

WHO IS A CLASS MEMBER?

In the lawsuit *Lutz v. Electromed, Inc.*, No. 21-cv-02198 (D. Minn.), you are receiving this notice because you have been identified by Electromed, Inc.'s ("Electromed") records as a class member whose personal information was potentially compromised as a result of a cyber-attack discovered in June 2021 ("Settlement Class") in which it was determined that an unauthorized third party gained access to certain of Electromed's files containing personal information of its customers, employees, and some third-part contractors ("Data Breach"). You may be eligible for certain monetary relief as a class member, including additional settlement benefits if you are a California resident subclass member.

WHAT ARE THE SETTLEMENT BENEFITS AND TERMS?

Under the Settlement, Electromed has agreed to pay \$825,000 into a Settlement Fund which will be distributed to Class Members who submit valid claims, after deducting the named Plaintiff's Service Award, class counsel's attorneys' fees and expenses, and settlement administration notice and administration costs, if such award is approved by the Court. From the Settlement Fund, Class Members may submit claims to receive up to \$30 for Settlement Class Members or \$100 for California Subclass Members plus: 1) up to \$250 (subject to pro rata increase or reduction) for reimbursement of out-of-pocket expenses or time expended mitigating the effects of the Data Breach; 2) up to \$5,000 for extraordinary losses, with submission of appropriate documentation. More information about the types of Claims and the information required to file them is available at the Settlement Website. Any remaining funds in the Settlement Fund after the deduction of payments for valid claims, settlement administration costs and expenses, attorneys' fees and expenses, and any class representative service award, will be used to pro rata increase the \$30 and \$100 payments to Class Members. Electromed has also agreed to implement a series of cybersecurity enhancements to limit the likelihood of a future cyberattack. You must timely submit a valid Claim Form to receive compensation from the \$825,000 Settlement Fund.

WHAT ARE YOUR RIGHTS AND OPTIONS?

Submit a Claim Form. To qualify for a cash payment you must timely mail a Claim Form that is attached to this notice or timely complete and submit a Claim Form online at www.ElectromedDataSettlement.com ("Settlement Website"). Your Claim Form must be postmarked or submitted online no later than **April 1, 2023**. Analytics Consulting LLC is the Settlement Administrator.

Opt Out. You may exclude yourself from the settlement and retain your ability to sue Electromed on your own by mailing a written request for exclusion to the Settlement Administrator that is postmarked no later than **March 2, 2023**. If you do not exclude yourself, you will be bound by the settlement and give up your right to sue regarding the settled claims.

Object. If you do not exclude yourself, you have the right to object to the settlement. Written objections must be signed, postmarked no later than **March 2, 2023**, and provide the reasons for the objection. Please visit the Settlement Website for more details.

Do Nothing. If you do nothing, you will not receive a Settlement Payment and will lose the right to sue regarding any issues relating to this action. You will be bound by the Court's decisions because this is a conditionally certified class action.

Attend the Final Approval Hearing. The Court will hold a **Final Approval Hearing on June 5, 2023 at 10:00 a.m.** All persons who timely object to the settlement by March 2, 2023 may appear at the Final Approval Hearing.

Who is the Class Representative? Elizabeth Lutz is the Plaintiff and Class Representative in this lawsuit. Elizabeth Lutz remained engaged in representing the Class's interests during this litigation and reviewed and approved of the terms of the proposed settlement. She will seek a Service Award of \$9,900.

Who are the attorneys for the Plaintiffs and the proposed class? Class Counsel are Terence R. Coates and Dylan J. Gould, Markovits, Stock & De Marco, LLC; Bryan L. Bleichner and Christopher P. Renz, Chestnut Cambronne; and Nathan D. Prosser, Hellmuth & Johnson, PLLC. These attorneys have decades of experience handling class action lawsuits and are well known and respected by courts and counsel throughout the United States for handling data breach class actions, such as this one.

Do I have any obligation to pay attorneys' fees or expenses? No. The attorneys' fees and expenses will be paid exclusively by Electromed and awarded and approved by the Court. The attorneys' fees will be in an amount not to exceed 1/3 of the \$825,000 Settlement Fund (*i.e.* no more than \$275,000) and expenses shall not exceed \$15,000. The motion for attorneys' fees and expenses will be posted on the Settlement Website after it is filed with the Court.

When is the Final Approval Hearing? The final approval hearing, where the Court will determine if the settlement is fair, reasonable, and adequate, will be conducted on **June 5, 2023 at 10:00 a.m.**

Who is the Judge overseeing this settlement? U.S. District Judge, District of Minnesota, The Honorable Kate M. Menendez.

Where may I locate a copy of the settlement agreement, learn more about the case, or learn more about submitting a Claim?
www.ElectromedDataSettlement.com.

*** Please note that if you wish to submit a claim for compensation for out-of-pocket expenses on the attached Claim Form, you will likely need to submit your claim online so you may attach all information necessary to support your request for payment for such out-of-pocket expenses. If you wish to receive payment just for your lost time or the \$30 or \$100 cash payments, the attached tear off claim form should suffice. A longer version of the Claim Form may be accessed on the Settlement Website.

This Notice is a summary of the proposed settlement.