

# Exhibit C

# NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court for the Northern District of Texas, Dallas Division

*David Harrell v. WebTPA Employer Services, LLC, et al.*

Case No. 3:24-cv-01158-L

**A Court has authorized this Long Form Notice (“Notice”). This is not a lawyer solicitation.**

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**If You are a Person in the United States who was sent notification from Defendants that your Private Information was potentially compromised as a result of the Data Incident, You are Eligible to Receive Settlement Class Member Benefits from a Class Action Settlement.**

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- A Court authorized this Notice to those that are eligible to receive Settlement Class Member Benefits from a proposed class action Settlement. This Settlement has been agreed to between the Parties in the lawsuit titled *David Harrell v. WebTPA Employer Services, LLC, et al.*, Case No. 3:24-cv-01158-L, which is pending in the United States District Court for the Northern District of Texas, Dallas Division. The people that filed the lawsuit are called “Plaintiffs” or “Class Representatives” and the companies they sued are WebTPA Employer Services, LLC (“WebTPA”), Hartford Life and Accident Insurance Company, Anthem Blue Cross Life and Health Insurance Company, and Elevance Health, Inc. (collectively, “Defendants”). Defendants deny all liability or wrongdoing with respect to any and all facts and claims alleged in the lawsuit but have agreed to a settlement to avoid the costs and expenses, distractions, burden, and disruption to their business operations associated with further litigation.

- **Who is a Settlement Class member?**

All persons in the United States who were sent notification from Defendants that their Private Information was potentially compromised as a result of the Data Incident.

Settlement Class members who resided in California between April 18, 2023 and April 23, 2023 are California Subclass Settlement Class members.

Excluded from the Settlement Class are (a) all persons who are governing board members of Defendants; (b) governmental entities; (c) the Court, the Court’s immediate family, and Court staff, and (d) any Settlement Class Member who timely and validly requests to opt-out from the Settlement.

- Settlement Class members will be eligible to receive:
  - ❖ **Cash Payment A – Documented Losses:** Settlement Class members may submit a Claim for up to **\$5,000** per Settlement Class member upon presentment of documented losses related to the Data Incident. **You must submit reasonable documentation supporting the losses to receive this type of payment;**

**OR**

- ❖ **Cash Payment B – Flat Cash Payment:** As an alternative to Cash Payment A above, a Settlement Class members may elect to receive Cash Payment B, which is a flat Cash Payment in the estimated amount of **\$100;**

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

**AND, IF APPLICABLE**

- ❖ **California Statutory Payment:** In addition to Cash Payment A or Cash Payment B, all Settlement Class members residing in California between April 18, 2023 and April 23, 2023 are entitled to Claim a California Statutory Payment for an additional cash payment in the estimated amount of **\$50**.

**In addition to Cash Payment A or Cash Payment B, and a California Statutory Payment (if applicable), all Settlement Class Members may also elect the following:**

- ❖ **Medical Monitoring** – two years of CyEx’s Medical Shield medical monitoring product which provides medical identity monitoring, real-time alerts, and insurance coverage of up to \$1,000,000 for medical identity theft.
- To submit a Claim or obtain more information visit [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX to request a Claim Form no later than <<Claim Form Deadline>>.

**Please read this Notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

<b>Summary of Legal Rights</b>		<b>Deadline(s)</b>
<b>Submit a Claim Form</b>	The only way to receive a Settlement Class Member Benefit from the Settlement.	Submitted or postmarked on or before <<Claim Form Deadline>>.
<b>Exclude Yourself by Opting-Out of the Settlement Class</b>	Receive no benefits from the Settlement. This is the only option that allows you to keep your right to be a part of or bring a separate lawsuit against Defendants relating to the Data Incident.	Mailed and postmarked on or before <<Opt-Out Period>>.
<b>Object to the Settlement and/or Attend the Final Approval Hearing</b>	You can object to the Settlement by writing to the Court about why you disagree with the Settlement or Class Counsel’s Application for Attorneys’ Fees, Costs, and Service Awards. You can also ask the Court for permission to speak about your objection at the Final Approval Hearing on <<Final Approval Hearing date>>, with or without your own attorney.	Mailed and postmarked on or before <<Objection Period>>.
<b>Do Nothing</b>	You will not receive any Settlement Class Member Benefit from this class action Settlement and you will give up the right to be a part of or bring a separate lawsuit against	N/A

	Defendants relating to the Data Incident.	
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- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your rights** – are explained in this Notice.
- The Court still will have to decide whether to approve the Settlement. Cash Payments and Medical Monitoring activation codes will be distributed only if the Court approves the Settlement and after any possible appeals are resolved.

### What this Notice Contains

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## BASIC INFORMATION

### 1. Why is there a Notice?

The Court authorized this Notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to grant Final Approval of the Settlement. This Notice explains the lawsuit that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

The Judge, Sam A. Lindsay, of the United States District Court for the Northern District of Texas, Dallas Division, is overseeing this case captioned as *David Harrell v. WebTPA Employer Services, LLC, et al.*, Case No. 3:24-cv-01158-L. The people who brought the lawsuit are called the “Plaintiffs” or “Class Representatives.” The companies being sued, WebTPA Employer Services, LLC, Hartford Life and Accident Insurance Company, Anthem Blue Cross Blue Life and Health Insurance Company, and Elevance Health, Inc., are called the “Defendants.”

### 2. What is this lawsuit about?

Defendant WebTPA is a third-party administrator that provides custom health plans for self-funded employer groups, hospital health plans, and administrative outsourcing services. In the course of operating its business, WebTPA collects, maintains, and stores Private Information of individuals who maintain health insurance plans with WebTPA’s business associates.

The lawsuit alleges that, on or about March 25, 2024, WebTPA communicated to its customers that an unauthorized party had potentially accessed Private Information of certain individuals around and/or between April 18, 2023 and April 23, 2023 from its network. On May 8, 2024, Defendants began sending out notice letters to potentially affected persons, informing them that their Private Information may have been compromised in the Data Incident.

Defendants deny any wrongdoing whatsoever. No court or other judicial body has made any judgment or other determination that Defendants have done anything wrong.

### 3. What is a class action?

In a class action, one or more people called “Class Representatives” or “Plaintiffs” sue on behalf of all people who have similar claims. Together, all of these people are called a “Settlement Class,” and the individuals are called “Settlement Class Members.” One court resolves the issues for all Settlement Class Members, except for those who opt-out of the Settlement Class.

### 4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to Settlement Class Members. The Class Representatives appointed to represent the Settlement Class, and the attorneys for the Settlement Class, think the Settlement is best for all Settlement Class members.

## WHO IS IN THE SETTLEMENT?

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

You are affected by the Settlement and potentially a Settlement Class member if you are a person in the United States who was sent notification from one or more of the Defendants that your Private Information was potentially compromised as a result of the Data Incident.

If you are a Settlement Class member who resided in California between April 18, 2023 – April 23, 2023, you are a California Settlement Subclass member.

Only Settlement Class Members are eligible to receive benefits under the Settlement. Excluded from the Settlement Class are (a) all persons who are governing board members of Defendants; (b) governmental entities; (c) the Court, the Court's immediate family, and Court staff, and (d) any Settlement Class Member who timely and validly requests to opt-out from the Settlement.

### 6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, you may call (XXX) XXX-XXXX with questions. You may also write with questions to:

WebTPA Data Incident Action  
c/o Kroll Settlement Administration LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

## THE SETTLEMENT CLASS MEMBER BENEFITS—WHAT YOU GET IF YOU QUALIFY

### 7. What does the Settlement provide?

Under the Settlement, Defendants will establish a \$13,750,000 settlement fund, which will be used to pay: (1) Settlement Class Member Benefits to those Settlement Class Members who submit Valid Claims; (2) any Service Awards awarded to Class Representatives; (3) any attorneys' fees and costs awarded to Class Counsel; and (4) all Settlement Administration Costs.

**Business practice changes** – Plaintiffs have also received assurances that Defendants either have undertaken or will undertake reasonable steps to further secure its systems and environments.

### 8. What Settlement Class Member Benefits are available under the Settlement?

Settlement Class Members that submit a Valid Claim may select one or more of the following Cash Payments:

- a) **Cash Payment A - Documented Losses:** Settlement Class Members may submit a Claim for up to a total of \$5,000 per Settlement Class Member, upon submission of a Claim **and supporting documentation**.
  - To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A – Documented Losses on the Claim Form attesting under penalty of perjury to incurring documenting losses. Settlement Class Members will be

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

required to submit reasonable documentation supporting the losses. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including compensation provided in connection with the credit monitoring and identity theft protection product offered as part of the notification letter provided by Defendants or otherwise. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her Claim, the Claim will be rejected and the Settlement Class Member's Claim will be as if they elected Cash Payment B.

**OR**

- b) **Cash Payment B – Flat Cash Payment:** As an alternative to Cash Payment A above, a Settlement Class Member may elect to receive Cash Payment B, which is a flat cash payment estimated in the amount of \$100.

Cash Payments to Settlement Class Members will be subject to a *pro rata* increase from the Settlement Fund in the event the amount of Valid Claims is insufficient to exhaust the entire Settlement Fund. Similarly, in the event the amount of Valid Claims exhausts the amount of the Settlement Fund, the amount of the Cash Payments may be reduced *pro rata* accordingly.

**AND (IF APPLICABLE)**

- c) **California Statutory Payment:** All Settlement Class Members residing in California between April 18, 2023 and April 23, 2023 are California Settlement Subclass members under this Settlement and are entitled to Claim a California Statutory Payment for an additional estimated cash payment in the amount of \$50.

**In addition to electing a Cash Payment, all Settlement Class Members may also elect:**

- d) **Medical Monitoring:** two years of CyEx's Medical Shield medical monitoring product to monitor their medical information and to provide real-time alerts and up to \$1,000,000 in medical identity theft insurance. Medical Monitoring has an estimated value of \$90 per year per Settlement Class Member.

### **HOW DO YOU SUBMIT A CLAIM?**

#### **9. How do I get a Settlement Class Member Benefit?**

To receive a Settlement Class Member Benefit, you must complete and submit a Claim Form online at [www.website.com](http://www.website.com) or by mail to *WebTPA Data Incident Action*, c/o Kroll Settlement Administration LLC, P.O. Box XXXX, New York, NY 10150-XXXX. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by <<Claim Form Deadline>> or by mail postmarked by <<Claim Form Deadline>>.

**TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR VALID CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT [WWW.WEBSITE.COM](http://WWW.WEBSITE.COM)**

**10. When will I get my Settlement Class Member Benefit?**

The Court will hold a Final Approval Hearing on <<Date>>, at <<Time>> a.m. CT to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving them can take time. It also takes time for all of the Claim Forms to be processed. Please be patient. Cash Payments and Medical Monitoring activation codes will be distributed after the Settlement has obtained Final Approval from the Court and the time for all appeals has expired.

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

If the Settlement becomes final and you do not opt-out of the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendants, and their present and former parents, subsidiaries, divisions, departments, affiliates, predecessors, successors and assigns, and any and all of their past, present, and future directors, officers, executives, officials, principals, stockholders, heirs, agents, insurers, reinsurers, members, attorneys, accountants, actuaries, fiduciaries, advisors, consultants, representatives, partners, joint venturers, licensees, licensors, independent contractors, subrogees, trustees, executors, administrators, predecessors, successors and assigns, and any other person acting on Defendants' behalf and/or in their capacity as such, and assigns of each of them as well as any Covered Entity end-clients of Defendants whose customers' information may have been exposed in the Data Incident. These Releases are described in Section XIII of the Settlement Agreement, which is available at [www.website.com](http://www.website.com). If you have any questions, you can talk to the law firms listed in Question 17 or you can talk to your own lawyer.

**OPTING-OUT OF THE SETTLEMENT**

If you do not want to be part of the Settlement, then you must take steps to exclude yourself from the Settlement Class. This is referred to as "opting-out" of the Settlement Class.

**12. If I opt-out, can I get a Cash Payment or Medical Monitoring from this Settlement?**

No. If you opt-out of the Settlement, you will not be entitled to receive any benefits from the Settlement.

**13. If I do not opt-out of the Settlement, can I sue the Released Parties for the same thing later?**

No. Unless you opt-out of the Settlement, you give up any right to sue Defendants and any other Released Parties for any claim that could have been or was brought relating to the Data Incident. You must opt-out of the Settlement to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case.

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

To opt-out, you must send a request to opt-out that says you want to be excluded from the Settlement in *David Harrell v. WebTPA Employer Services, LLC et al.*, Case No. 3:24-cv-01158-L. The opt-out request must be personally signed by the Settlement Class Member and contain the name, address, telephone number, and email address (if any), and include a statement indicating a request to be



excluded from the Settlement Class. You may only exclude yourself—not any other person. Any individual in the Settlement Class who does not timely and validly request to opt-out shall be bound by the terms of this Agreement even if he or she does not submit a Valid Claim. You must mail your opt-out request to the Settlement Administrator, postmarked by **<<end of the Opt-Out Period>>**, to:

WebTPA Data Incident Action  
c/o Kroll Settlement Administration LLC  
P.O. Box **XXXX**  
New York, NY 10150-**XXXX**

### OBJECTING TO THE SETTLEMENT

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

You can tell the Court that you do not agree with the Settlement, and/or Application for Attorneys' Fees, Costs and Service Awards, or some part of it by objecting to the Settlement. For an objection to be a valid objection under the Settlement, it must be in writing, filed with the Court, and must be mailed to the Clerk of the Court, Class Counsel, Defendants' Counsel, and the Settlement Administrator at the addresses listed below, postmarked by **no later than <<end of the Objection Period>>**.

Clerk of the Court	Class Counsel
<b>&lt;&lt;Court Address&gt;&gt;</b>	<p>Jeff Ostrow <b>Kopelowitz Ostrow P.A.</b> 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301</p> <p>Gary Klinger <b>Milberg Coleman Bryson Phillips &amp; Grossman PLLC</b> 201 S. Sevilla Avenue, Ste. 200 Coral Gables, FL 33134</p>
Defendants' Counsel	Settlement Administrator
<p>Allison Holt Ryan <b>Hogan Lovells US LLP</b> Columbia Square 55 13th Street,NW Washington, D.C. 20004</p>	<p>WebTPA Data Incident Action c/o Kroll Settlement Administration LLC P.O. Box <b>XXXX</b> New York, NY 10150-<b>XXXX</b></p>

Your objection must be written and must include all of the following:

- i) the objector's full name, mailing address, telephone number, and email address (if any);
- ii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- iii) the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the

Questions? Go to [www.website.com](http://www.website.com) or call **(XXX) XXX-XXXX**

- objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- iv) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
  - v) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the 5 years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
  - vi) any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector's counsel and any other person or entity;
  - vii) the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
  - viii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
  - ix) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
  - x) the objector's signature (an attorney's signature is not sufficient).

Class Counsel and/or Defendants' Counsel may conduct limited discovery on any objector or objector's counsel.

#### **16. What is the difference between objecting and asking to opt-out?**

Objecting is telling the Court that you do not like the Settlement or parts of it and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Opting yourself out of the Settlement is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any payment from the Settlement. If you opt-out, you have no basis to object because you are no longer a Settlement Class Member, and the Settlement no longer affects you.

### **THE LAWYERS REPRESENTING YOU**

#### **17. Do I have a lawyer in this case?**

Yes. The Court appointed Jeff Ostrow of Kopelowitz Ostrow P.A. and Gary Klinger of Milberg Coleman Bryson Phillips & Grossman PLLC as Class Counsel to represent you and the other members of the Settlement Class in Settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **18. How will the lawyers be paid?**

Class Counsel will file an Application for Attorneys' Fees, Costs and Service Awards for an award of attorneys' fees to be paid from the Settlement Fund of up to one-third (1/3) of the Settlement Fund

(\$4,582,875), plus reimbursement of costs. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Class Counsel will include a request for Service Award payments for the Class Representatives in recognition for their contributions to this Action not to exceed \$1,500 per Class Representative, which would also be paid from the Settlement Fund.

Any attorneys' fees, costs, and Service Award payments must be approved by the Court. The Court may award less than the amounts requested.

## THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at <<Time>> CT on <<Date>>, at the <<Court Address>>, Room [REDACTED], as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made and granted. The Court will also rule on the Application for Attorneys' Fees, Costs, and Service Awards payments. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommends checking the Settlement Website [www.website.com](http://www.website.com), or calling (XXX) XXX-XXXX for updates.

### 20. Do I have to attend the hearing?

No. Class Counsel will represent the Settlement Class before the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 15, the Court will consider it.

### 21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file an objection according to the instructions in Question 15, including all the information required. Your objection must be mailed to the Clerk of the Court, Class Counsel, Defendants' Counsel, and the Settlement Administrator, at the mailing addresses listed above, postmarked by no later than <<end of the Objection Period>>.

## IF YOU DO NOTHING

### 22. What happens if I do nothing?

If you do nothing, you will not receive any benefits from this Settlement. If the Settlement is granted Final Approval and becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the other Released Parties (as defined in the Settlement Agreement) based on any claim that could have been or that was brought relating to the Data Incident.

### **ADDITIONAL INFORMATION**

#### **23. How do I get more information?**

This Notice summarizes the Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at [www.website.com](http://www.website.com). You may also call the Settlement Administrator with questions or to receive a Claim Form at (XXX) XXX-XXXX.

#### **24. What if my contact information changes or I no longer live at my address?**

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below, calling toll-free (XXX) XXX-XXXX or at the Contact page of the Settlement Website:

WebTPA Data Incident Action  
c/o Kroll Settlement Administration LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT, OR  
DEFENDANTS FOR INFORMATION ABOUT THE CLASS ACTION SETTLEMENT**