

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA,
TAMPA DIVISION

If you received a Notice of Privacy Incident regarding the Data Incident from Humana Inc. (“Humana”) on or around March 1, 2021, you may be eligible for a class action settlement payment.

A court authorized this notice. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit about a data incident that occurred on between October 12, 2020 and December 16, 2020, which potentially exposed personally identifiable information (“PII”) and/or protected health information (“PHI”) of Humana members (the “Data Incident”).
- Cotiviti, Inc. (“Cotiviti”) helps Humana Inc. (“Humana”) request medical records needed to verify data reported to the Centers for Medicare and Medicaid Services. Cotiviti in turn uses a subcontractor (Visionary) to review the collected medical records. The circumstances giving rise to this case occurred between October 12, 2020 and December 16, 2020, and involved an employee of Visionary who gained access to PII and PHI of Humana members and shared that information with others in connection with a personal coding business (the “Data Incident”). The exposed information may have included names, partial or full social security numbers, dates of birth, addresses (with city, state, and zip code), phone numbers, email addresses, member identification numbers, subscriber information numbers, dates of service, dates of death, provider names, medical record numbers, treatment information, and actual images (x-rays, photographs, etc.). Subsequently, a lawsuit was filed against Humana and Cotiviti, alleging that they did not take appropriate care to protect Humana members from the Data Incident.
- Humana and Cotiviti deny all of the Plaintiff’s claims in the lawsuit and maintain they did not do anything wrong but have agreed to settle the case to avoid the expense and burdens of litigation.
- The Settlement includes all Persons to whom Humana sent notification that their personal information and/or protected health information may have been or was exposed to unauthorized third parties as a result of the Data Incident.
- The Settlement provides payments to people who submit valid claims for out-of-pocket expenses and lost time that were incurred and plausibly arose as a result of the Data Incident, and for other extraordinary unreimbursed monetary losses and lost time.
- The Settlement also includes two years of credit monitoring and identity theft insurance through IDX. You must submit a claim to receive this benefit.

Your legal rights are affected even if you do nothing. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Submit a Claim	The only way to get a payment and/or credit monitoring. You must submit a claim by November 15, 2022.
Ask to be Excluded	Get no payment. The only option that allows you to sue Humana and Cotiviti over the claims resolved by this Settlement. You must exclude yourself by November 15, 2022.

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com

Object	Write to the Court about why you do not like the Settlement. You must object by November 15, 2022 .
Do Nothing	Get no payment. Give up rights.

- 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 grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com

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BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this notice because you have a right to know about the proposed Settlement in this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the Settlement. This notice explains the legal rights and options that you may exercise before the Court decides whether to approve the Settlement.

This matter involves a lawsuit styled *Steven K. Farmer v. Humana Inc. and Cotiviti, Inc.*, in the U.S. District Court for the Middle District of Florida, Tampa Division, Case No. 8:21-cv-1478-MSS-SPF. The person who sued is called the Plaintiff. Humana and Cotiviti are called the Defendants.

2. What is this lawsuit about?

The lawsuit claims that Defendants were responsible for the Data Incident and asserted claims such as: negligence, breach of implied contract, invasion of privacy, breach of confidence, and violations of the Florida Deceptive and Unfair Trade Practices Act. The lawsuit seeks compensation for people who experienced unreimbursed, documented out-of-pocket expenses, fraudulent charges, and/or lost time spent dealing with the aftermath / clean-up of the Data Incident; or unreimbursed, documented extraordinary monetary losses as a result of the Data Incident.

Humana and Cotiviti deny all of the Plaintiff’s claims and maintain they did not do anything wrong.

3. Why is this lawsuit a class action?

In a class action, one or more people called “Representative Plaintiffs” sue on behalf of all people who have similar claims. All of these people together are the “Class” or “Class Members.” In this case, the Representative Plaintiff is Steven Farmer. One Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will get compensation. The Representative Plaintiff and their attorneys believe the Settlement is fair, reasonable, and adequate and, thus, best for the Class and its members. The Settlement does NOT mean that Humana and Cotiviti did anything wrong.

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com

WHO IS IN THE SETTLEMENT?

5. How do I know if I am included in the Settlement?

You are included in the Settlement Class if you are a person to whom Humana sent notification that personal information and/or protected health information may have been or was exposed to unauthorized third parties as a result of the Data Incident occurring between October 12, 2020 and December 16, 2020.

Specifically excluded from the Settlement Class are: (i) Humana and Cotiviti and their parents, subsidiaries, affiliates, officers and directors, and any entity in which Humana or Cotiviti has a controlling interest; (ii) all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; (iii) any and all federal, state, or local governments, including but not limited to their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; (iv) the attorneys representing the any of the parties in the lawsuit; (v) all judges assigned to hear any aspect of the lawsuits, as well as their immediate family members; and (vi) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the Data Incident, or who pleads *nolo contendere* to any such charge.

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 1-844-979-7304 with questions or visit www.databreachclassactionsettlement.com. You may also write with questions to Humana Settlement, c/o RG/2 Claims Administration LLC, PO Box 59479, Philadelphia, PA 19102-9479, or email at info@rg2claims.com. Please include the case name on all email. Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The Settlement will provide payments to people who submit valid claims.

There are two types of general payments that are available:

- (1) Ordinary Expense Reimbursement (Question 8) and
- (2) Extraordinary Expense Reimbursement (Question 9).

You may submit a claim for either or both types of payments. You must also provide proof of your class membership in the form of either (1) the login and password provided in the notice you received by postcard or e-mail; or (2) name and physical address you provided to Humana for healthcare purposes.

If you provide a bill or payment card statement as part of required proof for any part of your claim, you may redact unrelated transactions and all but the first four and last four digits of any account

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number. In order to claim each type of payment, you must provide related documentation with the Claim Form, and the expense for which you are submitting a claim form cannot have been reimbursed through any other source.

The Settlement also includes two years of credit monitoring and identity theft insurance through IDX for a period of 2 years from the effective date of the Settlement. You must submit a claim to obtain this credit monitoring service.

Finally, as part of the Settlement, Humana and Cotiviti have agreed to maintain certain data security measures. More details are provided in the Settlement Agreement, which is available at www.databreachclassactionsettlement.com.

8. What payments are available for Expense Reimbursement?

Class Members are each eligible to receive reimbursement of up to \$250 (in total, per person) for the following categories of unreimbursed, documented out-of-pocket expenses resulting from the Data Incident:

- Cost to obtain credit reports;
- Fees relating to credit freezes;
- Card replacement fees;
- Late fees;
- Overlimit fees;
- Interest on payday loans taken as a result of the Data Incident;
- Other bank or credit card fees;
- Postage, mileage, and other incidental expenses resulting from lack of access to an existing account;
- Costs associated with credit monitoring or identity theft insurance if purchased primarily as a result of the Data Incident; and
- Up to three (3) hours of unreimbursed attested lost time (at \$20 per hour) spent monitoring accounts, reversing fraudulent charges, or otherwise dealing with the aftermath / clean-up of the Data Incident (only if at least one full hour was spent and the Class Member provides a description of the activities performed during the time claimed as reflected in the Claim Form).

9. What payments are available for Extraordinary Expense Reimbursement?

Class Members who had other extraordinary unreimbursed fraudulent charges or out-of-pocket losses and/or lost time incurred as a result of, or in resolving issues and losses caused by, the Data Incident, are eligible to make a claim for reimbursement of up to \$5,000 per Class Member. As part of the claim, the Class Member must provide documentation plausibly supporting that:

- (1) it is an actual, documented, and unreimbursed monetary loss;
- (2) the loss was caused in material part by the Data Incident;

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- (3) the loss occurred during the time period on or after October 12, 2020 through and including the end of the Claims Deadline;
- (4) the loss is not already covered by one or more of the categories in Question 8 or reimbursed through any other source; and
- (5) a reasonable effort was made to avoid or seek reimbursement for the loss (including exhaustion of all available credit monitoring insurance and identity theft insurance).

Class Members who had documented extraordinary unreimbursed expenses may also make a claim for up to three (3) hours of unreimbursed attested lost time (at \$20 per hour) spent monitoring accounts, reversing fraudulent charges, or otherwise dealing with the aftermath / clean-up of the Data Incident (only if at least one full hour was spent and the Class Member provides a description of the activities performed during the time claimed as reflected in the Claim Form).

More details are provided in the Settlement Agreement, which is available at www.databreachclassactionsettlement.com.

HOW TO GET BENEFITS

10. How do I get benefits?

To ask for a payment or to sign up for credit monitoring, you must complete and submit a Claim Form. Claim Forms are available at www.databreachclassactionsettlement.com, or you may request one by mail by calling 1-844-979-7304. Read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **November 15, 2022** to:

Humana Settlement
c/o RG/2 Claims Administration LLC
PO Box 59479
Philadelphia, PA 19102-9479

11. How will claims be decided?

The Claims Administrator will decide in their professional judgment whether the information provided on a Claim Form is complete and valid. The Claims Administrator may require additional information from any claimant. If the required information is not provided timely, the claim will be considered invalid and will not be paid.

REMAINING IN THE SETTLEMENT

12. Do I need to do anything to remain in the Settlement?

You do not have to do anything to remain in the Settlement, but if you want a payment you must submit a Claim Form postmarked by **November 15, 2022**.

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com

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

If the Settlement becomes final, you will give up your right to sue for the claims being resolved by this Settlement. The specific claims you are giving up are described in Section 13.bb of the Settlement Agreement. You will be “releasing” Humana and Cotiviti and all related people or entities as described in Sections 1.21 and 1.23 of the Settlement Agreement. The Settlement Agreement is available at www.databreachclassactionsettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the law firms listed in Question 17 for free or, you can, of course, talk to your own lawyer at your own expense if you have questions about what this means.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue Humana and Cotiviti about issues in this case, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Settlement Class.

14. If I exclude myself, can I get a payment from this Settlement?

No. If you exclude yourself, you will not be entitled to any benefits of the Settlement, but you will not be bound by any judgment in this case.

15. If I do not exclude myself, can I sue Humana and Cotiviti for the same thing later?

No. Unless you exclude yourself, you give up any right to sue for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment.

16. How do I exclude myself from the Settlement?

To exclude yourself, send a letter that says you want to be excluded from the Settlement in lawsuit styled *Steven K. Farmer v. Humana Inc. and Cotiviti, Inc.*, in the U.S. District Court for the Middle District of Florida, Tampa Division, Case No. 8:21-cv-1478-MSS-SPF. Include your name, address, and signature. You must mail your Exclusion Request postmarked by **November 15, 2022**, to:

Humana Settlement Exclusions
PO Box 59479
Philadelphia, PA 19102-9479

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed the following lawyers as “Class Counsel”: John A. Yanchunis and Ryan D. Maxey of MORGAN & MORGAN COMPLEX LITIGATION GROUP, 201 N. Franklin St., 7th Floor, Tampa, Florida 33602.

You will not be charged for these lawyers. 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 request the Court’s approval of an award for attorneys’ fees and reasonable costs and expenses of up to \$300,000. Class Counsel will also request approval of an incentive award of \$2,500 for the Representative Plaintiff. Any amount that the Court awards for attorneys’ fees, costs, expenses, and an incentive award will be paid separately per the terms of the Settlement Agreement and will not reduce the amount of payments to Class Members who submit valid claims.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

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

You can object to the Settlement if you do not like it or some part of it. The Court will consider your views. To do so, you must **file** a written objection in this case, *Steven K. Farmer v. Humana Inc. and Cotiviti, Inc.*, in the U.S. District Court for the Middle District of Florida, Tampa Division, Case No. 8:21-cv-1478-MSS-SPF, with the Clerk of the Court at the address below.

Your objection must include all of the following:

- your full name , address, telephone number, and e-mail address (if any);
- information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class, which is described in response to Question 5;
- a written statement of all grounds for the objection, accompanied by any legal support for the objection that you believe is applicable;
- the identity of all counsel representing you, if any, in connection with your objection;
- a statement confirming whether you intend to personally appear and/or testify at the Final Fairness Hearing;
- your signature or the signature of your duly authorized attorney or other duly authorized representative;

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To be timely, your objection must be **filed** with the Clerk of the Court for the U.S. District Court for the Middle District of Florida (Tampa Division) no later than **November 15, 2022**.

In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel, postmarked no later than November 15, 2022:

Court	Class Counsel	Cotiviti's Counsel	Humana's Counsel
Clerk of the Court U.S. District Court for the Middle District of Florida (Tampa Division) 801 North Florida Ave., Tampa, Florida, 33602	John A. Yanchunis Ryan D. Maxey MORGAN & MORGAN Complex Litigation Group 201 N. Franklin St., 7 th Floor, Tampa, Florida 33602	Paul G. Karlsgodt Michelle R. Gomez BAKER & HOSTETLER LLP 1801 California Street Suite 4400 Denver, Colorado 80202	Jason Daniel Joffe Kimberly J. Donovan SQUIRE PATTON BOGGS (US) LLP 200 S. Biscayne Blvd. Suite 4700 Miami, FL 33131

20. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you do not exclude yourself from the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

The Court will hold a Fairness Hearing at 10:00 am on February 8, 2023, at the U.S. District Court for the Middle District of Florida (Tampa Division) located at 801 North Florida Ave., Tampa, Florida, 33602, Courtroom 7A (or by Zoom if the Court so orders). The hearing may be moved to a different date or time without additional notice, so it is a good idea to check **www.databreachclassactionsettlement.com** or call 1-844-979-7304. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely 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 request for an award of attorneys' fees and reasonable costs and expenses, as well as the request for an incentive

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award for the Representative Plaintiff. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

22. Do I have to attend the hearing?

No. Class Counsel will present the Settlement Agreement 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 come to 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 19, the Court will consider it.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file an objection according to the instructions in Question 19, including all the information required therein. Your Objection must be **filed** with the Clerk of Court for the U.S. District Court for the Middle District of Florida (Tampa Division) by mailing it postmarked no later than November 15, 2022. In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel listed in Question 19, postmarked no later than **November 15, 2022**.

IF YOU DO NOTHING

24. What happens if I do nothing?

If you do nothing, you will get no benefits from this Settlement. Unless you exclude yourself, after the Settlement is granted final approval and the judgment becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit about the legal issues in this case, ever again against Humana, Cotiviti or any related people or entities as described in Sections 1.21 and 1.23 of the Settlement Agreement. The Settlement Agreement is available at www.databreachclassactionsettlement.com.

GETTING MORE INFORMATION

25. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement at www.databreachclassactionsettlement.com. You may also write with questions to Humana Settlement, c/o RG/2 Claims Administration LLC, PO Box 59479, Philadelphia, PA 19102-9479, or email at info@rg2claims.com. You can also get a Claim Form at the website, or by calling the toll-free number, 1-844-979-7304.

Questions? Call 1-844-979-7304 or visit www.databreachclassactionsettlement.com