

Exhibit E

From:

To:

Subject: Email Notice of Class Action Settlement

Class Member ID: <<RefNum>>

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court for the Southern District of Indiana

Smith et al v. Apria Healthcare LLC

Case No. 1:23-cv-01003-JPH-KMB

A Court has authorized this email. This is not a solicitation from a lawyer.

If You Received Actual Or Constructive Notice From Apria That Their Information May Have Been Compromised As A Result Of The Data Breach, You Are Eligible to Receive a Settlement Payment from a Class Action Lawsuit

What Is This Class Action Lawsuit About? This Class Action Lawsuit is known as *Smith et al. v. Apria Healthcare LLC*. Case No. 1:23-cv-01003-JPH-KMB, filed in the United States District Court for the Southern District of Indiana. The Persons who sued are called the “Plaintiffs” or “Settlement Class Representatives” and the company they sued, Apria Healthcare LLC, is known as the Defendant in this case. The Class Action Lawsuit alleges that in April of 2019 and various dates thereafter, criminal actors illegally accessed limited portions of Apria’s computer network and gained unauthorized access to the personally identifiable Protected Information of certain Apria customers and employees, which constituted the “Data Breach” (defined in the Settlement Agreement as the “Illegal Hacking Events”). The Settlement Class Representatives allege that Apria failed to properly protect the Protected Information in accordance with its duties, had inadequate data security, and delayed notifying potentially impacted individuals. Defendant denies any wrongdoing whatsoever.

Who Is A Settlement Class Member? You are a Settlement Class Member if you are an individual who received actual or constructive notice from Apria that your Protected Information may have been compromised as a result of the Data Breach. The Settlement Class specifically excludes: 1) the judges presiding over the Class Action Lawsuit, members of their staff, and members of their direct families; (2) Defendant and any other Releasee; (3) Settlement Class Members who submit a valid Request for Exclusion prior to <<the Opt-Out Deadline>>.

What Are The Settlement Class Member Benefits? Defendant has agreed to pay \$6,375,000 into a Settlement Fund. The Settlement provides the following Settlement Payments available to Settlement Class Members who submit Approved Claims: (a) Reimbursement for Out-of-Pocket Losses or Expenses; and/or (b) *Pro Rata* Cash Payment. The Settlement Administrator will distribute *pro rata*, or equal share cash payments, to Settlement Class Members who submit a valid and timely Claim Form.

How To Make A Claim? You must file a Claim Form by mail postmarked by <<Claims Deadline>>, and mailed to the Settlement Administrator’s address below, or online at www.website.com by <Claims Deadline>, to receive compensation from the Settlement.

What Are My Other Rights? If you do not want to be legally bound by the Settlement, you must exclude yourself by **Opt-Out Deadline**. If you do not exclude yourself, you will

release any Claims you may have against Defendant and the Releasees, as more fully described in the Settlement Agreement, available at **WEBSITE**. If you do not exclude yourself, you may object to the Settlement by **Objection Deadline**. Visit **WEBSITE** for complete information on how to exclude yourself from or object to the Settlement.

Do I have a Lawyer? Yes, the Court has appointed the law firm of Lynn A. Toops of Cohen & Malad, LLP, and Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman PLLC to represent you and the Settlement Class. Class Counsel will request a Fee Award and Costs not to exceed one-third (33.33%) of the Settlement Fund and reimbursement of reasonable Litigation Costs and Expenses not to exceed \$50,000 for prosecuting the Class Action Lawsuit, and Service Award Payments of \$3,000 for each Settlement Class Representative.

The Final Approval Hearing: The Court has scheduled a hearing for **DATE/TIME** in Courtroom **X**, located at **COURT ADDRESS**, to consider whether to approve the Settlement, Service Award Payments, Fee Award and Costs, as well as hear any objections. You or your attorney may request to appear at the hearing, but you are not required to do so. The date or time of the hearing may change, so please check **WEBSITE** for updates.

This email is only a summary.

For Additional Information or to Update Your Address & Contact Information:

Visit **WEBSITE** or contact the Settlement Administrator:

Mail: **<<Mailing Caption>>**
c/o Kroll Settlement Administration LLC
P.O. Box **XXXX**,
New York, NY 10150-**XXXX**

Toll-Free: **(XXX) XXX-XXXX**

Unsubscribe