

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Lawless v. District of Columbia Health Benefit Exchange Authority, d/b/a DC Health Link,
Case No. 2023-CAB-001569

REMINDER NOTICE WITH EXTENDED DEADLINES

IF YOU WERE NOTIFIED BY DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY d/b/a DC HEALTH LINK OF A DATA INCIDENT DISCOVERED ON OR ABOUT MARCH 2023, YOU MAY BE ELIGIBLE FOR PAYMENT AND CREDIT MONITORING SERVICES FROM A CLASS ACTION SETTLEMENT.

IF YOU PREVIOUSLY SUBMITTED A CLAIM FORM, OBJECTED TO, OR OPTED-OUT OF THE SETTLEMENT, YOU DO NOT NEED TO ACT FURTHER.

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

Si necesita ayuda en español, comuníquese con el administrador al 1-888-897-4085.

- A settlement has been reached in a class action lawsuit against District of Columbia Health Benefit Exchange Authority d/b/a DC Health Link, (“DCHBX” or “Defendant”) concerning an alleged data security incident affecting Defendant which was discovered in or around March 2023 (the “Data Incident”).
- The lawsuit is called *Lawless v. District of Columbia Health Benefit Exchange Authority, d/b/a DC Health Link*, Case No. 2023-CAB-001569 (the “Action”). The lawsuit alleges that the Data Incident potentially exposed certain Private Information of Plaintiff and the members of the putative class.
- The Settlement Class includes all individuals identified on the Defendant’s Settlement Class List whose Private Information may have been involved in the Data Incident. It excludes: (1) the Judge presiding over this Action, and members of their direct families; (2) Defendant, and its current or former officers and directors; and (3) Settlement Class Members who submit a valid a Request for Exclusion prior to the Opt-Out Deadline.
- Your legal rights are affected regardless of whether you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	<p>This is the only way you may receive benefits from this Settlement. The deadline to submit a Claim Form is <u>May 13, 2025</u>.</p> <p>If you have already submitted a Claim Form, you do NOT have to submit another Claim Form.</p>
EXCLUDE YOURSELF FROM THE SETTLEMENT	<p>You will receive no payment, but you will retain any rights you currently have with respect to Defendant and the issues in this case. The deadline to exclude yourself from the Settlement is <u>May 13, 2025</u>.</p> <p>If you have already submitted an exclusion form, you do NOT have to submit another one.</p>
OBJECT TO THE SETTLEMENT	<p>Write to the Settlement Administrator explaining why you do not agree with the Settlement but remain bound by the Settlement. The deadline to object is <u>May 13, 2025</u>.</p> <p>If you have already submitted an objection, you do NOT have to submit another one.</p>
ATTEND THE FINAL APPROVAL HEARING	<p>You or your attorney may attend and speak about your objection at the Final Approval Hearing. The Final Approval Hearing will be held on June 26, 2025.</p>
DO NOTHING	<p>You will not get any benefits from the Settlement, and you will give up certain legal rights. You will remain in the Settlement Class and be subject to the Release.</p>

- These rights and options, and the deadlines to exercise them, are explained in this Notice. For complete details, please see the Settlement Agreement, whose terms control, available at **www.DCHBXSettlement.com**.
- The Court in charge of this case still has to decide whether to approve the Settlement. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

BASIC INFORMATION

What is this Notice and why should I read it?

The Court authorized this Notice to inform you about a proposed Settlement with Defendant. The case is called *Lawless v. District of Columbia Health Benefit Exchange Authority, d/b/a DC Health Link*, Case No. 2023-CAB-001569. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

A SUPPLEMENTAL NOTICE HAS BEEN ORDERED BY THE COURT TO PROVIDE CLASS MEMBERS ADDITIONAL TIME TO TAKE ACTION IN RESPONSE TO THE SETTLEMENT. NO OTHER TERMS OF THE SETTLEMENT HAVE BEEN ALTERED.

What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, including related cases in federal court, Plaintiff and Class Representatives Rory Lawless, Jenni Suhr, Pretial Caston, Austin Dressman, John Eborall, Keven Hammond, Taylor Heath, Shirley Huang, Kathleen McAteer, Angelo Merenda, Matthew Oginsky, and Catherine Sanders—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

What is this lawsuit about?

Plaintiff claims that Defendant failed to implement and maintain reasonable security measures to adequately protect the Private Information in its possession and to prevent the Data Incident from occurring.

Defendant denies that it is liable for the claims made in the lawsuit and denies all allegations of wrongdoing. More information about the complaint in the lawsuit can be found on the Settlement Website, at www.DCHBXSettlement.com.

Why is there a Settlement?

The Court has not decided whether the Plaintiff or Defendant should win this case. Instead, both sides agreed to this Settlement. That way, they can avoid the uncertainty, risks, and expense of ongoing litigation, and Settlement Class Members will be eligible to get compensation now rather than years later—if ever. The Class Representatives and attorneys for the Settlement Class Members, called Class Counsel, agree the Settlement is in the best interests of the Settlement Class Members. The Settlement is not an admission of wrongdoing by the Defendant.

WHO'S INCLUDED IN THE SETTLEMENT?

How do I know if I am in the Settlement Class?

You are part of the Settlement as a Settlement Class Member if you received a notification letter from Defendant stating that your Private Information was or may have been compromised in the Data Incident.

Settlement Class Members will have been mailed notice of their eligibility. **If you are still not sure whether you are included, you can contact the Settlement Administrator by either:**

- **Calling 1-888-897-4085, an interactive voice recorded line;**
- **Emailing info@DCHBXSettlement.com; or**
- **Visiting the Settlement Website, at www.DCHBXSettlement.com.**

This Settlement Class does not include (1) the Judge presiding over this Action, and members of their direct families; (2) Defendant, and its current and former officers and directors; and (3) Settlement Class Members who submit a valid a Request for Exclusion prior to the Opt-Out Deadline.

THE SETTLEMENT BENEFITS

What does the Settlement provide?

Under the proposed Settlement, Defendant will pay (or cause to be paid) \$1,450,000.00 into a Settlement Fund. The Settlement Fund, plus interest accrued thereon, will pay notice and administration costs, Court-approved attorneys' fees and costs, Court-approved service awards for class representatives, and certain Settlement Fund taxes and tax expenses (the "Net Settlement Fund"). The Net Settlement Fund will be used to provide eligible Settlement Class Members with payments and benefits described below.¹

Group 1 and Group 2 Settlement Class Members may claim reimbursement of actual documented monetary losses. Alternatively, Group 1 and Group 2 Settlement Class Members may elect to collect an "Alternative Cash Payment", which (if selected) is offered in lieu of all other monetary relief and credit monitoring benefits. The Alternative Cash Payments will be differently calculated depending on whether the claimant is a Group 1 or Group 2 Settlement Class Member. Group 1 and Group 2 Settlement Class Members may also claim Credit Monitoring and Identity Restoration Services, if they have not previously accepted DCHBX's credit monitoring offer.

¹ If the benefits claimed by all Settlement Class Members meets or exceeds the amount of the Net Settlement Fund, then the payments and/or benefits for your Claim may be reduced *pro rata* pursuant to Paragraph 71 of the Settlement Agreement by the Settlement Administrator so that the aggregate cost of all payments and benefits does not exceed the amount of the Net Settlement Fund.

Reimbursement of Documented Monetary Losses: Settlement Class Members may claim reimbursement for associated monetary loss by submitting a claim along with supportive documentation (“Documented Monetary Loss”).

Group 1 Settlement Class Members may claim Documented Ordinary Losses and Documented Extraordinary Losses, as defined below, which loss must be fairly traceable to the Data Incident, and combined will be capped at \$10,000 per Group 1 Settlement Class Member.

Group 2 Settlement Class Members may claim Documented Ordinary Losses, which loss must be fairly traceable to the Data Incident and will be capped at \$2,500 per Group 2 Settlement Class Member.

- i. Documented Ordinary Losses:* Group 1 and Group 2 Settlement Class Members may submit a claim for documented out-of-pocket expenses fairly traceable to the Data Incident, up to \$2,500 per individual. Documented Ordinary Losses may include various types of out-of-pocket losses that were incurred on or after March 5, 2023, through the date of claim submission: credit monitoring costs, unreimbursed bank fees, long distance phone charges, postage, or gasoline for local travel. This list of reimbursable documented out-of-pocket expenses is not meant to be exhaustive, rather it is exemplary. Settlement Class Members may make claims for any documented unreimbursed out-of-pocket losses reasonably related to the Data Incident or to mitigating the effects of the Data Incident. The Settlement Administrator shall have discretion to determine whether any claimed loss is reasonably related to the Data Incident.
- ii. Documented Extraordinary Losses:* Group 1 Settlement Class Members are eligible for compensation for extraordinary losses resulting from the Data Incident, up to a maximum of \$10,000 in combination with any claimed Documented Ordinary Loss per individual. The Claim Form and supporting documentation must demonstrate that: (i) the loss is an actual, documented, and unreimbursed monetary loss; (ii) the loss was more likely than not caused by the Data Incident; (iii) the loss occurred between March 5, 2023 and the date of claim submission; (iv) the loss is not already covered by one or more of the normal reimbursement categories; (v) the claimant made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance. Extraordinary Losses may include, without limitation, the unreimbursed costs, expenses, losses or charges incurred as a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of private information. To receive reimbursement for any Documented Extraordinary Loss, Group 1 Settlement Class Members must submit supporting documentation of the loss and a

description of how the loss is fairly traceable to the Data Incident, if not readily apparent from the documentation.

OR

Alternative Cash Payment: In lieu of claiming reimbursement of Documented Monetary Losses, Group 1 and Group 2 Settlement Class Members may make a claim for an Alternative Cash Payment that will be calculated *pro rata* according to whether the claimant is a Group 1 or Group 2 Settlement Class Member. Group 1 Alternative Cash Payments shall be three times (3x) the amount of Group 2 Alternative Cash Payments. The payments shall be calculated by dividing remaining funds in the Settlement Fund, after payment of Settlement Administration Fees, Attorneys' Fees Costs and Expenses, Credit Monitoring and Identity Restoration Services, and Documented Monetary Losses, by the number of eligible claims. In making this calculation, each Group 1 Alternative Cash Payment claim will be counted as three claims, while each Group 2 Alternative Cash Payment claim will be counted as one claim.

AND

Credit Monitoring and Identity Restoration Services: The Settlement Administrator, from the Settlement Fund, will purchase/provide credit monitoring codes for one-year of three-bureau monitoring, including \$1 million of identity theft insurance, to valid claimants, provided they have not enrolled in the credit monitoring services previously offered by DCHBX.

HOW TO GET BENEFITS

How do I make a Claim?

To qualify for a cash benefit under the Settlement, or to request credit monitoring services, you must complete and submit a Claim Form.

Settlement Class Members who want to submit a Claim must fill out and submit a Claim Form online at the Settlement Website at, www.DCHBXSettlement.com, or by mail to the Settlement Administrator. Claim Forms are available through the Settlement Website at, www.DCHBXSettlement.com or by calling 1-888-897-4085.

All Claim Forms must be submitted no later than May 13, 2025.

IF YOU HAVE ALREADY SUBMITTED A CLAIM FORM, YOU DO NOT HAVE TO SUBMIT ANOTHER CLAIM FORM.

When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for June 26, 2025. If the Court approves the Settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will be sent payment after all appeals and other reviews, if any, are completed. Please be patient.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in this case?

Yes, the Court has appointed Mason LLP and The Lyon Firm as “Class Counsel” to represent you and all Settlement Class Members. You will not be charged for these lawyers. You can ask your own lawyer to appear in Court for you at your own expense if you want someone other than Class Counsel to represent you. If you have questions about the suit or settlement, you can reach Class Counsel below:

Gary E. Mason MASON LLP 5335 Wisconsin Avenue NW, Suite 640 Washington, DC 20015 Tel: (202) 429-2290	Joseph M. Lyon THE LYON FIRM, ALC 2754 Erie Avenue Cincinnati, OH 45208 Tel: (513) 381-2333
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How will the lawyers be paid?

To date, Class Counsel has not received any payment for their services in conducting this litigation on behalf of the Class and have not been paid for their out-of-pocket expenses. Class Counsel will ask the Court for an award of attorneys’ fees not to exceed 33.33% of the Settlement Fund, or \$483,285.00 and for the reimbursement of litigation costs and expenses which were incurred in connection with the Action, not to exceed \$25,000.00. Such sums as may be approved by the Court will be paid from the Settlement Fund.

Class Counsel will also request a service award payment of \$2,500 for each Class Representative to be paid from the Settlement Fund.

The Court will determine the proper amount of any attorneys’ fees, costs, and expenses to award Class Counsel and the proper amount of any service awards to the Class Representatives.

Class Counsel will file their request for attorneys’ fees, costs, and expenses and service awards for the Class Representatives with the Court, which will also be posted on the Settlement Website, at www.DCHBXSettlement.com.

YOUR RIGHTS AND OPTIONS

What claims do I give up by participating in this Settlement?

If you do not exclude yourself from the Settlement, you will not be able to sue Defendant about the Data Incident and you will be bound by all decisions made by the Court in this case, the Settlement, and its included Release. This is true regardless of whether you submit a Claim Form. However, you may exclude yourself from the Settlement (*see below*). If you exclude yourself from the Settlement, you will not be bound by any of the Released Claims, which are described in the Settlement Agreement available on the Settlement Website, at www.DCHBXSettlement.com.

What happens if I do nothing at all?

If you do nothing, you will receive no benefits under the Settlement. You will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court, the Settlement, and its included Release. You will be deemed to have participated in the Settlement and will be subject to the provisions of the Settlement Agreement. Unless you exclude yourself, you won't be able to file a lawsuit or be part of any other lawsuit against Defendant for the claims or legal issues released in this Settlement.

What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no benefits under the Settlement. However, you will not be in the Settlement Class and will not be legally bound by the Court's judgments related to the Settlement Class and Defendant in this class action.

How do I ask to be excluded?

You can ask to be excluded from the Settlement. To do so, you must send a written notification to the Settlement Administrator stating that you want to be excluded from the Settlement in *Lawless v. District of Columbia Health Benefit Exchange Authority, d/b/a DC Health Link*, Case No. 2023-CAB-001569. Your written notification must include: (1) the name of the proceeding; (2) your full name and current address; (3) your signature; and (4) the words "Request for Exclusion" or a comparable statement that you not wish to participate in the Settlement at the top of the communication. You must mail your exclusion request, postmarked no later than **May 13, 2025**, to the following address:

DCHBX Data Incident Settlement Administrator
c/o Epiq
P.O. Box 4710
Portland, OR 97208-4710

You cannot exclude yourself by phone or email. Any individual who wants to be excluded from the Settlement must submit his or her own exclusion request. No group opt-outs shall be permitted.

If I don't exclude myself, can I sue Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant for the claims or legal issues released in this Settlement, even if you do nothing.

If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for any benefits.

How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you do not agree with any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must mail a written objection to the Settlement Administrator stating that you object to the Settlement in *Lawless v. District of Columbia Health Benefit Exchange Authority, d/b/a DC Health Link*, Case No. 2023-CAB-001569. Your objection must be filed no later than **May 13, 2025**.

The objection must be in writing and be personally signed by you. The objection must include: (i) the name of the proceedings; (ii) the Settlement Class Member's full name, current mailing address, and telephone number; (iii) a statement of the specific grounds for the objection, as well as any documents supporting the objection; (iv) the identity of any attorneys representing the objector; (v) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; (vi) a statement identifying all class action settlements objected to by the Settlement Class Member in the previous 5 years; and (vii) the signature of the Settlement Class Member or the Settlement Class Member's attorney.

Written objections should be submitted to the Court at the address listed below:

Superior Court of the District of Columbia
Civil Actions Division
Moultrie Courthouse
500 Indiana Ave., NW
Washington, DC 20001

You must also mail the objection to the Settlement Administrator at the address listed below, postmarked no later than **May 13, 2025**:

DCHBX Data Incident Settlement Administrator
c/o Epiq
P.O. Box 4710
Portland, OR 97208-4710

What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means 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 from the Settlement Class 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 case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the Final Approval Hearing on **June 26, 2025 at 9:30am** remotely, which may be accessed either:

- Through WebEx at dccourts.webex.com/meet/ctb212; or
- by Phone at 844-992-4726 (toll-free).

You may be prompted to enter a meeting ID, 129 440 9070, for either option.

The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees, costs, and expenses and the service awards to Class Representatives.

The location, date and time of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the Settlement Website, at www.DCHBXSettlement.com, or through the Court's publicly available docket. You should check the Settlement Website to confirm the date and time have not been changed.

Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. If your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. However, you may appear on your behalf or pay a lawyer to attend on your behalf to assert your objection if you would like.

May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you (or your attorney) may appear and speak at the Final Approval Hearing concerning any part of the proposed Settlement.

GETTING MORE INFORMATION

Where can I get additional information?

This Notice summarizes the proposed Settlement, and supplements a Notice previously sent. More details are in the Settlement Agreement, which is available at www.DCHBXSettlement.com or by writing to DCHBX Data Incident Settlement Administrator, c/o Epiq, P.O. Box 4710, Portland, Oregon 97208-4710.

How do I get more information?

To get more information about the Settlement, you may:

- Go to the Settlement Website, at www.DCHBXsettlement.com;
- Call 1-888-897-4085;
- Email info@DCHBXSettlement.com; or
- Write to DCHBX Data Incident Settlement Administrator, c/o Epiq, P.O. Box 4710, Portland, OR 97208-4710.

PLEASE DO NOT CALL THE COURT, THE CLERK OF THE COURT, THE JUDGE, OR THE DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.