

**NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

**DATE: August 25, 2022**

***Marc Browne and Terri Adley, individually and on behalf of all others similarly situated v. Ciox Health, LLC, Case No. 4:19-cv-00667, pending in the United States District Court for the Eastern District of Texas, Sherman Division***

**If you paid certain fees for medical records to  
Ciox Health, LLC  
a class action may affect your or your clients' rights.**

**A COURT IN TEXAS AUTHORIZED THIS NOTICE.  
THIS IS NOT A SOLICITATION FROM A LAWYER.**

**READ THIS NOTICE CAREFULLY.  
YOU MAY BENEFIT FROM READING THIS NOTICE.**

- You received notice of this class action because you requested medical records from certain medical provider(s) in Texas during the applicable time period and were charged by Ciox Health, LLC (“Ciox”) more than the applicable Electronic Rate in connection with a Qualifying Request (the “Disputed Fee Amount”).
- This notice is to inform you about a class action lawsuit (the “Action”) and a proposed class settlement (the “Settlement”) that the Court has held it will likely be able to approve. The Court has not ruled on the merits of Plaintiffs’ claims, and there is no determination of wrongdoing or liability against Ciox or in favor of Plaintiffs. By settling this lawsuit, Ciox is not admitting, and expressly denies, that it has done anything wrong, but Ciox has agreed, as part of the Settlement only, to reimburse all or part of the Disputed Fee Amount paid in connection with a Qualifying Request for electronic copies of medical records. The Disputed Fee Amount is the total dollar amount paid more than the total applicable Electronic Rate in connection with a Qualifying Clinic Request or Qualifying Hospital Request, as these terms are defined in the Settlement Agreement. The Electronic Rate means the applicable Clinic Electronic Rate as set in accordance with the Texas Administrative Code, 22 TAC §165.2 and/or the applicable Hospital Electronic Rate as set in accordance with Health and Safety Code, §241.154(e). The applicable Clinic Electronic Rate and Hospital Electronic Rate effective at various time periods is further defined in the Settlement Agreement.
- The Court has held it likely will be able to certify a Settlement Class of all Persons with Qualifying Requests made between September 13, 2015 through and including July 26, 2022 who fall within Settlement Subclass A or Settlement Subclass B. Excluded from the Settlement Class are: (i) Ciox, any predecessor, subsidiary, sister and/or merged companies, and all of the present or past directors, and officers of Ciox, (ii) any and all Persons that paid for the requested copies of medical records pursuant to a specific pricing agreement or rate different from the applicable Electronic Rate, and (iii) the Judge signing the Final Approval Order and Judgment or any judge or justice who considers the Action on appeal or remand (if applicable), and the current spouse and all other persons within the third degree of consanguinity to such judges/justices.
  - **Settlement Subclass A** means all Persons who, on one or more occasions during the Class Period: (i) sought copies of medical records from a Texas Clinic(s) or Texas Hospital(s), or had the copies of medical records requested by some other Person pursuant to their authorization, (ii) specifically requested, in the applicable request letter, that the copies of medical records be delivered in electronic format, (iii) were charged more than the applicable Electronic Rate, (iv) subsequently paid Ciox more than the applicable Electronic Rate, and (v) were not reimbursed by Ciox for the Disputed Fee Amount.

- **Settlement Subclass B** means all Persons who, on one or more occasions during the Class Period: (i) sought copies of medical records from a Texas Clinic(s) or Texas Hospital(s), or had the copies of medical records requested by some other Person pursuant to their authorization, (ii) did not request, in the applicable request letter, that the copies of medical records be delivered in electronic format, but otherwise received electronic copies of the medical records via the Ciox eDelivery Portal pursuant to their registration for the same, (iii) were charged more than the applicable Electronic Rate, (iv) subsequently paid Ciox more than the applicable Electronic Rate, and (v) were not reimbursed by Ciox for the Disputed Fee Amount.
- A listing of the Texas Hospitals and Texas Clinics is attached as Exhibit A to the Settlement Agreement.
- If you were reimbursed by your client(s) for the Disputed Fee Amount by deduction from settlement proceeds or otherwise, then your client(s) is the member of the Settlement Class. If you were not reimbursed by your client(s) for the Disputed Fee Amount, then you are the member of the Settlement Class. To the extent you have multiple Qualifying Requests that qualify for complete or partial reimbursement under this Settlement, you may be the member of the Settlement Class as to some and your client(s) may be the member of the Settlement Class as to others.
- This Settlement is conditioned upon final approval by the Court. There is no money available now but your legal rights and/or the legal rights of your client(s) are affected, and you and your client(s) have a choice to make now.
- Unless expressly defined herein, any capitalized term shall have the meaning given to it in the Definitions set forth in the Settlement Agreement, a copy of which is available on the Settlement Webpage.

<b>YOU AND/OR YOUR CLIENTS' LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:</b>	
<b>SUBMIT PROOF(S) OF CLAIM</b>	<p><b>Stay in this lawsuit. Submit Proof(s) of Claim. Await the outcome. Give up certain rights.</b></p> <p>By submitting a Proof(s) of Claim, you and/or your client(s) keep the possibility of getting money or benefits that may come pursuant to the Settlement Agreement. But, you give up any rights to sue Ciox or the other Released Parties separately about the legal claims in this Action. If you do nothing, you give up any rights to sue Ciox or the other Released Parties separately about the legal claims in this Action and you give up any rights to compensation from the Settlement.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep your rights.</b></p> <p>If you and/or your client(s) ask to be excluded from the Settlement, you and/or your client(s) will not share in any amounts paid pursuant to the Settlement or otherwise later awarded. But, you and/or your client(s) keep any rights to sue Ciox or the other Released Parties separately about the same legal claims in this lawsuit.</p>
<b>OBLIGATION TO YOUR CLIENTS</b>	<p>If you are receiving this notice, you may have clients on whose behalf you were acting. Under your potential ethical obligations, you must evaluate your clients' situations to determine if you or they are the members of the Settlement Class as to particular potentially Qualifying Requests, and for those Qualifying Requests as to which they are members of the Settlement Class, you must either submit Claim Forms on their behalf and/or advise them of their rights under this notice and Settlement.</p>

- These rights and options – **and the deadlines to exercise them** – are explained in this notice and the Settlement Agreement. To ask to be excluded, you must act before **NOVEMBER 23, 2022**.

- **Any questions? Read on and visit [www.CioxTexasClassSettlement.com](http://www.CioxTexasClassSettlement.com)**

## BASIC INFORMATION

### 1. Why did I get this notice?

You received this notice because Ciox's records show that you may have been charged and paid the Disputed Fee Amount in connection with one or more Qualifying Requests processed by Ciox between September 13, 2015, and July 26, 2022. Because you may have been acting on behalf of someone else when you requested electronic copies of the medical records, and because you may have been reimbursed for your request, you are obligated to advise your client(s) or customer(s) of this notice. If you were reimbursed, the person or entity who reimbursed you may be entitled to recovery and may be affected by the outcome in this case. If you were not reimbursed, you may be entitled to recovery and may be affected by the outcome in this case.

The Honorable Amos L Mazzant of the U.S. District Court for the Eastern District of Texas, Sherman Division, is overseeing this Action. The lawsuit is known as *Marc Browne and Terri Adley, individually and on behalf of all others similarly situated v. Ciox Health, LLC, Case No. 4:19-cv-00667*.

### 2. What is this lawsuit about and who are the Plaintiffs?

The Plaintiffs in this action are Marc Browne and Teri Adley. The Court has found it will likely be able to determine that their claims are typical of the claims of the Settlement Class and that they have adequately represented the Settlement Class and that thus it will likely be able to appoint them to serve as Class Representatives.

Plaintiffs in this Action claim that Ciox violated Texas law by charging the Disputed Fee Amounts for electronic copies of medical records. Ciox expressly denies that the Disputed Fee Amounts charged violated Texas law. You can read the Complaint at [www.CioxTexasClassSettlement.com](http://www.CioxTexasClassSettlement.com).

## BENEFITS UNDER THE PROPOSED SETTLEMENT

### 3. What is the Payment to Class Members?

Under the proposed Settlement, and subject to final Court approval, Ciox has agreed to pay up to \$1,850,000.00 to pay Class Members, reimburse Class Counsel for their attorneys' fees and expenses incurred in bringing this suit and obtaining this settlement, pay Service Awards to the Class Representatives to compensate them for their time and effort in bringing this suit and obtaining this settlement, and pay the Settlement Administrator for its work and expenses in delivering notice to, processing the claims of, and delivering payments to the Class.

The Class Representatives intend to ask the Court to award them a Service Award of \$2,500.00 each to compensate them for their time and effort in bringing this Action and obtaining this Settlement. Ciox has agreed not object to this request. The total Service Award of \$5,000.00 will be paid out of the Settlement Fund prior to any payments to Class Members who timely submit a Valid Claim.

The fees and expenses of the Claims Administrator necessary to effectuate the Settlement will be paid out of the Settlement Fund before any payments are made to Class Members who timely submit a Valid Claim.

Ciox will reimburse the Class Members who fall into Settlement Subclass A who timely submit a Valid Claim 100% of the total amount of the Disputed Fee Amount less the percentage of the \$1,850,000.00 that the Court awards to Class Counsel to reimburse them for their fees and expenses. Ciox will reimburse the Class Members who fall into Settlement Subclass B who timely submit a Valid Claim 50% of the total amount of the Disputed Fee Amount less the percentage of the \$1,850,000.00 that the Court awards to Class Counsel to reimburse them for their fees and expenses. In the event the reimbursements to the Class Members who timely submit Valid Claims exceeds \$1,850,000.00 less the Attorneys' Fees and Costs, Class Representative Service Awards, Claims Administrator Fees, and Expenses awarded by the Court, such reimbursements to the Class Members will be paid on a pro rata basis.

The Court has found that it likely will be able to approve the Settlement as fair, reasonable, and adequate.

A Claim Form is available and can be completed and submitted on the Settlement Webpage: [www.CioxTexasClassSettlement.com](http://www.CioxTexasClassSettlement.com). The Settlement Webpage also includes instructions for completing and submitting the Claim Form online and for mailing it in written form to the Claims Administrator. You may submit claims on behalf of your client(s) or yourself as appropriate.

## YOUR RIGHTS AND OPTIONS

You and/or your client(s) have to decide whether to stay in the Settlement Class or ask to be excluded, and you and/or your client(s) have to decide this now.

### 4. What happens if I do nothing at all?

You cannot do nothing. You may have ethical obligations to notify your customer(s) or client(s) and/or to make claims on their behalf. If you or they choose to do nothing, you or they are staying in the Settlement Class and will not receive any compensation from the Settlement. If you stay in, you (on behalf of yourself or your client(s) or customers(s)) or your customer(s) or client(s) can complete one or more Claim Forms, which form is available on the Settlement Webpage. The Claim Form is also available by mailing a written request to the Claims Administrator: Browne v. Ciox Health, c/o Settlement Administrator, PO Box 23489, Jacksonville, FL 32241. You can submit Claim Forms on behalf of your customer(s) or client(s).

The Claim Form may be submitted electronically or mailed to the Claims Administrator. To be eligible for a recovery you must (a) be a Class Member; (b) not opt out of the Settlement; and (c) timely submit the Claim Form online or by mail. To be timely, the completed Claim Form must be received by the Claim Administrator either by completing the Claim Form online or by submitting it by mail postmarked no later than **NOVEMBER 23, 2022**. **Class Members who do not submit a timely Claim Form will not receive any payment under the Settlement, but the Settlement, including the Release of Claims contained therein, will be fully applicable to the Class Members, unless they have opted out of this Settlement.** Other information, including the Settlement Agreement and Preliminary Approval Order, is available on the Webpage.

For assistance in completing the Claim Form(s), you may contact the Claims Administrator to obtain information that will help you identify your and/or your client(s)'s potentially Qualifying Requests (including, but not limited to, invoice number(s), invoice date(s), patient name(s), name(s) of the Texas Hospital or Texas Clinic, and amount(s) paid).

Settlement Benefits are only available to the person who ultimately paid the Disputed Fee Award. Any dispute as to who is entitled to a recovery will be decided by the Claims Administrator.

### 5. What if I want to be excluded from the Settlement?

You and/or your customer(s) or client(s) have the right to choose not to be a member (“opt out”) of the Settlement Class. If you opt out, you and/or your customer(s) or client(s) will not receive any Settlement Benefit, you and/or your customer(s) or client(s) will not have any other rights under the Settlement Agreement, and you and/or your customer(s) or client(s) will not be bound by the Settlement Agreement.

If a Person decides to opt out, the Person must send a letter so stating to the (i) Claims Administrator, (ii) Class Counsel, and (iii) Defense Counsel **postmarked no later than NOVEMBER 23, 2022**. The letter must: (a) be signed by the Person; (b) include the full name and address of the Person requesting exclusion, the name of the patient(s) for whom the records were requested if the Person was not the patient, and the invoice number(s) associated with the request for records; (c) be timely postmarked and mailed to the address designated in the Class Notice; and (d) include the following statement: “I/we request to be excluded from the proposed class settlement in *Marc Browne and Terri Adley, individually and on behalf of all others similarly situated v. Ciox Health, LLC*, Case No. 4:19-cv-00667, pending in the United States District Court for the Eastern District of Texas, Sherman Division.”

No request for exclusion will be honored as valid unless all the prerequisites described above are adhered to in full. For any Person who qualifies as a Class Member and who has more than one Qualifying Request, the exclusion request must specify each such Qualifying Request.

**6. What if I want to object to the Settlement?**

You and/or your customer or client have the right to object to all or any part of this proposed Settlement. Only Class Members can object. If you have opted out from the Settlement, you have no right to file or present an objection.

If you object to the terms of the Settlement, the proposed Class Representative Service Awards and/or the proposed award of attorneys' fees and expenses to Class Counsel and want to submit an objection instead of simply excluding yourself from the Settlement Class, **you must (1) file an objection in writing with the Court, located at 101 E. Pecan Street, Sherman, Texas 75090 and (2) mail a copy of the objection to (i) Class Counsel: Scott R. Jeeves, The Jeeves Law Group, P.A., 2132 Central Avenue, St. Petersburg, FL 33712, (ii) Defense Counsel: Tricia W. Macaluso, Bryan Cave Leighton Paisner LLP, 2200 Ross Avenue, Suite 3300, Dallas, Texas 752001, and (iii) the Claims Administrator: Browne v. Ciox Health, c/o Settlement Administrator, PO Box 23489, Jacksonville, FL 32241.**

A written objection must be filed no later than **NOVEMBER 23, 2022**. The objection must include: (a) proof of membership in the Settlement Class, including, but not limited to, the full name, address, phone number and email address (if applicable) of the Class Member, the name of the patient(s) for whom the records were requested, if the objecting Class Member is not the patient, and the invoice number(s) associated with the request(s) for records; (b) a detailed description of the legal and factual grounds for the objection; (c) all documents or writings that such Class Member desires the Court to consider; and (d) a statement of whether the objecting Class Member intends to appear at the Final Approval Hearing in person or through counsel. Any Class Member wishing to appear in person or through counsel at the Final Approval Hearing instead of just submitting a written objection must have stated such intention in a timely filed and served objection. Any Class Member who fails to object in the manner prescribed herein shall be deemed to have waived his or her objections and forever be barred from making any such objections in this Action. Please note that you must state ALL reasons as to why you believe the Settlement should not be approved.

## THE LAWYERS REPRESENTING YOU

**7. Do I have lawyers in this case and how will they be paid?**

The Court has found that it will likely be able to find that the law firms of Jeeves Mandel Law Group, P.C., The Jeeves Law Group, P.A., and Craig R. Rothburt, P.A. are qualified and adequate to represent you and all Class Members. These lawyers are called "Class Counsel." They are experienced in handling similar cases against other entities.

You and your client(s) do not have to pay anything directly to Class Counsel to pay them for their time and reimburse them for their out of pocket expenses expended in pursuing this Action and obtaining the Settlement. They will be paid out of the Settlement Fund before payment to Settlement Class Members. Class Counsel have agreed to request no more than 29% of the Settlement Fund or \$536,500.00 as attorneys' fees, and Ciox has agreed not to object to a request that does not exceed this amount. In addition, Class Counsel will request reimbursement of their reasonable out of pocket expenses not to exceed \$10,000.00 and Ciox has agreed not to object to a request that does not exceed this amount.

**8. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

## FINAL APPROVAL HEARING

### 9. When will there be a Final Approval Hearing?

A final approval hearing will be held to determine whether the proposed Settlement should be finally approved by the Court as fair, reasonable, and adequate, and to determine the amount of the Service Awards and Fee and Expense Award that should be awarded to Class Representatives and Class Counsel. At the hearing, the Court will consider any objections to the proposed Settlement.

The hearing is scheduled to take place on **JANUARY 27, 2023 at 9:00 A.M. in the United States District Court for the Eastern District of Texas, Sherman Division at Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.**

### 10. Do I have to attend the Final Approval Hearing?

**YOU DO NOT HAVE TO SHOW UP AT THIS HEARING UNLESS YOU OBJECT TO THE SETTLEMENT AND WANT TO ASK THE COURT TO BE HEARD IN PERSON.** Should you wish to object to the Settlement, you must comply with the objection process outlined in the Settlement Agreement.

### 11. What will happen if the Court approves the Settlement at the Final Approval Hearing?

If the Court enters an Order approving the Settlement at the Final Approval Hearing, among other things, Class Members will be bound by any final judgment entered by the Court and also bound by the release provisions of the Settlement Agreement. Please consult the Settlement Agreement available on the Settlement Webpage for the full terms of the release.

Upon Court approval of the Settlement Agreement, the Court shall enter a final judgment dismissing this Action with prejudice and fully and finally settling the claims in the Complaint as to all Class Members. Thereafter, Class Members will be barred from seeking further relief on any of the Released Claims.

## GETTING MORE INFORMATION

### 12. Are there more details available?

Yes. If you have any inquiries regarding this Action or Settlement, you can visit the Settlement Webpage: [www.CioxTexasClassSettlement.com](http://www.CioxTexasClassSettlement.com) or contact the Claims Administrator at mailing address: Browne v. Ciox Health, c/o Settlement Administrator, PO Box 23489, Jacksonville, FL 32241; email address: [info@CioxTexasClassSettlement.com](mailto:info@CioxTexasClassSettlement.com); or telephone: 1-800-641-9107. You can also contact Class Counsel: Scott R. Jeeves, The Jeeves Law Group, P.A., 2132 Central Avenue, St. Petersburg, FL 33712; email address: [Cioxsettlement@jeeveslawgroup.com](mailto:Cioxsettlement@jeeveslawgroup.com).

This notice provides only a summary of the case and basic terms of the proposed Settlement. For a complete copy of the Settlement Agreement, the Complaint, the Order Directing Sending of Notice to the Class and other documents related to the Action, please visit the Settlement Webpage. In order to see the complete case file, you may visit the Court Clerk's office at 101 E. Pecan Street, Sherman, Texas 75090. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

**DO NOT CONTACT THE COURT, CIOX, OR DEFENSE COUNSEL ABOUT THIS NOTICE OR CASE. CIOX'S TELEPHONE REPRESENTATIVES ARE NOT AUTHORIZED TO VARY THE TERMS OF THIS NOTICE UNDER ANY CIRCUMSTANCES.**