

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

In re Group Health Plan, Inc., No. 23-cv-00267-JWB-DJF (D. Minn.)

A United States District Court authorized this Notice. This is not a solicitation from a lawyer.

**THIS IS A NOTICE OF A PROPOSED SETTLEMENT OF A CLASS ACTION LAWSUIT.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING.

PLEASE READ THIS NOTICE CAREFULLY.

YOU MAY BE ENTITLED TO PARTICIPATE IN A CLASS ACTION SETTLEMENT BECAUSE YOUR PERSONAL INFORMATION MAY HAVE BEEN SHARED WITH THIRD PARTIES IF YOU VISITED HEALTHPARTNERS AND VIRTUWELL WEBSITES BETWEEN JANUARY 1, 2018 AND NOVEMBER 10, 2023. DEFENDANT GROUP HEALTH PLAN, INC., D/B/A HEALTHPARTNERS (“HEALTHPARTNERS”) DENIES THESE ALLEGATIONS.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM BY APRIL 7, 2025	If you submit a Claim Form by April 7, 2025 , you may receive a pro rata share of the Net Settlement Fund as compensation. You must timely submit a Claim Form either via U.S. mail or online to receive monetary compensation under this Settlement. IF YOU DO NOTHING , you will not receive Settlement benefits, but you will still be bound by the Settlement.
EXCLUDE YOURSELF FROM THE SETTLEMENT BY MARCH 5, 2025	You will receive no benefits, but you will retain any legal claims you may have against HealthPartners.
OBJECT BY MARCH 5, 2025	File with the Court a written objection to the Settlement, at the address below, about why you do not like the Settlement. You must remain in the Settlement Class to object to the Settlement.
GO TO THE FINAL APPROVAL HEARING ON JUNE 26, 2025 AT 2:00 P.M.	Ask to speak in Court about the fairness of the Settlement. You do not need to attend the hearing to object to the Settlement, or to receive monetary compensation under the Settlement.

1. What is this Notice?

This is a court-authorized Long-Form Notice of a proposed Settlement (the “Settlement”) of a class action lawsuit (the “Litigation”), *In re Group Health Plan Litigation.*, Case No. **23-cv-00267-JWB-DJF**, pending in the United States District for the District of Minnesota (the “Court”). The Settlement would resolve the Litigation that arose on February 2, 2023, after a Class Action Complaint was filed alleging that because Group Health Plan, Inc., d/b/a HealthPartners (“HealthPartners” or “Defendant”) had used certain Internet tracking technology supplied by a third party, including a piece of code known as a “pixel” (referred to herein as “Tracking Tools”), on its websites, certain personal or health-related information may have been disclosed to a vendor or third party. Defendant denies all claims asserted against it in the Litigation, denies all allegations of wrongdoing and liability, and denies all material allegations of the Class Action Complaint.

The Court has granted Preliminary Approval of the Settlement Agreement and has conditionally certified the Settlement Class for purposes of Settlement only. This Long-Form Notice explains the nature of the Litigation, the terms of the Settlement Agreement, and the legal rights and obligations of members of the Settlement Class. Please read the instructions and explanations below carefully so that you can better understand your legal rights. The Settlement Administrator in this case is Atticus Administration.

This Notice summarizes the proposed settlement. For the precise terms of the settlement, please see the Settlement Agreement available at www.GHPPixelSettlement.com, by contacting Class Counsel at the information set forth in Paragraph 13, by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (“PACER”) system at <https://ecf.mnd.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the District of Minnesota between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

2. Why did I get this Notice?

The Court authorized this Notice because as an identified potential Class Member you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant Final Approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to receive those benefits.

3. What is this lawsuit about?

The Litigation arises out of HealthPartners’ implementation and use of Tracking Tools on its websites, which Plaintiffs allege caused their web usage data—containing personal and health-related information—to be shared with a third party, allegedly resulting in the invasion of Plaintiffs’ and

Settlement Class Members' privacy (referred to herein as the "Pixel Disclosure"). Plaintiffs allege that the "Pixel Disclosure" occurred between January 1, 2018 and November 10, 2023.

4. Why is this a class action?

A class action is a lawsuit in which an individual called a "Class Representative" brings a single lawsuit on behalf of other people who have similar claims. In a class action settlement, all of these people together are a "Settlement Class" or "Settlement Class Members." When a class action is settled, the Settlement, which must be approved by the Court, resolves the claims for all Settlement Class Members, except for those who exclude themselves from the Settlement.

5. Why is there a settlement?

To resolve this matter without the expense, delay, and uncertainties of protracted litigation, the Parties reached a Settlement that, if approved by the Court, would resolve all claims brought on behalf of the Settlement Class related to the alleged Pixel Disclosure. If approved by the Court, the Settlement Agreement requires HealthPartners to provide cash compensation to Settlement Class Members who submit valid and timely Claim Forms. The Settlement is not an admission of wrongdoing by HealthPartners and does not imply that there has been, or would be, any finding that HealthPartners violated the law. The Court overseeing the Litigation has not determined that HealthPartners did anything wrong.

The Court already has preliminarily approved the Settlement Agreement. Nevertheless, because the settlement of a class action determines the rights of all members of the Settlement Class, the Court overseeing this Litigation must give final approval to the Settlement Agreement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class may be given notice and the opportunity to exclude themselves from the Settlement Class or to voice their support or opposition to final approval of the Settlement Agreement. If the Court does not grant final approval to the Settlement Agreement, or if it is terminated by the Parties, then the Settlement Agreement will be void, and the Litigation will proceed as if there had been no settlement and no certification of the Settlement Class.

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

The Settlement Class includes: all individuals who logged into healthpartners.com and virtuwel.com, between January 1, 2018 and November 10, 2023 ("Settlement Class").

Excluded from the Class are: (i) the officers and directors of Defendant and its affiliates, parents, and subsidiaries; (ii) any judge, justice, or judicial officer presiding over the Litigation and the members of their immediate families and judicial staff; (iii) any individual who timely and validly excludes themselves from the Settlement, and (iv) the successors or assigns of any such excluded persons. This

exclusion does not apply, and should not be read to apply, to those employees of Defendant who receive notification from the Settlement Administrator regarding this Settlement Agreement.

If you received a Notice of this Settlement via mail or email, then you have been identified as a Settlement Class Member based on Defendant's records.

YOUR BENEFITS UNDER THE SETTLEMENT

7. What can I get from the Settlement?

Settlement Class Members who file a valid and timely Claim Form may receive a pro rata cash payment from the Net Settlement Fund. The Net Settlement Fund is what remains of the \$6,000,000 Settlement Fund following the payment of Notice and Settlement Administration Costs, Class Representative Service Awards (\$2,500 per Class Representative), and Attorneys' Fees and Expenses Award (fees up to one third of the Settlement Fund or \$2,000,000, plus expenses up to \$50,000.00), subject to the Court's approval.

*****To receive Settlement benefits, you must submit a Claim Form by April 7, 2025*****

8. When will I receive the benefits?

If you timely submit a valid Claim Form for a cash payment, you will receive payment in the amount approved by the Settlement Administrator once the Settlement is Final and has become effective.

9. I want to be a part of the Settlement. What do I do?

All Settlement Class Members are part of the Settlement unless they request to be excluded from it. To submit a claim for cash compensation, you must timely submit the Claim Form on the Settlement Website at www.GHPPixelSettlement.com, or by mail to In re Group Health Plan Litigation c/o Atticus Administration PO Box 64053 St. Paul, MN 55164.

You must submit any claims by **April 7, 2025**. There can be only one (1) valid and timely Claim per Settlement Class Member.

10. What am I giving up if I remain in the Settlement?

By staying in the Settlement Class, you will give HealthPartners a "release," and all the Court's orders will apply to you and bind you. A release means you cannot sue or be part of any other lawsuit or other legal action against HealthPartners about or arising from the claims or issues in this Litigation, HealthPartners' use of Tracking Tools, or the alleged Pixel Disclosure.

The precise terms of the release are in the Settlement Agreement, which is available on the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to Class Counsel identified below who have been

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appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to remain in the Settlement, and instead want to keep any legal claims you may have against HealthPartners, then you must take steps to exclude yourself from this Settlement.

11. 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 *In re Group Health Plan Litigation*, Case No. **23-cv-00267-JWB-DJF** to the Settlement Administrator. Such notice must include: (1) the case name and number of the Litigation (*In re Group Health Plan Litigation*, Case No. **23-cv-00267-JWB-DJF**); (2) your full name, address, and telephone number; (3) your personal and original signature; and (4) a written statement that you wish to be excluded from the Settlement. You may only request exclusion for yourself, and no one else can request exclusion for you. You must mail your exclusion request so that it is postmarked **no later than March 5, 2025**, to:

In re Group Health Plan Litigation
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164

12. If I exclude myself, do I still receive benefits from this Settlement?

No, if you submit an exclusion request, you will not receive anything from the Settlement, but you may sue HealthPartners over the claims raised in the Litigation.

THE LAWYERS REPRESENTING THE SETTLEMENT CLASS

13. Do I have a lawyer in this case?

The Court has appointed the following attorneys to represent the Settlement Class as Class Counsel:

Class Counsel
Milberg Coleman Bryson Phillips Grossman, PLLC
c/o Gary M. Klinger
227 W. Monroe Street, Suite 2100
Chicago, IL 60606

Chestnut Cambronne PA
c/o Bryan L. Bleichner and Christopher P. Renz
100 Washington Ave., Ste. 1700
Minneapolis, MN 55401-2138

If you want to be represented by your own lawyer, you may hire one at your own expense.

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14. How will the lawyers for the Settlement Class be paid?

Class Counsel will be paid from the Settlement Fund. Class Counsel will seek Court approval to be paid reasonable attorneys' fees up to one-third of the Settlement Fund (up to \$2,000,000), plus their expenses incurred in the Litigation up to \$50,000. The motion for attorneys' fees and expenses will be posted on the Settlement Website after it is filed.

OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you should object.

Any objection to the proposed settlement must be in writing. If you file a timely objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your attorney. If you appear through your attorney, you are responsible for hiring and paying that attorney. In order to object to the Settlement, you must submit a written objection (such as a letter or legal brief) stating that you object and the reasons why you think the Court should not approve some or all of the Settlement. Your objection must include: (i) the case name and number of the Litigation (*In Re: Group Health Plan Litigation*, Case No. 23-cv-00267 (JWB/DJF) (D. Minn.)); (ii) your full name, current address, telephone number, and email address; (iii) your personal and original signature; (iv) if you are represented by an attorney, or received assistance from an attorney in drafting your objection, the name, address, telephone number, and email address of the attorney; (v) a statement indicating the basis for your belief that you are a member of the Settlement Class; (vi) a statement as to whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class; (vii) a statement of the legal and/or factual basis for the Objection; and (viii) a statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through counsel.

If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your attorney. If you are objecting and represented by counsel, and such counsel intends to speak at the Final Approval Hearing, your written objection must also include (1) the identity of witnesses whom you intend to call to testify at the Final Approval Hearing; and (2) a description of any documents or evidence that you intend to offer at the Final Approval Hearing.

If you file an objection, you may still receive benefits under the Settlement so long as you timely file a valid claim. To be timely, written notice of an objection in the appropriate form described above must be filed with the Court no later than the Objection Deadline, March 5, 2025, and submitted to

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the Court either by filing them electronically or in person at any location of the United States District Court for the District of Minnesota or by mailing them to the Court Clerk, United States District Court for the District of Minnesota, 316 N. Robert Street, Suite 100, St. Paul, MN 55101, and serving a copy of the filed objection on Class Counsel and Defendant's counsel at the following addresses:

CLASS COUNSEL

Milberg Coleman Bryson Phillips Grossman, PLLC
c/o Gary M. Klinger
227 W. Monroe Street, Suite 2100
Chicago, IL 60606

Chestnut Cambronne PA
c/o Bryan L. Bleichner and Christopher P. Renz
100 Washington Ave., Ste. 1700
Minneapolis, MN 55401-2138

DEFENDANT'S COUNSEL

Baker & Hostetler LLP
c/o Elizabeth Scully
1050 Connecticut Ave., N.W., Suite 1100
Washington, D.C. 20036

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement. You may attend if you wish, but you are not required to do so.

16. Where and when is the Final Approval Hearing?

The Court has already given Preliminary Approval to the Settlement Agreement. A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement Agreement.

The Court will hold a hearing on **June 26, 2025, at 2:00 p.m. CT** in the courtroom of the United States District Judge Jerry W. Blackwell, Courtroom 3B, which is located at the United States Courthouse, 316 N. Robert Street, Suite 100, St. Paul, Minnesota 55101. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class and to determine the appropriate amount of compensation for Class Counsel and rule on the request for a Service Award for the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement. The Court will then decide whether to approve the Settlement.

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YOU ARE **NOT** REQUIRED TO ATTEND THE FINAL APPROVAL HEARING TO RECIEVE BENEFITS FROM THIS SETTLEMENT. Please be aware that the hearing may be postponed to a later date without notice.

GETTING MORE INFORMATION – CONTACT:

This Notice only provides a summary of the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available on the Settlement Website.

www.GHPPixelSettlement.com

If you have any questions, you can contact the Settlement Administrator or Class Counsel at the phone numbers listed above. In addition to the documents available on the Settlement Website, all pleadings and documents filed in this Litigation may be reviewed or copied at the Clerk of Court's office.

DO NOT CALL OR SEND ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, OR HEALTHPARTNERS OR ITS COUNSEL. ALL QUESTIONS ABOUT THE SETTLEMENT SHOULD BE REFERRED TO THE SETTLEMENT ADMINISTRATOR OR CLASS COUNSEL.

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