

# If you were notified of a Ransomware Attack on Scripps that occurred in April 2021, you may be entitled to benefits from a settlement, including at least \$100.

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 Scripps Health (“Scripps” or “Defendant”) regarding a Ransomware Attack that resulted in an unauthorized person gaining access to Scripps’ network, deploying malware, and, on April 29, 2021, acquiring copies of some of the documents stored on Scripps’ network.
- You are a “Settlement Class Member” if Scripps previously mailed to you Notice of the Ransomware Attack.
- All Settlement Class Members can submit a Claim Form for one or more of the following:
  1. **Cash Payment Benefit:** All Settlement Class Members who submit a Valid Claim are eligible to receive a cash payment of **at least \$100**;
  2. **Ordinary Out-of-Pocket Losses:** Reimbursement of up to \$1,000 for certain documented Out-of- Pocked Losses related to the Ransomware Attack; and
  3. **Extraordinary Out-of-Pocket Losses:** Reimbursement of up to \$7,500 for certain documented and proven monetary losses related to identity theft that is fairly traceable to the Ransomware Attack.
- All Settlement Class members are also eligible to receive thirty-six (36) months of free identity theft protection and fraud resolution services from Aura a/k/a Pango (“Pango ID Theft Protection”). You do not need to submit a Claim Form to receive this benefit. You can use the enrollment code listed on the postcard notice you received in the mail to enroll once the Settlement is finalized.

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

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
<b>Submit a Claim Form</b>	The only way to receive the Cash Payment Benefit and/or a Cash Reimbursement of Documented Ordinary/Extraordinary Out-of-Pocket Losses is to submit a claim form by the deadline. You do not need to submit a Claim Form to receive identity theft protection and fraud resolution services. You can use the enrollment code listed on the postcard notice mailed to you to enroll once the Settlement is finalized.	<b>March 23, 2023</b>
<b>Exclude Yourself</b>	If you ask to be excluded, you will not receive a cash payment or the opportunity to enroll in 36 months of free identity theft protection and fraud resolution services, but you may be able to file your own lawsuit against Scripps for the same claims. This is the only option that leaves you the right to file your own lawsuit against Scripps for the claims that are being resolved by the Settlement. In order to be effective, you must submit a request for exclusion by the deadline.	<b>March 8, 2023</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>March 8, 2023</b>
<b>Do Nothing</b>	If you do nothing, you will remain in the Settlement Class and forfeit your right to receive the Cash Payment Benefit and a Cash Reimbursement of Documented Ordinary/Extraordinary Out-of- Pocket Losses. If you do nothing, you will still be eligible to enroll in 36 months of free identity theft protection and fraud resolution services.	

- These rights and options—and the deadlines to exercise them—are explained in this Notice.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

- 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.

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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 Gregory W. Pollack of the Superior Court of the State of California, County of San Diego, is overseeing this class action. The case is known as *In re: Scripps Health Data Incident Litigation*, Case No. 37- 2021-00024103-CU-BT-CTL (the “Litigation”). The people who filed this lawsuit are called the “Plaintiffs” or “Class Representatives”, and the company sued, Scripps Health, is called “Scripps” or the “Defendant.”

### 2. What is this lawsuit about?

The Litigation alleges that on April 29, 2021, Scripps was the victim of a Ransomware Attack whereby an unauthorized person gained access to Scripps’ network, deployed malware, and acquired copies of some of the documents stored on Scripps’ network. Those documents may have included Plaintiffs’ and/or Settlement Class Members’ medical information, including names, addresses, dates of birth, Social Security numbers and/or driver license numbers, health insurance information, medical record numbers, patient account numbers, and/or clinical information, such as physician name, date(s) of service and/or treatment information.

The Defendant 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. The Defendant denies these and all other claims made in the Litigation. By entering into the Settlement, the Defendant 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, 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 Johnny Corning, Gale Ann Matthews, Michael Matthews, Alma Uphoff, Kevin Uphoff, and Susan Moore.

### 4. Why is there a Settlement?

Plaintiffs and the Defendant do not agree about the claims made in this Litigation. The Litigation has not gone to trial, and the Court has not decided in favor of the Plaintiffs or the Defendant. Instead, Plaintiffs and the Defendant have 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 the Defendant.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

## 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 Scripps previously mailed to you Notice of the Ransomware Attack. If you are not sure whether Scripps mailed you a Notice, you may contact the Settlement Administrator at 1-800-708-8796.

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

Yes. Excluded from the Settlement Class are (1) the Judges presiding over the Action and members of their families; (2) Scripps, its subsidiaries, parent companies, successors, predecessors, and any entity in which Scripps or its parents have a controlling interest, and its current or former officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion prior to the Opt-Out Deadline; (4) the successors or assigns of any such excluded natural person; and (5) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the Ransomware Attack or who pleads *nolo contendere* (a legal term meaning “I do not wish to contend”) to any such charge.

### 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.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call the Settlement Administrator’s toll-free number at 1-800-708-8796.

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

### 8. What does the Settlement provide?

If you are a Settlement Class Member, you may be able to recover the following benefits by completing a Claim Form, located at [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com):

#### 1. Cash Payment Benefit

By submitting a Valid Claim using the Claim Form, you are eligible to receive a cash payment of **at least \$100**. This amount can be combined with the below Ordinary and Extraordinary documented Out-of-Pocket Losses. This cash benefit does not require documentation.

All claims for a Cash Payment Benefit are subject to a ***pro rata* increase** based on the number of claims received by the Settlement Administrator.

#### 2. Ordinary Out-of-Pocket Losses Reimbursement

By submitting a Valid Claim using the Claim Form, you are eligible to receive reimbursement for the following documented out-of-pocket losses incurred as a result of the Ransomware Attack, not to exceed \$1,000:

- (i) Unreimbursed bank fees;
- (ii) Unreimbursed card reissuance fees;
- (iii) Unreimbursed overdraft fees;
- (iv) Unreimbursed charges related to unavailability of funds;
- (v) Unreimbursed late fees;
- (vi) Unreimbursed over-limit fees;

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

- (vii) Long distance telephone charges;
- (viii) Cell minutes (if charged by minute);
- (ix) Internet usage charges (if charged by the minute or by the amount of data usage and incurred solely as a result of the Ransomware Attack);
- (x) Text messages (if charged by the message and incurred solely as a result of the Ransomware Attack);
- (xi) Unreimbursed charges from banks or credit card companies;
- (xii) Interest on payday loans due to card cancellation or due to an over-limit situation incurred solely as a result of the Ransomware Attack;
- (xiii) Costs of credit report(s), credit monitoring, and/or other identity theft insurance products purchased by members of the Settlement Class between April 29, 2021, and the date of the Claims Deadline; and
- (xiv) Other losses incurred by Settlement Class Members determined by the Settlement Administrator to be fairly traceable to the Ransomware Attack, including, but not limited to, the cost of postage and gas for local travel.

To receive reimbursement for any of these Ordinary Out-of-Pocket Losses, you must submit a Valid Claim Form that includes (i) your name and address; (ii) supporting documentation of your out-of-pocket expenses; and (iii) a description of the loss, if not readily apparent from the documentation.

### **3. Extraordinary Out-of-Pocket Losses Reimbursement**

If you are a Settlement Class Member, submit a timely and Valid Claim Form, and have suffered a monetary loss due to identity theft, you are eligible to receive up to \$7,500 if:

- (i) The loss is an actual, documented and unreimbursed monetary loss arising out of or relating to identity theft;
- (ii) The loss is fairly traceable to the Ransomware Attack;
- (iii) The loss occurred between April 29, 2021 and the Claims Deadline;
- (iv) The loss is not already covered by one or more of the reimbursement categories listed above as an Ordinary Out-of-Pocket Loss; and
- (v) You made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring insurance and identity theft insurance.

To receive reimbursement for Extraordinary Out-of-Pocket Losses, you must submit a Valid Claim Form with a statement that your claim is true and correct to the best of your knowledge and is being made under penalty of perjury. You must also submit reasonable documentation showing that the Extraordinary Out-of-Pocket Losses were actually incurred and are fairly traceable to the Ransomware attack. Failure to do so will result in denial of your claim.

### **4. Credit Monitoring and Automatic Fraud Resolution Services**

All members of the Settlement Class shall receive thirty-six months of free identity theft protection, called “IDentity Defense Total,” as well as thirty-six months of fraud resolution services from Aura a/k/a Pango (collectively, “Pango ID Theft Protection”). To receive these free 36 months of ID Theft Protection, you need only timely enroll in the service. Settlement Class Members need not submit a claim to receive this service. You can use the enrollment code listed on the postcard notice you received in the mail to enroll once the Settlement is finalized. If you did not receive a postcard notice but believe you are a Settlement Class Member, or if you no longer have your enrollment code, contact the Settlement

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Administrator at 1-800-708-8796. A list of services included in the Pango ID Theft Protection is available in Section 2.3 of the Settlement Agreement, available on the Settlement Website. Visit the Settlement Website to request an email reminder to enroll when the Settlement has been finally approved by the Court.

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### 9. How do I submit a claim for the Cash Payment Benefit and/or reimbursement of Ordinary and/or Extraordinary Out-of-Pocket Losses?

Settlement Class Members seeking the Cash Payment Benefit and/or reimbursement for documented Ordinary and/or Extraordinary Out-of-Pocket Losses must submit a Valid Claim Form to the Settlement Administrator by **March 23, 2023**. You will need your Unique ID to file a Claim Form online. Your Unique ID can be found on the postcard notice mailed to you. If you did not receive a postcard notice but believe you are a Settlement Class Member, or if you no longer have your Unique ID, contact the Settlement Administrator at 1-800-708-8796.

Claim Forms can be submitted online at [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or by mail. If by mail, the Claim Form must be **postmarked** by **March 23, 2023**. The quickest way to submit a claim is online. Claim Forms are also available by calling 1-800-708-8796 or by writing to:

Scripps Settlement Administrator  
PO Box 3389  
Portland, OR 97208-3389

You do not need to submit a Claim Form to receive Pango ID Theft Protection. You can use the enrollment code listed on the postcard notice you received in the mail to enroll once the Settlement is finalized. If you did not receive a postcard notice but believe you are a Settlement Class Member, or if you no longer have your enrollment code, contact the Settlement Administrator at 1-800-708-8796. The Settlement Website provides Settlement Class Members with the ability to request an email reminding them to timely enroll in Pango ID Theft Protection once the Court approves the Settlement. In order to receive this reminder email, the Settlement Class Members must provide, via the Settlement Website, the email address to which they would like the reminder email to be sent. The reminder email will be sent at or shortly before the Pango ID Theft Protection enrollment period begins after the Court has approved the Settlement.

### 10. What am I giving up to receive Settlement Benefits or stay in the Settlement Class?

Unless you 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 Persons about the legal issues in this Litigation that are released by this Settlement. The specific rights you are giving up are called “Released Claims.”

### 11. What are the Released Claims?

The Settlement Agreement in Section 1.39 describes the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or in the public Court records on file in this Lawsuit. 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 14 for free, or you can talk to your own lawyer at your own expense.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

## 12. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1-800-708-8796, by emailing [info@ScrippsSettlement.com](mailto:info@ScrippsSettlement.com), or by writing to:

Scripps Settlement Administrator  
PO Box 3389  
Portland, OR 97208-3389

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

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.

It may take time for the Settlement to be approved and become final. Please be patient and check [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) for updates.

## THE LAWYERS REPRESENTING YOU

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

Yes, the Court has appointed Rachele R. Byrd of Wolf Haldenstein Adler Freeman & Herz LLP, 750 B Street, Suite 1820, San Diego, California, 92101, (619) 239-4599; Timothy D. Cohelan of Cohelan Khoury & Singer, 605 C Street, Suite 200, San Diego, California 92101, (619) 595-3001; Patrick N. Keegan of Keegan & Baker, LLP, 2292 Faraday Ave., Suite 100, Carlsbad, California, 92008, (760) 929-9303; and M. Anderson Berry of Clayeo C. Arnold, APLC, 865 Howe Ave., Sacramento, California, 95825, (916) 239-4778 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.

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

Class Counsel will file a motion asking the Court to award attorneys' fees and costs of \$3,100,000 to Class Counsel. They will also ask the Court to approve Service Awards of \$2,500 to each of the ten (10) 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 by Defendant and will not reduce the amount of money available to the Settlement Class. The Court may award less than these amounts.

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

## OPTING OUT FROM 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.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

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

To opt-out of the Settlement, you must mail a written notice of intent to opt-out. The written notice must be signed by you and include your name and address, and clearly state that you wish to be excluded from the Settlement Class.

The opt-out request must be **postmarked** and sent to the Settlement Administrator at the following address by **March 8, 2023**:

Scripps Settlement Administrator  
Exclusions  
PO Box 3389  
Portland, OR 97208-3389

You cannot exclude yourself by telephone or by email.

## 17. 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.

## 18. 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 Persons and their Related Entities for the claims this Settlement resolves and releases relating to Ransomware Attack. 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 Persons. If you have a pending lawsuit, you will release your pending claims against Scripps unless you timely opt-out of the Settlement. Speak to your lawyer in that case immediately.

# OBJECTING TO THE SETTLEMENT

## 19. 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, service awards, and costs. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees, service awards, and costs. To object, you must mail written notice as provided below no later than **March 8, 2023**, stating you object to the Settlement. The objection must include all the following additional information:

- 1) Your full name and address;
- 2) The case name and number—*In re: Scripps Health Data Incident Litigation*, Case No. 37-2021-00024103- CU-BT-CTL;
- 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 settlement notice, copy of original notice of the Ransomware Attack, or a statement explaining why you believe you are a Settlement Class Member);
- 4) A written statement of all grounds for the objection, accompanied by any legal support for the you believe applicable;
- 5) The identity of any and all counsel representing you in connection with the objection;
- 6) A statement whether you or your counsel will appear at the Final Approval Hearing; and
- 7) Your signature or the signature of your duly authorized attorney or other duly authorized representative (if any) representing you in connection with the objection.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**



To be timely, written notice of an objection in the appropriate form must be mailed, postmarked no later than **March 8, 2023**, to the Settlement Administrator at the following address:

Scripps Settlement Administrator  
Objections  
PO Box 3389  
Portland, OR 97208-3389

Any Settlement Class Member who fails to comply with the requirements for objecting in Section 10 of the Settlement Agreement waives and forfeits any and all rights they may have to appear separately and/or to object 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.

#### **20. 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**

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

The Court will hold a Final Approval Hearing on **April 7, 2023, at 9:30 a.m.** before Judge Gregory W. Pollack at 330 W. Broadway, San Diego, CA 92101.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsels' 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 will also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Microsoft Teams or by phone. Any change will be posted at [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com).

#### **22. 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 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.

#### **23. 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 19 and specifically include a statement whether you and your counsel will appear at the Final Approval Hearing.

**Questions? Go to [www.ScrippsSettlement.com](http://www.ScrippsSettlement.com) or call 1-800-708-8796**

## IF YOU DO NOTHING

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

If you are a Settlement Class Member 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 Persons about the legal issues in this Litigation that are released by the Settlement Agreement relating to the Ransomware Attack.

## GETTING MORE INFORMATION

### 25. 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.ScrippsSettlement.com](http://www.ScrippsSettlement.com), by calling 1-800-708-8796 or by writing to:

Scripps Settlement Administrator  
PO Box 3389  
Portland, OR 97208-3389

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