

EXHIBIT 1

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

LISA SIMMONS and KELLY PETERSON-
SMALL, individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

ASSISTCARE HOME HEALTH SERVICES,
LLC, d/b/a Preferred Home Care of New
York/Preferred Gold,

Defendant.

Index No. 511490/2021

Judge: Hon. Larry D. Martin

DECLARATION OF SETTLEMENT ADMINISTRATOR

I, RYAN ALDRIDGE, hereby declare as follows:

I. INTRODUCTION

1. ***Personal Information.*** I am a Project Manager for the Court appointed Claims Administrator, Postlethwaite & Netterville, APAC (“P&N”). The following statements are based on my personal knowledge as well as information provided by other experienced employees working under my supervision.
2. ***The Capacity and Basis of this Declaration.*** I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge, information received from the parties in this proceeding, and information provided by my colleagues and our partners.

II. BACKGROUND

3. ***Preliminary Approval.*** On January 23, 2023, the Court entered its order preliminarily approving the Settlement Agreement and the appointment of P&N as Settlement Administrator. After the Court’s preliminary approval of the Settlement, P&N began to implement and coordinate the notice program.
4. ***The Purpose of this Declaration.*** I submit this Declaration to evidence P&N’s compliance with the terms of the Preliminary Approval Order and detail P&N’s execution of its role as the Settlement Administrator.

III. CLASS NOTICE PROGRAM EXECUTION

5. **Notice Database.** P&N maintains a database of 88,058 Settlement Class Members which was used to effectuate the notice campaign as outlined within the Settlement Agreement. P&N received one Excel file from counsel for Defendant containing names and mailing information for a total of 93,198 records. After removing businesses, test records, and de-duplicating the records based on name and mailing information, P&N determined that 88,058 unique Class Members existed to which notice should be issued as outlined within the Settlement Agreement. Of the 88,058 unique Class Members, 86,922 (98.7%) contained a mailing address sufficient to attempt notice.
6. **Mail Notice.** P&N coordinated and caused the Notice to be mailed via First-Class Mail in the form of a single postcard (“Postcard Notice”) to Settlement Class Members for which a mailing address was available from the class data. The Notice included (a) general case information, (b) rights and options as a Class Member, including the right to be excluded from or object to the Settlement Agreement, and the dates by which to act on those options, (c) the date of the Final Approval Hearing, (d) the phone number to contact the Settlement Administrator for general information or to request additional documents, and (e) the web address to the case website for access to additional information. The Postcard Notice mailing was completed on or before February 21, 2023, in accordance with the Preliminary Approval Order. A true and correct copy of the Postcard Notice is attached hereto as **Exhibit A**, with a copy of the Long Notice and Claim Form.
7. **Mail Notice Delivery.** Prior to the mailing, all mailing addresses were checked against the National Change of Address (NCOA) database maintained by the United States Postal Service (“USPS”). In addition, the addresses were certified via the Coding Accuracy Support System (CASS) to ensure the quality of the zip code and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses. P&N executed Notice mailings to 86,922 (98.7%) Class Members and supplemental mailings to 2,651 (3.0%) Class Members whose initial Notices were not deliverable but for whom we were able to obtain an alternative mailing address through (1) forwarding addresses provided by the USPS, (2) via skip trace searches using the LexisNexis third party vendor database, or (3) requests received directly from Settlement Class Members. Mail notice delivery statistics are detailed in Section 12 below.

8. **Settlement Post Office Box.** P&N maintains the following Post Office Box (the “P.O. Box”) for the Settlement Program:

Assistcare Settlement Administrator
PO Box 5125
Baton Rouge, LA 70821

This P.O. Box serves as a location for the USPS to return undeliverable program mail to P&N and for Settlement Class Members to submit claim forms, exclusion requests, and other settlement-related correspondence. The P.O. Box address appears in all Notices and in multiple locations on the Settlement Website. P&N monitors the P.O. Box daily and uses a dedicated mail intake team to process each item received.

9. **Toll-Free Number.** P&N established a toll-free telephone number, 1-844-966-4825 (the “Toll-Free Number”), which is available twenty-four hours per day. Settlement Class Members can call and interact with an interactive voice response (“IVR”) system that provides important settlement information and offers the ability to leave a voicemail message to address specific requests or issues. The Toll-Free Number will remain active through the close of this Settlement Program. As of June 8, 2023, P&N has received 2,656 calls to the toll-free number.
10. **Settlement Website.** On February 21, 2023, a neutral, informational Settlement Website, www.AssistcareDataSettlement.com, was created to provide Settlement Class Members access to the Long Notice and Printable PDF Claim Form (English and Spanish), Settlement Agreement, and other relevant documents. The Settlement Website also includes relevant dates, answers to frequently asked questions, instructions for how Settlement Class Members may opt-out (request exclusion) from or object to the Settlement, contact information for the Settlement Administrator, and provides Settlement Class Members with the ability to submit a claim through the Settlement Website. As of June 8, 2023, the Settlement Website has received 6,817 page views from 3,900 unique visitors. The Settlement Website will remain active through the close of this Settlement Program.
11. **Email Support.** P&N established an Email address, info@AssistcareDataSettlement.com, to provide an additional option for Settlement Class Members to address specific questions and requests to the Settlement

Administrator for support. As of June 8, 2023, P&N received 107 emails to the Email address established for the settlement.

IV. NOTICE PROGRAM REACH

12. **Notice Reach Results.** Through the Notice procedures outlined above, P&N attempted to send direct notice to all 86,922 (98.7%) Settlement Class Member records for which a valid mailing address was available. As of June 8, 2023, the Notice Program reached a total of 79,534 (90.3%) of Settlement Class Members.¹ Table 1 below provides an overview of dissemination results and reach statistics for the Notice Program.

Table 1: Direct Notice Program Dissemination & Reach		
Description	Volume of Class Members	Percentage of Class Members
Class Member Records	88,058	100.0%
Initial Notice Mailing		
(+) Total Notice Mailings Attempted	86,922	98.7%
(-) Total Notices Returned as Undeliverable	9,458	10.7%
Supplemental Notice Mailing		
(+) Total Notices Re-mailed	2,651	3.0%
(-) Total Undeliverable (Re-Mailed)	581	0.7%
Direct Notice Program Reach		
(=) Received Direct Notice	79,534	90.3%

V. CLAIM ACTIVITY

13. **Claim Intake and Processing.** The online claim submission feature was available beginning February 21, 2023. The deadline for Class Member to submit a claim was May 22, 2023. As of June 8, 2023, P&N has received 1,325 claim submissions. Table 2 below provides a claim submission summary as of June 8, 2023.

Table 2: Claim Submission Summary		
Description	Volume of Class Members	Percentage of Valid Claims
Total Claims Submitted	1,325	100.0%
(-) Duplicate Claims	5	0.4%
(-) Invalid Claims: Not a Class Member	96	7.2%
(=) Valid Claims	1,224	92.4%

¹ A Settlement Class Member is considered “reached” by direct Notice if a Notice mailed to the Settlement Class Member has not been returned by the USPS as undeliverable.

VI. EXCLUSIONS AND OBJECTIONS

14. *Exclusions (Opt-Outs) Received.* The deadline for Class Members to request to be excluded from the Settlement was April 24, 2023. As of June 8, 2023, P&N has received eight (8) exclusion requests from Settlement Class Members. A listing of all exclusion request submissions is attached as **Exhibit B**.

15. *Settlement Objections.* The Settlement Agreement directed that objections be filed with the Court and served on Class Counsel and Counsel for Defendant. P&N has not received any objections from Settlement Class Members.

VII. NOTICE AND ADMINISTRATION COSTS

16. *Notice and Administration Costs.* P&N has incurred \$103,801.37 in fees and costs completing the Notice Plan and administering the Settlement. P&N anticipates total administrative costs and fees of approximately \$112,937.

VIII. CERTIFICATION

I, Ryan Aldridge, declare under the penalty of perjury under the laws of the State of New York that the foregoing is true and correct. Executed on this 12th day of June 2023 at Baton Rouge, Louisiana.



Ryan Aldridge



assurance - consulting - tax - technology

pncpa.com

Exhibit A: Notice



FILED IN THE CLERK OF COURT, 06/13/2023, 11:11 PM / 2021
KINGS COUNTY, CLERK OF COURT, 06/13/2023, 11:11 PM (come as
being affected by the Data Incident, and, therefore, you are included in the Settlement Class
Member.” If your Notice of Data Incident letter previously offered you credit monitoring, you are included
as a “Settlement Subclass Member.”

Settlement Benefits. The Settlement provides all Settlement Class and Settlement Subclass Members the opportunity to claim a one (1)-year membership of three bureau (3B) credit monitoring services.

The Settlement also provides two (2) types of payments to Settlement Class Members who submit valid claims: (1) reimbursement of up to \$400.00 for ordinary losses, which include (a) documented out-of-pocket losses (b) documented fees for credit reports, credit monitoring, or other identity theft insurance product purchased between January 8, 2021 and the Claim Deadline, and (c) up to four (4) hours of attested to lost time at \$20 per hour that was spent dealing with the Data Incident; and (2) reimbursement of up to \$3,500.00 for documented extraordinary losses arising from proven monetary losses that were more likely than not caused by the Data Incident.

The Only Way To Receive A Benefit Is To File A Claim. To file online or to get a Claim Form, visit the website at www.AssistcareDataSettlement.com. The claim deadline is **May 22, 2023**. Your unique ID on this Notice will be required to file a claim.

Other Options. If you do nothing, you will remain in the class, you will not be eligible for benefits, and you will be bound by the decisions of the Court and give up your rights to sue Preferred Home for the claims resolved by this Settlement. If you do not want to be legally bound by the Settlement, you must exclude yourself by **April 24, 2023**. If you stay in the Settlement, you may object to it by **April 24, 2023**. A more detailed notice is available to explain how to exclude yourself or object. Please visit the website at www.AssistcareDataSettlement.com for a copy of the more detailed notice. On **June 27, 2023**, the Court will hold a Final Approval Hearing to determine whether to approve the Settlement, Settlement Class Counsel’s request for payment of attorneys’ fees, costs, and expenses in the amount of \$235,000 and named representative Service Awards for the Class Representative Plaintiffs in the amount of \$1,500 each.

www.AssistcareDataSettlement.com 1(844) 966-4825

FILED: KINGS COUNTY CLERK 06/13/2023 1:51 PM
NYSCEF DOC NO 57 RECEIVED NYSCEF: 06/13/2023
I have reviewed a notice by Preferred Home regarding a Data Incident that occurred between January 8 through January 10, 2021, you may be eligible

for compensation and credit monitoring.

Lisa Simmons, et al., individually and on behalf of all others similarly situated, v. Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold ("Preferred Home"), Index No. 511490/2021.

A court authorized this notice. It is not a solicitation from a lawyer. Please read this notice carefully.

A settlement has been reached in a class action lawsuit against Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold ("Preferred Home") relating to the potential compromise of personally identifiable information ("PII") and protected health information ("PHI") of current and/or former employees and patients of Preferred Home due to a cybersecurity attack on Preferred Home's computer network that occurred between January 8 through January 10, 2021 (the "Data Incident"). Preferred Home denies all of the claims and says it did not do anything wrong. This class settlement has been preliminarily approved by the court.

Visit www.AssistcareDataSettlement.com or call 1(844) 966-4825 for more information.

Assistcare Data Settlement Administrator

P.O. Box 5125
Baton Rouge, LA 70821

Settlement Claim ID: ABC-1234567
First Name Last Name
Street Address
City, State Zip



Postal Service: Do Not Mark or Cover Barcode

CD70

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
FPI

IN THE SUPREME COURT OF THE STATE OF NEW YORK FOR KINGS COUNTY

If you were mailed a notice by Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold (“Preferred Home”) regarding a Data Incident that occurred on or about January 9, 2021, you may be eligible for monetary compensation and credit monitoring.

A state superior court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.

To: All Persons Preferred Home Identified as Being Among Those Individuals Impacted by the Data Incident, Including All Those Who Were Sent a Notice of the Data Incident (“Settlement Class”).

To: All Persons Preferred Home Identified as Being Among Those Individuals Impacted by the Data Incident, Who Were Further Identified as Being Among Those Whose Social Security Numbers Were Potentially Compromised, and Who Were Sent a Notice of the Data Incident (“Settlement Subclass”).

A settlement has been proposed in a class action lawsuit against Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold (“Preferred Home”) relating to the potential compromise of potential personally identifiable information (“PII”) and protected health information (“PHI”) of current and/or former employees and patients of Preferred Home due to a cybersecurity attack on Preferred Home’s computer network that occurred between January 8 through January 10, 2021 (the “Data Incident”). The PII and PHI potentially compromised during the Data Incident includes names, addresses, email addresses, phone numbers, demographic information, Social Security numbers, dates of birth, financial information, such as bank account numbers, Medicaid Numbers, and medical information, such as dates of service, incidents involving care, records of complaints regarding service, health assessments, physicals, drug screens, vaccinations, TB tests, and Family Medical Leave Act and workers compensation claims.

Settlement Class: If you received a notice of the Data Incident from Preferred Home, you may be included in this Settlement as a “Settlement Class Member.”

Settlement Subclass: If you received a notice of the Data Incident from Preferred Home, and you were further identified as being among those whose Social Security Number was potential compromised, you may be included in this Settlement as a “Settlement Subclass Member.”

For avoidance of doubt, Settlement Subclass Members are also Settlement Class Members, and references herein to the Settlement Class include the Settlement Subclass. In addition, the Settlement Class and the Settlement Subclass are referred to as the “Settlement Classes” combined.

- The Settlement provides payments to people who submit valid claims for ordinary unreimbursed losses, such as out-of-pocket expenses, fees incurred for credit reports, credit monitoring, or other identity theft insurance product purchased between January 8, 2021 and the Claim Deadline, and lost time, and for other extraordinary unreimbursed monetary losses. The Settlement also provides all Settlement Class and Settlement Subclass Members the opportunity to claim a one (1)-year membership of three bureau (3B) credit monitoring services. In addition to these monetary and nonmonetary benefits, Preferred Home has or will be implementing data-security enhancements to its computer systems to better protect your PII and PHI in the future. Your legal rights are affected regardless of whether you do or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM FORM	This is the only way you can get payment.	May 22, 2023
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will not get any payment from the Settlement, but you also will not release your claims against Preferred Home. This is the only option that allows you to be part of any other lawsuit against Preferred Home or related parties for the legal claims resolved by this Settlement.	April 24, 2023
OBJECT TO THE SETTLEMENT	Write to the Court with reasons why you do not agree with the Settlement.	April 24, 2023
GO TO THE FINAL FAIRNESS HEARING	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing.	June 27, 2023
DO NOTHING	You will not get any payment from this Settlement, and you will give up certain legal rights. Submitting a Claim Form is the only way to obtain payment under this Settlement.	No Deadline

- These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at www.AssistcareDataSettlement.com. 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.

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BASIC INFORMATION

1. Why is this Notice being provided?

The Court directed that this Notice be provided because you have a right to know about a proposed settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after objections or appeals, if any, are resolved, the Settlement Administrator appointed by the Court will distribute the payments that the Settlement allows. This Notice explains the lawsuit, the Settlement, your legal rights, what payments are available, who is eligible for them, and how to get them.

The Court in charge of this case is the Supreme Court for the State of New York for Kings County. The case is styled as *Simmons v. Assiscare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold*, Index No. 511490/2021 (Kings Co. Sup. Ct., 2d Jud. Dist.) ((the “Lawsuit”). The persons who filed the Lawsuit are called the Plaintiffs, and the company they sued is, Preferred Home, who is called the Defendant.

2. What is this lawsuit about?

The Lawsuit claims that Preferred Home was responsible for the Data Incident and asserts claims such as: (1) negligence; (2) breach of implied contract; and (3) invasion of privacy. The Lawsuit seeks, among other things, payment for persons who were injured by the Data Incident. Preferred Home denies each and all of the claims and contentions alleged against it in the Lawsuit. Preferred Home denies all allegations of wrongdoing or liability as alleged, or which could be alleged, in the Lawsuit. Preferred Home denies it breached any contract (expressed or implied), denies that it has been negligent, and denies that it has invaded anyone’s privacy.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Lisa Simmons and Kelly Peterson-Small) sue on behalf of people who have similar claims. Together, all these people are called a Class or Class Members. One Court and one judge – in this case, Judge Larry D. Martin – resolves the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or Preferred Home. Instead, the Plaintiffs negotiated a settlement with Preferred Home that allows both Plaintiffs and Preferred Home to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class Members to obtain payment without further delay. Plaintiffs and their attorneys think the Settlement is best for all Settlement Class Members. This Settlement does not mean that Preferred Home did anything wrong.

WHO IS INCLUDED IN THE SETTLEMENT?

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

The “Settlement Class” is defined as “all persons Preferred Home identified as being among those individuals impacted by the Data Incident, including all who were sent a notice of the Data Incident.”

You are part of the Settlement if you received notice of the Data Incident from Preferred Home. The “Settlement Subclass” is defined as “all persons Preferred Home identified as being among those individuals potentially impacted by the Data Incident, who were further identified as being among those whose Social Security Numbers were potentially compromised, and who were sent a notice of the Data Incident.”

You are part of this Settlement Subclass if you received notice of the Data Incident from Preferred Home that your Social Security Number was potentially compromised in the Data Incident.

6. Are there exceptions to being included in the Settlement?

Yes. Specifically excluded from the Settlement Class are: (i) officers and directors of Preferred Home and/or the Related Entities; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the members of the judiciary who have presided or are presiding over this matter and their families and staff; and (iv) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.

“Related Entities” is defined in Section 1.25 of the Settlement Agreement.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

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

There are two types of payments that are available: (1) Ordinary Loss Compensation (Question 8, below); and (2) Extraordinary Loss Compensation (Question 9, below). To claim each type of payment, you must provide the information and documentation called for by the Claim Form.

The Settlement also provides all Settlement Class and Settlement Subclass Members the opportunity to claim a one (1)-year membership of three bureau (3B) credit monitoring services.

After the Court has entered the Final Order and Judgment approving the Settlement, Settlement Class Members and Settlement Subclass Members who claim this benefit will be sent an activation code to activate their 3B credit monitoring services.

8. What payments are available for Ordinary Loss Compensation?

Settlement Class Members are eligible to receive compensation of up to \$400.00 (in total) for the following categories of ordinary losses resulting from the Data Incident:

- Unreimbursed out-of-pocket expenses incurred as a result of the Data Incident, including bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel;
- Unreimbursed fees for credit reports, credit monitoring, or other identity theft insurance product purchased between January 8, 2021 and May 22, 2023; and
- Reimbursement for up to four (4) hours of lost time, calculated at \$20/hour, if at least one (1) full hour was spent dealing with the Data Incident, provided that the Settlement Class Member attests that the claimed lost time was spent responding to issues raised by the Data Incident.

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

9. What payments are available for Extraordinary Loss Compensation?

Settlement Class Members who had extraordinary unreimbursed proven monetary losses are eligible to receive compensation for up to \$3,500.00. As part of the claim, the Settlement Class Member must show that: (1) the loss is an actual, documented, and unreimbursed monetary loss; (2) the loss was more likely than not caused by the Data Incident; (3) the loss occurred between January 8, 2021 and May 22, 2023; (4) the loss is not already covered by one or more of the normal reimbursement categories in Question 8; and (5) a reasonable effort was made to avoid or seek reimbursement for the loss, including but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance.

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

HOW TO GET BENEFITS – SUBMITTING A CLAIM FORM**10. How do I get monetary benefits from the Settlement?**

Monetary Benefits: The only way you can get a payment is by submitting a claim form. Claim Forms must be submitted either online at the settlement website, www.AssistcareDataSettlement.com, or by mail to:

Assistcare Claims Administrator
PO Box 5125
Baton Rouge, LA 70821

Claims must be submitted online or postmarked by **May 22, 2023**.

11. How will claims be decided?

The Claims Administrator will initially decide 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.

If the claim is complete and the Claims Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to have his or her claim reviewed by an impartial Claims Referee.

12. When will I get my payment?

The Court will hold a Final Fairness Hearing at 2:30 p.m. on June 27, 2023 to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether any appeals can be resolved favorably, and resolving them can take time, perhaps more than a year. It also takes time for all the Claim Forms to be processed, depending on the number of claims submitted and whether any appeals are filed. Please be patient.

REMAINING IN THE SETTLEMENT**13. 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, submitted online on the Settlement Website at www.AssistcareDataSettlement.com or mailed to the Settlement Administrator postmarked by **May 22, 2023**.

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

If the Settlement becomes final, you will give up your right to sue Preferred Home for the claims being resolved by this Settlement. The specific claims you are giving up against Preferred Home are described in Section 1.26 of the Settlement Agreement. You will be “releasing” Preferred Home and all related people or entities as described in Sections 1.25 and 13.3 of the Settlement Agreement. The Settlement Agreement is available at www.AssistcareDataSettlement.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 Settlement Class Counsel listed in Question 18 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 Preferred Home about issues in the Lawsuit, 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.

15. If I exclude myself, can I still get payment from the Settlement?

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

16. If I do not exclude myself, can I sue Preferred Home for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue Preferred Home 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.

17. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from the Settlement in *Simmons v. Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold*, Index No. 511490/2021. Your letter must also include your full name, address, telephone number, personal and original signature (or the personal and original signature of a Person previously authorized by law to act on your behalf with respect to the claims asserted in this Lawsuit) and must also contain a statement to the effect that “I/We hereby request to be excluded from the proposed Settlement Class in *Simmons v. Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold*, Index No. 511490/202.”

You must mail your exclusion request postmarked no later than **April 24, 2023** to:

Assistcare Settlement Exclusions
P.O. Box 5125
Baton Rouge, LA 70821

THE LAWYERS REPRESENTING YOU**18. Do I have a lawyer in this case?**

Yes. The Court appointed Gary M. Klinger, Milberg Coleman Bryson Phillips Grossman, PLLC, 227 W. Monroe Street, Suite 2100, Chicago, IL 60606 to represent you and other Settlement Class Members. This lawyer is called Settlement Class Counsel. You will not be charged for this lawyer. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will Settlement Class Counsel be paid?

If the Settlement is approved and becomes final, Settlement Class Counsel will ask the Court to award attorneys’ fees and costs in the total amount of \$235,000. Settlement Class Counsel will also request approval of a service award of \$1,500 for each Class Representative (for a total of \$3,000). If approved, these amounts, as well as the costs of notice and settlement administration, will be paid separately by Preferred Home.

OBJECTING TO THE SETTLEMENT

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

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

If you are a Settlement Class Member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before deciding.

To object, you must file with the Court and mail copies to Settlement Class Counsel and Preferred Home's Counsel a written notice stating that you object to the Settlement in *Simmons v. Assistcare Home Health Services, LLC, d/b/a Preferred Home Health Care of New York/Preferred Gold*, Index No. 511490/2021.

Your objection must include:

- 1) Your full name, address, telephone number, and e-mail address (if any);
- 2) Information identifying you as a Settlement Class Member, including proof you are within the Settlement Class (*e.g.*, a copy of the Notice you received or a copy of original notice you received regarding the Data Incident);
- 3) A statement of all grounds for your objection, including any legal support for your objection that you believe are applicable;
- 4) The name and address of your attorney(s) if you have retained one;
- 5) The name and address of any attorneys representing you that may appear at the Final Approval Hearing;
- 6) A list of all persons who will be called to testify at the Final Approval Hearing in support of your objection;
- 7) A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and
- 8) Your original signature or the signature of your attorney or other duly authorized representative (along with documentation setting forth such representation).

Your objection must be filed with the Clerk of Court, Supreme Court of the State of New York, County of Kings, 360 Adams Street, Room 189, Brooklyn, New York 11201 no later than **April 24, 2023**. You must also mail copies of your objection to Settlement Class Counsel and Preferred Home's Counsel postmarked no later than **April 24, 2023**, at the addresses below.

SETTLEMENT CLASS COUNSEL	PREFERRED HOME'S COUNSEL
Gary M. Klinger MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 227 W. Monroe Street, Suite 2100 Chicago, IL 60606 847-208-4585 gklinger@milberg.com	John C. Cleary (<i>pro hac vice</i>) POLSINELLI PC 600 Third Avenue, 42nd Floor New York, NY 10016 Phone: (212) 413-2837 john.cleary@polsinelli.com

21. What is the difference between objecting to and excluding myself from the Settlement?

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. If you exclude yourself from the Settlement, you have no basis to object or submit a Claim Form because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. You cannot speak at the hearing if you exclude yourself from the Settlement.

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

The Court will hold a Final Approval Hearing at 2:30 p.m. on June 27, 2023, in the Supreme Court of the State of New York, County of Kings, 360 Adams Street, Courtroom 741, Brooklyn, New York 11201. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration any properly filed written objections and may also listen to people who have asked to speak at the hearing (*see* Question 20). The Court will also decide whether to approve fees and expenses requested by Settlement Class Counsel, and the Service Award requested for the Class Representatives.

23. Do I have to come to the Final Approval Hearing?

No. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

24. May I speak at the Final Approval Hearing?

Yes, you may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must follow the instructions provided in Question 20 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING**25. What happens if I do nothing?**

If you do nothing, you will not receive any benefits from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement and the Release. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Preferred Home or related parties about the issues involved in the Lawsuit, resolved by this Settlement, and released by the Settlement Agreement.

GETTING MORE INFORMATION

26. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is available at www.AssistcareDataSettlement.com.

27. How do I get more information?

You may visit www.AssistcareDataSettlement.com for more information. You may also call 1-844-966-4825 or write to Assistcare Data Settlement Administrator, P.O. Box 5125, Baton Rouge, LA 70821.

***Please do not call the Court or the Clerk of the Court or Preferred Home or Preferred Home's Counsel for additional information.
They cannot answer any questions regarding the Settlement or the Lawsuit.***

Assistcare Claims Administrator
c/o Postlethwaite & Netterville
P.O. Box 5125
Baton Rouge, LA 70821

**Your Claim Form Must Be Submitted
On or Before May 22, 2023**

Simmons v. Assistcare Home Health Services, LLC
Supreme Court of the State of New York County of Kings (Index No. 511490/2021)

Claim Form

ATTENTION: This Claim Form is to be used to apply for monetary benefits from the settlement of a lawsuit with The Preferred Home Association ("Preferred Home"). The lawsuit alleges that Preferred Home experienced a cybersecurity incident attack on its computer network between January 8 through January 10, 2021, which resulted in the potential compromise of personally identifiable information ("PII") and protected health information ("PHI") of current and/or former employees and patients of Preferred Home (the "Data Incident"). Preferred Home denies all of the claims and says it did not do anything wrong. To recover as part of this settlement, you must provide the information requested in this Claim Form for each applicable claim. PLEASE BE ADVISED that any documentation you provide must be submitted with this Claim Form.

You may submit claims in each applicable category below:

(A) The Settlement provides all Settlement Class and Settlement Subclass Members the opportunity to claim a one (1)-year membership of three bureau (3B) credit monitoring services.

(B) Compensation for ordinary losses attributable to the Data Incident, which include:

(1) Unreimbursed out-of-pocket expenses incurred as a result of the Data Incident, including bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel;

(2) Unreimbursed fees for credit reports, credit monitoring, or other identity theft insurance product purchased between January 8, 2021 and May 22, 2023; and

(3) Reimbursement for up to four (4) hours of lost time, calculated at \$20/hour, if at least one (1) full hour was spent dealing with the Data Incident, provided that the Settlement Class Member attests that the claimed lost time was spent responding to issues raised by the Data Incident; and

(C) Compensation for extraordinary unreimbursed proven monetary losses attributable to the Data Incident, if the loss was more likely than not caused by the Data Incident

(4) the loss occurred between the January 8, 2021 and May 22, 2023;

(5) the loss is not already covered by one or more of the normal reimbursement categories; and

(6) a reasonable effort was made to avoid or seek reimbursement for the loss, including but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance.

For further information on each, please see the Notice.

If you wish to submit a claim for a settlement payment electronically, you may go online to the Settlement Website, www.AssistcareDataSettlement.com, and follow the instructions on the "Submit a Claim" page.

If you wish to submit a claim for a settlement payment via standard mail, you need to provide the information requested below and mail this Claim Form to **PO Box 5125, Baton Rouge, LA 70821, postmarked by May 22, 2023** or submit this Claim Form electronically at www.AssistcareDataSettlement.com by May 22, 2023. Please print clearly in blue or black ink.

To receive benefits from this settlement, you **must** provide all of the required (*) information below and you **must** sign this claim form. This claim form should only be used if a claim is being mailed in and is not being filed online. You may also file your claim online at www.AssistcareDataSettlement.com.

1. CLASS MEMBER INFORMATION.

<input type="text"/>	<input type="text"/>	
<small>*First Name</small>	<small>Middle Initial</small>	
<input type="text"/>	<input type="text"/>	
<small>*Last Name</small>	<small>Suffix</small>	
<input type="text"/>		
<small>*Mailing Address: Street Address/P.O. Box (include Apartment/Suite/Floor Number)</small>		
<input type="text"/>	<input type="text"/>	<input type="text"/>
<small>*City</small>	<small>*State</small>	<small>*Zip Code</small>
<input type="text"/>		
<small>Current Email Address (Optional)</small>		
<input type="text"/>	-	<input type="text"/>
<small>*Current Phone Number (Required)</small>	-	<input type="text"/>
		<small>*Settlement Claim ID (Required)</small>

Settlement Claim ID: Your Settlement Claim ID can be found on the postcard Notice you received in the mail informing you about this Settlement. If you need additional help locating this ID, please contact the Settlement Administrator at 1-844-966-4825.

2. PAYMENT ELIGIBILITY INFORMATION.

Claim A: Credit Monitoring

The Settlement provides all Settlement Class and Settlement Subclass Members the opportunity to claim a one (1)-year membership of three bureau (3B) credit monitoring services.

I wish to claim the credit monitoring offered, and affirm that I am part of the Settlement Class or the Settlement

Please provide your email address to be emailed a code for the credit monitoring offered.

Email: _____

Claim B: Ordinary Losses - Lost Time Reimbursement

Settlement Class Members are eligible for compensation for up to a total of \$400.00 per person for Ordinary Losses, including expenses and lost lime. Lost time may include up to 4 hours of lost time, at \$20.00 per hour, for time spent dealing with the Data Incident.

If you elect to obtain reimbursement for personal time addressing issues arising out of the Data Incident to try to prevent, detect, contest, remediate, and/or repair related damages as a result of the Data Incident, complete the following:

I attest that I spent personal time responding to issues raised by the Data Incident.

1 Hour

2 Hours

3 Hours

4 Hours

3. SIGN AND DATE YOUR CLAIM FORM.

I understand that my Claim and the information provided above will be subject to verification.

By submitting this Claim Form, I certify and declare that the information provided in this Claim Form is true and correct and that this form was executed on the date set forth below. I further certify that any documentation that I have submitted in support of my Claim consists of unaltered documents in my possession.

Signature

Print Name

Date

4. REMINDER CHECKLIST

1. Keep copies of the completed Claim Form and documentation for your own records.
2. If your address changes or you need to make a correction to the address on this Claim Form, please visit the Settlement website at www.AssistcareDataSettlement.com and complete the Update Contact Information form or send written notification of your new address. Make sure to include your Settlement Claim ID and your phone number in case we need to contact you in order to complete your request.
3. For more information, please visit the settlement website at www.AssistcareDataSettlement.com or call the Claims Administrator at [1-844-966-4825](tel:1-844-966-4825). Please do not call the Court or the Clerk of the Court for additional information.
4. This claim form must be postmarked by **May 22, 2023** and mailed to: Assistcare Claims Administrator, c/o Postlethwaite & Netterville, P.O. Box 5125, Baton Rouge, LA 70821.



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Exhibit B: Request for Exclusion



Exclusion Requests

Simmons v. Assisicare Home Health Services, LLC., Index No. 511490/2021

Date Received	Settlement Claim ID	First Name	Last Name	State
3/1/2023	WDR-1742379	Clyburn	Sowell	NY
3/25/2023	CBG-1417443	Joanne	O'Brien	NY
4/4/2023	VZV-1215446	Sara Ben	Yaakov	NY
4/3/2023	DZW-1121317	Providencia	Garces	NY
3/30/2023	PZL-1753473	Novelette	Radway	NY
3/28/2023	FSC-1242769	Iliana	Delocienda	NY
3/28/2023	HZH-1750712	Edward H.	Johnson	NY
4/18/2023	DJP-1320124	Jean	Caracciolo	NY