

If your Personal Information was potentially accessible as a result of the Incident involving Excelsior Orthopaedics, LLP and Buffalo Surgery Center, LLC, discovered on or about June 24, 2024, you may be entitled to Benefits from a Settlement.

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

- A settlement has been reached in a class action lawsuit (the “Action”) against Excelsior Orthopaedics, LLP (“Excelsior”) and Buffalo Surgery Center, LLC (“BSC”) (together, “Defendants”) regarding a network incident during which cybercriminals gained unauthorized access to Defendants’ network systems, discovered on or about June 24, 2024, and resulting in the unauthorized access to certain files that may have contained Settlement Class Members’ Personal Information (the “Incident”). The Personal Information involved includes, but is not limited to names, Social Security numbers, driver’s license numbers, state identification numbers, passport numbers, dates of birth, biometric information, diagnosis, financial account information, health insurance information, health information, and prescription information.
- **Your decision to remain in the Settlement Class or to exclude yourself will not affect your rights or your ability to participate in any future settlement with any non-settling defendant.**
- The Settlement Class includes: all living natural persons who are residents of the United States whose Personal Information was potentially accessible as a result of the Incident, including all persons who received notice of the Incident.
- If you are a Settlement Class Member, you can submit a Claim Form for the following Settlement Benefits:

Documented Loss Payment: You may submit a Claim Form and provide reasonable documentation for losses related to the Incident for up to \$5,000 per Settlement Class Member;
OR

Cash Fund Payment: Instead of a Documented Loss Payment, without providing documentation, you may submit a Claim Form to receive a *pro rata* (a legal term meaning equal share) cash payment;

AND

Credit Monitoring: Without submitting a Claim Form, you will receive an activation code for two years of free Credit Monitoring services with three credit bureaus. The Credit Monitoring activation code is located on your Settlement Notice, and can be activated after final settlement approval.

If the total amount of approved Documented Loss Payments exceeds the Net Settlement Fund, there will be no Cash Fund Payments and the Documented Loss Payments will be subject to a *pro rata* (a legal term meaning equal share) decrease.

Equitable Relief: Defendants are implementing additional security measures following the Incident.

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

Your Legal Rights & Options		Deadline
Submit a Claim Form	To receive a cash payment (Documented Loss Payment or Cash Fund Payment), you must submit a timely and valid Claim Form. You do not need to submit a Claim Form to receive Credit Monitoring.	Submitted or Postmarked by: June 11, 2026
Exclude Yourself	Get no Settlement Benefits. Keep your right to file your own lawsuit against the Released Settling Parties about the Released Claims released by the Settlement in this Action.	Postmarked by: May 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.	Filed by: May 17, 2026
Do Nothing	Get no cash payment. Receive Credit Monitoring activation code. Give up your legal rights.	

Questions? Go to www.ExcelsiorDataSettlement.com or call 1-877-327-7791

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court must decide whether to approve the Settlement, Class Counsel’s Fee Award and Costs, and Service Awards. No Settlement Benefits will be provided unless the Court finally approves the Settlement.

BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this Notice because you have the right to know about the settlement of this Action and about all your rights and options before the Court decides whether to grant final approval to the Settlement. This Notice explains the Action, the Settlement, your legal rights, what Settlement Benefits are available, who is eligible for the Settlement Benefits, and how to get them.

The Honorable Catherine Nugent Panepinto of the Supreme Court of the State of New York, Erie County is overseeing this Action. The Action is known as *Szucs, et al. v. Excelsior Orthopaedics, LLP, et al.*, Index No. 812753/2024. The individuals who filed this Action are called the “Plaintiffs” and/or “Class Representatives” and the companies sued, Excelsior Orthopaedics, LLP, Buffalo Surgery Center, LLC, are called the “Defendants.”

2. What is this lawsuit about?

The Plaintiffs filed this Action against Defendants on behalf of themselves and all others similarly situated regarding a network incident during which cybercriminals gained unauthorized access to Defendants’ network systems, discovered on or about June 24, 2024, and resulting in the unauthorized access to certain files that may have contained Settlement Class Members’ Personal Information (the “Incident”). The Personal Information involved includes, but is not limited to names, Social Security numbers, driver’s license numbers, state identification numbers, passport numbers, dates of birth, biometric information, diagnosis, financial account information, health insurance information, health information, and prescription information.

Excelsior and BSC have reached a \$2,400,000 settlement in the Action.

Defendants deny the legal claims and deny any wrongdoing or liability. The Court has not made any determination of any wrongdoing by Defendants, or that any law has been violated. Instead, the Plaintiffs and Defendants have agreed to a Settlement to avoid the risk, cost, and time of continuing the Action.

3. Why is there a Settlement?

The Plaintiffs and Defendants do not agree about the legal claims made in this Action. The Action has not gone to trial, and the Court has not decided in favor of the Plaintiffs or Defendants. Instead, the Plaintiffs and Defendants have agreed to settle the Action. The Class Representatives, Defendants, and their lawyers believe the Settlement is best for the Settlement Class because of the Settlement Benefits available and the risks and uncertainty associated with continuing the Action.

4. Why is this lawsuit a class action?

In a class action, one or more people (called class representatives) sue on behalf of all people who they allege have similar legal claims. Together, after a court grants certification, all these people are called a class or class members. One court resolves the issues for all class members, except for those class members who timely exclude themselves (opt-out) from the class.

Questions? Go to www.ExcelsiorDataSettlement.com or call 1-877-327-7791

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am included in the Settlement?

You are included in the Settlement Class if you are a living natural person who is a resident of the United States and your Personal Information was potentially accessible as a result of the Incident, including those who received notice of the Incident.

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

Yes. Excluded from the Settlement Class are: (1) the Judges presiding over the Action and members of their families; (2) Defendants and their officers and directors; (3) AMKAI, LLC d/b/a Surgical Information Systems and its officers and directors; (4) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period; and (5) the successors or assigns of any such excluded natural person.

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 www.ExcelsiorDataSettlement.com or call toll-free 1-877-327-7791.

THE SETTLEMENT BENEFITS

8. What does this Settlement provide?

If you are a Settlement Class Member, you can submit a Claim Form for the following Settlement Benefits:

Documented Loss Payment

You may submit a Claim Form and provide reasonable documentation for losses related to the Incident for up to \$5,000 per Settlement Class Member.

Examples of expenses incurred as a result of the Incident include (without limitation) bank fees, long distance phone charges, cell phone charges (only charged by the minute), data charges (only if charged based on the amount of data used), postage, gasoline for local travel and fees for credit reports, credit monitoring, or other identity theft insurance products purchased.

Examples of reasonable documentation include (but are not limited to): telephone records, correspondence including emails, or receipts.

If you do not submit reasonable documentation supporting a loss, or if your Claim Form is invalid as determined by the Settlement Administrator, and you do not cure your Claim Form, your Claim Form will be processed as a Cash Fund Payment.

Cash Fund Payment

Instead of a Documented Loss Payment, without providing documentation, you may submit a Claim Form to receive a pro rata (a legal term meaning equal share) cash payment.

If the total amount of approved Documented Loss Payments exceeds the Net Settlement Fund, there will be no Cash Fund Payments and the Documented Loss Payments will be subject to a *pro rata* (a legal term meaning equal share) decrease.

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Credit Monitoring

Without submitting a Claim Form, you will receive an activation code for two years of free Credit Monitoring services with three credit bureaus. Credit Monitoring activation codes are located on your Settlement Notice. Please keep your notice, as you will only be able to activate the free Credit Monitoring after final settlement approval.

After final approval, go to www.ExcelsiorDataSettlement.com or call toll-free 1-877-327-7791 for instructions on how to activate your Credit Monitoring code.

Any residual funds remaining in the Net Settlement Fund after distribution of the Settlement Benefits will be issued to the Non-Profit Residual Recipient, Electronic Frontier Foundation, a 501(c)(3) non-profit third-party recipient.

Equitable Relief

Defendants have spent an estimated \$600,000.00 to implement certain changes to their information security practices following the Incident, which is separate and apart from the \$2.4 million Settlement Fund.

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

Unless you submit a Request for Exclusion (opt-out), you will remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders and any judgments 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 Settling Parties about the Released Claims in this Action. The specific rights you are giving up are called “Released Claims.”

Your decision to remain in the Settlement Class or to exclude yourself will not affect your rights or your ability to participate in any future settlement with any non-settling defendant.

10. What are the Released Claims?

Section 5 of the Settlement Agreement describes the Release, Released Claims, and Released Settling Parties, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.ExcelsiorDataSettlement.com. For questions regarding the Release, Released Claims, or Released Settling Parties and what the language in the Settlement Agreement means, you can also contact Class Counsel listed below 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 submit a Claim Form?

You must submit a timely and valid Claim Form to receive a cash payment as described above. Your Claim Form must be submitted online at www.ExcelsiorDataSettlement.com by **June 11, 2026**, or mailed to the Settlement Administrator at the address on the Claim Form, **postmarked by June 11, 2026**. Claim Forms are also available at www.ExcelsiorDataSettlement.com or by calling 1-877-327-7791 or by writing to:

Excelsior Incident
Settlement Administrator
PO Box 6484
Portland, OR 97228-6484

Questions? Go to www.ExcelsiorDataSettlement.com or call 1-877-327-7791

You do not need to submit a Claim Form to receive your free Credit Monitoring services. The Credit Monitoring activation code is located on your Settlement Notice.

12. What happens if my contact information changes after I submit a Claim Form?

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 writing to:

Excelsior Incident
Settlement Administrator
PO Box 6484
Portland, OR 97228-6484

13. When will I receive my Settlement Benefits?

Settlement Benefits will be provided after the Settlement is approved by the Court and becomes final. You must file a timely and valid Claim Form to receive a cash payment. To enroll in Credit Monitoring, after final approval, go to www.ExcelsiorDataSettlement.com or call toll-free 1-877-327-7791 for instructions on how to activate your Credit Monitoring code. The Credit Monitoring activation code is located on your Settlement Notice.

It may take time for the Settlement to be approved and become final. Please be patient and check www.ExcelsiorDataSettlement.com for updates.

EXCLUDE YOURSELF OR OPT-OUT OF THE SETTLEMENT

If you are a member of the Settlement Class and want to keep any right you may have to sue or continue to sue the Released Settling Parties on your own about the legal claims in this Action or the Released Claims, then you must take steps to get out of the Settlement through the submission of a Request for Exclusion. This is called excluding yourself from—or “opting-out” of—the Settlement.

14. How do I opt-out of the Settlement?

To exclude yourself from the Settlement, you must mail a written Request for Exclusion, which includes the following:

- 1) Case name - *Szucs, et al. v. Excelsior Orthopaedics, LLP, et al.*, Supreme Court of the State of New York, Erie County, Case No. 812753/2024;
- 2) Your name, address, telephone number;
- 3) Your personal physical signature; and
- 4) A statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the Settlement Class in *Szucs, et al. v. Excelsior Orthopaedics, LLP, et al.*”

The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked by May 17, 2026**:

Excelsior Incident
Settlement Administrator
PO Box 6484
Portland, OR 97228-6484

You cannot opt-out (exclude yourself) by telephone or by email.

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“Mass” or “class” Requests for Exclusion filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Settlement Class Members where the opt-out has not been signed by each and every individual Settlement Class Member will not be allowed.

Your decision to remain in the Settlement Class or to exclude yourself will not affect your rights or your ability to participate in any future settlement with any non-settling defendant.

15. If I opt-out can I still get anything from the Settlement?

No. If you opt-out, you will not be able to receive Settlement Benefits, and you will not be bound by the Settlement or any judgments in this Action. You can only get Settlement Benefits if you stay in the Settlement. You must submit a timely and valid Claim Form to receive a cash payment. You do not need to submit a Claim Form to receive your free Credit Monitoring services but you must remain in the Settlement Class.

Your decision to remain in the Settlement Class or to exclude yourself will not affect your rights or your ability to participate in any future settlement with any non-settling defendant.

16. If I do not opt-out, can I sue the Defendants for the same thing later?

No. Unless you opt-out, you give up any right to sue any of the Released Settling Parties for the legal claims this Settlement resolves and Releases, and you will be bound by all the terms of the Settlement, proceedings, orders, and judgments in the Action. You must opt-out of this Action to start or continue your own lawsuit or be part of any other lawsuit against the Released Settling Parties about the Released Claims in this Settlement.

Your decision to remain in the Settlement Class or to exclude yourself will not affect your rights or your ability to participate in any future settlement with any non-settling defendant.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court 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 Settlement, Settlement Benefits, Service Awards, and/or Class Counsel’s Fee Award and Costs.

To object, you must file your timely written objection with the Court as provided below by **May 17, 2026** (the “Objection Deadline”), and send by U.S. mail to Class Counsel, Defendants’ Counsel, and the Settlement Administrator postmarked by **May 17, 2026**, stating you object to the Settlement in *Szucs, et al. v. Excelsior Orthopaedics, LLP, et al.*, Case No. 812753/2024.

To file an objection, you cannot exclude yourself from the Settlement Class. Your objection must include all of the following information:

- 1) The case name and number - *Szucs, et al. v. Excelsior Orthopaedics, LLP, et al.*, Case No. 812753/2024;
- 2) Your full name, current mailing address, and telephone number;
- 3) A statement that you believe yourself to be a member of the Settlement Class;
- 4) Proof that you are a member of the Settlement Class (e.g., copy of the Settlement Notice, copy of the original notice of the Incident);
- 5) Identify the specific factual and legal grounds for the objection;
- 6) Identify whether your objection is to the Settlement in part or in whole;
- 7) State whether the objection applies only to you as the objector, a subset of the Settlement Class, or the entire Settlement Class;

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- 8) Identify all lawyers representing you as the objector, if any;
- 9) Include a list, including case name, court, and docket number, of all other cases in which you and/or your lawyer have filed an objection to any proposed class action settlement in the past 5 years;
- 10) Include all documents or writings that you desire the Court to consider;
- 11) A statement regarding whether you (or your lawyer) intend to appear at the Final Approval Hearing; and
- 12) Your signature as the objector or your duly authorized lawyer or representative's signature.

To object, you must file your timely written objection with the Court by the Objection Deadline, **May 17, 2026**, and send it by U.S. mail to Class Counsel, Defendants' Counsel, and the Settlement Administrator **postmarked by May 17, 2026**, at the following addresses:

COURT	CLASS COUNSEL	DEFENDANTS' COUNSEL	SETTLEMENT ADMINISTRATOR
Erie County Chief Clerk's Office 25 Delaware Avenue Buffalo, NY 14202	Andrew Ferich Ahdoot & Wolfson, PC 201 King of Prussia Road Suite 650 Radnor, PA 19087 Arturo Peña Sterlington PLLC 530 5th Avenue Suite 804 New York, NY 10036 Tyler J. Bean Siri & Glimstad LLP 745 5th Avenue Suite 500 New York, NY 10151	David M. Ross Brian H. Myers Wilson Elser LLP 1500 K Street, NW Suite 330 Washington, D.C. 20005	Excelsior Incident Settlement Administrator PO Box 6484 Portland, OR 97228-6484

18. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Opting-out is telling the Court that you do not want to be part of the Settlement Class. If you opt-out, you cannot object because you are no longer part of the Settlement.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in the lawsuit?

Yes. The Court has appointed Andrew W. Ferich of Ahdoot & Wolfson, PC, Arturo Peña of Sterlington PLLC, and Tyler J. Bean of Siri & Glimstad LLP as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost if you want someone other than Class Counsel to represent you in this Action.

20. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award the attorneys' fees of up to one-third (1/3) of the Settlement Fund, plus reimbursement of litigation expenses and costs. Class Counsel will also

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ask the Court to approve Service Awards for the Class Representatives of up to \$2,500 each for their efforts. If awarded by the Court, the attorneys' fees and costs, and the Service Awards will be paid from the Settlement Fund. The Court may award less than these amounts.

THE FINAL APPROVAL HEARING

The Court will hold a "Final Approval Hearing" to decide whether to approve the Settlement and attorneys' fees and costs, and Service Awards. You may attend and you may ask to speak if you file an objection by the deadline, but you do not have to.

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

The Court will hold a Final Approval Hearing on **July 8, 2026, at 10:00 a.m.** before the Honorable Catherine Nugent Panepinto at the Erie County Court Building, 25 Delaware Ave, Buffalo, NY 14202. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, attorneys' fees and costs, and Service Awards.

Note: The date and time of the Final Approval Hearing are subject to change without further notice to the Settlement Class. The Court may also decide to hold the hearing via video conference or by telephone. You should check the Settlement Website www.ExcelsiorDataSettlement.com to confirm the date and time of the Final Approval Hearing have not changed.

22. Do I have to attend 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 file an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

23. May I speak at the Final Approval Hearing?

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you (or your lawyer) ask to speak at the hearing, the Court may hear objections at the hearing.

GET MORE INFORMATION

24. How do I get more information about the Settlement?

This Notice summarizes the Settlement. Complete details about the Settlement are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.ExcelsiorDataSettlement.com. You may get additional information at www.ExcelsiorDataSettlement.com, by calling toll-free 1-877-327-7791, or by writing to:

Excelsior Incident
Settlement Administrator
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**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT
CLERK'S OFFICE REGARDING THIS NOTICE.**

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