

Exhibit D

This is a notice of a settlement of a class action lawsuit.

This is not a notice of a lawsuit against you.

If you are a person to whose cellular telephone number or VOIP line OptumRx, Inc. (“OptumRx”) placed a clinical adherence call, other than calls regarding prescription refill reminders or calls regarding COVID-19 vaccines, in connection with which OptumRx used, or caused to be used, an artificial or prerecorded voice, from April 20, 2020 through [the date the Court preliminarily approves the parties’ class action settlement], and you were not an OptumRx customer or account holder, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:

Patterson vs. OptumRx, Inc., No. 1:24-cv-00689-TWP-KMB (S.D. Ind.)

A federal court authorized this notice.

This is not a solicitation from a lawyer.

Please read this notice carefully.

It explains your rights and options to participate in the class action settlement.

- The settlement will result in a \$1,860,000 settlement fund to fully settle and release certain claims of persons who are not OptumRx customers or account holders to whose cellular telephone numbers or VOIP lines OptumRx placed a clinical adherence call, other than calls regarding prescription refill reminders or calls regarding COVID-19 vaccines, from April 20, 2020 through [the date the Court preliminarily approves the parties’ class action settlement].
- The settlement fund will be used to pay settlement amounts to approved settlement class members who elect to participate, after deducting the costs of settlement notice and administration, attorneys’ fees, litigation costs and expenses, and an incentive award.
- If you are a settlement class member, your legal rights are affected, and you now have a choice to make:

SUBMIT A TIMELY CLAIM FORM:	If you timely submit a valid, approved claim form by [date], you will receive a pro rata share of the settlement fund after certain deductions, and you will release certain Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, claims, and TCPA-related claims, you may have against OptumRx and related persons and entities.
DO NOTHING:	If you do nothing, you will <u>not</u> receive a share of the settlement fund, but if you are a settlement class member you will release certain TCPA and TCPA-related claims you may have against OptumRx and related persons and entities.
EXCLUDE YOURSELF:	If you exclude yourself from the settlement, you will <u>not</u> receive a share of the settlement fund, and you will <u>not</u> release any TCPA or TCPA-related claims you may have against OptumRx and related persons and entities. The deadline to exclude yourself is [date].
OBJECT:	Write to the court about why you do not like the settlement. The deadline to object is [date].

Why is this notice available?

This is a notice of a settlement in a class action lawsuit. The settlement would resolve the class action lawsuit Brad Patterson filed against OptumRx. Please read this notice carefully. It explains the class action lawsuit, the settlement, and legal rights you may have, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

What is the class action about?

Mr. Patterson filed a class action lawsuit against OptumRx alleging that OptumRx violated the TCPA by placing certain calls relating to clinical adherence to cellular telephone numbers using an artificial or prerecorded voice, absent prior express consent. The TCPA allows for damages in the amount of \$500 per violation, and up to \$1,500 for willful violations. However, prior express consent is a complete defense to a claim under the TCPA. You can find additional information about Mr. Patterson’s claims in his class action complaint, which is available at www.OptumRxTCPAClassActionSettlement.com in the [court documents section].

Why is this a class action?

In a class action, one or more people called “class representatives” file a class action lawsuit on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The court accordingly resolves claims for all class members at once, except for those who first exclude themselves from the class.

Why is there a settlement?

Mr. Patterson, on the one hand, and OptumRx, on the other, have agreed to settle the class action lawsuit to avoid the time, risk, and expense associated with it, and to achieve a final resolution of the disputed claims. Under the settlement, settlement class members will obtain a payment in settlement of claims Mr. Patterson raised in the class action lawsuit. Mr. Patterson and his attorneys think the settlement is fair and reasonable.

How do you know if your claims are included in the settlement?

The settlement resolves claims on behalf of the following settlement class:

All persons throughout the United States (1) to whom OptumRx, Inc. placed, or caused to be placed, a clinical adherence call, other than calls regarding prescription refill reminders or calls regarding COVID-19 vaccines, (2) directed to a number assigned to a cellular telephone or VOIP service, but not assigned to an OptumRx, Inc. customer or account holder, (3) in connection with which OptumRx, Inc. used, or caused to be used, an artificial or prerecorded voice, (4) from April 20, 2020 through [the date of preliminary approval].

What does the settlement provide?

OptumRx will establish a settlement fund in the amount of \$1,860,000 to compensate members of the settlement class. Out of the settlement fund will be paid:

- a. Settlement compensation to participating settlement class members;
- b. Notice and settlement administration costs estimated to be approximately \$207,750.
- c. An award of attorneys’ fees of up to thirty-six percent of the settlement fund, after deducting notice and settlement administration costs and litigation expenses, subject to the court’s approval; and
- d. An incentive award for the named Plaintiff not to exceed \$10,000, subject to the court’s approval; and
- e. Litigation costs and expenses incurred in litigating the TCPA claims in this matter not to exceed \$40,000, subject to the court’s approval.

Each member of the settlement class who submits a timely, valid, and approved claim form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the \$1,860,000 settlement fund as it exists after deducting:

- a. Notice and settlement administration costs (including related taxes and expenses);
- b. An award of attorneys' fees;
- c. An incentive award for the named Plaintiff; and
- d. Litigation costs and expenses incurred in litigating the claims in this matter.

It is estimated that each participating member of the settlement class will receive between \$[] and \$[]. The actual amount each participating member of the settlement class will receive may be more or less depending on the number of settlement class members who submit timely, valid, and approved claims.

How can you get a payment?

You must mail a valid, approved claim form to the *Patterson v. OptumRx, Inc.* Settlement Administrator, [address], [city], [state] [zip code] postmarked by [date]. Or you must submit a valid, approved claim through www.OptumRxTCPAClassActionSettlement.com by [date].

When will you be paid?

If the court grants final approval of the settlement, settlement checks will be mailed to settlement class members who timely mailed or submitted valid, approved claim forms no later than 30 days after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

What rights are you giving up in connection with this settlement?

If you fall within the settlement class, and unless you exclude yourself from the settlement, you will give up your right to sue or continue a lawsuit against OptumRx over the released claims, as defined in the settlement agreement. Giving up your legal claims is called a release. If you fall within the settlement class, unless you formally exclude yourself from the settlement, you will release certain TCPA claims you may have against OptumRx.

For more information about the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement from the settlement website, www.OptumRxTCPAClassActionSettlement.com, or from the clerk of the United States District Court for the Southern District of Indiana.

How can you exclude yourself from the settlement?

If you fall within the settlement class, you may exclude yourself from the settlement, in which case you will not receive a payment, and you will not release any TCPA claims you may have against OptumRx. If you fall within the settlement class, and if you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator at the following address, postmarked by [date]:

Patterson v. OptumRx, Inc. Settlement Administrator
ATTN: EXCLUSION REQUEST
[address]
[city], [state] [zip code]

You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Telephone number called by OptumRx demonstrating that you are a member of the settlement class; and
- d. Clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the *Patterson v. OptumRx, Inc.* action.”

You must sign the request personally. If any person signs on your behalf, that person must attach a copy of the power of attorney authorizing that signature.

When and where will the court decide whether to approve the settlement?

The court will hold a final fairness hearing on [date], at [time]. The hearing will take place at the United States District Court for the Southern District of Indiana, 46 East Ohio Street, Indianapolis, IN 46204. At the final fairness hearing, the court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether final approval of the settlement should be granted. The court will also hear objections to the settlement, if any. The court may make a decision at that time, postpone a decision, or continue the hearing or to hold the hearing virtually.

The date of the final fairness hearing may change without further notice. Settlement class members should check the settlement website, www.OptumRxTCPAClassActionSettlement.com, or the court’s Public Access to Court Electronic Records (“PACER”) site to confirm that the date has not changed.

Do you have to attend the final fairness hearing?

No, there is no requirement that you attend the final fairness hearing. However, you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the settlement class because the settlement no longer affects your legal rights.

What if you want to object to the settlement?

If you fall within the settlement class, and if you do not exclude yourself from the settlement class, you can object to the settlement, or any part of it, if you do not believe it is fair, reasonable, and adequate. If you fall within the settlement class, and if you wish to object, you must mail a written notice of objection, postmarked by [date], to class counsel, counsel for OptumRx, and to the Court, at the following addresses:

Class Counsel:

James L. Davidson
Greenwald Davidson Radbil
PLLC
5550 Glades Road
Suite 500
Boca Raton, FL 33431

Counsel for OptumRx:

Carolyn A. DeLone
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004

The Court:

United States District Court for
the Southern District of Indiana
46 East Ohio Street
Indianapolis, IN 46204

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Telephone number to which OptumRx placed a subject artificial or prerecorded voice call between April 20, 2020 and [the date the Court preliminarily approves the parties' class action settlement], to demonstrate that you are a member of the settlement class;
- d. Statement of the objection;
- e. Description of the facts underlying the objection;
- f. Description of the legal authorities that support each objection;
- g. Statement noting whether you intend to appear at the Fairness Hearing;
- h. List of all witnesses that you intend to call by live testimony, deposition testimony, or affidavit or declaration testimony;
- i. List of exhibits that you intend to present at the Fairness Hearing; and

j. Signature.

By filing an objection, you can ask the court to deny approval of the settlement. But you cannot ask the court to order a different settlement. The court can only approve or reject the settlement. If the court denies approval, no settlement payments will be sent out and the class action lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you fall within the settlement class, and if you submit a timely written objection, you may, but are not required to, appear at the final fairness hearing. If you appear through an attorney, you are responsible for hiring and paying that attorney.

By when must you enter an appearance?

Any settlement class member who objects to the settlement and wishes to enter an appearance must do so by [date]. To enter an appearance, you must file with the clerk of the court a written notice of your appearance, and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon class counsel and counsel for OptumRx, at the addresses set forth in this notice.

What if you do nothing?

If you are a member of the settlement class, you do nothing, and the court approves the settlement agreement, you will not receive a share of the settlement fund, but you will release certain TCPA and TCPA-related claims you may have against OptumRx and related persons and entities. If you fall within the settlement class, unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against OptumRx and related persons and entities over the released claims.

What will happen if the court does not approve the settlement?

If the court does not finally approve the settlement, or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits from the settlement, and the class action lawsuit will continue.

Who is Mr. Patterson's attorney?

Mr. Patterson's attorney is:

James L. Davidson
Greenwald Davidson Radbil PLLC
5550 Glades Road
Suite 500
Boca Raton, FL 33431

The court has appointed Mr. Patterson's attorney to act as class counsel. You do not have to pay class counsel. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you must hire one at your own expense.

Who is OptumRx's attorney?

OptumRx's attorney is:

Carolyn A. DeLone
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004

Before what court is this matter pending?

Mr. Patterson filed his class action lawsuit in the following court:

United States District Court for the Southern District of Indiana
46 East Ohio Street
Indianapolis, IN 46204

Where can you get additional information?

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at www.OptumRxTCPAClassActionSettlement.com, by contacting class counsel, by accessing the court docket in this case, for a fee, through the court's PACER system, or by visiting the office of the clerk of the court for the United States District Court for the Southern District of Indiana.

Or, to obtain additional information about this matter, please contact:

Patterson v. OptumRx, Inc. Settlement Administrator
[address]
[city], [state] [zip code]
[Telephone number]

Please do not call the judge about this class action. Neither he, nor any court personnel, will be able to give you advice about this class action. Furthermore, because neither OptumRx nor OptumRx's attorneys represent you, they cannot give you legal advice about this class action.

Important Dates

[Date]: Order Preliminarily Approving the Settlement Entered

[Date]: Defendant to fund Settlement Fund (thirty days after entry of Order Preliminarily Approving the Settlement)

[Date]: Notice Sent (sixty days after entry of Order Preliminarily Approving the Settlement)

[Date]: Attorneys' Fees Petition Filed (seventy days after entry of Order Preliminarily Approving the Settlement)

[Date]: Opposition to Attorneys' Fees Petition (one hundred five days after entry of Order Preliminarily Approving the Settlement)

[Date]: Deadline to Submit Claims, Send Exclusion, or File Objection (one hundred five days after entry of Order Preliminarily Approving the Settlement)

[Date]: Reply in Support of Attorneys' Fees Petition (fourteen days after the deadline for settlement class members to submit claims, object to, or exclude themselves from, the settlement)

[Date]: Motion for Final Approval Filed (thirty days before final fairness hearing)

[Date]: Opposition to Motion for Final Approval Filed (fourteen days before final fairness hearing)

[Date]: Class Administrator will provide a sworn declaration attesting to proper service of the Class Notice and Claim Forms, and state the number of claims, objections, and opt outs, if any (ten days prior to Final Fairness Hearing)

[Date]: Reply in support of Motion for Final Approval (seven days before final fairness hearing)

[Date]: Deadline for the parties to respond to any objection (seven days before final fairness hearing)

[Date]: Final Fairness Hearing