information was stored by California Department of Corrections and Rehabilitation (“CDCR”) on the CDCR platform that an unauthorized user gained access to and which CDCR discovered in or around January 2022 (the “Incident”), you are a Class Member of a class action settlement in *Thomas, et al. v. CDCR*, Case No. 34-2022-00328693. If you received notice of this settlement by mail, you have been identified by CDCR as a Class Member and you do not need to submit a claim to be allocated your Settlement Share. If you believe you are a Settlement Class Member and have not received a notice directly by mail, you may submit a claim for a Settlement Share. If it is determined you are a Settlement Class Member and you submit a timely and valid claim, you will qualify for allocation and payment of a settlement share.

**The easiest way to submit a claim is online at [www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com)**, or you can complete and mail this Claim Form to the Settlement Administrator at the mailing address above. All Class Members who either receive a letter in the mail or submit a valid Claim for the Cash Payment Benefit are eligible to receive a cash distribution payment from the Settlement Fund referred to as the “Settlement Share.” If you are incarcerated in CDCR custody or on parole, CDCR is obligated to collect any cash payments pursuant to a restitution fine or order.

**Claims must be submitted online or mailed by **Month Day, 2024**. Use the address at the top of this form for mailed claims.**

*Please note: The Settlement Administrator may contact you to request additional documents to process your claim.*

For more information on the Settlement benefits, how the Settlement Administrator will decide whether to approve your payment, and for complete instructions, visit [www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com) or contact the settlement administrator by mail or email.

**Settlement benefits will be distributed only after the Settlement is approved by the Court.**



### Your Information

We will use this information to contact you and process your claim. It will not be used for any other purpose. If any of the following information changes, you must promptly notify us by emailing [XXX@XXXXX.com](mailto:XXX@XXXXX.com) or by mail at CDCR Data Breach Settlement Administrator, P.O. BOX XXX, XXXXXX, XX XXXXX.

First Name

MI

Last Name

Mailing Address

City

State

ZIP Code

Phone Number

Email Address

CDCR ID (your CDCR identification number), if applicable

### Signature

I affirm under the laws of the State of California that the information supplied in this Claim Form is true and correct to the best of my knowledge. By signing and submitting this claim form, I assert under penalty of perjury that I reasonably believe I am a member of the class impacted by the breach.

I understand that I may be asked to provide more information by the Settlement Administrator before my claim is complete.

Signature

Date:

MM

DD

YYYY

Print Name

# **Exhibit B**

## 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 Notice, it is your responsibility to update the Settlement Administrator. If you did not receive a 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.**

Your Legal Rights and Options		Deadline
<b>DO NOTHING</b>	If you do nothing, you will remain in the Class. If you received a Postcard Notice, you will be allocated a Cash Payment. If your address has changed from the time you received the 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 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>MONTH DD, 2024</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>MONTH DD, 2024</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>MONTH DD, 2024</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.settlement.com](http://www.settlement.com), call 1-xxx-xxx-xxxx, email XX@XXX, or write to the CDCR Settlement Administrator, PO Box XX, XXX, XX, XXXXX.**

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2. What is this lawsuit about?
3. Why is the lawsuit a class action?
4. Why is there a Settlement?

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6. Are there exceptions to being included in the Settlement?
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15. Do I have a lawyer in this case?
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17. How do I get out of the Settlement?
18. If I opt out, can I get anything from the Settlement?
19. If I do not opt out, can I sue the Defendant for the same thing later?

**OBJECTING TO THE SETTLEMENT .....PAGE 8**

20. How do I tell the Court that I do not like the Settlement?
21. What is the difference between objecting and asking to opt out?

**THE FINAL APPROVAL HEARING.....PAGE 9**

22. When and where will the Court decide whether to approve the Settlement?
23. Do I have to attend the Final Approval Hearing?
24. May I speak at the Final Approval Hearing?

**IF YOU DO NOTHING..... PAGE 10**

25. What happens if I do nothing at all?

**RESTITUTION DEDUCTIONS.....PAGE 10**

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

Questions? Go to [www.settlement.com](http://www.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box XXX, XXX, XX, XXXXX.

**GETTING MORE INFORMATION..... PAGE 10**

27. How do I get more information?

Questions? Go to [www.settlement.com](http://www.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box XXX, XXX, XX, XXXXX.

## 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.

Questions? Go to [www.settlement.com](http://www.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box XXX, XXX, XX, XXXXX.

## 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-XXX-XXX-XXXX or by emailing [XXX@XXXXX.com](mailto:XXX@XXXXX.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.\\_\\_\\_\\_\\_settlement.com](http://www._____settlement.com) or call the Settlement Administrator’s toll-free number at 1-XXX-XXX-XXX or by emailing [XXX@XXXXX.com](mailto:XXX@XXXXX.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 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**.

Questions? Go to [www.\\_\\_\\_\\_\\_settlement.com](http://www._____settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box XXX, XXX, XX, XXXXX.

## 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 **Month Day, 2024**. 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-**xxx-xxxx** or by emailing **XXX@XXXXX.com**.

Claim forms can be submitted by mail or online at [www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com). If by mail, the Claim Form must be **postmarked** by **Month Day, 2024**. You may request a Claim Form be mailed to you by calling 1-**xxx-xxx-xxx** or by writing to:

Settlement Administrator  
**PO Box xxxx**  
**xxxxx, xx xxxx-xxxx**

## 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.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.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-xxx-xxx-xxxx**, by emailing **XXX@XXXXX.com**, or by writing to:

Settlement Administrator  
**PO Box xxxx**  
**xxxx, xx xxxxx-xxxx**

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

**Questions? Go to [www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box **XXX, XXX, XX, XXXXX**.**



It may take time for the Settlement to be approved and become final. Please be patient and check [www.\\_\\_\\_\\_\\_.com](http://www._____.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.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.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 **Month Day, 2024**:

Settlement Administrator  
Exclusions  
PO Box xxxx  
xxxxx, xx xxxxx-xxxx

You cannot exclude yourself by telephone.

Questions? Go to [www.\\_\\_\\_\\_\\_.settlement.com](http://www._____.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box **XXX, XXX, XX, XXXXX**.

**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 **Month Day, 2024**, 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 **Month DD, 2024**, to the Settlement Administrator at the following address:

Settlement Administrator  
PO Box xxxx  
xxxxxx, xx xxxx-xxxx  
xxx@xxx.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

**Questions? Go to [www.settlement.com](http://www.settlement.com), call 1-xxx-xxx-xxxx, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box **XXX, XXX, XX, XXXXX**.**

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 **Month Day, 2024, at X:XX a/p.m.** before Judge \_\_\_\_\_ at \_\_\_\_\_, Department \_\_\_\_.

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.settlement.com](http://www.settlement.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.

Questions? Go to [www.settlement.com](http://www.settlement.com), call **1-xxx-xxx-xxxx**, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box **XXX, XXX, XX, XXXXX**.

## 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 Benefits. 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.\\_\\_\\_\\_\\_settlement.com](http://www._____settlement.com), by calling **1-xxx-xxx-xxxx** or by writing to:

Settlement Administrator  
**PO Box xxxx**  
**xxxxx, xx xxxxx-xxxx**

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

Questions? Go to [www.\\_\\_\\_\\_\\_settlement.com](http://www._____settlement.com), call **1-xxx-xxx-xxxx**, email [XXX@XXXXX.com](mailto:XXX@XXXXX.com), or write to CDCR Settlement Administrator, P.O. Box **XXX, XXX, XX, XXXXX**.

# **Exhibit C**

Front of Postcard

Settlement Administrator

PO Box XXXX  
XXXX, XX-XXXX

## **If you were notified by the California Department of Corrections and Rehabilitation of a Data Incident that was discovered in January 2022, you may be entitled to a Cash Payment from a class action settlement.**

Inside of Postcard:

UNIQUE ID: <<XXXX

You are receiving this notice because you are a Class Member of a class action settlement and you are entitled to a CASH payment. Because you are receiving this notice, you do not need to do anything to be allocated a cash payment. To learn more, please visit [www.settlement.com](http://www.settlement.com) or contact the Settlement Administrator by mail or by email at [XXX@XXX.com](mailto:XXX@XXX.com).

A settlement has been reached in a class action lawsuit against California Department of Corrections and Rehabilitation (“CDCR”) regarding a data incident that resulted in an unauthorized user gaining access to one of CDCR’s platforms which was discovered in January 2022 (the “Incident”). You are a “Class Member” if your protected health information or personally identifiable information was stored on the platform accessed in the data incident. CDCR provided notice of the Incident to Class Members in August 2022.

Under the Settlement, Class Members may receive a **Cash Payment**. Because you are receiving this notice, you do not need to do anything to be allocated a cash payment. If your address changes prior to receipt of the cash payment, it is your obligation to notify the Settlement Administrator. If you are incarcerated in CDCR custody or on parole, CDCR is obligated to collect any cash payments pursuant to a restitution fine or order. You may exclude yourself from the Settlement by mailing a written and signed request to the CDCR Settlement Administrator, stating your desire to be excluded, your name and address, and CDCR number, if applicable. **This Request for Exclusion must be submitted by MONTH DAY, 2024.** If you exclude yourself, you will not receive a cash payment but may be able to file your own lawsuit against CDCR for the same claims. If you do not exclude yourself from the Settlement, you will be allocated a cash payment and give up the right to sue CDCR and the Released Parties for the claims this Settlement resolves.

The Court will hold a Final Approval Hearing on **MONTH DAY, 2024, at X:XX X.m.** 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 and expenses, and the service awards to the four Plaintiffs, who served as Class Representatives. The Court will consider any objections and may listen to those who have asked to speak. 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 to attend the hearing. If incarcerated, your attendance at the hearing is not guaranteed.

This notice is merely a summary. **A summary of your rights under the Settlement and instructions for how to exclude yourself or object to the Settlement are available at [www.settlement.com](http://www.settlement.com) or by contacting the Settlement Administrator.**

# **Exhibit D**



# NOTICE – CLASS ACTION SETTLEMENT – DATA BREACH

Your rights may be affected. Please read carefully.

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

**ATTENTION:** A Settlement has been reached in a class action lawsuit against the California Department of Corrections and Rehabilitation (“CDCR”) for a data incident that resulted in an unauthorized user gaining access to one of CDCR’s servers, which was discovered in January 2022. You are a “Class Member” if your protected health information or personally identifiable information (“PHI/PII”) was stored on the server accessed in the data incident. If you are a Settlement Class Member, you may be entitled to a **CASH PAYMENT**.

## WHAT HAPPENED and WHAT’S NEXT?

A class action lawsuit was filed in the Superior Court of the State of California, County of Sacramento based upon the data incident described above. This lawsuit has now settled.

The Court has not yet approved the Settlement. The Court will hold a Final Approval Hearing on **Month Day, 2024, at X:XX a/p.m.** before Judge \_\_\_\_\_ at \_\_\_\_\_, Department \_\_\_\_, to determine if the settlement is fair, reasonable, and adequate and whether to approve the Settlement, Class Counsel’s application for attorneys’ fees, costs, and expenses, and the Plaintiffs’ service awards. The Court will consider any objections and may listen to those who have asked to speak. 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 to attend the hearing, and your attendance at the hearing is not guaranteed.

## WHAT ARE YOUR OPTIONS?

**If you received a Postcard Notice:** If you received a Postcard Notice in the mail regarding this Settlement, you do not need to do anything to receive a cash payment under the Settlement.

**If you did not receive a Postcard Notice:** If you did not receive a Postcard Notice but believe your PHI/PII was affected by the data incident, you must submit a claim form to the Settlement Administrator by **MONTH DAY, 2024**, to be eligible to receive a **CASH PAYMENT**. This claim form is available by contacting the Claims Administrator at the address listed below.

**Opt Out:** You may exclude yourself from the Settlement by mailing a written and signed request to the CDCR Settlement Administrator, stating your desire to be excluded, your name and address, and CDCR number. **This Request for Exclusion must be submitted by MONTH DAY, 2024.** If you exclude yourself, you will not receive a cash payment but may be able to file your own lawsuit against CDCR for the same claims.

**Object:** If you do not exclude yourself from the Settlement Class, you may object to the Settlement by timely submitting your written objection to the Settlement Administrator at the mailing address provided below no later than **Month Day, 2024**. Your objection must tell the Court why you do not like the Settlement. If your objection is overruled, you will be bound by the Settlement.

## FOR MORE INFORMATION

This notice is merely a summary. For more information regarding the Settlement, including to request copies of the Settlement Agreement or Long Form Notice, please contact the Settlement Administrator at the mailing address below. If you have other questions, you may contact:

### COLE & VAN NOTE

Class Counsel  
555 12th Street, Suite 2100  
Oakland, California 94607  
(510) 891-9800 • [www.colevannote.com](http://www.colevannote.com)

### SETTLEMENT ADMINISTRATOR

[Settlement Administrator Name]  
[ADDRESS]  
[ADDRESS]  
[Telephone] • [Web address]

# **Exhibit E**

## **Ad Copy**

### **Primary Text**

If your protected health information or personally identifiable information was stored on a California Department of Corrections and Rehabilitation server on or before January 2022, you may be entitled to a Cash Payment from a class action settlement.

### **Call to Action (Headline)**

If your protected health information or personally identifiable information was stored on a California Department of Corrections and Rehabilitation server on or before January 2022, you may be entitled to a Cash Payment from a class action settlement.

### **Button**

Learn more (link to settlement website)