

# Exhibit E

# **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

United States District Court for the Western District of Kentucky

*In Re: PharMerica Data Breach*

Case No. 3:23-cv-00297-RGJ

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

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**If You Are a Living Person in the United States Who Received Notice of the Data Incident, You Are Eligible to Receive a Settlement Class Member Benefit 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 \$5,275,000 class action Settlement. The Action is titled *In Re: PharMerica Data Breach*, Case No. 3:23-cv-00297-RGJ and is pending in the United States District Court for the Western District of Kentucky. The people that filed the class action lawsuit are called Plaintiffs or Class Representatives and the company they sued is PharMerica Corporation (Defendant or PharMerica). PharMerica denies any wrongdoing whatsoever.

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

All living persons in the United States who received notice of the Data Incident.

Excluded from the Settlement Class are all persons who are directors and officers of PharMerica, governmental entities, and the judge(s) assigned to the Action, the Judge’s immediate family, and Court staff and all Settlement Class Members who timely and validly request exclusion from the Settlement Class.

- Settlement Class Members under the Settlement Agreement will be eligible to receive:

- ❖ **Cash Payment A – Documented Losses:** Settlement Class Members may submit a Claim for a Cash Payment for up to a maximum of **\$10,000** per Settlement Class Member that had documented losses related to the Data Incident, upon submission of a Valid Claim and **supporting documentation**, for the documented losses incurred as a result of the Data Incident; **AND**

- ❖ **Cash Payment B – Pro Rata Cash:** Settlement Class Members who submit a Valid Claim for Cash Payment B will receive a *pro rata* share of the cash in the Net Settlement Fund.

Claims for Cash Payment B – *Pro Rata* Cash will be paid out of the Net Settlement Fund and will be paid *pro rata* to claiming Settlement Class Members based upon the total number of the Cash Payment B – *Pro Rata* Valid Claims received. All Settlement Class Members will receive the same amount.

**ALL SETTLEMENT CLASS MEMBERS WILL AUTOMATICALLY, WITHOUT HAVING TO FILE A CLAIM, RECEIVE:**

- ❖ **Credit Monitoring** – In addition to electing a Cash Payment, all Settlement Class

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

Members will automatically be entitled to receive one (1) year of Kroll Complete Monitoring. Kroll Complete Monitoring includes [REDACTED]. The one (1) year period will commence when Settlement Class Members use their activation codes. All costs of Credit Monitoring will be paid by PharMerica separate and apart from its obligation to fund the Settlement Fund.

- 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.**

	Summary of Legal Rights	Deadline(s)
<b>Submit a Claim Form</b>	The only way to receive a Cash Payment from the Settlement is to submit a Claim Form. However, all Settlement Class Members <i>automatically</i> receive Credit Monitoring.	Submitted or postmarked on or before <<Claim Form Deadline>>.
<b>Exclude Yourself by Opting Out of the Class</b>	Receive no benefit from the Settlement. This is the only option that allows you to keep your right to bring any other lawsuit against PharMerica relating to the Data Incident.	Mailed and postmarked on or before <<Opt-Out Deadline>>.
<b>Object to the Settlement and/or Attend the Final Approval Hearing</b>	You can write the Court about why you agree or disagree with the Settlement or the Application for Attorneys' Fees, Costs, and Service Awards. The Court cannot order a different settlement. You can also ask to speak at the Final Approval Hearing on <<Final Approval Hearing date>>, about the fairness of the Settlement, with or without your own attorney.	Mailed and postmarked on or before <<Objection Deadline>>.
<b>Do Nothing</b>	You will not receive any Cash Payment from this class action Settlement, but will remain a Settlement Class Member and be bound by the Releases, and automatically receive Credit Monitoring.	N/A

- 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. Settlement Class Member Benefits will be made available only if the Court approves the Settlement and after any possible appeals are resolved.

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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 give Final Approval to the Settlement. This Notice explains the nature of the Action that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

The Judge [REDACTED] of the United States District Court for the Western District of Kentucky is overseeing this case captioned as *In Re: PharMerica Data Breach*, Case No. 3:23-cv-00297-RGJ. The people who brought the lawsuit are called the Class Representatives. The company being sued, PharMerica Corporation is called the Defendant or PharMerica.

### 2. What is the Action about?

PharMerica is a nationwide provider of pharmacy services and operates 180 local and 70,000 backup pharmacies and services healthcare partners and patients in over 3,100 long-term care, senior living, IDD/behavioral health, home infusion, specialty pharmacy, and hospital management programs. As a precondition to receiving healthcare products and services and/or employment from PharMerica, PharMerica collects personally identifiable information and protected health information belonging to its customers and employees.

The Action alleges that in March of 2023 a cybercriminal ransomware gang known as “Money Message” targeted and breached PharMerica’s computer network and exfiltrated 4.7 terabytes of information, including the sensitive personal and medical information of nearly 6 million of its own and its healthcare partners’ patients.

On March 28, 2023, Money Message claimed responsibility for the attack and posted on the dark web a sample of the patient information they had exfiltrated from PharMerica. The data exfiltrated included at least Plaintiffs’ and Settlement Class Members’ full names, addresses, dates of birth, Social Security Numbers, and medical and health insurance information.

PharMerica denies any wrongdoing whatsoever. No court or other judicial body has made any judgment or other determination that PharMerica has done anything wrong.

### 3. Why is this 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 exclude themselves from the Settlement Class.

### 4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or PharMerica. 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, Class Counsel, 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 living person in the United States who received notice of the Data Incident.

Excluded from the Settlement Class are all persons who are directors and officers of PharMerica, governmental entities, and the judge(s) assigned to the Action, the Judge's immediate family, and Court staff and all Settlement Class Members who timely and validly request exclusion from the Settlement Class.

### 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:

Settlement Administrator - <Case ID>  
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?

PharMerica agrees to fund a \$5,275,000 Settlement Fund. The Settlement Fund shall be used to pay: (1) all Settlement Administration Costs, (2) PharMerica's past and future costs of data mining to confirm membership in the Settlement Class; (3) any Service Awards awarded to Class Representatives; and (4) a pre-determined portion of attorneys' fees and costs awarded to Class Counsel. Following payment of 1-4, Net Settlement Fund shall be divided equally amongst all Settlement Class Members who submitted Valid Claims for Cash Payment B – *Pro Rata* Cash.

The Settlement provides the following Settlement Class Member Benefits available to Settlement Class Members who submit Valid Claims: (a) Cash Payment A – Documented Losses, up to \$10,000 per Settlement Class Member, with supporting documentation; or (b) Cash Payment B – *Pro Rata* Cash – a *pro rata* share of the cash in the Net Settlement Fund; and in addition to a Cash Payment (c) Credit Monitoring for one (1) year of Kroll Complete Monitoring. **All Settlement Class Members will automatically, without having to file a Claim, receive Credit Monitoring, through Kroll Complete Monitoring.**

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

Settlement Class Members that submit a valid and timely Claim Form may select one or more of the following Settlement Class Member Benefits:

- a) **Cash Payment A - Documented Losses:** All Settlement Class Members may submit a Claim for a Documented Loss Cash Payment for up to **\$10,000** per Settlement Class Member, upon submission of a Valid Claim **and supporting documentation** fairly traceable to the Data Incident;

- To receive a Documented Loss Cash Payment, a Settlement Class Member must elect Documented Loss Cash Payment on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses.
  - These losses may include, without limitation, unreimbursed losses relating to fraud or identity theft; professional fees including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after the applicable Data Incident through **the date of claim submission**; and miscellaneous expenses such as notary, facsimile, postage, copying, mileage, and long-distance telephone charges.
- Settlement Class Members with losses must submit documentation supporting their Claims. This can include receipts or other documentation not "self-prepared" by the claimant that documents the costs incurred. "Self-prepared" documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. 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

- b) **Cash Payment B – Pro Rata Cash:** Settlement Class Members who submit a Valid Claim for Cash Payment B will receive a *pro rata* share of the cash in the Net Settlement Fund.
- Claims for Cash Payment B – *Pro Rata* Cash will be paid out of the Net Settlement Fund and will be paid *pro rata* to claiming Settlement Class Members based upon the total number of the Cash Payment B – *Pro Rata* Valid Claims received. All Settlement Class Members will receive the same amount.

AND

**ALL SETTLEMENT CLASS MEMBERS WILL AUTOMATICALLY, WITHOUT HAVING TO FILE A CLAIM, RECEIVE:**

- c) **Credit Monitoring** – In addition to electing a Cash Payment, all Settlement Class Members will automatically be entitled to receive one (1) year of Kroll Complete Monitoring. Kroll Complete Monitoring includes [REDACTED]. The one (1) year period will commence when Settlement Class Members use their activation codes. All costs of Credit Monitoring will be paid by PharMerica separate and apart from its obligation to fund the Settlement Fund.

## 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 Settlement Administrator - <Case ID>, 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. ET 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 Credit Monitoring will begin after the Settlement has obtained Court approval and the time for all appeals has expired.

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

PharMerica and its affiliates will receive a Release from all claims that could have been or that were brought against PharMerica relating to the Data Incident. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue PharMerica, and its present and former parents, subsidiaries, divisions, departments, 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, associated third Parties, predecessors, successors and assigns, and any other person acting on Defendant's behalf, in their capacity as such and assigns of each of them as well as covered entities associated with 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** for free or you can talk to your own lawyer.

## EXCLUDING YOURSELF FROM 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 sometimes referred to as "opting out" of the Settlement Class.

### 12. If I exclude myself, can I get a Settlement Class Member Benefit from this Settlement?

No. If you exclude yourself, you will not be entitled to receive any benefits from the Settlement.

### 13. If I do not exclude myself, can I sue the Released Parties for the same thing later?

No. Unless you exclude yourself, you give up any right to sue PharMerica and any other Released Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX



Parties for any claim that could have been or was brought relating to the Data Incident. You must exclude yourself from 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 exclude myself from the Settlement?

To exclude yourself, send a request to opt-out or written notice of intent to opt-out that says you want to be excluded from the Settlement. The request to opt-out must be personally signed by the Settlement Class Member and contain the requestor's name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement Class. Any individual in the Settlement Class who does not timely and validly request to opt-out shall be bound by the terms of the Settlement Agreement even if he or she does not submit a Valid Claim. You must mail your request to opt-out to the Settlement Administrator **postmarked by <<Opt-Out Deadline>>**, to:

Settlement Administrator - <Case ID>  
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 mailed to the Clerk of the Court, Class Counsel, Defendant's Counsel, and the Settlement Administrator at the addresses listed below, **postmarked by no later than <<Objection Deadline>>**. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

Defendant's Counsel	Class Counsel
Casie D. Collignon <b>Baker &amp; Hostetler LLP</b> 1801 California Street, Suite 4400 Denver, CO 80202 ccollignon@bakerlaw.com kcronin@bakerlaw.com	J. Gerard Stanch, IV <b>Stranch, Jennings &amp; Garvey, PLLC</b> 223 Rosa L. Parks Ave., Ste. #200 Nashville, TN 32703 gstranch@stranchlaw.com
Clerk of the Court	Settlement Administrator
Clerk's Office 601 W. Broadway, Rm 106 Gene Snyder United States Courthouse Louisville, KY 40202	Settlement Administrator - <Case ID> c/o Kroll Settlement Administration LLC P.O. Box XXXX New York, NY 10150-XXXX

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 five years preceding the date that the objector files the objection, the caption of each case in which the 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 five 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 five years;
- vi) the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
- vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- viii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- ix) the objector's signature (an attorney's signature is not sufficient).

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

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. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any benefit from the Settlement.

### **THE LAWYERS REPRESENTING YOU**

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

Yes. The Court appointed J. Gerard Stranch IV of Stranch Jennings & Garvey, PLLC, Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC, Lynn Toops of Cohen & Malad, LLP, and E. Michelle Drake of Berger Montague, as Class Counsel to represent 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 Class Counsel be paid?**

Class Counsel shall apply to the Court for an award of attorneys' fees of up to \$3,481,750, which equates to 33% of the Settlement Fund and significantly less than one-third of the value of Cash Payment A – Documented Losses, and Credit Monitoring, made available through the Settlement. If approved, \$1,740,750 shall be payable out of the Settlement Fund and \$1,741,000 payable directly from the Defendant, separate and apart from other benefits made available to the Settlement Class. Class Counsel shall also be entitled to seek reimbursement out of the Settlement Fund for reasonable costs incurred. 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 a Service Award to the Class Representatives in recognition for their contributions to this Action not to exceed \$3,500 per Class Representative, from the Settlement Fund. The Service Award payments to the Class Representatives shall be separate and apart from their entitlement to benefits 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 on <<Date>> at <<Time>> ET, at the <<Court Address>>, Room 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. 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.

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

No. Class Counsel will present the Settlement Class to 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, Defendant's Counsel, and the Settlement Administrator, at the mailing addresses listed above, **postmarked by no**

later than <<Objection Deadline>>.

## IF YOU DO NOTHING

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

If you do nothing, you will receive Credit Monitoring under the Settlement, but only if the Settlement is granted Final Approval. In addition, 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 PharMerica or the other Released Parties 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:

Settlement Administrator – <Case ID>  
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 CLASS COUNSEL FOR INFORMATION ABOUT THE CLASS ACTION SETTLEMENT**