

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SEAN SHEFFLER, individually and on)
behalf of all others similarly situated,)

Plaintiff,)

v.)

ACTIVATE HEALTH, LLC, EVERSIDE)
HEALTH, LLC,)

Defendants.)

Case No. 1:23-cv-01206-SEB-TAB

DECLARATION OF DUE DILIGENCE

I, Caroline P. Barazesh, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am over the age of twenty-one. I am competent to give this declaration. This declaration is true and correct to the best of my knowledge, information and belief.

2. I am currently a Director for Analytics Consulting LLC (hereinafter “Analytics”), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. In my capacity as Director, I am responsible for settlement administration in the above-captioned litigation.

3. Analytics was engaged to provide settlement administration services in the *Sheffler v. Activate Healthcare, LLC et al.* case. In this capacity, Analytics was charged with (a) sending CAFA notices, (b) establishing and maintaining a related settlement fund account; (c) establishing and maintaining a calendar of administrative deadlines and responsibilities; (d) printing and mailing the Notices of Class Action Settlement; (e) receiving and validating Requests for Exclusion, Objections and Claims submitted by Settlement Class Members; (f) processing and mailing payments to Settlement Class Members and Class Counsel; and (g) other tasks as the Parties mutually agree or the Court orders Analytics to perform.

4. On September 4, 2024, Analytics received the Court-approved Long Form Notice (“Class Notice”), Claim Form, and Postcard Notice. The Class Notices advised Settlement Class Members of their right to request exclusion from the Settlement, object to the Settlement or file a Claim Form and the implications of each such action. The Class Notice advised Settlement Class Members of applicable deadlines and other events, including the Final Approval Hearing, and how they could obtain additional information.

5. On September 6, 2024, Analytics sent CAFA notices to the appropriate Government Officials as required by 28 U.S.C. § 1715. The CAFA notices are attached as Exhibit 1.

6. On September 12, 2024, Analytics received a mailing list (“Class List”) from Counsel for Defendant. The file contained 117,865 records with client IDs, names and last known mailing addresses where available. Counsel for Defendant instructed Analytics to exclude 2,959 records marked as Invalid Address or No Address from the mailing list.

7. The mailing addresses contained in the Class List were processed and updated utilizing the National Change of Address Database (“NCOA”) maintained by the U.S. Postal Service. The NCOA contains requested changes of address filed with the U.S. Postal Service. In the event that any individual had filed a U.S. Postal Service change of address request, the address listed with the NCOA would be utilized in connection with the mailing of the Postcard Notices.

8. Analytics identified 424 duplicate Settlement Class Member records.

9. This resulted in 114,482 Settlement Class Members.

10. Analytics established a toll-free phone number (877) 629-3628, a case website at www.ActivateEversideSettlement.com with the ability to file Claim Forms electronically, and an email box at ActivateEversideSettlement@noticeadministrator.com to provide assistance and information to

Settlement Class Members. The phone number, website and email box were included in the Class Notices.

11. The Long Form Notice and Claim Form were available for download at the website, and are attached as Exhibits 2 and 3 respectively.

12. On September 30, 2024, Analytics mailed the approved Postcard Notice to the most current mailing address of 114,482 Settlement Class Members via USPS First Class Mail. A copy of the Postcard Notice is attached hereto as Exhibit 4.

13. If a Postcard Notice was returned by the USPS as undeliverable and without a forwarding address, Analytics performed an advanced address search using Experian, a reputable research tool. Analytics used the name and previous address to locate a current address. 7,670 Postcard Notices were returned as undeliverable by the Post Office. Analytics located 3,488 updated addresses and Postcard Notices were mailed to the updated addresses. 325 Postcard Notices were again returned as undeliverable.

14. 109,075 Settlement Class Members (95.27%) received a Class Notice.

15. Settlement Class Members could exclude themselves from the proposed settlement by mailing or emailing a written statement requesting exclusion from the Class to Analytics by November 29, 2024. Seven valid and timely exclusion requests were received by Analytics and are attached as Exhibit 5.

16. Settlement Class Members could object to the proposed settlement by mailing a written statement objecting to the settlement to the Clerk of the Court, Class Counsel and Defense Counsel by November 29, 2024. Zero objections were received by Analytics.

17. Settlement Class Members had to return a valid Claim Form postmarked by December 30, 2024, in order to receive a settlement payment from the proposed settlement. A total of 3,368 valid

and timely Claim Forms have been received. Ten Settlement Class Members claimed verified out-of-pocket expenses totaling \$1,598.02. After deducting the requested attorney's fees and costs, requested service award, claims administrator fees and out of pocket expenses, Settlement Class Members can expect to receive a *pro rata* check in the amount of \$86.01 each.

18. Analytics' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$91,242. This amount will be paid from the Gross Fund. Analytics' work in connection with this matter will continue with the issuance and mailing of the settlement checks, and to do the necessary tax reporting for the settlement fund.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 16, 2025



Caroline P. Barazesh

EXHIBIT 1

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear MERRICK GARLAND:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The parties filed a Settlement Agreement (“Settlement Agreement”) and associated documents with the Court on July 5, 2024. A hearing on final approval has been scheduled for January 29, 2025.

In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD-ROM:

(1) The Complaint and any materials filed with the Complaint.

Plaintiff’s Third Amended Class Action Complaint, which is the operative Complaint in the Class Action, is contained on the enclosed CD. In addition, the Complaints and all other unsealed pleadings and records filed in the Class Action are available on the internet through the federal government’s PACER service at <https://ecf.mad.uscourts.gov/cgi-bin/ShowIndex.pl>. Additional information about the PACER service may be found at <https://www.pacer.gov>.

(2) Notice of any scheduled judicial hearing in the class action.

A hearing on final approval has been scheduled for January 29, 2025, at 2:00 p.m., in Courtroom 216, U.S. District Court for the Southern District of Indiana, U.S. Courthouse, 416 East Ohio Street, Indianapolis, Indiana 46204. Information concerning the date, time, and location of the Fairness Hearing will be available through PACER and can be accessed as described in section (1) above. Additionally, the Notice and Scheduling Order setting the date, time, and location of the Fairness Hearing is contained on the enclosed CD.

(3) Any proposed or final notification to class members.

Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, and the Court’s Order Preliminarily Approving the Settlement Agreement, are contained on the enclosed CD. The parties’ Settlement Agreement is attached as Exhibit 1 in the Memorandum in Support of Unopposed Motion For Preliminary Approval of Class Action Settlement.

The direct notice to class members, which provides notice of the proposed settlement, is attached as Postcard Notice on the enclosed CD. The Long Form Notice and Claim Form are also attached.

(4) Any proposed or final class action settlement.

As discussed in section (3) above, the parties' Settlement Agreement is included on the enclosed CD.

(5) Any settlement or other agreement contemporaneously made between Class Counsel and counsel for Defendants.

There are no additional agreements between Class Counsel and counsel for Defendants, other than those reflected in the Settlement Agreement.

(6) Any final judgment or notice of dismissal.

No final judgment or notice of dismissal has yet been entered in the Class Action. Upon entry, a copy of the Final Order and Judgment will be available through PACER and can be accessed as described in section (1) above.

(7) Names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement.

The Class List is not yet available but is estimated to contain 113,872 class members, some of whom are believed to reside in your state.

(8) Any written judicial opinion relating to the materials described in sections (3) through (6).

The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

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CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear WILLIAM TONG:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

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(5) Any settlement or other agreement contemporaneously made between Class Counsel and counsel for Defendants.

There are no additional agreements between Class Counsel and counsel for Defendants, other than those reflected in the Settlement Agreement.

(6) Any final judgment or notice of dismissal.

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(8) Any written judicial opinion relating to the materials described in sections (3) through (6).

The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear KWAME RAOUL:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The parties filed a Settlement Agreement (“Settlement Agreement”) and associated documents with the Court on July 5, 2024. A hearing on final approval has been scheduled for January 29, 2025.

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Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

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Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear LIZ MURRILL:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

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Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

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United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

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Dear ANDREA CAMPBELL:

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Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

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United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear AUSTIN KNUDSEN:

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Enclosures

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Dear MIKE HILGERS:

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Plaintiff’s Third Amended Class Action Complaint, which is the operative Complaint in the Class Action, is contained on the enclosed CD. In addition, the Complaints and all other unsealed pleadings and records filed in the Class Action are available on the internet through the federal government’s PACER service at <https://ecf.mad.uscourts.gov/cgi-bin/ShowIndex.pl>. Additional information about the PACER service may be found at <https://www.pacer.gov>.

(2) Notice of any scheduled judicial hearing in the class action.

A hearing on final approval has been scheduled for January 29, 2025, at 2:00 p.m., in Courtroom 216, U.S. District Court for the Southern District of Indiana, U.S. Courthouse, 416 East Ohio Street, Indianapolis, Indiana 46204. Information concerning the date, time, and location of the Fairness Hearing will be available through PACER and can be accessed as described in section (1) above. Additionally, the Notice and Scheduling Order setting the date, time, and location of the Fairness Hearing is contained on the enclosed CD.

(3) Any proposed or final notification to class members.

Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, and the Court’s Order Preliminarily Approving the Settlement Agreement, are contained on the enclosed CD. The parties’ Settlement Agreement is attached as Exhibit 1 in the Memorandum in Support of Unopposed Motion For Preliminary Approval of Class Action Settlement.

The direct notice to class members, which provides notice of the proposed settlement, is attached as Postcard Notice on the enclosed CD. The Long Form Notice and Claim Form are also attached.

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As discussed in section (3) above, the parties' Settlement Agreement is included on the enclosed CD.

(5) Any settlement or other agreement contemporaneously made between Class Counsel and counsel for Defendants.

There are no additional agreements between Class Counsel and counsel for Defendants, other than those reflected in the Settlement Agreement.

(6) Any final judgment or notice of dismissal.

No final judgment or notice of dismissal has yet been entered in the Class Action. Upon entry, a copy of the Final Order and Judgment will be available through PACER and can be accessed as described in section (1) above.

(7) Names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement.

The Class List is not yet available but is estimated to contain 113,872 class members, some of whom are believed to reside in your state.

(8) Any written judicial opinion relating to the materials described in sections (3) through (6).

The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear JOHN FORMELLA:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The parties filed a Settlement Agreement (“Settlement Agreement”) and associated documents with the Court on July 5, 2024. A hearing on final approval has been scheduled for January 29, 2025.

In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD-ROM:

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(6) Any final judgment or notice of dismissal.

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(7) Names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement.

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(8) Any written judicial opinion relating to the materials described in sections (3) through (6).

The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear MATTHEW J. PLATKIN:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The parties filed a Settlement Agreement (“Settlement Agreement”) and associated documents with the Court on July 5, 2024. A hearing on final approval has been scheduled for January 29, 2025.

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(8) Any written judicial opinion relating to the materials described in sections (3) through (6).

The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear LETITIA A JAMES:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The parties filed a Settlement Agreement (“Settlement Agreement”) and associated documents with the Court on July 5, 2024. A hearing on final approval has been scheduled for January 29, 2025.

In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD-ROM:

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The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear JOSH STEIN:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

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The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear DOMINGO EMANUELLI HERNÁNDEZ:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

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The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

September 6, 2024

VIA FEDEX

To: Federal and State Officials Identified on Attached Distribution List

Re: *Sean Sheffler v. Activate Healthcare LLC and Everside Health, LLC*
United States District Court for the Southern District of Indiana, Indianapolis Division
Civil Action No.: 1-23-cv-01206-SEB-TAB

CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear ALAN WILSON:

Analytics Consulting LLC (“Analytics”), an independent claims administrator, on behalf of the Defendants in the above-captioned action, hereby provides your office with this notice under the provisions of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, to advise you of the proposed settlement of the above-referenced class action lawsuit (the “Class Action”) venued in the United States District Court for the Southern District of Indiana, Indianapolis Division.

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The Court's Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is contained on the enclosed CD. Other than that Order, no written judicial opinions have been issued relating to the proposed settlement as of this time.

The Defendants in this matter are represented by Christopher A. Wiech and Chelsea Lamb of Baker & Hostetler LLP, 1170 Peachtree Street, Ste 2400, Atlanta, GA 30309. Should you have any questions regarding this matter, please do not hesitate to contact Christopher A. Wiech or Chelsea Lamb at (404) 459-0050, cwiech@bakerlaw.com, or clamb@bakerlaw.com.

Thank you for your attention to this matter.

Sincerely,

Office of the Settlement Administrator

Enclosures

EXHIBIT 2

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

If Activate Healthcare, LLC (“Activate”) or Everside Health, LLC (“Everside”) Notified You Of A Data Incident, You May Be Eligible For Benefits From A Class Action Settlement.

This is not a solicitation from a lawyer, junk mail, or an advertisement. A Court authorized this Notice.

- A proposed Settlement has been reached in a class action lawsuit known as *Sheffler v. Activate Healthcare, LLC et al.*, No. 1:23-cv-01206-SEB-TAB (“Litigation”), filed in the United States District Court for the Southern District of Indiana.
- This Litigation arises out of a data security incident. Plaintiff alleges that an unauthorized third party accessed Activate and Everside’s (collectively, “Defendants”) IT network in April 2023, resulting in the unauthorized third party’s potential access to personal information belonging to Plaintiff and members of the Settlement Class (the “Data Incident”), including their name, date of birth, address, Social Security number, driver’s license number, and clinical information, such as provider name, date of service, and/or diagnosis (collectively, “Sensitive Personal Information” or “SPI”). Defendants disagree with Plaintiff’s claims, disputes liability, and denies any wrongdoing.
- All Settlement Class Members can receive the following benefits from the Settlement: All Settlement Class Members are eligible to recover reimbursement for documented out-of-pocket losses up to \$250, as well as a *pro rata* cash payment estimated to be \$50.
 - Reimbursement for Out-of-Pocket Losses: Settlement Class Members may claim up to \$250 by submitting a valid and timely Claim Form and reasonable supporting documentation for ordinary losses demonstrably incurred, more likely than not, as a result of the Data Incident. Ordinary losses can arise from the following categories: (i) Out of pocket expenses incurred as a direct result of the Data Incident; or (ii) fees for credit reports, credit monitoring, or other identity theft insurance product purchased between June 23, 2023, and the date of the close of the Claims Period.
 - Pro Rata Cash Compensation: Settlement Class Members may make a claim for a cash payment that is estimated to be approximately \$50, subject to *pro rata* (increase or decrease) of the Post-Loss Net Settlement Fund.
- Included in this Settlement, a Settlement Class Member includes:
 - All individuals notified that their SPI was potentially impacted in the Data Incident.
 - Excluded from the Settlement Class are Defendants’ officers and directors, as well as (i) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (ii) the judges assigned to the Litigation and to evaluate the fairness, reasonableness, and adequacy of this Settlement; and (iii) any other Person found by a court of competent jurisdiction to be guilty under criminal law of perpetrating, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.
- Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
Submit a Claim Form	<p>You must submit a valid Claim Form to get cash compensation or reimbursement from this Settlement.</p> <p>Claim Forms must be submitted online or mailed, postmarked no later than <u>December 30, 2024</u>.</p>
Do Nothing	<p>If you do nothing, you remain in the Settlement.</p> <p>You give up your rights to sue and you will not get any cash compensation or reimbursement as a Settlement Class Member.</p>
Exclude Yourself	<p>Get out of the Settlement. Get no money. Keep your rights.</p> <p>This is the only option that allows you to keep your right to sue about the claims in this Litigation. You will not get any money from the Settlement.</p> <p>Your Opt-Out Request must be postmarked no later than <u>November 29, 2024</u>.</p>
File an Objection	<p>Stay in the Settlement but tell the Court why you think the Settlement should not be approved.</p> <p>Objections must be postmarked no later than <u>November 29, 2024</u>.</p>
Go to a Hearing	<p>You can ask to speak in Court about the fairness of the Settlement, at your own expense. See Question 18 for more details.</p> <p>The Final Approval Hearing is scheduled for <u>January 29, 2025 at 2:00 p.m. ET</u>.</p>

WHAT THIS NOTICE CONTAINS

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BASIC INFORMATION

1. How do I know if I am affected by the Litigation and Settlement?

You are a Settlement Class Member if you were notified by Activate or Everside that your Sensitive Personal Information was potentially impacted in the Data Incident.

The Settlement Class specifically excludes Defendants' officers and directors, as well as (i) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (ii) the judges assigned to the Litigation and to evaluate the fairness, reasonableness, and adequacy of this Settlement; and (iii) any other person found by a court of competent jurisdiction to be guilty under criminal law of perpetrating, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.

This Long-Form Notice explains the nature of the Litigation and claims being settled, your legal rights, and the benefits to the Settlement Class.

2. What is this case about?

This case is known as *Sheffler v. Activate Healthcare, LLC et al.*, No. 1:23-cv-01206-SEB-TAB, filed in the United States District Court for the Southern District of Indiana ("Litigation"). The person who sued is called the "Plaintiff" and the companies they sued, Activate Healthcare, LLC ("Activate") and Everside Health, LLC ("Everside"), are known as the "Defendants" in this case.

Plaintiff filed a lawsuit against Defendants, individually, and on behalf of anyone whose Sensitive Personal Information was potentially impacted as a result of the Data Incident.

This Litigation arises out of a Data Incident. Specifically, Plaintiff, alleges that an unauthorized third party accessed Defendants' IT network in April 2023, resulting in the unauthorized third party's potential access to personal information belonging to Plaintiff and Settlement Class Members, including but not limited to their name, date of birth, address, Social Security number, driver's license number, and clinical information, such as provider name, date of service, and/or diagnosis.

Defendants deny all claims asserted against it in the Litigation and deny all allegations of wrongdoing and liability.

Plaintiff and Defendants are collectively referred to herein as the "Parties."

3. Why is there a Settlement?

By agreeing to settle, the Parties' desire to settle the Litigation and all claims arising out of or related to the allegations or subject matter of the Third Amended Class Action Complaint and Litigation on the terms and conditions set forth herein for the purpose of avoiding the burden, expense, risk, and uncertainty of continuing to litigate the Litigation. The Class Representative, Defendants, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiff or Defendants. Full details about the proposed Settlement are found in the Settlement Agreement available at www.ActivateEversideSettlement.com.

4. Why is this a class action?

In a class action, one or more people called a "Class Representative" sue on behalf of all people who have similar claims. All of these people together are the "Settlement Class" or "Settlement Class Members."

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

You are included in the Settlement Class if you are an individual who was notified by Activate or Everside that your Sensitive Personal Information was potentially impacted in the Data Incident. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit www.ActivateEversideSettlement.com, call toll free (877) 620-3628, or write to:

Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010

Email: ActiveEversideSettlement@noticeadministrator.com

THE SETTLEMENT BENEFITS

6. What does this Settlement provide?

The proposed Settlement will provide the following benefits to Settlement Class Members:

- 1. Reimbursement for Out-of-Pocket Losses:** Settlement Class Members may submit a claim for up to \$250 reimbursement of out-of-pocket losses. To receive Reimbursement for Out-of-Pocket Losses, a participating Settlement Class Member must submit a valid and timely Claim Form electing to receive this benefit and providing reasonable supporting documentation for the losses demonstrably incurred, more likely than not, as a result of the Data Incident.
Out-of-Pocket Losses are unreimbursed losses and consequential expenses incurred as a direct result of the Data Incident, including, but not limited to, documented bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, gasoline for local travel, bank fees, and fees for credit reports, credit monitoring, or other identity theft insurance products purchased between June 23, 2023 and the date of the close of the Claims Period.
Out-of-Pocket Losses must not have been previously reimbursed or subject to reimbursement by insurance or a third party and must be reasonably described, supported by reasonable documentation, and supported by an attestation under penalty of perjury, which will be a part of the Claim Form.
- 2. Pro Rata Cash Compensation:** In addition to Reimbursement for Out-of-Pocket Losses, Settlement Class Members may submit a claim for a cash payment that is estimated to be approximately \$50, subject to *pro rata* increase or decrease depending on the number of approved claims.

Claims will be subject to review for completeness and plausibility by the Settlement Administrator.

7. How to submit a Claim Form

All Claim Forms will be reviewed by the Settlement Administrator for completeness and plausibility. You must file a Claim Form to get reimbursement and/or cash compensation from the Net Settlement Fund under the proposed Settlement. Claim Forms must be submitted online or postmarked no later than **December 30, 2024**. For more information, please visit www.ActivateEversideSettlement.com or you can call the Settlement Administrator at (877) 620-3628 for a Claim Form.

8. What am I giving up as part of the Settlement?

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Defendants, and each of their present and former parents, subsidiaries, divisions, departments, affiliates, employees, servants, members, providers, partners, principals, directors, shareholders, owners, predecessors, successors, assigns, and insurers, and each of the foregoing's former or present directors, trustees, officers, employees, representatives, agents, providers, consultants, advisors, attorneys, accountants, partners, vendors, insurers, reinsurers, and subrogees (collectively, the "Released Persons") regarding the claims in this case.

The Settlement Agreement, which includes all provisions about Released Class Claims, releases, and Released Persons, is available at www.ActivateEversideSettlement.com.

The only way to keep the right to sue is to exclude yourself (*see* Question 10), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you give up the right to sue for the claims in this case.

9. Will the Class Representative receive compensation?

Yes. If approved by the Court, the Class Representative will receive a Service Award of up to \$5,000, to recognize him for his efforts in the Litigation and on behalf of the Settlement Class. The Court will make the final decision as to the amount, if any, to be paid to the Class Representative.

EXCLUDE YOURSELF

10. How do I exclude myself from the Settlement?

If you do not want to be included in the Settlement, you must "Opt-Out" by sending a timely written Opt-Out Request, stating your full name, address, and telephone number. Your Opt-Out Request must (a) state your full name, address, and

telephone number; (b) contain your personal and original signature (or the original signature of a person authorized by law, such as a trustee, guardian, or person acting under a power of attorney to act on your behalf with respect to a claim or right such as those in the Litigation); and (c) state unequivocally your intent to be excluded from the Settlement Class and from the Settlement.

Your written Opt-Out Request must be postmarked no later than **November 29, 2024** to:

Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010

Instructions on how to submit an Opt-Out Request are available at www.ActivateEversideSettlement.com or from the Settlement Administrator by calling (877) 620-3628.

If you exclude yourself you will not be able to receive any reimbursement or cash benefit from the Settlement, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Litigation, and you will keep your right to sue Defendants on your own for the claims that this Settlement resolves.

11. If I do not exclude myself, can I sue later?

No. If you do not exclude yourself from the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Persons (listed in Question 8) for the claims this Settlement resolves.

12. What happens if I do nothing at all?

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not get any reimbursement or cash payment from the Settlement, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Persons (listed in Question 8) about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed Carl Malmstrom of Wolf Haldenstein Adler Freeman & Herz LLC (called “Class Counsel”) to represent the interests of all Settlement Class Members in this case. You will not be charged for this lawyer’s services. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will apply to the Court for reasonable attorneys’ fees not to exceed one-third of the net Settlement Fund excluding any administration costs. Class Counsel will also apply to the Court for reimbursement of all reasonable costs and expenses incurred in prosecuting the Litigation. A copy of Class Counsel’s Motion for Fee Awards, Costs and Expenses and Service Award for Class Representative will be posted on this Settlement Website, www.ActivateEversideSettlement.com, before the Final Approval Hearing. The Court will make the final decisions as to the amounts to be paid to Class Counsel and may award less than the amount requested by Class Counsel.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I do not like the Settlement?

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you must file an Objection with the Court and serve on Class Counsel and Defense Counsel by **November 29, 2024**, (the “Objection Deadline”) stating why you do not think the Settlement should be approved.

To be valid, each Objection must:

- i. state the Settlement Class Member’s full name, current address, and telephone number;
- ii. contain the Settlement Class Member’s original signature;

- iii. state that the Settlement Class Member objects to the Settlement, in whole or in part;
- iv. make a statement of the legal and factual basis for the Objection;
- v. provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position;
- vi. provide a list of all persons who will be called to testify at the Final Approval Hearing in support of the Objection.

Objections should also provide the following information:

- a. a list, by case name, court, and docket number, of all other cases in which the objector (directly or through a lawyer) has filed an objection to any proposed class action settlement within the last three (3) years; and
- b. a list, by case number, court, and docket number, of all other cases in which the objector has been a named plaintiff in any class action or served as a lead plaintiff or class representative. A Settlement Class Member may only object on their own behalf or on behalf of a person they are authorized by law to object for, such as a trustee, guardian, or person acting under a power of attorney with respect to a claim or right.

Your Objection must be filed with the Court, the United States District Court for the Southern District of Indiana, through the Court’s ECF system and include the case name and docket number, *Sheffler v. Activate Healthcare, LLC et al.*, No. 1:23-cv-01206-SEB-TAB, no than **November 29, 2024**.

In addition, you must concurrently mail or hand deliver a copy of your objection to Class Counsel and Defense Counsel, postmarked no later than **November 29, 2024**:

CLASS COUNSEL	DEFENDANT’S COUNSEL
Carl V. Malmstrom Wolf Haldenstein Adler Freeman & Herz LLC 111 W. Jackson Blvd., Suite 1700 Chicago, IL 60604	Christopher A. Wiech Baker & Hostetler LLP 1170 Peachtree Street Northeast, Suite 2400 Atlanta, GA 30309-7676

If you do not submit your Objection with all requirements, or if your Objection is not received by **November 29, 2024**, you will be considered to have waived all objections and will not be entitled to speak at the Final Approval Hearing.

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

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing on **January 29, 2025 at 2:00 p.m. ET** in Courtroom 216 of the United States District Court for the Southern District of Indiana, located at Birch Bayh Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check this website for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be Finally approved. If there are valid Objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider Class Counsel’s request for attorneys’ fees, costs, and expenses, and the request for a Service Award to the Class Representative.

18. Do I have to come to the hearing?

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your Objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making Objections in Question 15, including the requirements for making appearances at the hearing.

19. May I speak at the hearing?

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an Objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

GET MORE INFORMATION

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

This is only a summary of the proposed Settlement. If you want additional information about this Litigation, including a copy of the Settlement Agreement, the Third Amended Class Action Complaint, the Court's Preliminary Approval Order, Class Counsel's Motion for Attorneys' Fee Awards, Costs and Expenses when available, and Service Award for Class Representative, and more, please visit this website www.ActivateEversideSettlement.com or call (877) 620-3628. You may also contact the Settlement Administrator at:

Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010
Email: ActiveEversideSettlement@noticeadministrator.com

PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANTS, OR DEFENDANTS' COUNSEL.

EXHIBIT 3

Your Claim must be submitted online or postmarked by:

DECEMBER 30, 2024

ACTIVATE & EVERSIDE SETTLEMENT CLAIM FORM

**Sheffler v. Activate Healthcare, LLC, et al.
Case No. 1:23-cv-01206-SEB-TAB
United States District Court for the
Southern District of Indiana**

ABC1234567890

Claim Number: 1111111



JOHN Q CLASSMEMBER
123 MAIN ST
APT 1
ANYTOWN, ST 12345

**USE THIS FORM ONLY IF YOU ARE A
SETTLEMENT CLASS MEMBER**

GENERAL INSTRUCTIONS

If you received notice of this settlement, the Settlement Administrator has identified you as a Settlement Class Member whose personal data was potentially impacted as a result of the Data Incident experienced by Activate and Everside in 2023 (“Data Incident”).

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

Settlement Administrator
Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010

To receive any of these benefits, you must submit the Claim Form below by December 30, 2024.

You may submit a Claim for the following benefits:

- 1) Reimbursement for Out-of-Pocket Losses: You may submit a Claim for reimbursement for certain documented out-of-pocket expenses, not to exceed \$250, that were incurred as a result of the Data Incident. You must attest that the documented out-of-pocket losses were demonstrably incurred, more likely than not, as a result of the Data Incident and not incurred due to some other event or reason.
- 2) Pro Rata Cash Payment: You may submit a Claim for a cash payment of \$50. The Settlement Administrator will make *pro rata* settlement payments, which may increase or decrease the \$50 cash payment, subject to the total amount of the Net Settlement Fund. Settlement Class Members who select this cash payment may combine this benefit with a valid Claim for Reimbursement for Out-of-Pocket Losses.

Please read this Claim Form carefully and answer all questions. Failure to provide the required information could result in a denial of your Claim.

Please note: the Settlement Administrator may contact you to request additional documentation to process your Claim. For more information and complete instructions, please visit www.ActivateEversideSettlement.com.

Settlement benefits will be distributed only after the settlement is approved by the Court.

Questions?

Go to www.ActivateEversideSettlement.com
or call (877) 620-3628

Your Claim must be submitted online or postmarked by: **DECEMBER 30, 2024**

ACTIVATE & EVERSIDE SETTLEMENT CLAIM FORM

Sheffler v. Activate Healthcare, LLC, et al.
Case No. 1:23-cv-01206-SEB-TAB
United States District Court for the Southern District of Indiana

I. CLASS MEMBER NAME AND CONTACT INFORMATION

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

[Empty input boxes for First Name and Last Name]

First Name

Last Name

[Empty input box for Street Address]

Street Address

[Empty input boxes for City, State, and Zip Code]

City

State

Zip Code

[Empty input boxes for Email Address (optional) and Telephone Number]

Email Address (optional)

Telephone Number

II. PROOF OF CLASS MEMBERSHIP

Check this box to certify that you were notified of the Data Incident and/or settlement.

Enter the Class Member ID provided on your Postcard Notice. Your Class Member ID is located on the front of the postcard notice that was sent to Settlement Class Members via first-class mail. If you lost or do not know your Class Member ID, you may contact the Settlement Administrator at (877) 620-3628.

[Empty input box for Class Member ID]

Class Member ID

III. REIMBURSEMENT FOR OUT-OF-POCKET LOSSES

All Settlement Class Members may submit a Claim for reimbursement of the following documented out-of-pocket expenses, not to exceed \$250 per Settlement Class Member, that were incurred result of the Data Incident:

[CONTINUED ON NEXT PAGE]

Your Claim must be submitted online or postmarked by:
DECEMBER 30, 2024

ACTIVATE & EVERSIDE SETTLEMENT CLAIM FORM

Sheffler v. Activate Healthcare, LLC, et al.
 Case No. 1:23-cv-01206-SEB-TAB
 United States District Court for the
 Southern District of Indiana

Cost Type (Fill all that apply)	Approximate Date of Loss	Amount of Loss
<input type="radio"/> Out-of-pocket expenses incurred as a result of the Data Incident, including bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel.	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> mm dd yy	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>
Examples of Supporting Third Party Documentation: Telephone bills, cell phone bills, gas receipts, postage receipts, bank account statements reflecting out-of-pocket expenses. Please note that these examples of reimbursable documented out-of-pocket losses are not meant to be exhaustive, but exemplary. You may make Claims for any documented out-of-pocket losses that you believe are reasonably related and fairly traceable to the Data Incident and not incurred due to some other event or reason.		
<input type="radio"/> Fees for credit reports, credit monitoring, or other identity theft insurance products purchased after June 23, 2023 that you attest under penalty of perjury were caused or otherwise incurred as a result of the Data Incident.	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> mm dd yy	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>
Examples of Supporting Documentation: Receipts or account statements reflecting purchases made for credit monitoring or identity theft insurance services.		
<input type="radio"/> Reimbursement for proven monetary loss, professional fees including attorneys' fees, accountants' fees, and fees for credit repair services incurred as a result of the Data Incident.	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> mm dd yy	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>
Examples of Supporting Documentation: Invoices or statements reflecting payments made for professional fees/services.		
YOU MUST SUBMIT DOCUMENTATION OF YOUR OUT-OF-POCKET EXPENSES		
<input type="checkbox"/> I attest and affirm to the best of my knowledge and belief that any Claimed expenses were incurred as a result of the Data Incident and not incurred due to some other event or reason.		

[CONTINUED ON NEXT PAGE]

Your Claim must be submitted online or postmarked by: **DECEMBER 30, 2024**

ACTIVATE & EVERSIDE SETTLEMENT CLAIM FORM

Sheffler v. Activate Healthcare, LLC, et al.
Case No. 1:23-cv-01206-SEB-TAB
United States District Court for the Southern District of Indiana

IV. PRO RATA CASH PAYMENT

Check this box to certify that you were notified of the Data Incident and/or settlement.

This amount may increase or decrease on a *pro rata* basis, depending upon the number of Claims filed and approved.

V. PAYMENT SELECTION

If you would like to elect to receive your settlement payment through electronic transfer, please visit the Settlement Website and file your Claim online. The Settlement Website includes a step-by-step guide for you to complete the electronic payment option.

VI. MEDICARE BENEFICIARY

Were you a Medicare beneficiary during the time period of April 27, 2023 to the present? (*check one*)

Yes No

If you are a Medicare beneficiary receiving more than \$750 under this settlement, the Settlement Administrator may need to contact you for additional information related to Medicare reporting requirements.

VII. ATTESTATION & SIGNATURE

I swear and affirm under the laws of my state that the information I have supplied in this Claim Form is true and correct to the best of my recollection, and that this form was executed on the date set forth below.

Signature

Printed Name

Date

EXHIBIT 4

A proposed Settlement has been reached in a class action lawsuit known as *Sheffler v. Activate Healthcare, LLC et al.*, Case No. 1:23-cv-01206-SEB-TAB, filed in the United States District Court for the Southern District of Indiana

A settlement has been reached in a class action lawsuit against Activate Healthcare, LLC (“Activate”) and Everside Health, LLC (“Everside,” together with Activate, “Defendants”) arising out of a 2023 data security incident involving Defendants (the “Data Incident”). Plaintiff alleges that the Data Incident potentially resulted in the unauthorized third party’s potential access to personal information belonging to Plaintiff and members of the Settlement Class, including their name, date of birth, address, Social Security number, driver’s license number, and clinical information, such as provider name, date of service, and/or diagnosis (“Sensitive Private Information” or “SPI”). Defendants disagree with Plaintiff’s claims and denies any wrongdoing.

You are receiving this notice because you may be a Settlement Class Member. You are a Settlement Class Member if you were notified that your SPI was potentially impacted in the Data Incident.

Under the terms of the Settlement, you may submit a Claim for the following benefits:

- **Documented Out-of-Pocket Loss Expense Reimbursement:** Reimbursement for up to \$250 for documented out-of-pocket expenses, and
- **Cash Payment:** \$50 cash payment, adjusted up or down depending upon the number of claims approved.

The easiest way to submit a claim is online at www.ActivateEversideSettlement.com, using your Class Member ID found on the front of this postcard. To be eligible, you must complete and submit a Valid Claim Form, postmarked or submitted online on or before **December 30, 2024**.

You can exclude yourself or object to the settlement, including Class Counsel’s request for attorneys’ fees, costs, and expenses, and request for a service award for the Class Representative on or before **November 29, 2024**. If you do not exclude yourself from the Settlement, you will remain in the class and give up the right to sue Activate, Everside, or the Released Persons for the Released Claims in the Settlement. **A summary of your rights under the Settlement and instructions regarding how to submit a Claim, exclude yourself, or object to the Settlement are available at www.ActivateEversideSettlement.com.**

The Court will hold the Final Fairness Hearing on **January 29, 2025 at 2:00 p.m.** to consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel’s request for an award of attorneys’ fees of up to 1/3 of the net Settlement Fund after administration costs plus case expenses, and Class Counsel’s request for a \$5,000 service award for the Class Representative. The Court will also determine whether the Settlement should be approved. You may attend the hearing, at your own expense, but you don’t have to.

This is only a summary. For additional information, including a copy of the Settlement Agreement, Long Form Notice, Claim Form, Class Counsel’s Motion for Attorneys’ Fees, Costs, and Expenses, and for the Service Award, and other documents, visit www.ActivateEversideSettlement.com, or call (877) 620-3628.

Activate & Everside Settlement

c/o Analytics Consulting LLC

P.O. Box 2010

Chanhassen, MN 55317-2010

COURT-ORDERED LEGAL NOTICE

Post Office: Please Do Not Mark Barcode

Class Member ID: 1111111 PIN: a!b@c#d\$

ABC1234567890



JOHN Q CLASSMEMBER

123 MAIN ST

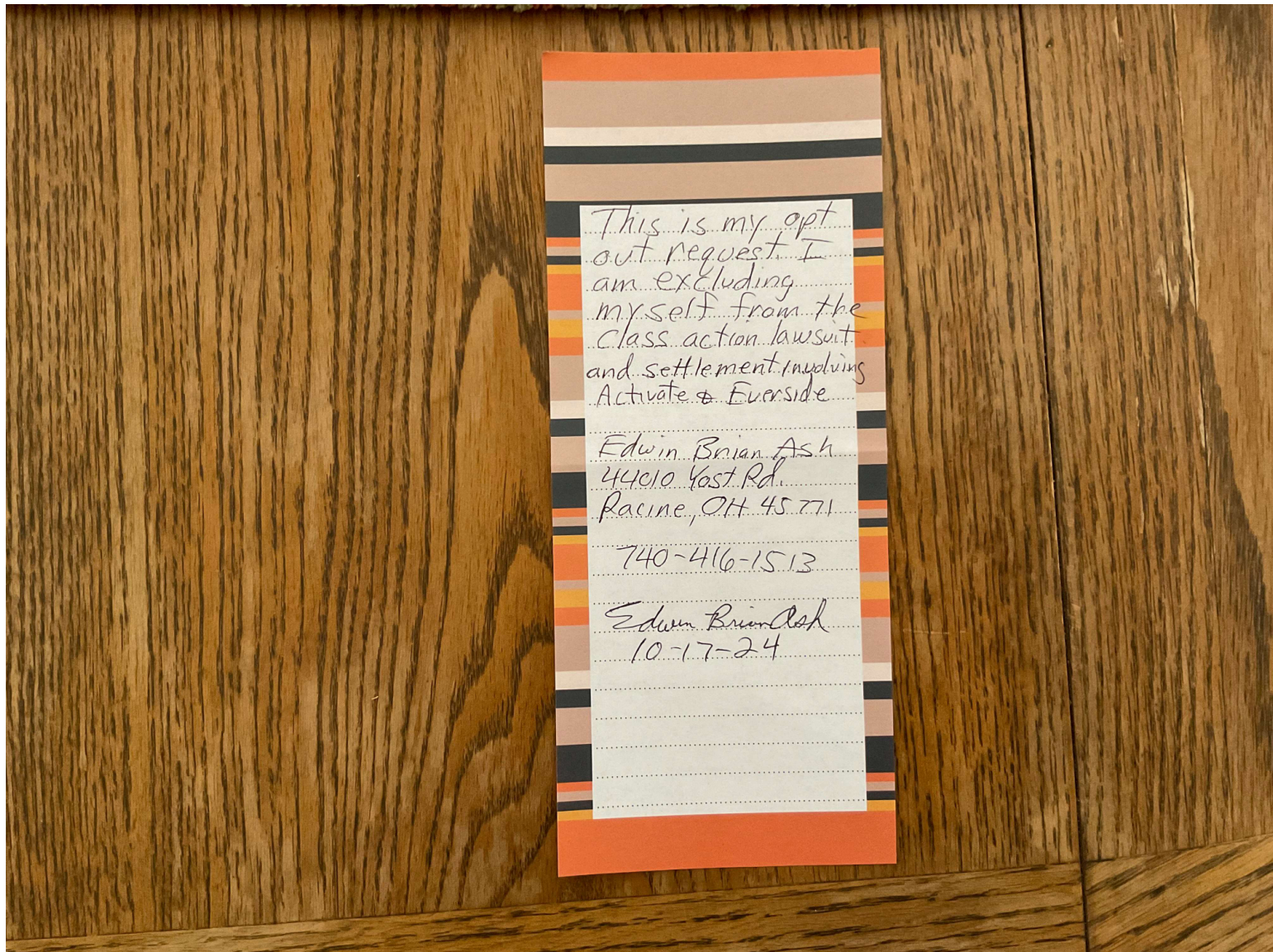
APT 1

ANYTOWN, ST 12345

EXHIBIT 5

by **Brian Ash** on **Thu, 17 Oct at 10:20 AM** as **Incoming email**

I will be sending a certified letter today with the attached note included.



Sent from Yahoo Mail for iPad

by **Brian Ash** on **Thu, 17 Oct at 12:58 PM** as **Incoming email**

I would like a copy of the settlement agreement.

Sent from Yahoo Mail for iPad



AHC0005798E4D

November 5, 2024

TO:

Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010

FROM:

Matthew Jones
731 Cannonsburg Dr.
Duncan, SC, 29334
(765) 490-4598

Class Member ID: 1060754

To whom it may concern,

I am stating unequivocally that I intend to be excluded from the settlement class and from the settlement.

Thanks,

A handwritten signature in black ink that reads "Matthew Jones". The signature is written in a cursive style with a large initial "M".

Matthew Jones

Matthew Jones
 731 Cannonburg Dr
 Duncan, SC 29334

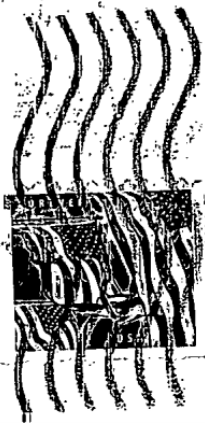
*Achrahe & Everside Settlement
 c/o Analytics Consulting LLC*

PO Box 2010

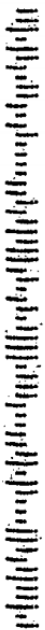
Chanhassen, MN 55317-2010

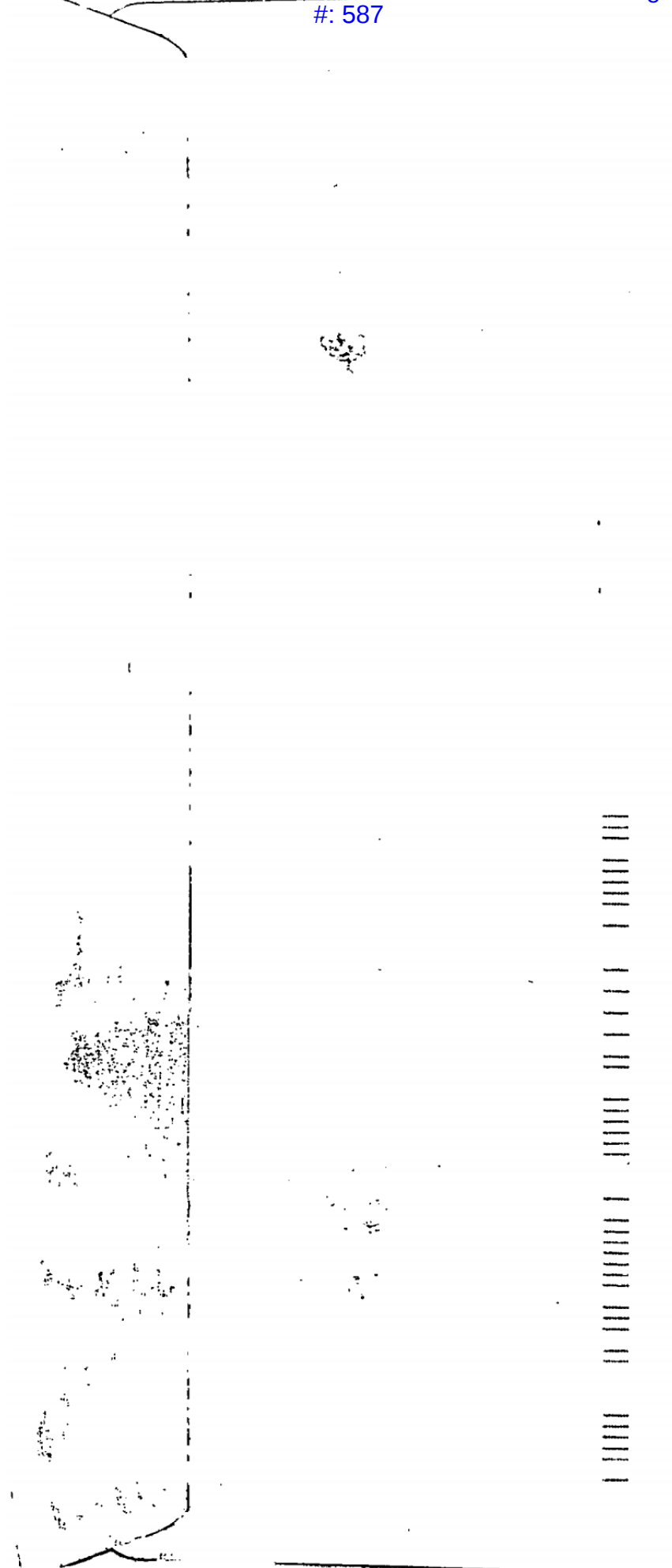
GREENVILLE SC 296

5 NOV 2024 PM 3 L



55317-201010







Handwritten notes on lined paper, including the phrase "involved in civil case" and other illegible text.

Claim administration,

I Scott Alan Fleener want to Opt-out
(excluded) from the Settlement Class and
from the Settlement. I live at 6362 W
Friends way Ct Paragon IN 46160. You may
Contact me if you have any questions at
765-341-9217. ~~Scott alan Fleener~~ Does not want
involved in any case/Sue Activate & EverSide

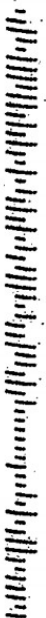
Scott Floener
6362 W ~~Paragon~~ Friends way ct
Paragon, IN 46166

INDIANAPOLIS IN 460
21 NOV 2024 PM 1 L



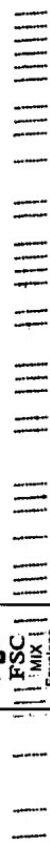
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

Sheffler)
)
v.) Case No. 1:23-cv-01206-SEB-TAB
)
Activate Healthcare, LLC et al.)

Opt-Out Request

I, David Phipps, request to be excluded from the above-captioned Settlement Class and from the Settlement in the above-referenced lawsuit.

David Phipps
8321 Whispering Mist Ln
Mooresville, IN 46158
317-445-6905

Dated: October 13, 2024



David Phipps

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Mr. David Phipps
8321 Whispering Mist Ln.
Mooresville, IN 46158

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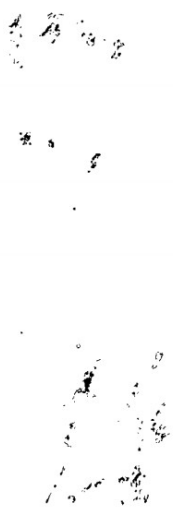
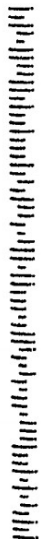
15 OCT 2024 PM 1 L

As in past service letters,
USPS is
if you choose
please mail



Activata + Riverside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen, MN 55317-2010

55317-201010



I Ricardo Lara Mendoza
request to be Opted-out of
Sheffler v. Activate Healthcare, LLC

Ricardo Lara Mendoza

946 Melrose DR.

Reno NV 89502-2611

Class Member ID: 1085764

Phone number: 775-412-3330

I State unequivocally to be
excluded the Settlement class
and the settlement.

Ricardo Lara Mendoza 10/15/2024

Ricardo Lara
946 melrose Dr.
Reno NV. 89502

Activate Everside Settlement
c/o Analytics Consulting
P.O. Box 2010
Manhattan, Kansas 66502





AHC00057ADB87

Nov. 22, 2024

Please consider this my Opt out request

Charla Lynn Rhodes
225 Dotson Dr
Millwood, WV 25262-8532
(304) 531-4280

I want to be excluded from the Settlement
Class and from the settlement.

Charla L. Rhodes



Ms. Charla Rhodes
225 Dotson Dr.
Millwood, WV 25262

CHARLESTON WV 250

22 NOV 2024 PM 1 L



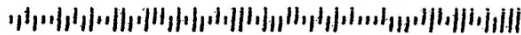
FOREVER / USA

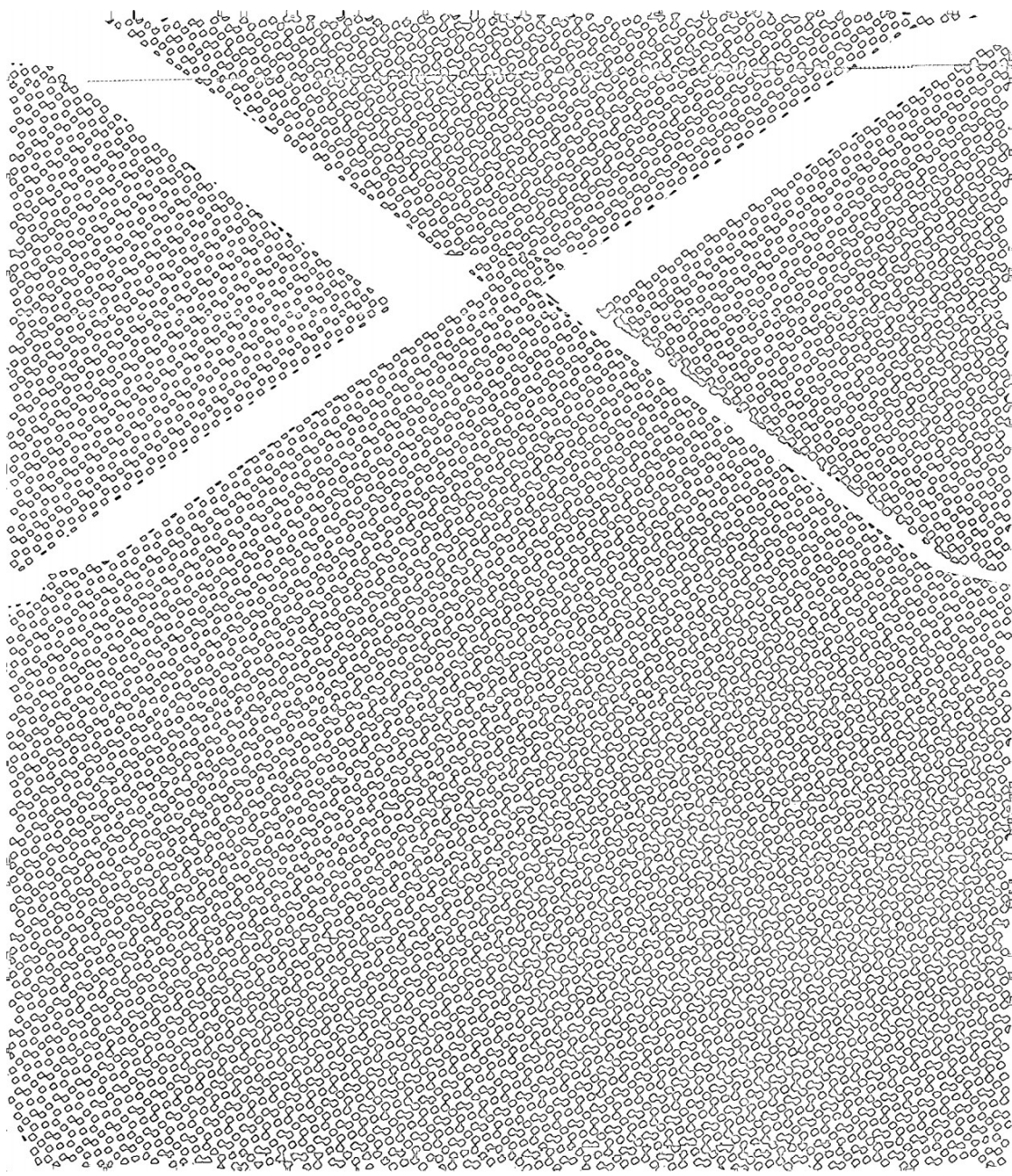
Activate & Everside Settlement
C/O Analytics Consulting LLC

PO Box 2010
Chanhassen, Mn.

55317-3628

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

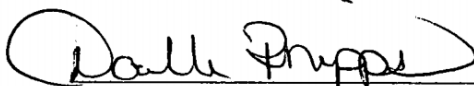
Sheffler)
)
v.) Case No. 1:23-cv-01206-SEB-TAB
)
Activate Healthcare, LLC et al.)

Opt-Out Request

I, Dorella Phipps, request to be excluded from the above-captioned Settlement Class and from the Settlement in the above-referenced lawsuit.

Dorella Phipps
8321 Whispering Mist Ln
Mooresville, IN 46158
317-445-6905

Dated: October 13, 2024



Dorella Phipps

Distribution:

Activate & Everside Settlement
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen MN 55317-2010



Mr. David Phipps
8321 Whispering Mist Ln.
Mooreville, IN 46158

INDIANAPOLIS IN 460

15 OCT 2024 PM 1 L

**As in past elections,
USPS is**
If you choose
please mail



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