

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

District Court for Weld County, State of Colorado  
*McCulley, et al. v. Banner Health*, Case No. 2026CV30182

**Did you log in to a Banner Health Patient Account (formerly the MyBanner patient portal) between June 1, 2020 and November 22, 2023? You may be eligible for benefits from a class action settlement.**

*A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

- A Settlement has been reached with Banner Health (“Defendant” or “Banner”) in a class action lawsuit that alleges Defendant disclosed Settlement Class Members’ personally identifiable information (“PII”) and protected health information (“PHI”) to third parties, including Meta Platforms, Inc. d/b/a Meta (“Facebook”) and Google LLC (“Google”) via tracking technologies installed on Banner’s website and webpages. The Plaintiffs allege that Banner’s implementation and use of such tracking technologies resulted in the invasion of Settlement Class Members’ privacy and other alleged common law and statutory violations. Defendant denies all allegations of liability and wrongdoing.
- You are included in the Settlement if you had a Banner Health Patient Account (formerly the MyBanner patient portal) and logged into this account using one of Banner’s web properties or applications on or between June 1, 2020 and November 22, 2023.
- Under the proposed Settlement, Defendant will pay for all valid and Approved Claims submitted by Settlement Class Members, Settlement Notice and Administration Expenses, attorneys’ Fee Award, and Service Awards for the Class Representatives as approved by the Court. Each Settlement Class Member will automatically receive a code to enroll in one (1) year of CyEx Privacy Shield Pro and may also submit a Claim Form for a cash payment of \$20 (“Settlement Payment”).
- If you are a Settlement Class Member, your rights are affected whether you do or do not act. Please read this Notice carefully.

<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS</b>		<b>DEADLINE</b>
<b>SUBMIT A CLAIM FORM</b>	The only way to receive a Settlement Payment is by submitting a valid and timely Claim Form.	<b>September 5, 2026</b>
<b>OPT OUT OF THE SETTLEMENT</b>	If you opt out, you will not be bound by the terms of the Settlement and you will keep the right to sue the Defendant about the Released Claims resolved by this Settlement. You will not receive any benefits from the Settlement.	<b>September 5, 2026</b>
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	If you do not opt out of the Settlement, you may object to it and tell the Court what you do not like about it. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you can still submit a Claim Form and receive Settlement Benefits.	<b>September 5, 2026</b>
<b>DO NOTHING</b>	If you do nothing, you will not get a payment from this Settlement and you give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant about the Released Claims the Settlement resolves. But after the Settlement receives final approval, you will be able to enroll in one (1) year of CyEx Privacy Shield Pro.	<b>No Deadline</b>

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.

**Questions? Visit [www.bannerhealthdatasettlement.com](http://www.bannerhealthdatasettlement.com) or call (833) 447-6154.**

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## **BASIC INFORMATION**

### **1. Why was this Notice issued?**

A Court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. This Notice explains the Action, your legal rights, what benefits are available, and who can receive them.

The lawsuit is called *McCulley, et al. v. Banner Health*, Case No. 2026CV30182 pending in the District Court for Weld County, Colorado. The people that filed this lawsuit are called the “Plaintiffs” and the company they sued, Banner Health, is called the “Defendant” or “Banner.”

### **2. What is this Action about?**

This Action alleges that Defendant disclosed information about Settlement Class Members to third parties, including, but not limited to, Meta Platforms, Inc. d/b/a Meta (“Facebook”) and Google LLC (“Google”) via tracking technologies installed on Banner’s website and webpages. This information included the personally identifiable information (“PII”) and protected health information (“PHI”) of individuals who had a Banner Health Patient Account (formerly the MyBanner patient portal) and who logged into this account using one of Banner’s web properties or applications between June 1, 2020 and November 22, 2023. Plaintiffs allege that Defendant’s implementation and use of such tracking technologies resulted in the invasion of Settlement Class Members’ privacy and other alleged common law and statutory violations. Defendant denies all allegations of liability and wrongdoing.

### **3. What is a class action?**

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals who sue are known as “Class Representatives” or Plaintiffs. Together, the people included in the class action are called a “Settlement Class” or “Settlement Class Members.” One court resolves the lawsuit for all Settlement Class Members, except for those who exclude themselves (sometimes called, “opting out”) from a settlement. In this Settlement, the Class Representatives are Plaintiffs Cheryl McCulley, Rebecca Blount, Cindy Freriks, Jill Schreidl, Demetria Ann Santiago-Laboy, Oscar Irazaba, Faith Robeson, and Tami Carroll.

### **4. Why is there a Settlement?**

The Court did not decide in favor of Plaintiffs or Defendant. Defendant denies all claims and contends that it has not violated any laws. Plaintiffs and Defendant agreed to a Settlement to avoid the costs and risks of a trial, and through the Settlement, Settlement Class Members are eligible to claim payments. Plaintiffs and their attorneys, who also represent Settlement Class Members as “Class Counsel,” believe the Settlement is best for all Settlement Class Members.

## **WHO IS IN THE SETTLEMENT?**

### **5. Who is included in the Settlement?**

The Settlement Class includes all individuals who had a Banner Health Patient Account (formerly the MyBanner patient portal) and who logged into this account using one of Banner’s web properties or applications on or between June 1, 2020 and November 22, 2023. The Settlement Class is comprised exclusively of individual natural persons and is estimated to consist of approximately 1,028,000 natural persons.

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

Yes. Excluded from the Settlement Class are: (i) Defendant, any entity in which Defendant has a controlling interest, and Defendant’s affiliates, parents, subsidiaries, officers, directors, legal representatives, successors, and assigns; (ii) any judge, justice, or judicial officer presiding over the litigation and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly excludes themselves from the Settlement.

**THE SETTLEMENT BENEFITS**

**7. What are the Settlement Benefits?**

If approved by the Court, Defendant will pay for all valid and Approved Claims submitted by Settlement Class Members, Settlement Notice and Administration Expenses, attorneys’ fees, costs, and expenses, and Service Awards as approved by the Court. Under the Settlement, each Settlement Class Member will automatically receive a code to redeem one (1) year of CyEx Privacy Shield Pro and may also submit a Claim Form for a cash payment of \$20 (“Settlement Payment”).

**8. Tell me more about the CyEx Privacy Shield Pro benefit.**

All Settlement Class Members will receive a code which will allow you to enroll without additional cost in one (1) year of CyEx Privacy Shield Pro, which includes the following features: Dark Web Monitoring, VPN In Touch, Password Scan, Private Search functionality, Password Defense, Digital Vault, and Data Broker Opt-Out services.

After the Settlement receives final approval by the Court, instructions for how to enroll in the CyEx Privacy Shield Pro product will be sent to all Settlement Class Members who do not opt out of the Settlement (*see* Question 15). The instructions will include the code for enrollment. The CyEx Privacy Shield Pro enrollment will not require you to provide a credit card or other payment mechanism and will not automatically renew at the end of the initial one-year term.

**9. What claims am I releasing if I stay in the Settlement Class?**

Unless you opt out of the Settlement Class, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant about any of the legal claims this Settlement resolves. The “Release” section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be found at [www.bannerhealthdatasettlement.com](http://www.bannerhealthdatasettlement.com).

**HOW TO GET A PAYMENT – MAKING A CLAIM**

**10. How do I submit a Claim Form for a Settlement Payment?**

You must submit a Claim Form to receive a Settlement Payment. Claim Forms may be submitted online by **September 5, 2026**, at [www.bannerhealthdatasettlement.com](http://www.bannerhealthdatasettlement.com) or mailed to the Settlement Administrator, postmarked by **September 5, 2026**, at:

*Settlement Administrator – 83411*  
c/o Kroll Settlement Administration LLC  
ATTN: Claims  
P.O. Box 225391  
New York, NY 10150-5391

**Questions? Visit [www.bannerhealthdatasettlement.com](http://www.bannerhealthdatasettlement.com) or call (833) 447-6154.**

### **11. When will I get my Settlement Benefits?**

The short answer is – after the Settlement is finally approved and challenges, if any, to that approval are finally resolved. The Court is scheduled to hold a Final Approval Hearing on **September 10, 2026, at 2:00 p.m. MT**, to decide whether to approve the Settlement, the attorneys’ fees, costs, and expenses for Class Counsel for representing the Settlement Class, and Service Awards for the Class Representatives.

If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement Benefits will be distributed as soon as possible, if and when the Court grants final approval of the Settlement and after any appeals are resolved.

## **THE LAWYERS REPRESENTING YOU**

### **12. Do I have a lawyer in this case?**

Yes, the Court appointed Carolyn Cuneo and Gary M. Klinger of Milberg PLLC; Hart L. Robinovitch of Zimmerman Reed LLP; David S. Almeida of Almeida Law Group LLC; and Joseph M. Lyon of The Lyon Firm ALC as Class Counsel to represent you and other members of the Settlement Class. You will not be charged directly for these lawyers; instead, their compensation will be paid by the Defendant (subject to Court approval).

If you want to be represented by your own lawyer, you may hire one at your own expense.

### **13. Should I get my own lawyer?**

It is not necessary for you to hire your own lawyer because Class Counsel works for you. If you want to be represented by your own lawyer, you may hire one at your own expense.

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

Class Counsel may receive, subject to Court approval, attorneys’ fees, costs, and expenses of up to \$3,750,000 (“Fee Award”). The Defendant has agreed to pay Class Counsel’s Fee Award.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

### **15. How do I opt out of the Settlement?**

If you do not want to receive any benefits from the Settlement, and you want to keep your right to separately sue the Defendant about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called “opting out” of the Settlement Class. The Opt-Out Deadline to submit a “request for exclusion” from the Settlement is **September 5, 2026**.

To opt out of the Settlement, you must submit a written request for exclusion that includes the following information:

- A statement indicating that you want to opt out of the Settlement Class, such as “I wish to be excluded from the Settlement Class in *McCulley, et al. v. Banner Health, Case No.: 2026CV30182*”; and
- Your name, address, and personal signature.

Your request for exclusion must be mailed to the Settlement Administrator at the address below, postmarked no later than **September 5, 2026**.

*Settlement Administrator – 83411*  
c/o Kroll Settlement Administration LLC  
ATTN: Request for Exclusion  
P.O. Box 225391  
New York, NY 10150- 5391

You may only exclude yourself; so-called “mass” or “class” opt-outs are not allowed. If you do not exclude yourself from the Settlement by the Opt-Out Deadline, you will be bound by all of the Court’s decisions.

**Questions? Visit [www.bannerhealthdatasettlement.com](http://www.bannerhealthdatasettlement.com) or call (833) 447-6154.**

## **OBJECTING TO THE SETTLEMENT**

### **16. How do I tell the Court if I do not like the Settlement?**

If you are a Settlement Class Member, you can choose (but are not required) to object to the Settlement if you do not like it or a portion of it, whether that be to the Settlement Benefits, the request for the attorneys' Fee Award, or the Service Award payments, the releases provided to the Defendant, or some other aspect of the Settlement. Through an objection, you give reasons why you think the Court should not approve the Settlement.

For an objection to be considered by the Court, it must include:

- a. The case name and number, *McCulley, et al. v. Banner Health*, Case No. 2026CV30182;
- b. Your name and address;
- c. An explanation of the basis upon which you claim to be a Settlement Class Member;
- d. All grounds for the objection, including all citations to legal authority and evidence supporting the objection;
- e. The name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection (“Objecting Attorney”);
- f. If your attorney(s) has objected to any class action settlement where the objector or the Objecting Attorney asked for or received any payment in exchange for dismissal of the objection, or any related appeal, without any modification to the settlement, then your objection must also include a statement identifying each such case by the full case caption as well as the amount of payment received;
- g. A statement indicating whether you intend to appear at the Final Approval Hearing (either personally or through counsel who must file an appearance with the Court in accordance with the Local Rules); and
- h. Your personal signature.

Your objection must be in writing, filed with the Court, and emailed or mailed to Class Counsel and Defendant's Counsel at the addresses below, so that it is **received** no later than **September 5, 2026**.

Clerk of the Court	Class Counsel	Defendant's Counsel
District Court for Weld County, Colorado Clerk of the Court 901 9th Avenue Greeley, CO 80631	Joseph M. Lyon <b>The Lyon Firm ALC</b> 2754 Erie Ave. Cincinnati, OH 45208 Email: jlyon@thelyonfirm.com	David A. Carney <b>Baker &amp; Hostetler LLP</b> 127 Public Square, Ste. 2000, Cleveland, OH 44114 Email: dcarney@bakerlaw.com

### **17. What is the difference between objecting and opting out?**

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement means telling the Court you do not want to be part of the Settlement. If you opt out, you cannot object to the Settlement because it no longer affects you.

## **THE COURT'S FINAL APPROVAL HEARING**

### **18. When is the Court's Final Approval Hearing?**

The Court is scheduled to hold a Final Approval Hearing on **September 10, 2026**, at **2:00 p.m. MT**, via WebEx Courtroom 3, to decide whether to approve the Settlement, the Fee Award not to exceed \$3,750,000 for Class Counsel for representing the Settlement Class, and \$2,500 Service Awards for each of the Class Representatives who brought this lawsuit on behalf of the Settlement Class. The date and time of this hearing may change without further notice. Please check **www.bannerhealthdatasettlement.com** for updates.

### **19. Do I have to come to the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense. If you file an objection, you may, but you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time and in accordance with the requirements above (*see* Question 16), the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary for the Court to consider an objection that was filed on time and meets the requirements above.

## **IF YOU DO NOTHING**

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

If you are a Settlement Class Member and you do nothing, you will give up your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Released Parties, as defined in the Settlement Agreement, about the legal issues resolved by this Settlement. In addition, you will be bound by the Release in the Settlement Agreement and will not be eligible to receive a Settlement Payment. You will, however, be eligible to enroll in the CyEx Privacy Shield Pro benefit (*see* Question 8).

## **GETTING MORE INFORMATION**

### **21. 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 the Settlement Website **www.bannerhealthdatasettlement.com**. If you have additional questions or need to update your address, you may contact the Settlement Administrator via the Settlement Website, by phone at **(833) 447-6154**, or by mail at:

*Settlement Administrator – 83411*  
c/o Kroll Settlement Administration LLC  
P.O. Box 225391  
New York, NY 10150-5391