

NOTICE OF CLASS ACTION SETTLEMENT

NORTHERN DISTRICT OF ILLINOIS

Smith, et al. v. Loyola University Medical Center

1:23-cv-15828

If you accessed the Loyola University Medical Center MyChart patient account portal between January 1, 2018, and December 31, 2022, you may be entitled to a Cash Payment from a class action settlement.

A court authorized this notice. This is not a solicitation from a lawyer.

A class action settlement has been proposed in a class action lawsuit against Loyola University Medical Center (“Defendant” or “LUMC”) relating to LUMC’s alleged use of Facebook Pixel and Google Analytics tracking tools on its Website and Patient Portal between January 1, 2018, and December 31, 2022, during which Plaintiffs allege their personal health information was shared with third parties.

LUMC has denied the allegations.

The Parties have reached a Settlement to resolve the claims and to provide relief to those affected.

You are a “Settlement Class Member” if you accessed the LUMC MyChart patient account portal between January 1, 2018, and December 31, 2022 (“Relevant Period”):

- Under the Settlement, LUMC has agreed to establish a Settlement Fund in the amount of Two Million Six Hundred Sixty-Five Thousand Two Hundred and Sixty-Four Dollars (\$2,665,264) for *pro rata* cash payments to all verified Class Members who submit a valid claim. The Settlement Fund will also be used to pay for the costs of the settlement administration, court-approved attorneys’ fees, litigation costs and expenses, and Class Representative Service Awards. In addition, LUMC has agreed to stop the use of tracking technologies without prominent disclosures through the use of a “cookie banner” or certain technology that sanitizes the information collected via tracking technologies.
- Each Settlement Class Member may submit a claim either electronically through a settlement website or by mail.
- If the amount in the Net Settlement Fund (the amount remaining after deducting the costs of notice and settlement administration, Settlement Class Counsel’s Attorneys’ Fees and Expenses and the Service Awards for Plaintiffs) will be distributed *pro rata* to ensure the Settlement Fund is exhausted, with no reversion from the Settlement Fund to Defendant. Any amounts remaining in the Net Settlement Fund after payments are issued and cashed or expired shall be disbursed *cy pres*.

Please read this notice carefully and in its entirety. Your rights may be affected by the Settlement of this lawsuit, and you have a choice to make now about how to act:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A VALID CLAIM BY AUGUST 5, 2025	The only way to get a cash payment is if you submit a valid claim and qualify.
EXCLUDE YOURSELF FROM THE CLASS BY AUGUST 5, 2025	You will not get a cash payment under this Settlement. This is the only option that allows you to be part of any other lawsuit against Defendant about the legal claims in this case.
OBJECT TO THE SETTLEMENT BY AUGUST 5, 2025	Tell the Court the reasons why you don’t like the Settlement.
GO TO A HEARING ON SEPTEMBER 17, 2025	Ask to speak in Court about the Settlement.
DO NOTHING	If you do nothing, you will not receive a Settlement Payment. You also give up rights to be part of any other lawsuit against Defendant about the legal claims in this case.

These rights and options—and the deadlines to exercise them—are explained in this notice. The Court in charge of this case still has to decide whether to approve the Settlement. Cash payments for valid claims will be issued only if the Court approves the Settlement and after the time for appeals has ended and any appeals are resolved. Please be patient.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	PAGE 3
1. Why was this notice issued?	
2. What is the lawsuit about?	
3. Why is this a class action?	
4. Why is there a Settlement?	
WHO IS IN THE SETTLEMENT?	PAGE 3
5. How do I know if I am part of the Settlement?	
THE SETTLEMENT BENEFITS—WHAT YOU GET	PAGE 3
6. What does the Settlement provide?	
7. What am I giving up in exchange for the Settlement benefits?	
HOW TO GET A CASH PAYMENT—SUBMITTING A VALID CLAIM FORM	PAGE 4
8. How can I get a cash payment?	
9. When will I get my check?	
EXCLUDING YOURSELF FROM THE SETTLEMENT	PAGE 4
10. If I opt out, can I get anything from the Settlement?	
11. If I don't opt out, can I sue later?	
12. How do I get out of the Settlement?	
OBJECTING TO THE SETTLEMENT	PAGE 5
13. How do I tell the Court I don't like the proposed Settlement?	
OBJECTION AND OPT-OUT DIFFERENCES	PAGE 6
14. What's the difference between objecting and opting out?	
THE LAWYERS REPRESENTING YOU	PAGE 6
15. Do I have a lawyer in the case?	
16. How will the costs of the lawsuit and Settlement be paid?	
THE COURT'S FAIRNESS HEARING	PAGE 6
17. When and where will the Court decide whether to approve the Settlement?	
18. Do I have to come to the hearing?	
19. May I speak at the hearing?	
IF YOU DO NOTHING	PAGE 6
20. What happens if I do nothing at all?	
GETTING MORE INFORMATION	PAGE 7
21. How do I get more information?	

BASIC INFORMATION

1. Why was this notice issued?

A court authorized this notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all your rights and options before the Court decides whether to grant final approval of the Settlement. This notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Honorable Jeremy C. Daniel is overseeing this class action. The case is known as *Smith, et al. v. Loyola University Medical Center*, Case No. 1:23-cv-15828 (N.D. Ill.) (the “Action”). The people who filed this lawsuit are called the “Plaintiffs,” and the company they sued, Loyola University Medical Center, is called the “Defendant.”

2. What is the lawsuit about?

The lawsuit alleges that between January 1, 2018, and December 31, 2022, Defendant used the Facebook Pixel and Google Analytics tracking tools on its Web Properties to collect and to disclose personal health information to third parties, including, but not necessarily limited to, Meta Platforms, Inc. d/b/a Meta (“Facebook”) and Google LLC (“Google”). Plaintiffs allege that LUMC’s implementation and usage of these tracking tools resulted in the invasion of Plaintiffs’ and Settlement Class Members’ privacy and other alleged common law and statutory violations. Specifically, Plaintiffs asserted claims under federal and Illinois law: (i) violation of the Electronic Communications Privacy Act for an Unauthorized Interception, Use, and Disclosure; (ii) negligence; (iii) invasion of privacy; (iv) breach of implied contract; (v) unjust enrichment; (vi) breach of implied duty of confidentiality; (vii) violation of Illinois Consumer Fraud and Deceptive Business Practices Act; and (viii) violation of Illinois Eavesdropping Statute. Defendant denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing or that the law has been violated. Defendant denies these and all other claims made in the Action. By entering into the Settlement, the Defendant is not admitting that it did anything wrong.

3. Why is this a class action?

In a class action, one or more people called the Class Representatives sue on behalf of all people who have similar claims. Together 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 exclude themselves from the Class.

The Class Representatives in this case are Kensandra Smith and Mary Ellen Nilles.

4. Why is there a Settlement?

The Class Representatives and Defendant do not agree about the claims made in this Action. The Action has not gone to trial, and the Court has not decided in favor of the Class Representatives or Defendant. Instead, the Class Representatives and Defendant have agreed to settle the Action. The Class Representatives and the attorneys for the Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the risks and uncertainty associated with continued litigation and the nature of the defenses raised by Defendant.

WHO IS IN THE SETTLEMENT?

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

You are a Settlement Class Member if you logged into the LUMC MyChart patient portal account at least once between January 1, 2018, and December 31, 2022. The Settlement Class does not include Defendant, its affiliates, parents, subsidiaries, officers, directors, and the judge(s) presiding over this matter and their clerk(s).

THE SETTLEMENT BENEFITS—WHAT YOU GET

6. What does the Settlement provide?

The Settlement will provide Settlement Class Members with pro rata cash payments in amounts to be determined in accordance with the terms of the Settlement. In addition, LUMC has agreed to stop the use of tracking technologies without prominent disclosures through the use of a “cookie banner” or certain technology that sanitizes the information collected via tracking technologies.

To receive a pro rata cash payment, you must submit a claim by the claim deadline. The amount of the cash payment will vary depending on the number of valid claims that are submitted. Individual cash payments may be reduced or increased pro rata depending on the number of Settlement Class Members that file valid claims and the amount of money in the cash fund.

Before determining if a cash payment is best for you, it is important for you to understand how Settlement Payments will be made. Class Counsel will seek reasonable attorneys' fees not to exceed \$913,000, costs not to exceed \$25,000, and Service Payments of \$2,500 to each of the Class Representatives which will be deducted from the Settlement Fund before making payments to Settlement Class Members. The Court may award less than these amounts. The Settlement Fund will also pay for the reasonable costs associated with providing notice of the Settlement and processing Claim Forms, as well as any applicable taxes. The remainder of the Settlement Fund will be distributed as pro rata cash payments to individuals who submit a valid Claim Form, which the Settlement Administrator has approved. If you submitted an Approved Claim prior to finalization of this Settlement, you will receive an automatic cash payment once the Settlement is approved by the Court and the Effective Date passes, provided you have not requested exclusion from the Settlement (see "Excluding Yourself From The Settlement" below).

7. What am I giving up in exchange for the Settlement benefits?

Unless you exclude yourself, you are choosing to remain in the Class. If the Settlement is approved and becomes final, all the Court's 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 LUMC about the legal issues in this Action, resolved by this Settlement and released by the Class Action Settlement Agreement and Release. The specific rights you are giving up are called Released Claims. The Released Claims are identified in Section 7.2 of the Settlement Agreement ("Release") and are described below:

Plaintiffs and the Settlement Class will be deemed to have fully, finally and forever completely released, relinquished and discharged the Released Persons from any and all past, present and future claims, counterclaims, lawsuits, set-offs, costs, expenses, attorneys' fees and costs, losses, rights, demands, charges, complaints, actions, suits, causes of action, obligations, debts, contracts, penalties, damages or liabilities of any nature whatsoever, known, unknown or capable of being known, in law or equity, fixed or contingent, accrued or unaccrued and matured or not matured that arise out of, are connected to, and that were or could have been asserted in the Litigation.

HOW TO GET A CASH PAYMENT—SUBMITTING A VALID CLAIM FORM

8. How can I get a cash payment?

To get a cash payment, you must complete and submit a Claim Form by **August 5, 2025**. Claim Forms may be submitted online at www.LUMCPixelSettlement.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. If you received a Notice by mail, use your Claim Number to submit your Claim Form. If you lost or do not know your Claim Number, please contact the Settlement Administrator at Info@LUMCPixelSettlement.com, or by mail at *Smith, et al. v. Loyola University Medical Center* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134 to obtain it.

If you wish to receive your payment digitally, via PayPal, Zelle, or Venmo, instead of a check, simply provide the email address associated with that payment account on the Claim Form where indicated. Anyone who submits a valid claim for a cash payment and does not elect to receive payment via PayPal, Venmo, or Zelle will receive their payment via regular check sent through U.S. Mail.

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 sending an email to Info@LUMCPixelSettlement.com, or writing to:

Smith, et al. v. Loyola University Medical Center
Settlement Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134

None of the money in the \$2,665,264 Settlement Fund will be paid back to LUMC. Any money left in the Settlement Fund after 150 days after the distribution of payments to Settlement Class Members will be distributed *pro rata* among all Settlement Class Members with approved claims, who cashed or deposited their initial check or received the Settlement proceeds through digital means, as long as the average payment amount is \$5 or more. If there is not enough money to provide qualifying Settlement Class Members with an additional \$5 payment, the remaining funds will be distributed to a non-profit organization, or "Non-Profit Residual Recipient." The Non-Profit Residual Recipient is, subject to final court approval, the American Red Cross.

9. When will I get my check?

Cash payment for valid claims will be provided by the Settlement Administrator after the Settlement is approved and becomes final.

The approval process may take time. Please be patient and check www.LUMCPixelSettlement.com for updates.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue Defendant over the legal issues in this case, you must take steps to get out of the Settlement. This is called asking to be excluded from—sometimes called "opting out" of—the Class. If you exclude yourself from the Settlement, you will not be entitled to receive any money from this lawsuit.

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

If you opt out of the Settlement, you will not get a cash payment under the Settlement, and you cannot object to the Settlement. But you may be part of a different lawsuit against Defendant in the future. You will not be bound by anything that happens in this lawsuit.

11. If I don't opt out, can I sue later?

No. Unless you opt out of the Settlement, you give up the right to sue Defendant for the claims that this Settlement resolves. You must exclude yourself from *this* Class to start or continue your own lawsuit.

12. How do I get out of the Settlement?

To opt out from the Settlement, you must timely submit written notice of your intent to opt out. The written notice must clearly state your intent to be excluded from the Settlement Class and include your full name, address, telephone number and email address, and be signed by you. Settlement Class Members may only opt out on behalf of themselves; each and every Person desiring to opt out of the Settlement must separately comply with these requirements.

The written request to opt out must be postmarked or received by the Settlement Administrator at the address below no later than **August 5, 2025**:

Smith, et al. v. Loyola University Medical Center
Settlement Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134

OBJECTING TO THE SETTLEMENT

13. How do I tell the Court I don't like the proposed Settlement?

You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Settlement Payments will be made and the lawsuit will continue. If that is what you want to happen, you must object.

Any Settlement Class Member who wishes to object to the Settlement must file a written objection with the Court and send copies to Class Counsel and Defendant's Counsel, at the addresses below.

Your objection must include:

- (i) your full name, current mailing address, telephone number and email address;
- (ii) your original signature;
- (iii) proof that you are a member of the Settlement Class (e.g., a copy of the settlement notice);
- (iv) a statement that you object to the Settlement, in whole or in part;
- (v) a statement of the legal and factual basis for the Objection;
- (vi) copies of any documents that you wish to submit in support of your position;
- (vii) whether the objection applies only to you as the objector, a subset of the Settlement Class, or the entire Settlement Class;
- (viii) all counsel representing you, if any;
- (ix) the signature of any duly-authorized attorney or other duly-authorized representative, along with documentation indicating such representation; and
- (x) a list, including case names, court and docket numbers, of all other cases in which the objector and/or the objector's counsel has filed an objection to any proposed class action settlement in the past three (3) years.

Objections must be made in writing and filed with the Court as well as with Class Counsel and Defendant's Counsel by mail no later than **August 5, 2025** ("Objection Deadline") to the addresses set forth below:

Clerk of the Court: Everett McKinley Dirksen United States Courthouse c/o Clerk of the Court 219 South Dearborn Street Chicago, IL 60604	Class Counsel: David S. Almeida, Esq. Almeida Law Group LLC 849 W. Webster Avenue Chicago, IL 60614 david@almeidalawgroup.com	Defendant's Counsel: Justin M. Holmes, Esq. Gordon Rees Scully Mansukhani, LLP 3 Logan Square 1717 Arch Street, Ste. 610 Philadelphia, PA 19103
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	Christopher D. Jennings, Esq. JENNINGS & EARLEY PLLC 500 President Clinton Avenue, Ste. 110 Little Rock, AR 72201 chris@jefirm.com	
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All written objections must be postmarked no later than the Objection Deadline. If you fail to object as prescribed in this notice and in the Settlement, you may be deemed to have waived your objections and you may forever be barred from making any such objections.

OBJECTION AND OPT-OUT DIFFERENCES

14. What is the difference between objecting and opting out?

Objecting is telling the Court you do not like something about the Settlement. You can object only if you stay in the Class (that is, do not exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Class or the Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer affects you. If you do not request exclusion, you may, if you so desire, enter an appearance through counsel.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has designated David S. Almeida, Esq. of Almeida Law Group and Christopher D. Jennings, Esq. of Jennings & Earley PLLC to represent you as “Class Counsel.” You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the costs of the lawsuit and Settlement be paid?

The Settlement Administrator’s and Notice Provider’s costs and fees associated with administering the Settlement, including all costs associated with the publication of the Notice of Settlement, will be paid out of the Settlement Fund and shall not exceed \$150,000, plus postage. Class Counsel’s reasonable attorneys’ fees and costs related to obtaining the Settlement consistent with applicable law will also be paid out of the Settlement Fund, subject to Court approval.

The two Class Representatives will also request that the Court approve a payment from the Settlement Fund for their participation as the Class Representatives, for taking on the risk of litigation, and for settlement of their individual claims as Settlement Class Members in the settled Action. The amounts are subject to Court approval and the Court may award less.

THE COURT’S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. If you have filed an objection on time, you may attend and you may ask to speak, but you don’t have to.

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

The Court will hold a Fairness Hearing at September 17, 2025 at 9:30a.m., before the Honorable Jeremy C. Daniel in Room 1419 of the Everett McKinley Dirksen United States Courthouse, located at 219 South Dearborn Street, Chicago, IL 60604. The hearing may be moved to a different date or time without additional notice, so please check for updates at www.LUMCPixelSettlement.com. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. In order to speak at the Fairness Hearing, you must file a notice of intention to appear with the Clerk. The Court will also decide how much to pay the Class Representatives and the lawyers representing Settlement Class Members. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions the judge may have. But you are welcome to come at your own expense. If you send an objection, you don’t have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. If you have sent an objection but do not come to the Court hearing, however, you will not have a right to appeal an approval of the Settlement. You may also pay another lawyer to attend on your behalf, but it’s not required.

19. May I speak at the hearing?

Yes. If you wish to attend and speak at the Fairness Hearing, you should indicate this in your written objection (see Question 13 above). If you plan to have your attorney speak for you at the Fairness Hearing, your objection should also include your attorney’s name, address, and phone number.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not receive a payment from this Settlement. And, unless you exclude yourself, you won’t be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the claims in this case, ever again.

GETTING MORE INFORMATION

21. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement, submit or download a Claim Form, and review additional case information at www.LUMCPixelSettlement.com. You may also call toll-free 1-855-766-4144.

PLEASE DO NOT TELEPHONE THE DEFENDANT, THE COURT, OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.