



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

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426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

October 6, 2023

**VIA E-MAIL**

Office of the Attorney General  
Attn: Security Breach Notification  
200 St. Paul Place  
Baltimore, MD 21202  
E-mail: [idtheft@oag.state.md.us](mailto:idtheft@oag.state.md.us)

**Re: Notice of Data Event**

To Whom It May Concern:

We represent Exactech, Inc. ("Exactech"), located at 2320 NW 66th Court Gainesville, Florida 32653, and write to notify your office of an incident that may affect the security of certain personal information relating to Maryland residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Exactech does not waive any rights or defenses regarding the applicability of Maryland law, the applicability of the Maryland data event notification statute, or personal jurisdiction. This document may contain trade secret, proprietary, and confidential information of Exactech, and thus Exactech requests that this information be kept confidential.

**Nature of the Data Event**

On or about April 29, 2023, Exactech identified unusual activity on its computer network. Exactech promptly took steps to secure its systems and commenced an investigation into the nature and scope of the incident. Through this investigation, Exactech learned that certain files were likely downloaded from its computer network without authorization between April 4 and 20, 2023. Exactech subsequently undertook a detailed review of the files to determine what information was present and to whom it related. Through this review, on September 6, 2023, Exactech identified those individuals whose information was present in the relevant files. Exactech then began working to locate and validate contact information for the potentially impacted individuals. This effort is ongoing. While the personal information, as defined by Maryland law, potentially affected varies by individual, it may include name and Social Security number, health insurance information, driver's license number, account number with routing number, and medical information.

### **Notice to Maryland Residents**

On or about October 6, 2023, Exactech began providing written notice of this incident to potentially affected individuals, including nine (9) Maryland residents. Written notice is being provided in substantially the same form as the letter attached here as ***Exhibit A***.

### **Other Steps Taken and To Be Taken**

In response to this incident, Exactech moved quickly to secure its systems and commenced an investigation into the incident. Exactech also worked with a team of third-party cyber security specialists as part of its investigation and response. Further, Exactech notified federal law enforcement and is working to enhance its existing technical safeguards.

Additionally, Exactech is notifying potentially affected individuals and providing them with guidance on how to better protect against identity theft and fraud, including providing information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud. Exactech is also providing potentially affected Maryland residents with access to credit monitoring services for twelve (12) months through Experian at no cost. Further, Exactech is providing written notice of this incident to relevant state and federal regulators, as appropriate, and to the three major credit reporting agencies, Equifax, Experian, and TransUnion.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4773.

Very truly yours,

M. Alexandra Belton of  
MULLEN COUGHLIN LLC

MABB/jrl  
Enclosure

# **EXHIBIT A**



Return Mail Processing  
PO Box 589  
Clasburg, PA 16625-0589

October 6, 2023

K1409-L01-0000001 T00001 P001 \*\*\*\*\*SCH 5-DIGIT 12345



SAMPLE A SAMPLE - L01 INDIVIDUAL  
APT ABC  
123 ANY STREET  
ANYTOWN, ST 12345-6789



**RE: Notice of [Data Incident] / [Data Breach]**

Dear Sample A. Sample:

Exactech, Inc. ("Exactech") is writing to make you aware of a data incident that may involve your information. This letter includes information on the incident, the actions we have taken in response, and additional steps you may take if you feel it is appropriate to do so.

**What Happened?** In late April 2023, we identified unusual activity on our computer network. We promptly took steps to respond, investigate, and secure our systems. In addition, we began working with a team of data privacy specialists to respond to and investigate the incident. Through the investigation, we learned that certain files were likely downloaded from our system without authorization between April 4 and April 20, 2023. We undertook a detailed review of these files to determine what records were present and to whom those records related. On September 6, 2023, our review determined what records may have been affected. We then began working to determine contact information for potentially affected individuals. You are receiving this letter because our review determined that your information was in the relevant files.

**What Information Was Involved?** Our review found your [data elements], and name in the relevant files.

**What We Are Doing.** We take this event and the security of information in our care seriously. As part of our ongoing commitment to the privacy of information in our systems, we are evaluating additional technical security measures and our existing policies and procedures. We notified federal law enforcement and are notifying relevant regulatory authorities as appropriate. Based on our investigation, at this time we do not have evidence that any personal information has been misused beyond the initial unauthorized download. Nevertheless, we are providing you with information on steps you may take to further protect your information, and we are offering you access to complimentary credit monitoring and identity protection services at no cost. More information on these services and how to enroll may be found in the "Steps You Can Take To Help Protect Personal Information" section of this letter.

**What You Can Do.** We encourage you to remain vigilant and alert to incidents of identity theft and fraud by reviewing your account statements and free credit reports for suspicious activity and to detect errors. Please review the "Steps You Can Take To Help Protect Personal Information" section of this letter. Further, we encourage you to enroll in the complimentary credit monitoring and identity protection services we are offering.



**For More Information.** If you have questions, please call our dedicated assistance line at 866-579-4744, which is available Monday through Friday from 9:00 a.m. and 11:00 p.m., and Saturday and Sunday from 11:00 a.m. to 8 p.m., Eastern Time (excluding major U.S. holidays).

Sincerely,

**Exactech, Inc.**

## STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

### Enroll in Monitoring Services

To help protect your identity, we are offering complimentary access to Experian IdentityWorks<sup>SM</sup> for ## months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for ## months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration).

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary ##-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by** January 31, 2024 (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code**: **ABCDEFGHI**

If you have questions about the product, need assistance with Identity Restoration, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at **866-579-4744** by **January 31, 2024**. Be prepared to provide engagement number **ENGAGE#** as proof of eligibility for the Identity Restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR ##-MONTH EXPERIAN IDENTITYWORKS MEMBERSHIP**

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

\* Offline members will be eligible to call for additional reports quarterly after enrolling.

\*\* The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

ENGAGE#

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K1308-L01

## **Monitor Your Accounts**

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order a free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. Consumers may also directly contact the three major credit reporting bureaus listed below to request a free copy of their credit report.

Consumers have the right to place an initial or extended “fraud alert” on a credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If consumers are the victim of identity theft, they are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should consumers wish to place a fraud alert, please contact any of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in a consumer’s name without consent. However, consumers should be aware that using a credit freeze to take control over who gets access to the personal and financial information in their credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application they make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, consumers cannot be charged to place or lift a credit freeze on their credit report. To request a credit freeze, individuals may need to provide some or all of the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver’s license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if they are a victim of identity theft.

Should consumers wish to place a credit freeze or fraud alert, please contact the three major credit reporting bureaus listed below:

| <b>Equifax</b>                                                                                                                  | <b>Experian</b>                                                             | <b>TransUnion</b>                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a> | <a href="https://www.experian.com/help/">https://www.experian.com/help/</a> | <a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a> |
| 1-888-298-0045                                                                                                                  | 1-888-397-3742                                                              | 1-800-916-8800                                                                              |
| Equifax Fraud Alert, P.O. Box 105069<br>Atlanta, GA 30348-5069                                                                  | Experian Fraud Alert, P.O. Box<br>9554, Allen, TX 75013                     | TransUnion Fraud Alert, P.O. Box<br>2000, Chester, PA 19016                                 |
| Equifax Credit Freeze, P.O. Box<br>105788 Atlanta, GA 30348-5788                                                                | Experian Credit Freeze, P.O. Box<br>9554, Allen, TX 75013                   | TransUnion Credit Freeze, P.O.<br>Box 160, Woodlyn, PA 19094                                |

## **Additional Information**

Consumers may further educate themselves regarding identity theft, fraud alerts, credit freezes, and the steps they can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or their state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, D.C. 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. Consumers can obtain further information on how to file such a complaint by way of the contact information listed above. Consumers have the right to file a police report if they ever experience identity theft or fraud. Please note that in order to file a report with law

enforcement for identity theft, consumers will likely need to provide some proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and the relevant state Attorney General. This notice has not been delayed by law enforcement.

*For District of Columbia residents*, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, D.C. 20001; 202-727-3400; and [oag.dc.gov](http://oag.dc.gov).

*For Maryland residents*, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-576-6300 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>. Exactech is located at 2320 NW 66th Court Gainesville, Florida 32653.

*For New York residents*, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov>.

*For North Carolina residents*, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and [www.ncdoj.gov](http://www.ncdoj.gov).

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426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

December 28, 2023

**VIA E-MAIL**

Office of the Attorney General  
Attn: Security Breach Notification  
200 St. Paul Place  
Baltimore, MD 21202  
E-mail: [idtheft@oag.state.md.us](mailto:idtheft@oag.state.md.us)

**Re: Supplemental Notice of Data Event**

To Whom It May Concern:

We continue to represent Exactech, Inc. ("Exactech"), located at 2320 NW 66th Court Gainesville, Florida 32653. We write to supplement the October 6, 2023 notice to your office. By providing this supplemental notice, Exactech does not waive any rights or defenses regarding the applicability of Maryland law, the applicability of the Maryland data-event-notification statute, or personal jurisdiction. This document may contain trade-secret, proprietary, and confidential information of Exactech, and thus Exactech requests that this information be kept confidential.

Based on ongoing efforts to reconcile records, as well as to determine contact information, Exactech is mailing notices to additional individuals whose information may have been impacted as a result of this event. On or about December 27, 2023, Exactech provided written notice of this incident to an additional five hundred seventy (570) Maryland residents. Written notice is being provided in substantially the same form as the letter that was provided in the October 6, 2023 notice to your office. Exactech also will be providing notice of this incident on its website and will be providing notice to and through media.

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4773.

Very truly yours,

M. Alexandra Belton of  
MULLEN COUGHLIN LLC

**Mullen.law**