

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT  
FOR PERSONS WHOSE PERSONAL INFORMATION WAS ALLEGEDLY DISCLOSED TO THIRD  
PARTIES AS A RESULT OF ADVOCATE AURORA HEALTH, INC.'S ("ADVOCATE") USE OF  
TRACKING PIXELS ON ITS WEBSITES BETWEEN OCTOBER 24, 2017, AND OCTOBER 22, 2022.**

**All persons whose Personal Information may have been shared in connection with the Pixel Disclosure.**

*A United States District Court authorized this Notice. This is not a solicitation from a lawyer.*

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.  
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

**YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING.**

**PLEASE READ THIS NOTICE CAREFULLY.**

**YOU MAY BE ENTITLED TO PARTICIPATE IN A CLASS ACTION SETTLEMENT BECAUSE  
YOUR PERSONAL INFORMATION MAY HAVE BEEN SHARED WITH THIRD PARTIES  
IF YOU VISITED ADVOCATE'S WEBSITES, LIVEWELL APP, OR MYCHART PATIENT PORTAL  
BETWEEN OCTOBER 24, 2017, AND OCTOBER 22, 2022.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM BY THE CLAIM DEADLINE OF JANUARY 18, 2024</b>	If you submit a Claim Form by <b>January 18, 2024</b> , you <b>may</b> receive a <i>pro rata</i> share of the Net Settlement Fund as compensation for your damages. You must timely submit a Claim Form either via U.S. mail or online to receive monetary compensation under this Settlement.  <b>IF YOU DO NOTHING</b> , you will not receive Settlement benefits, but you will be bound by the Settlement.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT BY THE OPT-OUT DATE OF DECEMBER 19, 2023</b>	You will receive no benefits, but you will retain your legal claims against Advocate.
<b>OBJECT BY THE OBJECTION DEADLINE OF DECEMBER 19, 2023</b>	File a written Objection to the Settlement with the Court, explaining why you do not like the Settlement, and serve copies of your Objection on all Class Counsel and Defendant's Counsel, at the addresses listed in Response #16 below. You must remain in the Settlement Class to Object to the Settlement.
<b>ATTEND THE FINAL APPROVAL HEARING ON MARCH 8, 2024</b>	Ask to speak in Court about the fairness of the Settlement. You do not need to attend the hearing to receive monetary compensation.

## **1. What is this Notice?**

This is a Court-authorized Long-Form Notice of a proposed Settlement (the “Settlement”) of a class action, *In re Advocate Aurora Health Pixel Litigation*, Case No. 2:22-cv-1253 (the “Litigation”), pending in the U.S. District Court for the Eastern District of Wisconsin (the “Court”). The Litigation arose after a notification by Advocate Aurora Health Inc. (“Advocate” or the “Defendant”) on October 22, 2022 that it had used internet tracking technologies supplied by third parties, including pieces of code known as “pixels” (the “Tracking Pixels”), and, when using some sites or applications, personal or health information would be disclosed in particular circumstances to specific vendors because of the Tracking Pixels. The Court has granted Preliminary Approval of the Settlement Agreement and has conditionally certified the Settlement Class (defined below in Response #6) for purposes of Settlement only. This Long-Form Notice explains the nature of the class action lawsuit, the terms of the Settlement Agreement, and the legal rights and obligations of members of the Settlement Class. Please read the instructions and explanations below carefully so that you can better understand your legal rights.

## **2. Why did I get this Notice?**

You may have received a Notice because you were identified as a person whose personal or health information may have been shared with third parties in connection with your visiting Advocate’s websites, LiveWell app, or MyChart portal between October 24, 2017, and October 22, 2022.

## **3. What is this lawsuit about?**

The Litigation arises out of Advocate’s implementation and use of the Tracking Pixel on Advocate’s websites, LiveWell app, or MyChart portal, defined below as the “Pixel Disclosure,” during which Plaintiffs allege their web usage data, containing Personal Information, was shared with third parties, allegedly resulting in the invasion of Plaintiffs’ and Settlement Class Members’ privacy.

“Pixel Disclosure” means the alleged disclosure of Plaintiffs’ and Settlement Class Members’ personal or health information to Facebook, Google, or other third parties as a result of any use of Tracking Pixels on Defendant’s websites, LiveWell app, and MyChart portal between October 24, 2017, and October 22, 2022.

## **4. Why is this a class action?**

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Settlement Class” or “Settlement Class Members.” When a class action is settled, the Settlement, which must be approved by the Court, resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement.

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

***QUESTIONS? VISIT [WWW.ADVOCATEAURORASETTLEMENT.COM](http://WWW.ADVOCATEAURORASETTLEMENT.COM)***

To resolve this matter without the expense, delay, and uncertainties of protracted litigation, the Parties reached a settlement that resolves all claims brought on behalf of the Settlement Class related to the Pixel Disclosure. If finally approved by the Court, the Settlement Agreement requires Advocate to provide cash compensation to certain Settlement Class Members who submit valid and timely Claim Forms. The Settlement is not an admission of wrongdoing by Advocate and does not imply that there has been, or would be, any finding that Advocate violated the law.

The Court has preliminarily approved the Settlement Agreement. Nevertheless, because the settlement of a class action determines the rights of all members of the Settlement Class, the Court overseeing this Litigation must give final approval to the Settlement Agreement before it can become effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class may be given notice and the opportunity to exclude themselves from the Settlement Class or to voice their support for or opposition to final approval of the Settlement Agreement. If the Court does not finally approve the Settlement Agreement, or if it is terminated by the Parties, then the Settlement Agreement will be void, and the Litigation will proceed as if there had been no settlement and no certification of the Settlement Class.

## **6. How do I know if I am a part of the Settlement?**

You are a member of the Settlement Class if you resided in the United States and visited Advocate’s websites, LiveWell App, or MyChart patient portal between October 24, 2017, and October 22, 2022 (the “Settlement Class”). Excluded from the Settlement Class are Advocate and its affiliates, parents, subsidiaries, officers, and directors, as well as the judges presiding over this matter and the clerks of said judges. This exclusion does not apply to those employees of Advocate and certain related entities who received Defendant’s October 22, 2022, notification regarding its usage of Tracking Pixels.

## **YOUR BENEFITS UNDER THE SETTLEMENT**

### **7. What can I get from the Settlement?**

Settlement Class Members who file a valid Claim Form may receive a *pro rata* cash payment from the Net Settlement Fund. The Net Settlement Fund is what remains of the \$12,225,000 Settlement Fund following the payment of the Notice and Settlement Administration Costs, Class Representative Service Awards, and Attorneys’ Fees and Expenses Award.

**\*\*\*To receive Settlement benefits, you must submit a Claim Form.**

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## **8. When will I receive the benefits?**

If you timely submit a valid Claim Form for monetary recovery, you will receive payment in the amount approved by the Settlement Administrator (Kroll Settlement Administration LLC) after the Settlement Administrator processes your Claim Form. You will receive such payment after the Settlement is Final and has become effective.

## **9. I want to be a part of the Settlement. What do I do?**

To submit a claim for cash compensation, you must timely submit the Claim Form on the Settlement Website at [www.AdvocateAuroraSettlement.com](http://www.AdvocateAuroraSettlement.com), or by mail to Settlement Administrator - 175057, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324.

You must submit any claims by the Claim Deadline of January 18, 2024. There can be only one (1) valid and timely claim per Settlement Class Member.

## **10. What am I giving up if I remain in the Settlement?**

By staying in the Settlement Class, all the Court's orders will apply to you and will bind you. You also give Defendant a "release," which means you cannot sue or be part of any other lawsuit or other legal action against Defendant about or arising from the claims or issues in this Litigation with respect to the alleged sharing of your personal or health information.

The precise terms of the release are in the Settlement Agreement, which is available on the Documents section of the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class or you are welcome to talk to any other lawyer of your choosing at your own expense.

## **11. How much will the Class Representatives receive?**

The named Plaintiffs will seek a payment of \$3,500 each for their services to the Settlement Class as Class Representatives. This payment is subject to the Court's approval and will be paid from the Settlement Fund.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want to remain in the Settlement, but you want to preserve your legal claims against Defendant, then you must take steps to exclude yourself from this Settlement.

***QUESTIONS? VISIT [WWW.ADVOCATEAURORASETTLEMENT.COM](http://WWW.ADVOCATEAURORASETTLEMENT.COM)***

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

To exclude yourself from the Settlement, you must send a Request for Exclusion by mail stating that you want to be excluded from *In re Advocate Aurora Health Pixel Litigation*, Case No. 2:22-cv-1253 (E.D. Wis.), to the Settlement Administrator. Such Request for Exclusion shall include: (1) your full name and address; (2) the case name and docket number; (3) a written statement that you wish to be excluded from the Settlement; and (4) your signature. You must mail your Request for Exclusion, postmarked **no later than the Opt-Out Date of December 19, 2023**, to:

Settlement Administrator - 175057  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

## 13. If I exclude myself, do I still receive benefits from this Settlement?

No, if you submit a Request for Exclusion, you will not receive anything resulting from the Settlement, but you may sue Defendant over the claims raised in this case, either on your own or as a part of a different lawsuit. If you exclude yourself, the time you have to file your own lawsuit (called the “statute of limitations”) will begin to run again. You will have the same amount of time to file the suit that you had when this case was filed. If you file an Objection (see Response #16), you may still receive benefits if you timely file a claim.

## THE LAWYERS REPRESENTING THE CLASS

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

The Court has appointed the following attorneys to represent the Settlement Class as Class Counsel:

Gary M. Klinger and Alexandra Honeycutt  
**Milberg Coleman Bryson Phillips Grossman, PLLC**  
227 W. Monroe Street, Suite 2100  
Chicago, IL 60606  
Phone: (866) 252-0878

Terence R. Coates and Dylan J. Gould  
**Markovits, Stock & DeMarco, LLC**  
119 E. Court Street, Suite 530  
Cincinnati, OH 45202  
Phone: (513) 651-3700

***QUESTIONS? VISIT [WWW.ADVOCATEAURORASETTLEMENT.COM](http://WWW.ADVOCATEAURORASETTLEMENT.COM)***

These attorneys will be paid from the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **15. How will the lawyers for the Settlement Class be paid?**

Class Counsel will request to be paid reasonable attorneys' fees up to 35% of the Settlement Fund, plus their expenses incurred in the Litigation, subject to Court approval. The motion for attorneys' fees and expenses will be posted on the Settlement Website after it is filed.

### **OBJECTING TO THE SETTLEMENT**

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

You can tell the Court that you do not agree with the Settlement or some part of it. If you are a Settlement Class Member, you can Object to the Settlement and the Court will consider your views. To Object to the Settlement, you must submit a written Objection (such as a letter or legal brief) stating that you Object and the reasons why you think the Court should not approve the Settlement. Your Objection should include: (1) the objector's full name, telephone number, email address, and address; (2) proof of being a member of the Settlement Class; (3) the case name and docket number, *In re Advocate Aurora Health Pixel Litigation*, Case No. 2:22-cv-1253 (E.D. Wis.); (4) whether the objection applies only to the Settlement Class Member or to the entire Settlement Class; (5) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (6) the identification of any other objections he/she has filed, or has had filed on his/her behalf, in any other class action cases in the last three years; (7) whether the objector intends to appear at the Final Approval Hearing; and (8) the objector's signature.

If represented by counsel, the objecting Settlement Class Member must also provide his/her counsel's name, address, phone number, email address, the state bar(s) to which counsel is admitted, as well as associated state bar numbers. If the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he/she must say so in the written objection, and must also identify any witnesses he/she may call to testify at the Final Approval Hearing and all exhibits he/she intends to introduce into evidence at the Final Approval Hearing, which must also be attached to, or included with, the written objection.

If you file an Objection, you may still receive benefits so long as you timely file a claim. To be timely, written notice of an Objection in the appropriate form must be filed with the Court no later than the Objection Deadline, **December 19, 2023**, and served on Class Counsel and Defendant's Counsel (Ropes & Gray LLP and Quarles & Brady LLP), as noted below:

***QUESTIONS? VISIT [WWW.ADVOCATEAURORASETTLEMENT.COM](http://WWW.ADVOCATEAURORASETTLEMENT.COM)***

<p>United States District Court for the Eastern District of Wisconsin 517 East Wisconsin Avenue Milwaukee, WI 53202</p>	<p>Ropes &amp; Gray LLP c/o Edward R. McNicholas and Frances Faircloth 2099 Pennsylvania Avenue NW Washington, DC 20006</p>
<p>Milberg Coleman Bryson Phillips Grossman, PLLC c/o Gary M. Klinger and Alexandra Honeycutt 227 W. Monroe Street, Suite 2100 Chicago, IL 60606</p>	<p>Quarles &amp; Brady LLP c/o Daniel E. Conley, Kristin C. Foster, and Nathan Oesch 411 East Wisconsin Avenue, Suite 2400 Milwaukee, WI 53202</p>
<p>Markovits, Stock &amp; DeMarco, LLC c/o Terence R. Coates and Dylan J. Gould 119 E. Court Street, Suite 530 Cincinnati, OH 45202</p>	

## **THE FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to grant final approval of the Settlement. You may attend if you wish, but you are not required to do so.

### **17. Where and when is the Final Approval Hearing?**

The Court has already preliminarily approved the Settlement Agreement. The Court will hold the Final Approval Hearing on **March 8, 2024, at 8:30 A.M. CT** in the courtroom of the Honorable J.P. Stadtmueller, Courtroom 425, which is located in the courthouse at 517 E. Wisconsin Ave., Milwaukee, Wisconsin 53202. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class, and to determine the appropriate amount of compensation for Class Counsel and the Class Representatives. At that hearing, the Court may hear any objections and arguments concerning the fairness of the proposed Settlement. The Court will then decide whether to approve the Settlement.

**YOU ARE NOT REQUIRED TO ATTEND THE FINAL APPROVAL HEARING TO RECEIVE BENEFITS FROM THIS SETTLEMENT.** Please be aware that the hearing may be postponed to a later date without notice.

***QUESTIONS? VISIT [WWW.ADVOCATEAURORASETTLEMENT.COM](http://WWW.ADVOCATEAURORASETTLEMENT.COM)***

## **GETTING MORE INFORMATION – CONTACT:**

This Long-Form Notice only provides a summary of the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available on the Settlement Website.

**[www.AdvocateAuroraSettlement.com](http://www.AdvocateAuroraSettlement.com)**

If you have any questions, you can contact the Settlement Administrator or Class Counsel at the phone numbers set forth above. Do not address any questions about the Settlement or the Litigation to the Clerk of Court, the Judge, or Defendant’s Counsel. In addition to the documents available on the Settlement Website, all pleadings and documents filed in this Litigation may be reviewed or copied at the Clerk of Court’s office.

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