

Exhibit E

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

In the United States District Court, Northern District of Illinois
Mayer v. Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care,
Case No. 1:23-cv-03132

Did you log into [dulyhealthandcare.com](https://www.dulyhealthandcare.com) between July 24, 2020, and April 10, 2023? You may be eligible for a payment from a \$1.88 million class action settlement.

A federal Court authorized this Notice. You are not being sued.

This is not a solicitation from a lawyer.

- A settlement has been reached with Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care (“Defendant” or “Duly”) in a class action lawsuit about whether it installed and implemented a Meta tracking pixel on a portion of Duly’s website, <https://www.dulyhealthandcare.com>, without users’ knowledge or consent.
- Defendant denies any wrongdoing. No judgment or determination of wrongdoing has been made.
- The lawsuit is captioned *Mayer v. Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care*, Case No. 1:23-cv-03132 (United States District Court, Northern District of Illinois). Defendant denies the allegations and all liability or wrongdoing with respect to any and all facts and claims alleged in the lawsuit but has agreed to a settlement to avoid the costs and risks associated with continuing this case.
- You are included in this settlement if you are a Settlement Class Member. A Settlement Class Member is any natural person who logged into the authenticated portion of Duly’s website, <https://www.dulyhealthandcare.com/>, from July 24, 2020 to April 10, 2023.
- As a Settlement Class Member, your rights are affected whether you act or don’t act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM FORM	The only way to receive payment from this settlement is by submitting a valid and timely Claim Form. You can submit your Claim Form online at www.[website].com or print a Claim Form from the website and mail it to the Settlement Administrator.	Month, __, 202X
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the settlement. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this settlement. You can elect to retain your own legal counsel at your own expense. If you opt out, you will not be able to receive a payment and you will <u>not</u> be bound by the terms of the Settlement Agreement.	Month, __, 202X

OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the settlement, you may object to it by writing to the Court about why you don't like the settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a Claim Form for a payment.	Month, __, 202X
DO NOTHING	Unless you opt out of the settlement, you are part of the settlement. If you do nothing, you will not get a payment from this settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this settlement.	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the settlement.

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BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about the proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to grant Final Approval of the settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is captioned *Mayer v. Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care*, Case No. 1:23-cv-03132 (United States District Court, Northern District of Illinois). The people that filed this lawsuit are called the “Plaintiffs” and the company they sued, Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that Midwest Physician Administrative Services, LLC violated the Electronic Communications Privacy Act and was negligent when it installed and implemented a Meta tracking pixel on a portion of <https://www.dulyhealthandcare.com> without users’ knowledge or consent. The Meta Pixel was installed on the portion of the website that individuals used to log into using their Duly MyChart credentials to schedule appointments between July 24, 2020, and April 10, 2023.

Duly denies all of the Plaintiffs’ claims and maintains that they did not do anything wrong.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals who sue are known as “Class Representatives” or “Plaintiffs.” Together, the people included in the class action are called a “Settlement Class” or “Settlement Class Members.” One court resolves the lawsuit for all Settlement Class Members, except for those who exclude themselves (sometimes called, “opting out”) from a settlement. In this settlement, the Class Representatives are Patricia Mayer, Catherine Massarelli, and Mary Murphy.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendant. The Defendant denies all claims and contends that it has not violated any laws. Plaintiffs and the Defendant agreed to a settlement to avoid the costs and risks of a trial and, through the settlement, Settlement Class Members are eligible to claim payments. The Plaintiffs and their attorneys, who also represent Settlement Class Members, think the settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Who is included in the settlement?

The Settlement Class consists of all natural persons who logged into the authenticated portion of Duly’s website, <https://www.dulyhealthandcare.com/>, from July 24, 2020 to April 10, 2023. The Settlement Class is estimated to consist of approximately 272,373 individuals.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are: (1) officers and directors of Defendant, its agents, affiliates, subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest; (2) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (3) the Judge and Magistrate Judge, including their staff and immediate members of the Judge's family, assigned to evaluate the fairness of this Settlement; and (4) Class Counsel.

THE SETTLEMENT BENEFITS

7. What can I get from this settlement?

If approved by the Court, Defendant will establish a Settlement Fund of \$1,880,000. After deducting court-approved attorneys' fees, costs and expenses, service award payments, and the costs of administering the settlement, the balance of the Settlement Fund will be used to pay all valid Claims submitted by Settlement Class Members.

Payments will be distributed *pro rata* (proportional) based on the total number of valid Claim Forms received and the amount remaining in the Settlement Fund after making the deductions listed above.

8. What claims am I releasing if I stay in the Settlement Class?

Unless you opt out of the settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant or Related Entities about any of the legal claims this settlement resolves. The "Release" section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be found at [www.\[website\].com](http://www.[website].com).

HOW TO GET A PAYMENT – MAKING A CLAIM

9. How do I submit a Claim Form and get a Settlement Class Member Payment?

Claim Forms may be submitted online by **Month XX, 202X** at [www.\[website\].com](http://www.[website].com) or mailed to the Settlement Administrator so that it is postmarked by **Month XX, 202X**, at: *Mayer v. Midwest Physician Administrative Services, LLC*, c/o Kroll Settlement Administration LLC, **P.O. Box XXXX, New York, NY 10150-XXXX**.

10. What is the deadline for submitting a Claim Form?

If submitting a Claim Form online, you must do so by **Month XX, 202X**. If you submit a Claim Form by U.S. mail, the completed and signed Claim Form must be postmarked by **Month XX, 202X**.

11. When will I get my payment?

The short answer is – after the settlement is "finally approved" and challenges, if any, to that approval are finally resolved. The Court is scheduled to hold a Final Approval Hearing on **Month XX, 202X, at X:X0 p.m. ET**, to decide whether to approve the settlement, how much in Attorneys' Costs, Expenses, and Fees to award to Class Counsel for representing the Settlement Class, and whether to award a Service Award to the Class Representatives who brought this action on behalf of the Settlement Class.

If the Court approves the settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement Class Member payments will be

distributed as soon as possible, if and when the Court grants Final Approval of the settlement and after any appeals are resolved.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

Yes, the Court appointed David S. Almeida and Britany A. Kabakov of Almeida Law Group LLC and James B. Zouras and Michael J. Casas of Stephan Zouras, LLC to represent you and other members of the Settlement Class (“Class Counsel”). You will not be charged directly for these lawyers; instead, they will receive compensation from the Settlement Fund (subject to Court approval).

If you want to be represented by your own lawyer, you may hire one at your own expense.

13. Should I get my own lawyer?

It is not necessary for you to hire your own lawyer because Class Counsel works for you. 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’s Attorneys’ Costs, Expenses, and Fees will be paid from the Settlement Fund in an amount determined and awarded by the Court. Class Counsel will request no more than one-third (33%) of the Settlement Fund as reasonable attorneys’ fees and up to \$25,000 as reimbursement of costs and expenses. As approved by the Court, the Settlement Class Representatives will be paid a Service Award from the Settlement Fund for bringing and settling the case. The Settlement Class Representatives will seek no more than \$2,500 each.

EXCLUDING YOURSELF FROM THE SETTLEMENT

15. How do I opt out of the settlement?

If you do not want to receive a payment from the settlement, and you want to keep your right to separately sue the Defendant about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called “Opting Out” of the Settlement Class. The opt-out deadline to submit a request for exclusion from the settlement is **Month XX, 202X**.

To exclude yourself from the settlement, you must submit a written request for exclusion to the Settlement Administrator that includes the following information:

- A statement indicating that you want to opt out of the Settlement Class, such as, “I wish to be excluded from the Settlement Class in *Mayer v. Midwest Physician Administrative Services, LLC d/b/a Duly Health and Care*, Case No. 1:23-cv-03132”;
- your name, current address, and telephone number; and
- your signature.

Your Request for Exclusion must be mailed to the Settlement Administrator at the address below, postmarked no later than **Month XX, 202X**.

Mayer v. Midwest Physician Administrative Services, LLC
c/o Kroll Settlement Administration

ATTN: Exclusion Request
PO Box XXXX
New York, NY 10150-XXXX

If you exclude yourself, you are telling the Court that you do not want to be part of the settlement. You may only exclude yourself – not any other person.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court if I do not like the settlement?

If you are a Settlement Class Member, you can choose (but are not required) to object to the settlement if you do not like it or a portion of it, whether that be to the Settlement Class Member benefits, the request for Attorneys' Costs, Expenses, and Fees or Service Award payments, the releases provided to the Defendant, or some other aspect of the settlement. Through an objection, you give reasons why you think the Court should not approve the settlement.

For an objection to be considered by the Court, the objection must include:

- a. your full name, current mailing address, telephone number, and email address;
- b. proof that you are member of the Settlement Class (e.g., the Class Member ID included on the notice you received in the mail about this settlement);
- c. a statement whether you object to the settlement, in whole or in part (i.e., the entire settlement or just a portion of it);
- d. a statement of the legal and factual basis for your objection;
- e. copies of any documents that you wish to submit in support of your position;
- f. the identity of all counsel representing you, if any;
- g. the signature of your duly authorized attorney or other duly authorized representative, along with documentation setting forth such representation;
- h. a list, including case name, court, and docket number, of all other cases in which the objector and/or the objector's counsel has filed an objection to any proposed class action settlement in the past three (3) years; and
- i. your original signature.

Objections must be filed with the Court and copies must be mailed to Class Counsel and Defendant's Counsel postmarked no later than **Month XX, 202X**.

COURT	CLASS COUNSEL	DEFENDANT'S COUNSEL
Clerk of the Court Everett McKinley Dirksen U.S. Courthouse 219 South Dearborn Street Chicago, IL 60604	David Almeida, <i>Esq.</i> Britany A. Kabakov, <i>Esq.</i> Almeida Law Group LLC 849 W. Webster Avenue Chicago, Illinois 60614 —and— Michael Casas, <i>Esq.</i> Stephan Zouras, LLC 222 W. Adams Street	David Carney, <i>Esq.</i> Baker & Hostetler LLP 127 Public Square, Suite 2000 Cleveland, Ohio 44114 —and— Bonnie Keane DelGobbo, <i>Esq.</i> Baker & Hostetler LLP 1 North Wacker Drive Suite 4500

	Suite 2020 Chicago, Illinois 60606	Chicago, Illinois 60606
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17. What is the difference between objecting and opting out?

Objecting is telling the Court that you do not like something about the settlement. You can object to the settlement only if you do not exclude yourself from the settlement. Excluding yourself from the settlement means telling the Court you do not want to be part of the settlement. If you exclude yourself/opt out of the settlement, you cannot object to it because the settlement no longer affects you.

THE COURT’S FINAL APPROVAL HEARING

18. When is the Court’s Final Approval Hearing?

The Court is scheduled to hold a Final Approval Hearing on **Month XX, 202X at XX:X0 p.m.**, in Courtroom 1225 of the United States District Court for the Northern District of Illinois, Everett McKinley Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, to decide whether to approve the settlement, how much Attorneys’ Costs, Expenses, and Fees to award to Class Counsel for representing the Settlement Class, and whether to award Service Awards to the Class Representatives who brought this action on behalf of the Settlement Class. The date and time of this hearing may change without further notice. Please check [www.\[website\].com](http://www.[website].com) for updates.

19. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense. If you file an objection, you may, but you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time and in accordance with the requirements above, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Related Entities, as defined in the Settlement Agreement, about the legal issues resolved by this settlement. In addition, you will be bound by the Release in the settlement and not be eligible to receive a settlement payment.

GETTING MORE INFORMATION

21. How do I get more information?

This Notice summarizes the proposed settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at the Settlement Website, [www.\[website\].com](http://www.[website].com).

If you have additional questions or need to update your address, you may contact the Settlement Administrator by phone, or mail at **(XXX) XXX-XXXX** or *Mayer v. Midwest Physician Administrative Services, LLC*, c/o Kroll Settlement Administration, **PO Box XXXX, New York, NY 10150-XXXX**.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT.