

HAMPDEN COUNTY MASSACHUSETTS SUPERIOR COURT

Notice of Class Action and Proposed Settlement

You may be entitled to receive benefits under this class action Settlement.

This notice summarizes the proposed Settlement reached in a lawsuit entitled *Joyner v. Behavioral Health Network, Inc.*, No. 2079CV00629, pending in the Hampden County Massachusetts Superior Court (“Lawsuit”). For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.behavioralhealthsettlement.com, or by contacting the Settlement Administrator at *Joyner v. Behavioral Health Network* Settlement Administrator, P.O. Box 43416, Providence, RI 02940-3416.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

This notice may affect your rights—please read it carefully.

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

- The lawsuit alleges that on or about May 26, 2020 to May 28, 2020, Behavioral Health Network, Inc. (BHN) was the victim of a cyberattack resulting in access by an unauthorized third party to certain computer systems of BHN containing personal information and protected health information stored by BHN, including names, Social Security numbers, dates of birth, medical history information, health insurance information, and other information (the “Data Security Incident”). BHN maintains that it had meritorious defenses, and it was prepared to vigorously defend the lawsuit. The Settlement is not an admission of wrongdoing or an indication that BHN has violated any laws.
- If your information was potentially compromised in the Data Security Incident, you are a Settlement Class Member.
- **The Settlement provides a \$1,200,000 Settlement Fund.**
- **Settlement Class Members are eligible for the Settlement Offering, which is credit monitoring and identity theft insurance, by submitting the Election Form postmarked by January 26, 2022 and following the additional enrollment instructions to activate the plan as instructed.**
- **The Settlement also provides that Settlement Class Members who elected to receive and enrolled in the Settlement Offering may also seek reimbursement of up to \$10,000 for documented Economic Losses Settlement Class Members suffered as a result of the Data Security Incident that have not been reimbursed. To be eligible for reimbursement, you must submit sufficient evidence of your economic loss and satisfy additional requirements. The deadline to submit a claim is six months after the Settlement Offering is first instituted.**
- **The Settlement also provides that Settlement Class Members may seek reimbursement for Lost Time related to the Data Security Incident. To be eligible for reimbursement, you must submit a claim showing the Lost Time is fairly traceable to the Data Security Incident. The deadline to submit a claim is six months after the Settlement Offering is first instituted.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT AN ELECTION FORM DEADLINE: JANUARY 26, 2022	This is the only way for Settlement Class Members to enroll in the Settlement Offering of credit monitoring and identity theft insurance paid for by BHN.
SUBMIT ONE OR MORE REIMBURSEMENT FORMS DEADLINE: SIX MONTHS AFTER THE SETTLEMENT OFFERING IS FIRST INSTITUTED	This is the only way for Settlement Class Members to request reimbursement of economic losses and lost time related to the Data Security Incident. For economic losses, you must elect to receive and enroll in the Settlement Offering offered through this Settlement to be eligible for reimbursement. For lost time, you do not need to enroll in the Settlement Offering. You can seek reimbursement for economic losses, for lost time, or for both.
DO NOTHING	If you are a Settlement Class Member and do not submit an Election Form or a Reimbursement Form, you will not receive anything from the Settlement, and you will not be able to sue, continue to sue, or be part of another lawsuit against BHN about the legal claims resolved by this Settlement.
OBJECT DEADLINE: NOVEMBER 29, 2021	You may object to the Settlement or to Class Counsel’s or the Class Representative’s requests for Class Counsel fees or Service Awards, respectively.
GO TO A HEARING ON DECEMBER 14, 2021	You may object to the Settlement and ask the Court for permission to speak at the Final Approval Hearing about your objection.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court still must decide whether to approve the Settlement. No benefits will be provided, or payments made until after the Court grants final approval of the Settlement and all appeals, if any, are resolved.

QUESTIONS? READ ON AND VISIT WWW.BEHAVIORALHEALTHSETTLEMENT.COM

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BASIC INFORMATION

Why is this Notice being provided?

This Class Notice is provided pursuant to an order issued by the Court to inform you of the proposed Settlement and the Final Approval Hearing to be held by the Court to consider, among other things, (a) whether the Settlement is fair, reasonable and adequate and should be approved; and (b) Class Counsel’s request for Class Counsel Fees and Expenses and the Class Representative’s request for a Service Award. This Class Notice explains the nature of the lawsuit, the general terms of the proposed Settlement (including the benefits available), and your legal rights and obligations. This Class Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the Action.

The Hampden County Massachusetts Superior Court is overseeing this action, which is known as *Joyner v. Behavioral Health Network, Inc.*, 2079CV00629 (the “Action”). The person that filed the lawsuit is called the “Plaintiff.” Behavioral Health Network, Inc. is the “Defendant.”

What is this lawsuit about?

The lawsuit alleges that on or about May 26, 2020 to May 28, 2020, BHN was the victim of a cyberattack resulting in access by an unauthorized third party to certain computer systems of BHN containing personal information and protected health information stored by BHN, including names, Social Security numbers, dates of birth, medical history information, health insurance information, and other information (the “Data Security Incident”).

Plaintiff claims that BHN did not adequately protect personal information, and that as a result of the Data Security Incident people were harmed. BHN denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing or that any law has been violated.

Why is this a class action?

In a class action, one or more people called “Class Representatives” sue on behalf of themselves and other people with similar claims. The Plaintiff (the Class Representative here), together with the people she represents, are called “Settlement Class Members.” One court resolves the issues for all Settlement Class Members. In this case, the Class Representative is Bonita Joyner.

Why is there a Settlement?

The Court has not decided in favor of Plaintiff or BHN. Instead, both sides agreed to a settlement. Settlement avoids the costs and uncertainty of trial and related appeals while providing benefits to members of the Settlement Class. The Class Representative and attorneys for the Settlement Class (“Settlement Class Counsel”) believe the Settlement is in the best interests of the Settlement Class Members.

WHO IS IN THE SETTLEMENT

How do I know if I am part of the Settlement?

You are included in the Settlement Class if you are a member of the following:

All individuals to whom a notification was sent by or on behalf of Behavioral Health Network, Inc. regarding the Data Security Incident.

What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Class, or have any other questions about the Settlement, call the toll-free number, 1-855-786-1039. You also may write with questions to: *Joyner v. Behavioral Health Network* Settlement Administrator, P.O. Box 43416, Providence, RI 02940-3416 or go to www.behavioralhealthsettlement.com.

THE SETTLEMENT BENEFITS

What benefits does the Settlement provide?

BHN will pay \$1,200,000 into a Settlement Fund, which, after deduction of Court-approved fees, awards, and expenses, will be used to pay the benefits of the Settlement.

The Settlement Fund will be used to provide Settlement Class Members the following benefits under the Settlement: (1) coverage under a credit monitoring and identity theft insurance plan, with coverage of at least \$1,000,000; and (2) reimbursement of documented Economic Losses up to \$10,000.00 per Settlement Class Member, which: (a) are related to the Data Security Incident; (b) have not otherwise been reimbursed; (c) are supported by required documentation; and (d) meet all requirements set forth in the Reimbursement Form and the Settlement Agreement. In addition, the Settlement Fund will be used to pay claims for lost time related to the Data Security Incident.

Complete details regarding the settlement benefits are available in the Settlement Agreement, which is available at www.behavioralhealthsettlement.com.

Tell me more about enrollment in the credit monitoring and identity theft insurance.

Settlement Class Members can enroll in the following credit monitoring and identity theft insurance of at least \$1,000,000:

Identity Theft Protection.

Settlement Class Members shall have the option, at no cost to them, to sign up for credit monitoring and identity theft insurance of at least \$1,000,000 offered by the Settlement (“Settlement Offering”). If a Settlement Class Member elects to

utilize the Settlement Offering, he or she must make that election by the Election Deadline. If a Settlement Class Member elects to receive the Settlement Offering, he or she must activate the plan in accordance with the instructions provided with the activation code that will be issued.

Tell me more about reimbursement of economic costs.

Reimbursement of Documented Economic Losses. Any Settlement Class Member may submit one or more Claims for reimbursement for documented Economic Losses related to the Data Security Incident that have not been reimbursed by the vendor providing the Settlement Offering or other third parties, up to an aggregate total of \$10,000 per Settlement Class Member. Reimbursement Claims must be submitted pursuant to the enclosed Economic Loss Reimbursement Form and in accordance with the reimbursement terms under the provisions of the Settlement Agreement. All Reimbursement Claims must be submitted to the Settlement Administrator on or before the expiration of the Claims Period.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Economic Losses related to the Data Security Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant’s name and current address; (b) if applicable, a signed copy of IRS Form 14039 along with a statement under penalty of perjury that the form was submitted to the Internal Revenue Service; (c) the bills or invoices documenting the amount of the claim and proof that the bills or invoices were paid; and (d) a statement signed under penalty of perjury indicating that: (i) the Economic Losses claimed are fairly traceable to the Data Security Incident; and (ii) the total amount claimed has not been reimbursed by any other person or entity. Third-party documentation of Economic Losses is required to establish a claim. Economic Losses that are compensated under the Settlement Agreement are those that are reasonable and customarily incurred when responding to the type of fraud or identity theft suffered by the Settlement Class Member from the Data Security Incident.

Tell me more about reimbursement of lost time.

Reimbursement of Lost Time. Any Settlement Class Member may submit one or more claims for reimbursement for Lost Time related to the Data Security Incident, up to an aggregate total of \$1,000 per Settlement Class Member. A Settlement Class Member may submit a claim regardless of whether the Settlement Class Member takes advantage of the Settlement Offer and regardless of whether the Settlement Class Member submits a claim for documented Economic Losses. A Settlement Class Member is eligible for the payment provided in this section in addition to, and on top of, any payment for documented Economic Losses. A claim for reimbursement of Lost Time must be submitted pursuant to the enclosed Lost Time Reimbursement Form. Third-party documentation of Lost Time is not required to establish a claim, but you must provide a general description of how the time was spent and how many hours were spent.

HOW TO GET SETTLEMENT BENEFITS

How can I enroll in the credit monitoring and identity theft insurance plan?

To receive the Settlement Offering, Settlement Class Members must submit an Election Form by mail or through the Settlement Website by **January 26, 2022**. The Settlement Administrator will notify you of any deficiencies with respect to your Election Form, and you will have 21 days after such notice is sent to correct these deficiencies. The Settlement Administrator will then issue a final decision on your entitlement to the credit monitoring and identity theft insurance plan.

An Election Form is available at www.behavioralhealthsettlement.com or by calling 1-855-786-1039. Election Forms are also available by writing to the Settlement Administrator at *Joyner v. Behavioral Health Network* Settlement Administrator, P.O. Box 43416, Providence, RI 02940-3416.

How do I obtain reimbursement of economic costs related to the Data Security Incident?

For reimbursement of documented Economic Losses related to the Data Security Incident that have not been reimbursed, up to an aggregate total of \$10,000 in reimbursement per Settlement Class Member, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked six months after the Settlement Offering is first instituted to:

Joyner v. Behavioral Health Network Settlement Administrator
P.O. Box 43416
Providence, RI 02940-3416

If you have questions about how to file a claim, call 1-855-786-1039 or go to www.behavioralhealthsettlement.com.

How do I obtain reimbursement of lost time related to the Data Security Incident?

For reimbursement of Lost Time related to the Data Security Incident, up to an aggregate total of \$1,000 in reimbursement per Settlement Class Member, you must complete and submit a Reimbursement Form(s) and provide a narrative of what the time was spent on. You can get the Reimbursement Form at www.behavioralhealthsettlement.com or by calling 1-855-786-1039. For each Reimbursement Form, you must read the instructions carefully, fill out the form completely, attach any required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked no later than six months after the Settlement Offering is first instituted to:

Joyner v. Behavioral Health Network Settlement Administrator
P.O. Box 43416
Providence, RI 02940-3416

If you have questions about how to file a claim, call 1-855-786-1039 or go to www.behavioralhealthsettlement.com.

When will I receive my reimbursement payment under the Settlement?

If you file a timely and valid Reimbursement Form and submit required documentation, the Settlement Administrator will evaluate your claim to confirm your eligibility and calculate your payment amount. The Settlement Administrator will notify you of any deficiencies with respect to your claim, and you will have 21 days after such notice is sent to correct these deficiencies. The Settlement Administrator will then issue a final decision on your claim.

Payments for valid claims will not be made until after the Settlement is finally approved and all appeals and other reviews have been exhausted.

What am I giving up as part of the Settlement?

If the Settlement is approved, you cannot sue BHN or be part of any lawsuit against BHN about any of the issues in this Action. All of the decisions by the Court will bind you. The specific claims you are giving up are described in Paragraph 9 of the Settlement Agreement. You will be releasing your claims against BHN and all related people as described in Paragraph 9.

The Settlement Agreement is available at www.behavioralhealthsettlement.com or by calling 1-855-786-1039. The Settlement Agreement describes the released claims with specific descriptions, so please read it carefully. If you have any questions about what this means, you can talk to Settlement Class Counsel, or you can talk to your own lawyer at your own expense.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in the case?

Yes, you do have a lawyer in the case. The Court appointed the law firms of Cohen & Malad, LLP, Branstetter, Stranch, & Jennings, PLLC, and Turke & Strauss LLP, to represent you and the Settlement Class. These firms are called "Settlement Class Counsel." You will not be charged by these lawyers for their work on this case. If you want to be represented by your own lawyer, you may hire one at your own expense.

How will the lawyers be paid?

Class Counsel will ask the Court for BHN to pay for reasonable attorneys' fees of up to one-third (\$400,000) of the Settlement Fund, plus reasonable litigation expenses, and a Class Representative service award not to exceed \$5,000. The Court will decide the amount of attorneys' fees, expenses, and service awards. Any attorneys' fees, expenses, and service awards approved will be paid from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member, you can object to or comment on the Settlement, Settlement Class Counsel's request for attorneys' fees and expenses, and/or the Settlement Class Representative's request for a service award. To object, you must state in writing that you object to the Settlement, and include the following information in your written objection:

1. The name of the Action;
2. Your full name, mailing address, telephone number, and email address;
3. A statement of the basis on which you claim to be a Settlement Class Member;
4. A written statement of all grounds for your objection, accompanied by any legal support for the objection, and any evidence you wish to introduce in support of the objection;

5. The identity of all counsel, if any, representing you, including any former or current counsel who may claim entitlement to compensation for any reason related to the objection to the Settlement or the Fee Application;
6. A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing and the identification of any counsel representing you who intends to appear at the Final Approval Hearing;
7. A list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
8. Your signature signed under oath and penalty of perjury or, if legally incapacitated, the signature of your duly-authorized representative (along with documentation setting forth such legal incapacitation and representation) (an attorney's signature is not sufficient).

Failure to include this information may be grounds for the Court to disregard your objection.

To submit an objection, send a letter to the Court either by: (a) mailing it to the Clerk of the Court, Hampden County Superior Court, 50 State St., Springfield, MA 01102, or; (b) filing the objection in person at the same location. Mailed objections must be filed or postmarked on or before the Objection Deadline, which is November 29, 2021.

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at 2:00 p.m., on December 14, 2021, at the Hampden County Superior Court, 50 State St., Springfield, MA 01102. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Class Counsel's request for attorneys' fees and expenses, and the service award. If there are objections, the Court will consider them. After the Final Approval Hearing, the Court will decide whether to approve the proposed Settlement and how much to award to Class Counsel as fees and expenses, and the service awards. You do not need to attend.

The Final Approval Hearing may be moved to a different date or time without additional notice, so if you wish to attend, it is recommended that you periodically check www.behavioralhealthsettlement.com to confirm the date of the Final Approval Hearing.

Do I have to come to the hearing?

You do not have to attend the hearing. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you submit a written objection, you do not have to come to the Final Approval Hearing to raise your objection. As long as you timely mailed your written objection, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but their attendance is not necessary.

May I speak at the hearing?

Yes, you may speak at the hearing. If you would like to do so, you must indicate your intent to personally appear and/or testify at the Final Approval Hearing, and identify any counsel representing you who intends to appear at the Final Approval Hearing, when providing written notice of your objection as noted above regarding how to object to the Settlement.

IF YOU DO NOTHING

What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will be legally bound by the Settlement, but you will not receive the Settlement Offering, or reimbursement for Economic Losses and Lost Time related to the Data Security Incident. You will not be able to bring a lawsuit, continue a lawsuit, or be a part of any other lawsuit against BHN about the claims in this case.

If you would like to request benefits under the Settlement, you must follow the instructions described in the sections above.

GETTING MORE INFORMATION

How do I get more information about the proposed Settlement?

This Notice summarizes the proposed Settlement. More details are included in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.behavioralhealthsettlement.com. You also may write with questions to the Settlement Administrator at *Joyner v. Behavioral Health Network* Settlement Administrator, P.O. Box 43416, Providence, RI 02940-3416. You can access Reimbursement and Election Forms and review additional documents on the Settlement Website. You can also request to receive Reimbursement and Election Forms, a copy of the Settlement Agreement, and a detailed Notice by mail by calling the toll-free number, 1-855-786-1039.