

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SAMUEL BINGAMAN, WILLIAM)	
SWIGERT, SHANE WILSON, and)	
MARIA RUSKIEWICZ, individually)	Case No. CIV-23-130-SLP
and on behalf of all similarly situated)	
persons,)	Consolidated with:
)	Case No. CIV-23-134-SLP
Plaintiffs,)	
)	
and)	Magistrate Judge Suzanne Mitchell
)	
ROSALIE DUPUS, individually and)	
on behalf of all similarly situated)	
persons,)	
)	
Consolidated Plaintiff,)	
)	
v.)	
)	
AVEM HEALTH PARTNERS, INC.,)	
)	
Defendant.)	

**DECLARATION OF WILLIAM B. FEDERMAN
IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT**

I, **William B. Federman**, declare under penalty of perjury as follows:

1. I am an attorney duly admitted to the bars of the states of Texas, Oklahoma, and New York. I was previously appointed by the Court as Interim Lead Class Counsel in this matter (ECF No. 37). I am a founder and managing member of the law firm Federman & Sherwood, Counsel for Plaintiffs in the above referenced action. I submit this declaration in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement and Memorandum of Law in Support, filed contemporaneously herewith.

I. THE SETTLEMENT IS FAIR, REASONABLE, AND ADEQUATE

1. On August 18, 2023, Samuel Bingaman, William Swigert, Shane Wilson, Rosalie Dupus, and Maria Ruskiewicz (collectively, “Plaintiffs” or “Class Representatives”) and Avem Health Partners, Inc. (“Avem” or “Defendant”) (together, the “Parties”) reached an agreement to settle this Action pursuant to the terms of the Settlement Agreement and Release (the “Settlement Agreement”).¹

2. Through the Settlement, Defendant has made a generous non-reversionary Settlement Fund of \$1,450,000.00 available to pay for the costs and expenses of this settlement including the following substantial benefits for Settlement Class Members: (i) reimbursement up to \$7,000.00 for Documented Out-Of-Pocket Losses; (ii) reimbursement of Lost Time at a rate of \$25.00 per hour (a maximum of 5 hours); and (iii) 3 years of credit monitoring and identity theft protection services. *See* SA, ¶¶ 52, 54, 57. A claim for Lost Time may be combined with a claim for reimbursement for Documented Out-of-Pocket Losses, but a Settlement Class Member will not be eligible to receive more than the \$7,000.00—the individual cap. *Id.* ¶ 54. Additionally, and in lieu of receiving a reimbursement for Documented Out-Of-Pocket Losses, reimbursement for Lost Time, and/or Credit Monitoring and Identity Theft Protection Services, all Settlement Class Members may elect to submit a claim for a one-time Alternative Cash Payment of up to \$100.00. *Id.* ¶ 58. This is in addition to the meaningful remediation measures Defendant is

¹ All capitalized terms shall have the definitions set forth in the Settlement Agreement, attached as Exhibit A to the Declaration of William B. Federman in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (ECF No. 54-1).

undertaking at its own expense, completely separate and apart from the \$1,450,000.00 made available to the Class. *See id.* ¶ 69.

3. The Settlement was the result of hard-fought arm's length negotiations between competent and experienced counsel. The negotiations involved extensive back and forth between the Parties, which spanned the course of weeks.

4. While I believe Plaintiffs' case against Defendant is strong, there would be many hurdles to overcome in a case of this size and scope, including: class certification, *Daubert* motions, summary judgment, trial, and appeals, which could all potentially impede Plaintiffs' ability to secure a recovery for the Class. The Settlement confers immediate and substantial benefits on the Settlement Class without the delay of protracted litigation that could last years. At the same time, the certainty of the Settlement eliminates the risk that continued litigation might yield little or nothing for the Class given the difficulties of obtaining class certification and establishing liability and damages.

5. Therefore, it is my opinion that the Settlement achieved here represents an excellent result considering the significant benefits to the Settlement Class as well as the risks and delays attendant to further protracted litigation.

6. My opinion is informed by my years of experience litigating complex class actions, including data breach class actions. Indeed, I have successfully prosecuted and settled numerous data breach class actions, consumer class actions, and other complex litigation throughout the country. *See* ECF 54-7 (Federman & Sherwood firm resume).

7. Class Counsel were instrumental in researching the case, developing the factual background and claims, working with counsel for Defendant to facilitate exchanges

of relevant information, and ultimately settling the case. After the Settlement was reached and presented the Court, Class Counsel has continued to devote effort towards this litigation on behalf of the Class.

II. THE NOTICE TO THE CLASS SATISFIES DUE PROCESS

8. The Notice program was structured to fulfill all requirements of Due Process while remaining straight-forward and easy to understand. *See Ex. 1* (Decl. of Christopher Leung on Notice and Settlement Administration (“Simpluris Decl.”)), ¶¶ 3–4.

9. Pursuant to the Settlement Agreement, and following the entry of the Preliminary Approval Order, Defendants provided the Settlement Class List to the Settlement Administrator. *Id.* ¶¶ 3–4.

10. Class Counsel instructed the Settlement Administrator to begin disseminating Notice by direct mail in accordance with the Preliminary Approval Order. *Id.*

11. A reminder notice was issued to Settlement Class Members on April 5, 2024. *Id.* ¶ 4.

12. In addition to the direct notice program, this Settlement was featured on my firm’s website as well as on HIPAA Journal (<https://www.hipaajournal.com/avem-health-partners-data-breach-settlement/>); and Top Class Action (<https://topclassactions.com/lawsuit-settlements/open-lawsuit-settlements/avem-health-partners-data-breach-1-45m-class-action-settlement/>). *Id.* ¶ 5.

13. In accordance with the Preliminary Approval Order, the Settlement Administrator established a dedicated settlement website, to provide Settlement Class

Members with information concerning the Settlement, the ability to access downloadable copies of the Notice and copies of the Settlement Agreement, and the ability to submit claim forms online. *Id.* ¶ 6. The Settlement Administrator has additionally established an email inbox for Settlement Class Members to obtain information about the Settlement and/or seek other assistance. *Id.* ¶ 8.

14. The Court-approved Notice explains the background and terms of the Settlement and provides members of the Settlement Class with the date of the final approval hearing. The Notice also provides Settlement Class Members with an explanation of the Settlement, the Settlement benefits, the requests for fees and expenses of Class Counsel and service award to Plaintiffs, and the rights and options of Settlement Class Members (including the right to object to the settlement or exclude themselves from the settlement).

III. THE POSITIVE RESPONSE FROM THE SETTLEMENT CLASS

15. The deadline for Class Members to request exclusion from the Settlement Class or to object to the Settlement passed on April 25, 2024. *Id.* ¶¶ 9–11. Absolutely *no* Settlement Class Member objected to any aspect of the Settlement. *Id.* ¶ 11. Moreover, only five (5) Class Member sought exclusion from the Settlement Class. *Id.* ¶ 10.

16. With approximately a month remaining before the claims deadline, there is a 1.11% claims rate for Postcard Claim Forms and a 0.4% claims rate for online claims forms. *See Ex. 2* (weekly status update from Simpluris for the week of April 12, 2024) The number of claims is expected to grow before the May 25, 2024 claims submission deadline. This

claims rate compares favorably to the claims rates in other class action settlements, as evidenced in the below chart:

Case	Claims Rate
<i>In re Target Corp. Customer Data Sec. Breach Litig.</i> , No. 14-md-2522, 2017 WL 2178306, at *1–2 (D. Minn. May 17, 2017), <i>aff'd</i> , 892 F.3d 968 (8th Cir. 2018)	0.23 %
<i>In re Hudson's Bay Co. Data Sec. Incident Consumer Litig.</i> , No. 18-CV-8472 (PKC), 2022 WL 2063864, at *10 (S.D.N.Y. June 8, 2022)	0.25 %
<i>Corona v. Sony Pictures Entmt., Inc.</i> , No. 2:14-cv-9600 (C.D. Cal. Apr. 12, 2016), ECF Nos. 164, 166	0.7 %
<i>Schneider v. Chipotle Mexican Grill, Inc.</i> , 336 F.R.D. 588, 599 (N.D. Cal. 2020)	0.83%
<i>Pollard v. Remington Arms Co., LLC</i> , 896 F.3d 900, 906 (8th Cir. 2018)	0.29%

17. Overall, the response from the Settlement Class has been extremely positive, which demonstrates Class Members' approval of the Settlement.

IV. CONCLUSION

18. In my professional opinion, the Settlement represents an excellent result for the Settlement Class and merits final approval.

Dated: April 25, 2024

Respectfully submitted,

/s/: William B. Federman

William B. Federman

FEDERMAN & SHERWOOD

10205 N. Pennsylvania Ave.

Oklahoma City, OK 73120

Telephone: (405) 235-1560

wbf@federmanlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2024, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ William B. Federman

William B. Federman

Exhibit 1

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BINGAMAN, *et al.*,

Plaintiffs,

vs.

AVEM HEALTH PARTNERS, INC.,

Defendant.

Case No. CIV-23-130-SM

CLASS ACTION

**DECLARATION OF CHRISTOPHER
LEUNG IN SUPPORT OF PLAINTIFFS
MOTION FOR FINAL APPROVAL**

**DECLARATION OF CHRISTOPHER LEUNG ON NOTICE AND
SETTLEMENT ADMINISTRATION**

I, Christopher Leung, declare as follows:

1. I am the Project Manager of Client Services for Simpluris, Inc. (“Simpluris”). I am over the age of 18 and authorized to make this declaration on behalf of Simpluris and myself, and make this declaration based upon my own personal knowledge.

2. I submit this declaration to inform the Parties and the Court of the Claims Administration activities completed to date. This declaration describes the (1) intake of class member data and dissemination of direct notice, (2) the Settlement Website, (3) receipt and verification of correspondences, (4) receipt and processing of claim forms, (5) receipt and processing of opt outs and objections and (6) my certification that the notice program has been carried out as set forth in the parties’ settlement agreement.

3. *Notice Data.* On February 1, 2024, Simpluris received one (1) file from Defense Counsel containing 271,303 records of potential class member names and mailing addresses. Of the 271,303 records, there were 69,826 records with missing mailing address information. After performing standard data hygiene and deduplication analysis, Simpluris identified 200,880 unique

member records with valid mailing addresses. Prior to mailing, Simpluris updated the mailing address information for all class members via the USPS National Change of Address (“NCOA”) database, which provides updated address information for individuals or entities who have moved during the previous four years and filed a change of address with the USPS. Additionally, all addresses were processed through the USPS Coding Accuracy Support System (“CASS”) and Locatable Address Conversion System (“LACS”) to ensure deliverability.

4. *Notices.* On February 23, 2024, Simpluris disseminated Summary Notices via U.S. First Class Mail to the 200,880 records with valid mailing addresses. A true and correct copy of the Summary Notice is attached as **Exhibit A**. As of April 18, 2024, 53,398 Summary Notices have been returned to Simpluris as undeliverable. Of the pieces returned, 37,621 included forwarding address information or were updated with new addresses as a result of skip trace address research and the notices were promptly remailed to the updated addresses. On April 5, 2024, Simpluris disseminated Reminder Summary Notices via U.S. First Class Mail to the 200,880 records with valid mailing addresses. A true and correct copy of the Reminder Summary Notice is attached as **Exhibit B**. As of April 18, 2024, 23,732 Reminder Summary Notices have been returned to Simpluris as undeliverable. Of the pieces returned, 533 included forwarding address information or were updated with new addresses as a result of skip trace address research and the notices were promptly remailed to the updated addresses.

5. *Press.* Simpluris is aware that this settlement was featured on two websites, Top Class Actions¹, published on March 20, 2024, and The HIPAA Journal², published on March 20, 2024.

¹ <https://topclassactions.com/lawsuit-settlements/open-lawsuit-settlements/avem-health-partners-data-breach-1-45m-class-action-settlement/>

² <https://www.hipaajournal.com/avem-health-partners-data-breach-settlement/>

6. *Settlement Website.* The Settlement Website was launched on February 23, 2024, and contained a Home page, a Frequently Asked Questions page, an Important Documents page providing downloadable documents (including, among other filed documents, the Settlement Agreement, Preliminary Approval Order, Long Form Notice, Long Form Notice (Spanish) and Claim Form), an Important Dates, a Contact page, and a module for class members to submit an Online Claim Form. As of April 18, 2024, there have been 16,404 page views and 5,490 unique visitors to the Settlement Website.

7. *P.O. Box.* The Settlement P.O. Box was established prior to February 23, 2024. As of April 18, 2024, twenty (20) correspondences have been received to the Settlement P.O. Box.

8. *Email Inbox.* The Settlement email inbox was established prior to February 23, 2024. As of April 18, 2024, 160 emails have been received to the Settlement email inbox.

9. *Claim Forms.* Class members have until May 25, 2024, to either submit an Online Claim Form or mail in a Postcard Claim Form or Paper Claim Form. As of April 18, 2024, Simpluris has received 1,073 timely Online Claim Form submissions, zero (0) late Online Claim Form submissions, 2,936 timely Postcard Claim Forms, zero (0) late Postcard Claim Forms via mail and ten (10) timely Paper Claim Forms, and zero (0) late Paper Claim Forms via mail.

10. *Opt Outs.* Class members have until April 25, 2024, to file an Opt Out to the Settlement. As of April 18, 2024, five (5) Opt Outs have been received by Simpluris. The names of the individuals who have requested to be excluded from this settlement are Derek Munzuris, Denise Pendley, Shawna R Sershon, Robert L Sershon and Tanja Dufrane.

11. *Objections.* Class Members have until April 25, 2024, to file an objection to the Settlement's terms. As of April 18, 2024, no objections have been received by Simpluris.

12. *Settlement Agreement.* Prior to commencing the notice program, my team and I reviewed the parties' settlement agreement in this case with a focus on the section on settlement administration, which detailed the roles and responsibilities of the Claims Administrator.

Simpluris has carried out the provisions in the agreement in a manner consistent with best practices, thereby fulfilling its obligation to “provide notice of the settlement to the Settlement Class and otherwise administer the settlement.”

13. *Administration Costs.* Simpluris’ estimated costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$388,895.00.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct and executed on this 23th day of April, 2024.

A handwritten signature in black ink, appearing to read "Ching Leung", with a horizontal line extending to the right.

Christopher Leung

EXHIBIT A

LEGAL NOTICE

If Avem Health Partners, Inc. notified you of a Data Security Incident in or around December 2022, you may be eligible for a CASH PAYMENT or other benefits under a class action settlement.

A Settlement has been reached in a class action lawsuit against Avem Health Partners, Inc. ("Avem" or "Defendant") concerning a data security incident that occurred on or before May 14, 2022 (the "Data Security Incident"). The Settlement would resolve a lawsuit in which Plaintiffs allege that the Data Security Incident potentially exposed individuals' personal identifying information ("PII") and protected health information ("PHI"), including names, dates of birth, Social Security numbers, driver's license numbers, health insurance information, and/or diagnoses and treatment information. The Settlement is without an admission of liability.

Who is included in the Settlement? Avem's records show you are a member of the Settlement Class. The Settlement Class includes all individuals who were sent a notification letter from Avem stating that their PII/PHI was or may have been compromised during the Data Security Incident.

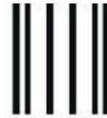
What are the settlement benefits? The settlement provides cash reimbursement payments to people who submit valid, attested to claims for: (i) lost time spent responding to the Data Security Incident (up to \$25.00 per hour, for a maximum of \$125.00); and (ii) up to \$7,000.00 for documented out-of-pocket expenses or losses incurred due to the Data Security Incident. The Settlement also provides three (3) years of identity protection and credit monitoring for all class members who timely enroll. Alternatively, in lieu of the benefits described in this paragraph, a Settlement Class Member may elect to receive a one-time Alternative Cash Payment of up to \$100.00.

How do I receive a payment or other benefit? To receive any payments or benefits under the Settlement, you **MUST** submit a claim. To submit a claim, you may either: (i) fill out, detach, and mail the attached Postcard Claim Form to the Settlement Administrator; or (ii) submit a Claim Form online at www.AvemSettlement.com. You may also call 866-604-5254 to request that a **Claim Form be mailed to you. Claims must be submitted online or postmarked by May 25, 2024.**

If you do not want to be legally bound by the Settlement, you must exclude yourself by **April 25, 2024**, or you will not be able to sue the Defendant or Released Parties for Released Claims relating to the Data Security Incident. If you exclude yourself, you cannot get money or benefits from this Settlement. If you want to object to the Settlement, you may file an objection by **April 25, 2024**. The detailed Notice explains how to submit a Claim Form, exclude yourself, or object.

When will the Court decide whether to approve the Settlement? The Court will hold a hearing in this case on **May 10, 2024 at 10:00 a.m.** at the United States District Court for the Western District of Oklahoma, located at 200 NW 4th Street, Oklahoma City, Oklahoma 73102, to consider whether to approve the Settlement. The Court will also consider Class Counsel's request for attorneys' fees of up to 30% of the Settlement Fund and reimbursement of litigation expenses of no more than \$35,000.00 for litigating the case and negotiating the Settlement on behalf of the Class, and service awards of \$1,500 for the Class Representatives. You may attend the hearing, but you do not have to.

For more information, call toll-free 866-604-5254 or visit www.AvemSettlement.com and read the detailed Notice.
Si necesita ayuda en español, comuníquese con el administrador al 866-604-5254.



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 47 COSTA MESA CA

POSTAGE WILL BE PAID BY ADDRESSEE



Avem Settlement
PO Box 25232
Santa Ana, CA 92799



LEGAL NOTICE

If Avem Health Partners, Inc. notified you of a Data Security Incident in or around December 2022, you may be eligible for a CASH PAYMENT or other benefits under a class action settlement.

CLASS MEMBER UNIQUE ID:

CLASS MEMBER UNIQUE ID:

Bingaman, et al. v. Avem Health Partners, Inc. Case No. CIV-23-130-SM

CLAIM FORM

To submit a claim for Credit Monitoring and Identity Theft Protection or Reimbursement of Time Spent Responding to the Data Security Incident, please complete the **below form**, sign, and mail this portion of the postcard to the Settlement Administrator **by no later than May 25, 2024**. Please complete the claim form for each category of benefits that you would like to claim. **You may check more than one box.** (*Note:* Claims for Reimbursement of Out-of-Pocket Expenses require supporting documentation and, therefore, must be submitted online at www.AvemSettlement.com or mailed to the Settlement Administrator with a separate Claim Form.)

Contact Information (*Please fill in completely.*)

Name: _____ Telephone Number: _____
Address, City, State, Zip Code: _____
Email Address: _____

Credit Monitoring and Identity Theft Protection

To receive the credit monitoring and identity theft protection plan offered as part of the settlement, please check the box below:
☐ I would like to claim three (3) years of credit monitoring and identity theft protection provided by Sontiq at no cost to me.

Reimbursement of Time Spent Responding to the Data Security Incident

To receive up to **\$125 in cash** for up to 5 hours of time responding to the Data Security Incident at a rate of \$25.00 per hour, provide the following:
I spent a total of hours of time in response to or addressing issues related to the Data Security Incident. (*Note:* Provide time in half hour increments, i.e. 2.5 hours, 4.0 hours)
You **MUST** briefly describe how you spent your time responding to the Data Security Incident: _____

Alternative Cash Payment

To receive a one-time Alternative Cash Payment in lieu of reimbursement for Out-of-Pocket Losses, reimbursement for Lost Time, and/or Credit Monitoring and Identity Protection Services, please check the box below:

☐ I would like to claim a one-time alternative Cash Payment in lieu of reimbursement for Out-of-Pocket Losses, reimbursement for Lost Time, and/or Credit Monitoring and Identity Theft Protection Services.

SIGN AND DATE YOUR CLAIM FORM

I declare under penalty of perjury that the information supplied in this claim form is true and correct to the best of my recollection. I authorize the Settlement Administrator to contact me, using the contact information set forth above, to obtain any necessary supplemental information.

Signature: _____ Date: (mm/dd/yyyy): _____ Print Name: _____

The deadline to submit this form is **May 25, 2024** Questions? Visit www.AvemSettlement.com or call (866) 604-5254

EXHIBIT B

REMINDER OF LEGAL NOTICE

If **Avem Health Partners, Inc.** notified you of a **Data Security Incident** in or around **December 2022**, you may be eligible for a **CASH PAYMENT** or other benefits under a class action settlement.

A Settlement has been reached in a class action lawsuit against Avem Health Partners, Inc. ("Avem" or "Defendant") concerning a data security incident that occurred on or before May 14, 2022 (the "Data Security Incident"). The Settlement would resolve a lawsuit in which Plaintiffs allege that the Data Security Incident potentially exposed individuals' personal identifying information ("PII") and protected health information ("PHI"), including names, dates of birth, Social Security numbers, driver's license numbers, health insurance information, and/or diagnoses and treatment information. The Settlement is without an admission of liability.

Who is included in the Settlement? Avem's records show you are a member of the Settlement Class. The Settlement Class includes all individuals who were sent a notification letter from Avem stating that their PII/PHI was or may have been compromised during the Data Security Incident.

What are the settlement benefits? The settlement provides cash reimbursement payments to people who submit valid, attested to claims for: (i) lost time spent responding to the Data Security Incident (up to \$25.00 per hour, for a maximum of \$125.00); and (ii) up to \$7,000.00 for documented out-of-pocket expenses or losses incurred due to the Data Security Incident. The Settlement also provides three (3) years of identity protection and credit monitoring for all class members who timely enroll. Alternatively, in lieu of the benefits described in this paragraph, a Settlement Class Member may elect to receive a one-time Alternative Cash Payment of up to \$100.00.

How do I receive a payment or other benefit? To receive any payments or benefits under the Settlement, you **MUST** submit a claim. To submit a claim, you may either: (i) fill out, detach, and mail the attached Postcard Claim Form to the Settlement Administrator; or (ii) submit a Claim Form online at www.AvemSettlement.com. You may also call 866-604-5254 to request that a **Claim Form be mailed to you. Claims must be submitted online or postmarked by May 25, 2024.**

If you do not want to be legally bound by the Settlement, you must exclude yourself by **April 25, 2024**, or you will not be able to sue the Defendant or Released Parties for Released Claims relating to the Data Security Incident. If you exclude yourself, you cannot get money or benefits from this Settlement. If you want to object to the Settlement, you may file an objection by **April 25, 2024**. The detailed Notice explains how to submit a Claim Form, exclude yourself, or object.

When will the Court decide whether to approve the Settlement? The Court will hold a hearing in this case on **May 10, 2024 at 10:00 a.m.** at the United States District Court for the Western District of Oklahoma, located at 200 NW 4th Street, Oklahoma City, Oklahoma 73102, to consider whether to approve the Settlement. The Court will also consider Class Counsel's request for attorneys' fees of up to 30% of the Settlement Fund and reimbursement of litigation expenses of no more than \$35,000.00 for litigating the case and negotiating the Settlement on behalf of the Class, and service awards of \$1,500 for the Class Representatives. You may attend the hearing, but you do not have to.

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Si necesita ayuda en español, comuníquese con el administrador al 866-604-5254.



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 47 COSTA MESA CA

POSTAGE WILL BE PAID BY ADDRESSEE

Avem Settlement
PO Box 25232
Santa Ana, CA 92799



Avem Settlement
P.O. Box 25232
Santa Ana, CA 92799

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
SIMPLURIS INC

REMINDER OF LEGAL NOTICE

If Avem Health Partners, Inc. notified you of a Data Security Incident in or around December 2022, you may be eligible for a **CASH PAYMENT** or other benefits under a class action settlement.

Please disregard this Reminder Notice if you have already submitted a Claim Form.

CLASS MEMBER UNIQUE ID:

CLASS MEMBER UNIQUE ID:

Bingaman, et al. v. Avem Health Partners, Inc. Case No. CIV-23-130-SM

CLAIM FORM

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Contact Information (*Please fill in completely.*)

Name: _____ Telephone Number: _____
Address, City, State, Zip Code: _____
Email Address: _____

Credit Monitoring and Identity Theft Protection

To receive the credit monitoring and identity theft protection plan offered as part of the settlement, please check the box below:

- ☐ I would like to claim three (3) years of credit monitoring and identity theft protection provided by Sontiq at no cost to me.

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You **MUST** briefly describe how you spent your time responding to the Data Security Incident: _____

Alternative Cash Payment

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- ☐ I would like to claim a one-time alternative Cash Payment in lieu of reimbursement for Out-of-Pocket Losses, reimbursement for Lost Time, and/or Credit Monitoring and Identity Theft Protection Services.

SIGN AND DATE YOUR CLAIM FORM

I declare under penalty of perjury that the information supplied in this claim form is true and correct to the best of my recollection. I authorize the Settlement Administrator to contact me, using the contact information set forth above, to obtain any necessary supplemental information.

Signature: _____ Date: (mm/dd/yyyy): _____ Print Name: _____

The deadline to submit this form is **May 25, 2024** Questions? Visit www.AvemSettlement.com or call (866) 604-5254

«Barcode_190106»

CLASS MEMBER UNIQUE ID:

Exhibit 2



04/12/2024

Project Manager : Christopher Leung
Project Manager Email : Christopher.Leung@simpluris.com
Project Manager Direct Line : (714) 410 - 2138

Bingaman et al v Avem Health Partners Inc
United States District Court for the Western District of Oklahoma
Case No.CIV-23-130-SLP

Plaintiff Counsel*William B Federman / Federman & Sherwood***Defense Counsel***Casie D. Collignon / Baker & Hostetler LLP***Case Milestone**

Preliminary Approval Granted	January 26, 2024
Notification Mailing	February 25, 2024
Objection Deadline	April 25, 2024
Opt Out Deadline	April 25, 2024
Final Approval Hearing	May 10, 2024
Claim Deadline	May 25, 2024

Response Summary**Total Class Members: 200,880***"Total Responses Submitted" is based on responses processed as of date reflected on the report.*

	Total	Rate	Deficient	Late
Claim Form - Online Claim Form	803	0.4%		
Claim Form - Paper Claim Form	7	0%		
Claim Form - Postcard Claim Form	2,426	1.21%		
Valid	2,233	1.11%		
Invalid	1	0%		
Pending	192	0.1%	192	0
Objection Form - Objection Letter	0	0%		
Opt Out Form - Opt Out Letter	4	0%		

Mailing Summary

Mailing Title	Mailed	Returned	Remailed	Undeliverable
Notice Packet - Double Postcard Notice	200,880	53,228	37,516	15,708
Notice Packet - Reminder Double Postcard Notice	200,880	N/A	N/A	N/A