

CAUSE NO. 111219-D-CV

**DENELI SHARBER, SHANNA BYERS,
LYLE SCHAFER, and JENNIFER
HART, individually and on behalf of all
others similarly situated,**

Plaintiffs,

v.

**FMC SERVICES, LLC d/b/a FAMILY
MEDICINE CENTERS,**

Defendant.

§ **IN THE DISTRICT COURT OF**
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§
§
§ **POTTER COUNTY, TEXAS**
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§
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§ **320th JUDICIAL DISTRICT**

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

I. SUMMARY OF ARGUMENT

Plaintiffs Deneli Sharber, Shanna Byers, Lyle Schafer, and Jennifer Hart (“Plaintiffs” or “Class Representatives”) and FMC Services, LLC (“Defendant” or “FMC,” together with Plaintiffs, the “Parties”) reached a Settlement that will resolve this action on a classwide basis and provide substantial and immediate relief to the Class in the form of a \$2,150,000.00 common fund. On April 10, 2026, this Court granted preliminary approval of the Settlement and ordered that notice be given to the Class. After this Court granted preliminary approval, the Settlement Administrator—with the help of the Parties—disseminated Notice to the Settlement Class. As of date, out of 245,986 Settlement Class Members, two have requested exclusion and none have objected. The Settlement Class’s position is unequivocally in favor of this excellent settlement. Plaintiffs now seek final approval.

II. STATEMENT OF THE FACTS

This litigation arises out of a data security incident wherein Plaintiffs allege that unauthorized third parties accessed FMC’s computer systems and data, resulting in the third

parties' access to PII/PHI belonging to Plaintiffs and Settlement Class Members. Plaintiffs allege that, on or about July 26, 2022, an unauthorized individual or unauthorized individuals gained access to FMC's network systems and accessed certain files containing the PII/PHI of Plaintiffs and Settlement Class Members (the "Data Incident"). FMC denies any wrongdoing related to the Data Incident.

In response to the Data Incident, Plaintiff Sharber filed a lawsuit against FMC relating to the Data Incident on October 5, 2022. In the spirit of achieving early resolution, on September 12, 2024, the Parties engaged in a full-day mediation session with John DeGroote of DeGroote Partners, a well-regarded mediator with substantial experience in handling complex litigation and class action mediations. The mediation ended without settlement. In late 2025, and prior to the hearing on Plaintiffs' Motion for Class Certification, the Parties agreed to resume mediation with John DeGroote and scheduled a remote mediation for January 7, 2026. After a full day of arms'-length negotiations and additional negotiations thereafter, the Parties agreed to the material terms of this classwide Settlement. On April 10, 2026, the Court granted preliminary approval finding the Settlement to be "fair, reasonable, and adequate, and... in the best interests of the Settlement Class Members." Notice has since been successfully sent to the Settlement Class pursuant to the Court's Order and the claims administration process is underway.

Plaintiffs contend that nothing has changed that would cause this Court to reverse its initial determination and, thus, now move for final approval of the Settlement.

III. SUMMARY OF SETTLEMENT

a. Settlement Benefits

FMC will pay \$2,150,000.00 into a Settlement Fund. Settlement Agreement ("SA"), attached as Exhibit A to Mot. for Prelim. App., ¶ 70. The fund is non-reversionary; no remaining

funds will revert to FMC if the Settlement is granted final approval and the Final Approval Order becomes Final. *Id.* ¶ 67. To administer those funds and implement the Settlement's terms, the Parties agreed to hire EAG Gulf Coast, LLC as Settlement Administrator. *Id.* ¶ 76.

Once funded, the Settlement Fund will be used by the Settlement Administrator to pay for: (1) all Settlement Class Member Benefits to Settlement Class Members who submit Valid Claims; (2) all Settlement Administration Costs; and (3) any attorneys' fees, costs, expenses, and Service Awards approved by the Court. *Id.* ¶ 71. The Settlement Fund allows Settlement Class Members the opportunity to submit claims for the following:

i. Cash Payment A – Documented Losses

Settlement Class Members may submit claims for a Cash Payment under this section for up to \$5,000.00 per Settlement Class Member upon presentment of reasonable documented losses related to the Data Incident. To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses, which means documentation contemporaneously generated or prepared by a third party of the Settlement Class Member supporting a claim for expenses paid. Non-exhaustive examples of reasonable documentation include telephone records, correspondence including emails, or receipts. Personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including compensation provided in connection with the credit monitoring and identity theft protection product offered as part of the notification letter provided by Defendant or

otherwise. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her Claim, the Claim will be rejected and the Settlement Class Member's Claim will be as if he or she elected Cash Payment B. *Id.* ¶ 74.

ii. Cash Payment B – Alternate Cash

As an alternative to Cash Payment A above, a Settlement Class Member may elect to receive Cash Payment B, a *pro rata* cash payment in the estimated amount of \$75.00. *Id.*

iii. Medical Data Monitoring

In addition to Cash Payment A or Cash Payment B, adult Settlement Class Members may also make a Claim for Medical Data Monitoring that will include two years of CyEx's medical data monitoring product with: (i) real time monitoring of the credit file with one credit bureau; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) security freezing assistance; (iv) victim assistance; (v) \$1,000,000.00 in identity theft insurance with no deductible; and (vi) access to fraud resolution agents to help investigate and resolve instances of identity theft. *Id.*

iv. Minor Data Monitoring

In addition to Cash Payment A or Cash Payment B, minor Settlement Class Members may also make a Claim for Medical Data Monitoring that will include two years of CyEx's minor monitoring product with: (i) real time monitoring for evidence of the minor's SSN in combination with a credit file to protect against creation of synthetic identities; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) public record traces; and (iv) access to fraud resolution agents to help investigate and resolve instances of identity theft. *Id.*

b. Attorneys' Fees, Costs, Expenses, and Service Awards

Class Counsel shall apply to the Court for an award of attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. The attorneys' fees, costs, and expenses approved by the Court shall be paid by the Settlement Administrator out of the Settlement Fund by wire transfer to an account designated by Class Counsel within five days of the Effective Date or five days after the date Defendant funds the Settlement Fund, whichever is later. Class Counsel shall be responsible for allocating and distributing attorneys' fees among all Plaintiffs' counsel. *Id.* ¶ 103.

Class Counsel shall apply to the Court for Service Awards for the Class Representatives of up to \$10,000.00 each. The Service Awards approved by the Court shall be paid by the Settlement Administrator out of the Settlement Fund directly to the Class Representatives within five days of the Effective Date. *Id.* ¶ 104.

c. Settlement Administration

i. Direct Notice and Digital Notice to the Settlement Class

Notice was widely disseminated in accordance with the Court's Preliminary Approval Order and the Settlement Agreement. The Court approved EAG Gulf Coast, LLC ("EAG") as the Settlement Administrator in this case. On April 20, 2026, Defendant's Counsel provided EAG with a data list containing 257,247 records of Settlement Class Members' names and last known addresses. Declaration of Blake Ross Regarding the Status of Notice and Settlement Administration, attached hereto as Exhibit 1 ("Ross Decl."), ¶ 5. After analyzing the data and removing duplicative records, EAG identified a total of 245,986 unique records. *Id.* Of these unique records, 2,270 did not have a valid mailing address. *Id.* ¶ 8. EAG performed skip tracing for those 2,270 records and was able to find addresses for 1,425 of those Settlement Class

Members. *Id.* On May 11, 2026, EAG sent 245,141 Postcard Notices to identified Settlement Class Members with an associated physical address via USPS first class mail. *Id.*

Prior to the mailing, all mailing addresses were checked against the National Change of Address database maintained by the United States Postal Service. *Id.* ¶ 7. After sending the Postcard Notice to Settlement Class Members, 54,632 were returned as undeliverable. *Id.* ¶ 13. EAG has re-mailed 31,025 of the Postcard Notices. *Id.* As of July 31, 2026, a Postcard Notice was delivered to 217,134 of the 245,986 unique, identified Settlement Class Members with valid mailing addresses. *Id.* This means the individual notice efforts reached approximately 88.27% of the Settlement Class. *Id.*

ii. Settlement Website and Toll-Free Number

On May 11, 2026, EAG established a website devoted to this Settlement, <https://www.fmcdatasttlement.com/> (“Settlement Website”). *Id.* ¶ 10. Relevant documents, including the Settlement Agreement, Long Form Notice, Claim Form, and other case-related documents are posted on the Settlement Website. *Id.* In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Settlement Class Members can opt out (request exclusion) or object to the Settlement prior to the deadlines, contact information for the Settlement Administrator, and how to obtain other case-related information. On the Settlement Website, Settlement Class Members can file an online Claim Form until the claim filing deadline passes. *Id.* EAG also established a toll-free telephone number which is available twenty-four hours per day for Settlement Class Members to obtain information regarding the Settlement. *Id.* ¶ 11.

iii. Requests for Exclusions, Objections, and Claims

Settlement Class Members have until August 17, 2026, to object to or to submit a request for exclusion from the Settlement. As of July 31, 2026, EAG received two opt-out requests. *Id.* ¶ 15. As of July 31, 2026, EAG had received zero objections to the Settlement. *Id.* ¶ 16. EAG has received 10,743 claims (removing duplicate claims and claims from non-Settlement Class Members) as of July 31, 2026, and claims can be submitted until August 31, 2026. *Id.* ¶ 14.

With the favorable reaction from the Settlement Class, Plaintiffs now request that this Court grant final approval of the Settlement to bring closure to this matter for Settlement Class Members and avoid the costs and delay of further litigation.

IV. ARGUMENT

Texas Rule of Civil Procedure 42(e) provides that “[t]he Court must approve any settlement, dismissal, or compromise of the claims, issues, or defenses of a certified class,” and requires “[n]otice of the material terms of the proposed settlement, dismissal or compromise, together with an explanation of when and how the members may elect to be excluded from the class” to be provided to all class members as the Court directs. Tex. R. Civ. P. 42(e)(1). The court may approve a settlement that would bind class members only after a hearing and on finding that the settlement is “fair, reasonable, and adequate.” *Id.*

a. The Notice Satisfied Due Process and the Court’s Order

As detailed above, EAG implemented the Notice Program approved by the Court, including direct mailed notice, the Settlement Website, and a toll-free telephone number. The Notice informed Settlement Class Members of the nature of the Action, the material terms of the Settlement, the available benefits, the applicable deadlines, and the procedures for submitting a Claim, requesting exclusion, or objecting. These procedures were reasonably calculated to apprise

Settlement Class Members of the Settlement and provide them a meaningful opportunity to exercise their rights. *See Garcia v. Harding*, 545 S.W.3d 8, 13 (Tex. App.—El Paso 2017); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173–75 (1974). As discussed above, the notice program has been carried out successfully, with 88.27% of the Settlement Class receiving notice. Accordingly, the Notice satisfied Texas Rule of Civil Procedure 42 and due process and supports final approval of the Settlement.

b. The Settlement Class Satisfied the Requirements of Rule 42(a) and Should Be Certified

The Court has already preliminarily certified the Settlement Class in its Preliminary Approval Order. Nothing material has changed in the facts or the law since that ruling to justify reconsideration of the Court’s determination. Plaintiffs therefore respectfully request that the Court reaffirm its prior findings that the requirements of Rule 42(a) are satisfied and finally certify the Settlement Class.

c. The Settlement is Fair, Reasonable, and Adequate

Texas courts analyze the following factors to determine whether a settlement is fair, reasonable, and adequate:

(1) whether the settlement was negotiated at arms’ length or was a product of fraud or collusion; (2) the complexity, expense, and likely duration of the litigation; (3) the stage of the proceedings, including the status of discovery; (4) the factual and legal obstacles that could prevent the plaintiffs from prevailing on the merits; (5) the possible range of recovery and the certainty of damages; [and] (6) the respective opinions of the participants, including class counsel, class representatives, and the absent class members.

Gen. Motors Corp. v. Bloyed, 916 S.W.2d 949, 955 (Tex. 1996). An analysis of these factors demonstrates that the Settlement is fair, reasonable, and adequate, and should be finally approved.

i. Absence of Fraud and Collusion

Plaintiffs and FMC reached the Settlement only after hard-fought, arms’-length

negotiations spanning more than a year, including two separate mediations before an experienced mediator, John DeGroote of DeGroote Partners. “The Court may presume that no fraud or collusion occurred between counsel, in the absence of any evidence to the contrary.” *Klein v. O’Neal, Inc.*, 705 F. Supp. 2d 632, 651 (N.D. Tex. 2010).¹ “[A]rms-length negotiations conducted under the close supervision of an experienced mediator are a ‘strong indicator of procedural fairness.’” *Matson v. NIBCO Inc.*, No. 5-19-CV-00717-RBF, 2021 U.S. Dist. LEXIS 201909, at *25 (W.D. Tex. Oct. 20, 2021) (quoting *Jones v. Singing River Health Servs. Found.*, 865 F.3d 285, 295 (5th Cir. 2017)); see also *Quintanilla v. A & R Demolition, Inc.*, No. H-04-1965, 2008 U.S. Dist. LEXIS 37449, at *11 (S.D. Tex. May 7, 2008) (“The settlement was reached through arms-length negotiations after a long, hard-fought mediation with a neutral. Under such circumstances, courts find that class action settlements are free of fraud or collusion.”). The Settlement was only reached after the mediation and after significant further adversarial negotiations.

ii. Complexity, Expense, and Likely Duration of the Litigation

Without a settlement, it is certain that the expense, duration, and complexity of the protracted litigation that would result would be substantial. First, “[d]ata breach cases such as the instant case are particularly risky, expensive, and complex” *Gordon v. Chipotle Mexican Grill, Inc.*, Civil Action No. 17-cv-01415-CMA-SKC, 2019 U.S. Dist. LEXIS 215430, at *3 (D. Colo. Dec. 16, 2019). Few, if any, data breach cases have been tried in any court across the country, let alone a Texas court. The Settlement will avoid the continuing burden on the Parties, as well as saving judicial resources and avoiding risk. At the time the Settlement was reached, the Parties were engaged in briefing on Plaintiffs’ Motion for Class Certification. The Court’s ruling would

¹ *Northrup v. Sw. Bell Tel. Co.*, 72 S.W.3d 16, 20 (Tex. App.—Corpus Christi 2002) (“Federal decisions and authorities interpreting current federal class action requirements are persuasive authority in Texas.”).

have likely resulted in an appeal whether the motion was granted or denied. The case then would have gone to a lengthy and expensive trial. The outcome of the trial also would likely have resulted in an appeal. Instead, this Settlement provides significant relief for the Settlement Class now.

iii. Stage of Proceedings

The case is certainly at a stage of the proceedings that makes it ripe for settlement. Upcoming events, such as class certification proceedings, appeals, and trial, would have led to substantial expenditure of resources for both the Court and the Parties. Yet, the Parties were deep enough into the litigation to where they were supremely informed of the legal positions of the Parties and their chances of succeeding in the litigation going forward.

“A trial court correctly analyzes this factor by determining whether sufficient discovery has been conducted to allow the parties to make an informed decision about the relative merits of the case and the settlement.” *Johnson v. Scott*, 113 S.W.3d 366, 372 (Tex. App.—Beaumont 2003). Here, the Parties have conducted extensive discovery, including: an exchange of written interrogatories and requests for production; production and review of responsive documents; Defendant’s depositions of the named Plaintiffs; and Plaintiffs’ depositions of Defendant’s CEO, CFO, an employee, its designated expert, and the president of Defendant’s IT vendor.

iv. Factual and Legal Obstacles for Plaintiffs

A settlement must take “into account the uncertainty and risks involved in litigation” as well as “the strength of the claims and possible defenses.” *Collins v. Sanderson Farms, Inc.*, 568 F. Supp. 2d 714, 727 (E.D. La. 2008). Here, Proposed Representative Plaintiffs believe the claims asserted in the litigation have merit. They would not have fought so hard to advance the claims if it were otherwise. Indeed, they prevailed over Defendant’s motion for summary judgment. But they also recognize the substantial risks involved in continuing this litigation. *See Yvonne Mart*

Fox v. Iowa Health Sys., No. 3:18-cv-00327-JDP, 2021 U.S. Dist. LEXIS 40640, at *13 (W.D. Wis. Mar. 4, 2021) (“Data breach litigation is evolving; there is no guarantee of the ultimate result.”). FMC has aggressively maintained its positions that a litigated class could not be certified, that FMC would not be found liable at trial, and that Plaintiffs would not be able to prove damages resulting from the Data Incident. While Plaintiffs disagree with FMC’s views, they are mindful of the inherent problems of proof and possible defenses to the claims asserted in the litigation. They also recognize the difficulties in establishing liability on a classwide basis at trial and in achieving a result better than that offered by the Settlement here. *See Parker v. Anderson*, 667 F.2d 1204, 1209 (5th Cir. 1982) (one of the most important factors in assessing a class settlement is the probability of the plaintiffs’ success on the merits). As such, this factor favors approval of the settlement. *See Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*, 221 F.R.D. 523, 526 (C.D. Cal. 2004) (“The court shall consider the vagaries of the litigation and compare the significance of immediate recovery by way of compromise to the mere possibility of relief in the future, after protracted and expensive litigation. In this respect, it has been held proper to take the bird in hand instead of a prospective flock in the bush.”) (citations and quotations omitted).

v. Possible Range of Recovery

“In assessing settlements, the trial court must consider the range of possible damages that plaintiffs could recover at trial and combine this assessment with the likelihood of plaintiffs’ success at trial to determine if the settlement falls within the range of recoveries that is fair.” *Johnson*, 113 S.W.3d at 373. “[M]athematical precision is not required” to analyze this factor, only an estimate. *Id.*

Here, the relief that the Settlement Agreement provides is within the range of reasonableness, especially considering the attendant risks of litigation. FMC has maintained

throughout the litigation that Plaintiffs cannot prove damages. While Plaintiffs firmly disagree, they recognize the risk that comes with a trial and that the possible recovery could be zero. The Settlement Agreement, by contrast, provides immediate relief. The Settlement Fund amounts to approximately \$8.74 per Settlement Class Member, which exceeds or is in line with many recent class action settlement agreements relating to data breaches with similarly sensitive information involved and similar class sizes:

Case Title	Settlement Amount	No. of Class Members	\$ Per Class Member
<i>Madkin v. Automation Personnel Services, Inc.</i> , No. 2:21-cv-1177 (N.D. Ala.) (final approval on 3/12/2025)	\$1,375,000	299,253	\$4.59
<i>Bingaman, et al. v. Avem Health Partners Inc.</i> , Case No. CIV23-130-SLP (W.D. Ok.) (final approval on 5/15/2024)	\$1,450,000	271,303	\$5.34
<i>Cain, et al. v. CGM, L.L.C.</i> , No. 1:23-cv-02604 (N.D. Ga.) (final approval on 3/10/2025)	\$1,500,000	279,063	\$5.38
<i>LaFratta v. Medical Healthcare Solutions, Inc.</i> , No. 2277CV00106 (Essex Cty., Mass.) (final approval on 2/8/2024)	\$727,266	133,997	\$5.43
<i>In re C.R. England, Inc. Data Breach Litigation</i> , No. 2:22-cv-374-DAK (D. Utah) (final approval on 3/18/2024)	\$1,400,000	224,572	\$6.23
<i>Reynolds v. Marymount Manhattan College</i> , No. 1:22-cv-06846 (S.D.N.Y.) (final approval on 10/20/2023)	\$1,300,000	191,752	\$6.78
<i>Kondo, et al. v. Creative Services, Inc.</i> , Case No. 1:22-cv-10438-DJC (D. Mass.) (final approval on 9/7/2023)	\$1,200,000	165,210	\$7.26
<i>Sharber, et al. v. FMC Services, LLC</i>, Case No. 111219-D-CV (Potter Cty., Tx.)	\$2,150,000	245,986	\$8.74

Further, the cash compensation to which eligible Settlement Class Members will be entitled is significant relative to economic damages incurred.

vi. Respective Opinions of Participants and the Settlement Class

Plaintiffs, proposed Class Counsel, and Defendant all support the Settlement Agreement. Proposed Class Counsel believe that the proposed Settlement is in the best interests of the Settlement Class. Proposed Class Counsel strongly believe that the benefits of the Parties' Settlement far outweigh the delay and considerable risk of proceeding through class certification, trial, and any appeals. Given Plaintiffs' counsel's extensive experience litigating similar class action cases in federal, state, and appellate courts across the country, this factor also weighs in favor of granting final approval. *See Cotton v. Hinton*, 559 F.2d 1326, 1330 (5th Cir. 1977) (holding that "the trial judge, absent fraud, collusion, or the like, should be hesitant to substitute its own judgment for that of counsel").

The reaction of the Settlement Class also strongly supports final approval. Here, the deadline to request exclusion from or object to the Settlement is August 17, 2026. Of approximately 245,986 Settlement Class Members, EAG received only two requests for exclusion and zero objections. Ross Decl. ¶¶ 15–16. EAG also received 10,743 Claim Forms as of July 31, 2026, further demonstrating that Settlement Class Members received Notice and elected to participate in the Settlement. *Id.* ¶ 14. The absence of objections and the minimal number of exclusions reflects an overwhelmingly favorable response to the Settlement. Accordingly, the reaction of the Settlement Class strongly supports final approval.

V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an Order (1) certifying the Settlement Class for settlement purposes; (2) granting the Settlement final approval; (3) finding the Notice has been conducted in accordance with the Court-approved notice plan and

satisfies due process; and (4) granting Plaintiffs' separately-filed Motion for Attorneys' Fees, Costs, Expenses, and Service Awards.

Dated: August 3, 2026

Respectfully submitted,

/s/ J. Daren Brown

J. Daren Brown

**STOCKARD, JOHNSTON, BROWN,
NETARDUS & DOYLE, P.C.**

TSBN: 24036271

1030 N. Western Street

Amarillo, Texas 79106

Telephone: (806) 372-2202

Facsimile: (806) 379-7799

dbrown@sjblawfirm.com

Ben Barnow*

Anthony L. Parkhill*

BARNOW AND ASSOCIATES, P.C.

205 W. Randolph Street, Suite 1630

Chicago, IL 60606

Tel: 312-621-2000

Fax: 312-641-5504

b.barnow@barnowlaw.com

aparkhill@barnowlaw.com

Gary E. Mason*

MASON & PERRY LLP

5335 Wisconsin Avenue NW, Suite 640

Washington, DC 20015

Tel: 202-429-2290

gmason@masonllp.com

Counsel for Plaintiffs

*admitted pro hac vice

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2026, a true and correct copy of the above and foregoing instrument was served on counsel of record by e-service in accordance with the TEXAS RULES OF CIVIL PROCEDURE.

/s/ J. Daren Brown
J. Daren Brown
Attorney for Plaintiffs

Exhibit 1

CAUSE NO. 111219-D-CV

DENELI SHARBER, SHANNA BYERS,
LYLE SCHAFER and JENNIFER HART,
*individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

FMC SERVICES, LLC D/B/A FAMILY
MEDICINE CENTERS,

Defendant.

IN THE DISTRICT COURT OF
POTTER COUNTY, TEXAS

320th JUDICIAL COURT

**DECLARATION OF BLAKE ROSS REGARDING THE STATUS OF NOTICE AND
SETTLEMENT ADMINISTRATION**

I, Blake Ross, hereby declare and state as follows:

INTRODUCTION

1. I am a Project Manager for the Court-appointed Settlement Administrator¹, EAG Gulf Coast, LLC (“EAG”)², a full-service administration firm providing legal administration services, including the design, development, and implementation of unbiased complex legal notification programs. As the Project Manager, I am personally familiar with the facts set forth in this Declaration.

2. I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge, information received from the parties in this proceeding, and the information provided by other experienced employees working under my supervision.

¹ All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Settlement Agreement.

² “EisnerAmper” is the brand name under which EisnerAmper LLP and Eisner Advisory Group LLC provide professional services. EisnerAmper LLP is a licensed CPA firm. Eisner Advisory Group LLC and its subsidiaries, including EAG Gulf Coast LLC, are not licensed CPA firms.

BACKGROUND

3. On April 10, 2026, the Court entered its order preliminarily approving the Settlement Agreement and appointing EAG as the Settlement Administrator. After the Court's preliminary approval of the Settlement, EAG began to implement and coordinate the Notice Program.

4. I submit this Declaration to evidence EAG's compliance with the terms of the Settlement Agreement and Preliminary Approval Order, and detail EAG's execution of its role as the Settlement Administrator.

NOTICE PROGRAM EXECUTION

5. **Notice Database.** EAG maintains a database of 245,986 Settlement Class Members which was used to effectuate the Notice Program as outlined within the Settlement Agreement. On April 20, 2026, EAG received one Excel file from Defendant's Counsel, containing the names and physical mailing addresses for each Settlement Class Member for a total of 257,247 records. After deduplicating the Class List, EAG determined that a total of 245,986 unique records exist.

6. **Mail Notice.** Beginning on May 11, 2026, EAG coordinated and caused the Postcard Notice to be mailed via First-Class Mail to Settlement Class Members for which a mailing address was available. The Postcard Notice included the rights and options as a Settlement Class Member and the dates by which to act on those options, the return address of the P.O. Box maintained for the Notice Program, the URL for the website for access to additional information, and a "tear-off" Claim Form. A true and correct copy of the Postcard Notice is attached hereto as **Exhibit A**.

7. **Mailing Address Validation.** Prior to the mailing, all mailing addresses were checked against the National Change of Address (NCOA) database maintained by the United States Postal Service ("USPS"). In addition, the addresses were certified via the Coding Accuracy Support System (CASS) to ensure the quality of the zip code and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses. Of the 245,986 Settlement Class

Members with a mailing address, 243,716 passed validation procedures outlined above.

8. ***Mail Notice Delivery.*** In the initial mailing campaign, EAG executed Postcard Notice mailings to 243,716 Settlement Class Members that passed address validation. EAG executed skip tracing on the 2,270 records that did not pass address validation and was able to mail the Postcard Notice to an additional 1,425 Settlement Class Members. EAG also executed supplemental mailings for 31,025 Settlement Class Members for which the initial Postcard Notice was not deliverable but for which EAG was able to obtain an alternative mailing address through (1) forwarding addresses provided by the USPS, or (2) skip trace searches using a third-party vendor database. Mail notice delivery statistics are detailed in paragraph 13 below.

9. ***Settlement Post Office Box.*** EAG maintains the following Post Office Box for the Notice Program:

FMC Data Settlement Administrator

P.O. Box 1789

Baton Rouge, LA 70821

This P.O. Box serves as a location for the USPS to return undeliverable program mail to EAG and for Settlement Class Members to submit exclusion requests, Claim Forms, and other Settlement-related correspondence. The P.O. Box address appears prominently in the Long Form Notice, the Claim Form, and in multiple locations on the Settlement Website. EAG monitors the P.O. Box daily and uses a dedicated mail intake team to process each item received.

10. ***Settlement Website.*** On May 11, 2026, EAG published the Settlement Website, www.FMCDataSettlement.com. Visitors to the Settlement Website can download the Long Form Notice, the Claim Form, as well as Court Documents, such as the Consolidated Class Action Petition, the Settlement Agreement, Plaintiffs' motions, Orders of the Court, and other relevant documents. A true and correct copy of the Long Form Notice is attached hereto as **Exhibit B**, with a copy of the Claim Form as **Exhibit C**. Visitors to the Settlement Website are also able to submit claims electronically, find answers to frequently asked questions (FAQs), important dates and deadlines, and contact information for the Settlement Administrator. As of July 31, 2026, the

Settlement Website received 7,187 unique visitors.

11. ***Toll-Free Number.*** EAG established a dedicated toll-free telephone number, 1-844-609-0700, which is available twenty-four hours a day, seven days a week. Settlement Class Members can call and interact with an interactive voice response system (IVR) that provides important Settlement information and offers the option to leave a voice message to address specific requests or issues and receive a call back from the Settlement Administrator. The toll-free number appears in all Notices, as well as in multiple locations on the Settlement Website, and will remain active through the close of this Settlement Program.

12. ***Email Support.*** EAG established an email address, info@FMCDataSettlement.com, to provide an additional option for Settlement Class Members to address specific questions and requests to the Settlement Administrator for support.

NOTICE PROGRAM REACH

13. ***Notice Reach Results.*** Through the Notice procedures outlined above, EAG attempted to send direct notice to 245,141 (99.66%) Settlement Class Members. As of July 31, 2026, the Notice Program reached a total of 217,134 (88.27%) of Settlement Class Members.³ Table 1 below provides an overview of dissemination results and reach statistics for the Notice Program.

Table 1: Notice Dissemination Statistics		
Description	Volume	Percentage
Settlement Class Members	245,986	100.00%
Mail Notice		
(+) Total Postcards Mailed	243,716	99.08%
(+) Total Postcards Mailed - Skip Traced Failed NCOA	1,425	0.58%
(-) Total Postcards Returned as Undeliverable	54,632	22.21%
Mail Notice Rемаiled		
(+) Total Postcards Rемаiled	31,025	12.61%
(-) Total Postcards Returned as Undeliverable	4,400	1.79%
(=) Received Direct Notice	217,134	88.27%

³ A Settlement Class Member is considered “reached” by direct Notice if a Postcard Notice mailed to the Settlement Class Member has not been returned by the USPS as undeliverable.

CLAIM ACTIVITY

14. ***Claims Intake and Processing.*** Settlement Class Members can submit claims online by visiting the Settlement Website or by mailing a Claim Form to the Settlement Administrator. The online claim submission feature became available on the Settlement Website beginning on May 11, 2026. As of July 31, 2026, EAG has received a total of 13,588 claim submissions, of which 10,743 claims have been determined to be non-duplicative after removing claims identified as invalid to date. Table 2 below provides summary statistics of claim submissions received. Table 3 below provides a summary of net claims received by category as of July 31, 2026. The deadline for Settlement Class Members to submit a claim is August 31, 2026. EAG will continue to intake and analyze claims submitted online on the Settlement Website or mailed to the Settlement P.O. Box.

Table 2: Claims Statistics	
Description Volume	Volume (#)
Total Claims Received	13,588
(-) Duplicate Claims Identified	163
(-) Invalid Claims – Not a Class Member	2,682
(=) Net Claims Received	10,743

Table 3: Net Claims Summary	
Claim Form Category	Claimed
Cash Payment A – Documented Losses	31
Cash Payment B – Alternate Cash	10,529
Adult Credit Monitoring Claims	3,223
Minor Credit Monitoring Claims	662

EXCLUSIONS AND OBJECTIONS

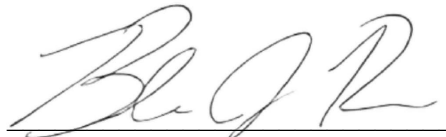
15. ***Exclusions (Opt-Outs) Received.*** The Court’s Preliminary Approval Order directs Settlement Class Members who wish to exclude themselves from the Settlement Class for purposes of this Settlement do so by submitting a request for exclusion to the Settlement Administrator. The deadline for Settlement Class Members to request to be excluded from the

settlement is August 17, 2026. EAG has received two (2) exclusion requests from Settlement Class Members as of July 31, 2026. A list of the individuals who have timely requested exclusion from the settlement is attached hereto as **Exhibit D**.

16. ***Settlement Objections.*** The Court's Preliminary Approval Order and the Settlement Agreement direct that any member of the Settlement Class who has not timely filed a request for exclusion may object to the settlement, the Service Award request, or the Fee Request by sending a letter to the Clerk of Court, and sent by U.S. Mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator as set forth in the Settlement Agreement. The deadline to object to the settlement is August 17, 2026. EAG has not received any objections from Settlement Class Members as of July 31, 2026.

CERTIFICATION

I, Blake Ross, declare under the penalty of perjury that the foregoing is true and correct.
Executed on this 31st day of July, 2026, in Baton Rouge, Louisiana.



Blake Ross

Exhibit A

Court-Approved Legal Notice
Sharber, et al. v. FMC Services, LLC, Case No. 111219-D-CV (320th Dist. Ct.)

If you were sent a notice that your Private Information was potentially compromised in the FMC Services, LLC, Data Incident that occurred in July, 2022, you may be entitled to benefits from a class action settlement.

A Court has authorized this Notice. This is not a solicitation from a lawyer.

A \$2,150,000.00 settlement has been reached in a class action lawsuit against FMC Services, LLC, ("Defendant" or "FMC") arising out of a data incident Defendant experienced on or about July 26, 2022, by an unauthorized third party ("Data Incident"). Defendant denies that any information had been acquired.

Who is Included? You are part of the Settlement Class if your personal identifiable information or personal health information was compromised in the Data Incident by unauthorized persons, including all persons who were sent notice of the Data Incident.

For more information on the proposed settlement, including how to submit a claim, exclude yourself, or submit an objection, please visit www.FMCDataSettlement.com or call 1-844-609-0700.

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821



ELECTRONIC SERVICE REQUESTED

SETTLEMENT CLAIM ID: [claim Id]
[FIRST NAME] [LAST NAME]
[ADDRESS1]
[ADDRESS2]
[CITY] [STATE] [ZIP]

0165

What does the Settlement Provide? The Settlement provides the following Settlement Class Member Benefits:

Cash Payment A – Documented Losses: You may claim up to \$5,000.00 upon presentation of reasonable documented losses related to the Data Incident.

Cash Payment B – Alternate Cash: As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is a cash payment in the estimated amount of \$75.00.

Medical Data Monitoring: In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx's medical data monitoring product.

How do I receive a payment or other benefit? To receive any payments or benefits under the Settlement, you **MUST** submit a claim. To submit a claim, you may either: (i) fill out, detach, and mail the attached Postcard Claim Form to the Settlement Administrator; or (ii) submit a Claim Form online at www.FMCDataSettlement.com. You may also call 1-844-609-0700 to request that a Claim Form be mailed to you. Claims must be submitted online or postmarked by August 31, 2026.

What are my other options? If you **Do Nothing**, you will be legally bound by the terms of the Settlement, and you will release your claims against FMC and other Released Parties as defined in the Settlement Agreement. If you do not want to be legally bound by the Settlement, you must **Exclude Yourself** by August 17, 2026, or you will not be able to sue the Defendant for released claims relating to the Data Incident. If you exclude yourself, you cannot get money or benefits from this Settlement. If you want to **Object** to the Settlement, you may file an objection by August 17, 2026. The Long Form Notice explains how to submit a Claim Form, exclude yourself, or object.

When will the Court decide whether to approve the Settlement? The Court will hold a Final Approval Hearing on September, 15, 2026, at 9:00 a.m. CT to decide whether to approve the Settlement. 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, Expenses, and Service Awards. Under the Settlement, Class Counsel may seek up to one-third of the Settlement Fund for attorneys' fees based on the percentage of the fund method, plus reimbursement of costs and expenses. Plaintiffs will also seek Service Awards of \$10,000 each. If there are objections, the Court will consider them. The Court will also listen to Settlement Class Members who have asked to speak at the hearing. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but it is not required.

For more information, call toll-free 1-844-609-0700 or visit www.FMCDataSettlement.com and read the detailed Notice.

www.FMCDataSettlement.com

1-844-609-0700

Sharber et al. v. FMC Services, LLC, Case No. 111219-D-CV

Claim Form — Claim ID: [claim Id]

Claims must be postmarked or submitted online no later than August 31, 2026.

Contact Information (Please fill in completely.)

[FIRST NAME] [LAST NAME]

[ADDRESS1] [ADDRESS2]

[CITY] [STATE] [ZIP]

Compensation for Cash Payment A - Documented Losses: You can receive reimbursement for up to \$5,000.00 for documented losses incurred as a result of the Data Incident. Because you must submit supporting documentation to be compensated for Cash Payment A - Documented losses, you cannot use this tear-off claim form. To file a claim for Cash Payment A, you must submit your claim online or return the full claim form via mail.

Check the boxes below for the Settlement Benefits that you would like to claim.

- ☐ Cash Payment B – Alternate Cash: I wish to claim Cash Payment B, estimated to be \$75, as an alternative to Cash Payment A. I understand this amount may increase or decrease depending upon the number of valid claims filed.
- ☐ Medical Data Monitoring (only for adult Class Members): I wish to claim two (2) years of Medical Data monitoring through CyEx.

For Claims on Behalf of Minors

- ☐ Minor Data Monitoring (only for minor Class Members): I wish to claim two (2) years of Medical Data monitoring through CyEx.

Provide your email to receive your Medical Data Monitoring redemption code: _____

Select one of the following payment methods: ☐ *PayPal ☐ *Venmo ☐ *Zelle ☐ Check

*Please provide the email address or phone number associated with your PayPal, Venmo or Zelle account:

By signing my name below, I certify that I am eligible to make a claim in this settlement and that the information provided in this Claim Form is true.

Signature: _____ Date (mm/dd/yyyy): _____

**Place Stamp
Here**

FMC Data Settlement Administrator
PO BOX 1789
Baton Rouge, LA 70821

Exhibit B

Sharber, et al. v. FMC Servs., LLC., Case No. 111219-D-CV (320th Dist. Ct.)

District Court of Potter County, Texas, 320th Judicial Court

If you were sent a notice that your Private Information was potentially compromised in the FMC Services, LLC, Data Incident that occurred in July, 2022, you may be entitled to benefits from a class action settlement.

*A Court has authorized this notice. This is **not** a solicitation from a lawyer.*

- A \$2,150,000.00 settlement has been reached in a class action lawsuit against FMC Services, LLC, (“Defendant” or “FMC”) arising out of a data incident Defendant experienced on or about July 26, 2022, by an unauthorized third party (“Data Incident”).
- You are part of the Settlement Class if your personal identifiable information or personal health information was compromised in the Data Incident by unauthorized persons, including all persons who were sent notice of the Data Incident.
- Under the terms of the Settlement, Settlement Class Members who submit Valid Claims may be able to recover the following benefits, subject to *pro rata* adjustments:
 - **Cash Payment A – Documented Losses:** You may claim up to \$5,000.00 upon presentment of reasonable documented losses related to the Data Incident.

OR

- **Cash Payment B – Alternate Cash:** As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is a cash payment in the estimated amount of \$75.00.

AND

- **Medical Data Monitoring (only for adult Class members):** In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx’s medical data monitoring product.

OR

- **Minor Data Monitoring (only for Minor Class members):** In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx’s minor monitoring product.

This notice may affect your rights. Please read it carefully.

Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM	The only way to get Settlement benefits is to submit a Valid Claim.	Submitted online or Postmarked by August 31, 2026
OPT OUT OF THE SETTLEMENT	Get no Settlement Class Member Benefits. Keep your right to file your own lawsuit against Defendant about the legal claims in this lawsuit.	Postmarked by August 17, 2026
OBJECT TO THE SETTLEMENT	Stay in the Settlement but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it.	Postmarked by August 17, 2026

Questions? Go to www.FMCDataSettlement.com or call 1-844-609-0700

DO NOTHING	Get no Settlement Class Member Benefits. Be bound by the Settlement.	No deadline
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- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court must still decide whether to approve the Settlement. There will be no Settlement Class Member Benefits unless the Court approves the Settlement, and it becomes final.

BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this notice because you have the right to know about the proposed Settlement of this class action lawsuit and all of your rights and options before the Court decides to grant Final Approval of the Settlement.

This notice explains the lawsuit, the Settlement, your rights, what benefits are available, who is eligible for them, and how to get them. The lawsuit is *Sharber, et al. v. FMC Servs., LLC*, No. 111219-D-CV, in the District Court of Potter County, Texas, 320th Judicial Court (the “Action”). The persons who filed this lawsuit are called “Plaintiffs” and/or “Class Representatives” and the company sued, FMC Services, LLC., is called the “Defendant.”

2. What is this lawsuit about?

Plaintiffs filed this lawsuit against Defendant. Plaintiffs allege that on July 26, 2022, Defendant experienced a Data Incident in which cyber criminals unlawfully accessed and acquired information stored on Defendant’s computer systems and allegedly compromised the Private Information of its patients, including their personally identifiable information and private health information which consists of some combination of the following: name, mailing address, date of birth, Social Security number, and medical information. Defendant denies that any information was acquired.

Plaintiffs brought this lawsuit against Defendant alleging claims of negligence, negligence *per se*, breach of fiduciary duty, breach of implied contract, and unjust enrichment.

Defendant does not in any way acknowledge, admit to, or concede any of the allegations made in the Petition, and expressly disclaims and denies any fault or liability, or any charges of wrongdoing that have been or could have been asserted. Plaintiffs enter into this Agreement to recover on the claims asserted, and to avoid the risk, delay, and uncertainty of continued litigation.

3. What is a class action?

In a class action, one or more people (called plaintiff(s) or class representative(s)) sue on behalf of all people who have similar legal claims. Together, all these people are called a “class” or “class members.” If the plaintiffs and defendant reach a settlement, the court resolves the issues for all class members via the settlement, except for those class members who timely opt out (exclude themselves) from the settlement.

4. Why is there a Settlement?

The proposed Class Representatives in this lawsuit are Plaintiffs Deneli Sharber, Shanna Byers, Lyle Schafer, and Jennifer Hart.

Plaintiffs and Defendant do not agree about the legal claims made in the lawsuit. The lawsuit has not gone to trial, and the Court has not decided in favor of Plaintiffs or Defendant. Instead, Plaintiffs and Defendant have agreed to settle the lawsuit. The Class Representatives believe the Settlement is best for all individuals in the Settlement Class because of the benefits available to the Settlement Class and the risks and uncertainty associated with continuing the lawsuit.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

Settlement Class means all persons whose personally identifiable information or personal health information was compromised in the Data Incident by unauthorized persons, including all persons who were sent notice of the Data Incident.

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

Yes. The Settlement Class specifically excludes: (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; and (3) the Judge assigned to the Action, that Judge's immediate family, and Court staff.

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.FMCDDataSettlement.com, call the Settlement Administrator's toll-free telephone number at 1-844-609-0700, or send an email to info@FMCDDataSettlement.com.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member and you timely submit a Valid Claim, you may be eligible for the following benefits subject to *pro rata* adjustment:

(1) Cash Payment A – Documented Losses:

All Settlement Class Members may submit a Claim for a cash payment under this section for up to \$5,000.00 per Settlement Class Member upon presentment of reasonable documented losses related to the Data Incident. To receive a documented loss payment, you must elect Cash Payment A on the Claim Form attesting under penalty of perjury to having incurred documented losses.

You will be required to submit reasonable documentation supporting the losses, which means documentation contemporaneously generated or prepared by a third party or the Settlement Class Member supporting a claim for expenses paid. Non-exhaustive examples of reasonable documentation

include telephone records, correspondence including emails, letters or receipts. Personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation.

(2) Cash Payment B – Alternate Cash:

As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is an alternative cash payment in the estimated amount of \$75.00, but the amount will depend on the funds remaining in the Settlement Fund after all other payments are made.

(3) Medical Data Monitoring (only for adult Class Members):

In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two years of CyEx's medical data monitoring product that will include: (i) real time monitoring of the credit file with one credit bureau; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) security freezing assistance; (iv) victim assistance; (v) \$1,000,000.00 in identity theft insurance with no deductible; and (vi) access to fraud resolution agents to help investigate and resolve instances of identity theft.

(4) Minor Data Monitoring (only for minor Class Members):

In addition to Cash Payment A or Cash Payment B, minor Class Members may also make a Claim for Medical Data Monitoring that will include two years of CyEx's minor monitoring product that will include: (i) real time monitoring for evidence of the minor's SSN in combination with a credit file to protect against creation of synthetic identities; (ii) dark web scanning with immediate notification of potential unauthorized use; (iii) public record traces; and (iv) access to fraud resolution agents to help investigate and resolve instances of identity theft.

9. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you opt out of the Settlement, 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 Released Parties, including Defendant, about the legal issues in this lawsuit that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

10. What are the Released Claims?

The Settlement Agreement Section XIII describes the Released Claims and the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.FMCDDataSettlement.com or in the public Court records on file in this lawsuit. For questions regarding the Release or Released Claims and what the language in the Settlement Agreement means, you can also contact Class Counsel listed in Question 15 for free, or you can talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

11. How do I make a Claim for Settlement benefits?

To receive any of the benefits described in Question 8, you must submit a Valid Claim,

postmarked or submitted online by August 31, 2026. Claim Forms may be submitted online at www.FMCDataSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim is online. Claim Forms are also available by calling 1-844-609-0700 or by writing to:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

Claim Forms must be submitted online or by mail postmarked by August 31, 2026.

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 1-844-609-0700, by writing to info@FMCDataSettlement.com, or to:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

13. When will I receive my Settlement benefits?

If you submit a timely and Valid Claim, payment will be made to you 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.FMCDataSettlement.com for updates.

14. How will I receive my payment?

If you submit a timely and Valid Claim for payment, and if your Claim and the Settlement are finally approved, you will be sent an electronic payment to the electronic payment option that you select when you file your claim or will be sent a paper check if you select that option. Several electronic payment options will be available, or you can elect a check. Please ensure you have provided a current and complete email address. If you select a paper check, the Settlement Administrator will attempt to send you a check relying on your physical address submitted on your Claim Form.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this lawsuit?

Yes, the Court has appointed Ben Barnow of Barnow and Associates, P.C. and Gary E. Mason of Mason & Perry LLP, as Class Counsel lawyer 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 lawsuit.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. The Court may award less than the amount requested. If awarded by the Court, the Settlement Administrator will pay attorneys' fees, costs, expenses, and Service Awards out of the Settlement Fund.

Class Counsel's motion for Attorneys' Fees, Costs, Expenses, and Service Awards will be made available on the Settlement Website at www.FMCDataSettlement.com before the deadline for you to object to or opt out of the Settlement.

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 Released Parties on your own based on the legal claims raised in this lawsuit or released by the Released Claims, then you must take steps to get out of the Settlement. This is called opting out of the Settlement.

17. How do I opt out of the Settlement?

To opt out of the Settlement, you must timely mail written notice of a request to opt out. The written notice must include:

- (1) Your physical signature as a Settlement Class member;
- (2) Your full name, mailing address, telephone number, and email address (if any); and
- (3) A statement clearly indicating your request to be excluded from the Settlement Class.

The opt out request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked no later than August 17, 2026**:

FMC Data Settlement Administrator Exclusions
P.O. Box 1789
Baton Rouge, LA 70821

You cannot opt out by telephone or by email.

18. If I opt out, can I still get anything from the Settlement?

No. If you opt out, you will not be entitled to receive any Settlement Class Member Benefits, but you will not be bound by any judgment in this lawsuit. You can only get Settlement Class Member Benefits if you stay in the Settlement and submit a Valid Claim.

19. If I do not opt out, can I sue Defendant for the same thing later?

No. Unless you opt out, you give up any right to sue Defendant and other Released Parties for the legal claims this Settlement resolves and Releases relating to the Data Incident. You must opt out of the lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against Defendant or other 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 and/or Class Counsel's motion for Attorneys' Fees and Costs.

To object, you must file a timely, written objection stating that you object in *Sharber, et al. v. FMC Servs., LLC*, Case No. 111219-D-CV (320th Jud. Ct., Dist. Ct. of Potter County, Texas). If your objection is submitted by mail, it must be **postmarked by August 17, 2026**.

The objection must also include all of the following information:

- (1) Your full name, mailing address, telephone number, and email address (if any);
- (2) A written statement of all grounds for the objection, accompanied by any legal support for the objection known to you or your lawyer;
- (3) The number of times you have objected to a class action settlement within the 5 years preceding the date that you filed the objection, the caption of each case in which you have made such objection, and a copy of any orders related to or ruling upon your prior objections that were issued by the trial and appellate courts in each listed case;
- (4) The identity of all counsel who represent you, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, Expenses, and Service Award;
- (5) The number of times in which your counsel and/or counsel's law firm have objected to a class action settlement within the 5 years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which your counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- (6) The identity of all counsel (if any) representing you and whether they will appear at the Final Approval Hearing;
- (7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- (8) A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and
- (9) Your signature (an attorney's signature is not sufficient).

To be timely, written notice of an objection in the appropriate form must be filed with the Court by **August 17, 2026**, with copies to the following address:

Clerk of Court	Settlement Administrator
Clerk of the District Court Potter County, Texas P.O. Box 9570 Amarillo, TX 79105	FMC Data Settlement Administrator P.O. Box 1789 Baton Rouge, LA 70821

Defendant's Counsel	Class Counsel
Justin J. Boron Freeman, Mathis & Gary LLP 7160 North Dallas Parkway, Ste. 625 Plano, TX 75024	Ben Barnow Barnow and Associates, P.C. 205 West Randolph Street Ste. 1630 Chicago, IL 60606 Gary E. Mason Mason & Perry LLP 5335 Wisconsin Ave NW Ste. 640 Washington D.C. 20015

Any Settlement Class Member who fails to comply with the requirements for objecting detailed above will waive and forfeit 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.

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 and expenses. 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 **September 15, 2026, at 9:00 a.m. CT**, in the 320th District Court, Potter County, Texas, 350 SE 6th Ave., Suite 4A, Amarillo, Texas 79101, to decide whether to approve the Settlement. 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 Service Award. If there are objections, the Court will consider them. The Court will also listen to Settlement Class Members 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 in person. Any change will be posted at www.FMCDataSettlement.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 mail an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file or 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 opt out, you can (but do not have to) participate and speak for yourself at the Final Approval Hearing. 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 Final Approval Hearing, you must follow all of the procedures for objecting to the Settlement listed in Question 20 above—and specifically include a statement whether you and your lawyer will appear at the Final Approval Hearing.

IF YOU DO NOTHING

25. 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, and you will give up rights explained in the “Opting Out of 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 any of the Released Parties, including Defendant, about the legal issues in this lawsuit that are released by the Settlement Agreement relating to the Data Incident.

GETTING MORE INFORMATION

26. 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.FMCDataSettlement.com, by calling 1-844-609-0700, by writing info@FMCDataSettlement.com or:

FMC Data Settlement Administrator
P.O. Box 1789
Baton Rouge, LA 70821

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

Exhibit C

FMC Data Settlement
Administrator
P.O. Box 1789
Baton Rouge, LA 70821

**Your Claim Form must
be postmarked or
submitted online no later
than August 31, 2026**

Sharber, et al. v. FMC Servs., LLC, Case No. 111219-D-CV (320th Dist. Ct.)

CLAIM FORM

You are a member of the Settlement Class and eligible to submit a Claim Form if:

You may submit a Claim Form if you were sent a notice of the Data Incident indicating that your Private Information may have been impacted in the Data Incident.

The easiest way to submit a Claim is online at: www.FMCDataSettlement.com, or you can complete and mail this Claim Form to the mailing address above.

SETTLEMENT BENEFITS – WHAT YOU MAY GET

You may submit a Claim for one or more of these benefits:

(1) Cash Payment A – Documented Losses: All Settlement Class Members may submit a Claim for a cash payment under this section for up to \$5,000.00 per Settlement Class Member upon presentment of reasonable documented losses related to the Data Incident. To receive a documented loss payment, you must elect Cash Payment A on the Claim Form attesting under penalty of perjury to having incurred documented losses.

You are required to submit reasonable documentation supporting the losses, which means documentation contemporaneously generated or prepared by a third party or the Settlement Class Member supporting a claim for expenses paid. Non-exhaustive examples of reasonable documentation include telephone records, correspondence including emails, letters or receipts. Personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation.

OR

(2) Cash Payment B – Alternate Cash. As an alternative to Cash Payment A, you may elect to receive Cash Payment B, which is an alternative cash payment in the estimated amount of \$75.00. The amount of this payment will depend on the funds remaining in the Settlement Fund after all other payments are made.

AND

(3) Medical Data Monitoring: In addition to Cash Payment A or Cash Payment B, you may also make a Claim for Medical Data Monitoring that will include two (2) years of CyEx medical data monitoring product.

OR

(4) Minor Data Monitoring: In addition to Cash Payment A or Cash Payment B, minor Settlement Class Members may also make a Claim for Medical Data Monitoring that will include two (2) years of CyEx's minor monitoring product.

Claims must be submitted online or mailed by August 31, 2026.
Use the address at the top of this form to mail your Claim Form.

QUESTIONS? VISIT WWW.FMCDATASETTLEMENT.COM OR CALL TOLL-FREE 1-844-609-0700

YOUR INFORMATION

Provide the Class Member name and contact information below. You must notify the Settlement Administrator if your contact information changes after you submit this Claim Form.

Class Member First Name	Class Member Last Name	
Street Address		
City	State	Zip Code
Email Address	Telephone Number	Notice ID, if known

CASH PAYMENT A - DOCUMENTED LOSSESS

- ☐ Check this box if you are requesting compensation for **Cash Payment A - Documented Losses** up to a total of \$5,000.00. You cannot claim both Cash Payment B and Cash Payment A - Documented Losses

You must submit supporting documentation demonstrating actual, unreimbursed monetary loss.

Complete the chart below describing the supporting documentation you are submitting.

Description of Documentation Provided	Amount	Date
<i>Example: Receipt for credit repair services</i>	<i>\$100</i>	<i>MM/DD/YYYY</i>
TOTAL AMOUNT CLAIMED:		

CASH PAYMENT B – ALTERNATE CASH

As an alternative to Cash Payment A above, you may claim a cash payment in the estimated amount of \$75. The amount of this payment will depend on the funds remaining in the Settlement Fund after all other payments are made.

- ☐ Check this box if you wish to claim Cash Payment B in the alternative to Documented Losses.

QUESTIONS? VISIT WWW.FMCDATASETTLEMENT.COM OR CALL TOLL-FREE 1-844-609-0700

MEDICAL DATA MONITORING

Each Settlement Class Member may elect to receive two (2) years of CyEx medical data monitoring product. Please include your email address and mailing address on page 2 of this Form.

Adult Class Members:

☐ Check this box if wish to receive two (2) years of Medical Data Monitoring.

Minor Class Members:

☐ Check this box if wish to receive two (2) years of Minor Data Monitoring.

PAYMENT SELECTION

Please select **one** of the following payment options:

☐ **PayPal** - Enter your PayPal email address: _____

☐ **Venmo** - Enter the mobile number associated with your Venmo account: _____ - _____ - _____

☐ **Zelle** - Enter the mobile number or email address associated with your Zelle account:

Mobile Number: _____ - _____ - _____ or Email Address: _____

☐ **Physical Check** - Payment will be mailed to the address provided on this form.

ATTESTATION & SIGNATURE

I swear and affirm under penalty of perjury that the information provided in this Claim Form, and any supporting documentation provided is true and correct to the best of my knowledge. I understand that my claim is subject to verification and that I may be asked to provide supplemental information by the Settlement Administrator before my claim is considered complete and valid.

Signature

Printed Name

Date

QUESTIONS? VISIT WWW.FMCDATASETTLEMENT.COM OR CALL TOLL-FREE 1-844-609-0700

Exhibit D

Exclusion Requests				
<i>Sharber, et al. v. FMC Services, LLC., Case No. 111219-D-CV (320th Dist. Ct.)</i>				
Count	First Name	Last Name	State	Submission Date
1	Steven	Cortez	TX	June 18, 2026
2	Diane	Harrell	OR	June 23, 2026

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Courtney Neely on behalf of John Brown

Bar No. 24036271

cneely@sjblawfirm.com

Envelope ID: 118143974

Filing Code Description: Motion (No Fee)

Filing Description: (PLTFFS UNOPPOSED) FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Status as of 8/3/2026 2:17 PM CST

Associated Case Party: Deneli Sharber

Name	BarNumber	Email	TimestampSubmitted	Status
William B.Federman		wbf@federmanlaw.com	8/3/2026 1:35:46 PM	SENT
Administrative Administrative		law@federmanlaw.com	8/3/2026 1:35:46 PM	SENT
Gary E.Mason		gmason@masonllp.com	8/3/2026 1:35:46 PM	SENT
Taylor Heath		theath@masonllp.com	8/3/2026 1:35:46 PM	SENT
Jenni Suhr		jsuhr@masonllp.com	8/3/2026 1:35:46 PM	SENT
Danielle L.Perry		dperry@masonllp.com	8/3/2026 1:35:46 PM	SENT
Lisa A.White		lwhite@masonllp.com	8/3/2026 1:35:46 PM	SENT
Reuben A.Aguirre		raguirre@masonllp.com	8/3/2026 1:35:46 PM	SENT

Associated Case Party: Jennifer Hart

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan L.Thompson		RThompson@TrialLawyers.com	8/3/2026 1:35:46 PM	SENT
Leslie Harms		leslie.harms@zimmreed.com	8/3/2026 1:35:46 PM	SENT
Rachel Tack		rachel.tack@zimmreed.com	8/3/2026 1:35:46 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Courtney Neely		cneely@sjblawfirm.com	8/3/2026 1:35:46 PM	SENT
J. Daren Brown		dbrown@sjblawfirm.com	8/3/2026 1:35:46 PM	SENT
Anthony Parkhill		aparkhill@barnowlaw.com	8/3/2026 1:35:46 PM	SENT
Ben Barnow		b.barnow@barnowlaw.com	8/3/2026 1:35:46 PM	SENT

Automated Certificate of eService

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Courtney Neely on behalf of John Brown

Bar No. 24036271

cneely@sjblawfirm.com

Envelope ID: 118143974

Filing Code Description: Motion (No Fee)

Filing Description: (PLTFFS UNOPPOSED) FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Status as of 8/3/2026 2:17 PM CST

Case Contacts

Ben Barnow		b.barnow@barnowlaw.com	8/3/2026 1:35:46 PM	SENT
Bart Cohen		bcohen@baileyglasser.com	8/3/2026 1:35:46 PM	SENT
John Turner		jturner@baileyglasser.com	8/3/2026 1:35:46 PM	SENT
Robert Bell		rbell@baileyglasser.com	8/3/2026 1:35:46 PM	SENT
Ryan Anderson		randerson@triallawyers.com	8/3/2026 1:35:46 PM	SENT
Brian Gudmundson		brian.gudmundson@zimmreed.com	8/3/2026 1:35:46 PM	SENT
Jason Johnston		jason.johnston@zimmreed.com	8/3/2026 1:35:46 PM	SENT
Michael Laird		michael.laird@zimmreed.com	8/3/2026 1:35:46 PM	SENT
Christopher Jennings		chris@yourattorney.com	8/3/2026 1:35:46 PM	SENT
Nathan Reiter		nathan@yourattorney.com	8/3/2026 1:35:46 PM	SENT
Riley Prince		rprince@barnowlaw.com	8/3/2026 1:35:46 PM	SENT
Lisa A.White		lwhite@masonllp.com	8/3/2026 1:35:46 PM	SENT

Associated Case Party: FMC Services, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Sara Correa		sara.correa@fmglaw.com	8/3/2026 1:35:46 PM	SENT
Justin Boron		jboron@fmglaw.com	8/3/2026 1:35:46 PM	SENT
BRIAN HEINRICH		BRIAN@MHRWP.COM	8/3/2026 1:35:46 PM	SENT
Elle Scott		elle.scott@fmglaw.com	8/3/2026 1:35:46 PM	SENT
Michele Focht		michele.focht@fmglaw.com	8/3/2026 1:35:46 PM	SENT