

## NOTICE OF CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO

*Beasley v. TTEC Services Corp., Case No. 22-cv-00097-PAB-STV; and  
Anderson v. TTEC Services Corp., Case No. 22-cv-00347-PAB-STV*

**To: All individuals identified by TTEC Services Corporation (“TTEC”) and to whom TTEC and Health Net, LLC (“Health Net”) sent notice on or about December 8, 2021, that their information may have been impacted in the Data Security Incident, defined below.**

A proposed settlement has been reached in class action lawsuits titled, *Beasley v. TTEC Services Corp.*, No. 22-cv-00097 (D. Colo.); *Anderson v. TTEC Services Corp.*, No. 22-cv-00347-PAB-STV (D. Colo.); *Lett v. TTEC Services Corp. et al.*, No. 3:22-cv-00018-SK (N.D. Cal.); and *Barocas v. TTEC Services Corp.*, No. 2:22-cv-00217-JFM (D. Ariz.) (the “Lawsuits”). The Lawsuits assert claims against Defendants TTEC and Health Net (together, “Defendants”) related to a security incident that occurred between March and September 2021 and about which Defendants notified potentially impacted individuals in December 2021 (the “Data Security Incident”). Defendants deny all of the claims and deny that they did anything wrong.

The settlement offers payments and identity theft protection to all individuals in the United States (1) whose protected health information or personal identifying information was stored, possessed, or controlled by TTEC; and (2) who were affected by the TTEC data security incident that occurred from approximately March to September of 2021 (“Settlement Class Members”). Certain of the amounts paid will depend upon how many people submit valid claims but initially are set at the following amounts:

- (1) A Basic Award of **\$100.00**; (2) a California Subclass Award of **\$100.00** for California residents; (3) **36 months** of free identity theft protection, called “Financial Shield” by Aura (a.k.a. Pango); and (4) if you experienced unreimbursed unauthorized or fraudulent charges or out of pocket expenses which you believe in good faith were fairly traceable to the Data Security Incident, you may **also** file a claim for a Reimbursement Award of up to **\$5,000.00**, as explained below.

If you are a Settlement Class Member, your options are:

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
<b>SUBMIT A CLAIM FORM</b>	You must submit a valid Claim Form to receive a payment from this Settlement.	<b>September 6, 2023</b>
<b>DO NOTHING</b>	You will receive no payment and will no longer be able to sue Defendants over the claims resolved in the settlement.	
<b>EXCLUDE YOURSELF</b>	You may exclude yourself from this settlement and keep your right to sue separately. If you exclude yourself, you receive no payment. Exclusion instructions are provided in this Notice.	<b>July 24, 2023</b>
<b>OBJECT</b>	If you do not exclude yourself, you may write to the Court to comment on or detail why you do not like the settlement by following the instructions in this Notice. The Court may reject your objection. You must still file a claim if you desire any monetary relief under the settlement.	<b>July 24, 2023</b>

The Court must give final approval to the settlement before it takes effect but has not yet done so. No payments will be made until after the Court gives final approval and any appeals are resolved.

**Please review this Notice carefully.** You can learn more about the settlement by visiting [TTECSettlement.com](https://TTECSettlement.com), or by calling 1-800-391-1531.

**Questions? Go to [TTECSettlement.com](https://TTECSettlement.com) or call 1-800-391-1531**

## **Further Information about this Notice and the Lawsuits**

### **1. Why was this Notice issued?**

Settlement Class Members are eligible to receive payment from a proposed settlement of four Lawsuits. The court overseeing two of the Lawsuits pending in the District of Colorado authorized this Notice to advise Settlement Class Members about the proposed settlement that will affect their legal rights. This Notice explains certain legal rights and options Settlement Class Members have in connection with the settlement.

### **2. What are the Lawsuits about?**

The Lawsuits are proposed class action lawsuits brought on behalf of certain current and former TTEC employees and/or clients whose information may have been obtained by unauthorized individuals as part of the Data Security Incident. The affected information may include names, dates of birth, healthcare ID numbers, medical histories, and Social Security numbers.

The Lawsuits claim Defendants are legally responsible for the Data Security Incident and assert various legal claims, including negligence, breach of implied contract, invasion of privacy, breach of confidence, unjust enrichment, and violations of state privacy statutes including the California Consumer Privacy Act. Defendants deny these claims and deny that they did anything wrong.

### **3. Why are the Lawsuits class actions?**

In a class action, one or more representative plaintiffs bring a lawsuit on behalf of others who have similar claims. Together, all of these people are the “class” and each individually is a “class member.” There are seven Representative Plaintiffs in this case: Yolanda Beasley, Kimberly Shears-Barnes, Shenequa Carrington, Jolynn Frost, David Anderson, David Barocas, and Brent Lett. The class in these cases is referred to in this Notice as the “Settlement Class.”

### **4. Why is there a settlement?**

The Representative Plaintiffs in the Lawsuits, through their attorneys, investigated the facts and law relating to the issues in the Lawsuits. The Representative Plaintiffs and Class Counsel believe that the settlement is fair, reasonable, and adequate and will provide substantial benefits to the Settlement Class. The Court has not decided whether the Representative Plaintiffs’ claims or Defendants’ defenses have any merit, and it will not do so if the proposed settlement is approved. By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will receive compensation. The settlement does not mean that Defendants did anything wrong or that the Representative Plaintiffs and the Class would or would not win their case if it were to go to trial.

## **Terms of the Proposed Settlement**

### **5. Who is in the Settlement Class?**

The Settlement Class is defined by the Court as all individuals within the United States (1) whose protected health information or personal identifying information was stored, possessed or controlled by TTEC; and (2) who were affected by the TTEC data security incident that occurred in approximately March to September of 2021. Excluded from the Settlement Class is any judge presiding over the Litigation and any members of their first-degree relatives, judicial staff, and persons who timely and validly request exclusion from the Settlement Class.

### **6. What are the terms of the settlement?**

The proposed settlement would create a Settlement Fund of \$2,500,000.00 that would be used to pay all costs of the settlement, including: (i) payments to Settlement Class Members who submit valid claims; (ii) costs of administration and notice (approximately \$170,000.00); (iii) any attorneys’ fees and costs awarded by the Court to Class Counsel (up to \$750,000.00 plus litigation costs and expenses of up to \$20,000.00); (iv) the cost of providing members of the Settlement Class 36 months of identity theft protection services; and (v) any service awards to the Representative

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Plaintiffs awarded by the Court (up to \$17,500.00 total). The settlement also releases all claims or potential claims of Settlement Class Members against Defendants arising from or related to the Data Security Incident, as detailed in the Class Settlement Agreement and Release.

## 7. What claims are Settlement Class Members giving up under the settlement?

Settlement Class Members who do not validly exclude themselves from the settlement will be bound by the Class Settlement Agreement and Release and any final judgment entered by the Court and will give up their right to sue Defendants for the claims being resolved by the settlement including all claims or potential claims of Settlement Class Members against Defendants arising from or related to the Data Security Incident. The claims that Settlement Class Members are releasing are described in Section 1.32 of the Class Settlement Agreement and Release and the persons and entities being released from those claims are described in Section 1.33 of the Class Settlement Agreement and Release. Section 8 of the Class Settlement Agreement and Release explains when such releases will occur.

## Payments to Settlement Class Members

## 8. What kind of payments can Settlement Class Members receive?

Settlement Class Members who submit valid claims and any required documentation may receive one or more of the following, to be paid from the Settlement Fund: (1) a Basic Award of **\$100.00**; (2) a California Subclass Award of **\$100.00**; (3) 36 months of Identity Theft Protection Services; and (4) a Reimbursement Award. Settlement Class Members who were residents of California at any time from March 31, 2021, to September 12, 2021 (“California Settlement Subclass Members”) who submit valid claims will receive the \$100.00 California Subclass Award in addition to the \$100.00 Basic Award, Reimbursement Award, and Identity Theft Protection Services. Depending on how many valid claims are submitted, the amounts of the Basic Award and California Subclass Award will be adjusted upward or downward proportionally among Settlement Class Members submitting valid claims for those awards as explained further in Question 11.

## 9. What are the Basic Award and the California Subclass Award?

Every Settlement Class Member is eligible to receive a **\$100.00** Basic Award, and every California Settlement Subclass Member is eligible to receive an additional **\$100.00** California Subclass Award regardless of whether he or she experienced any unauthorized charges or identifiable losses related to the Data Security Incident. Settlement Class Members seeking a Basic Award and/or a California Subclass Award must provide the information required on the Claim Form. The \$100.00 Basic Award and the \$100.00 California Subclass Award are subject to upward or downward adjustment as described below in Question 11.

Eligibility for any award, including the Basic Award and California Subclass Award, is within the discretion of the Claims Administrator as outlined in Question 16.

## 10. What is a Reimbursement Award?

Settlement Class Members who, at any time from March 31, 2021, to September 6, 2023, experienced unauthorized or fraudulent charges or out-of-pocket losses that are fairly traceable to the Data Security Incident are eligible to receive a Reimbursement Award of up to \$5,000.00 as reimbursement for those charges and expenses. The following types of out-of-pocket expenses may be claimed:

- Payment card fees or bank fees, including card reissuance fees, overdraft fees, charges related to unavailability of funds, late fees, over-limit fees and fees relating to an account being frozen or otherwise unavailable due to the Data Security Incident;
- Cell, internet or text charges;
- Costs or charges for obtaining credit reports, credit freezes, or credit monitoring or identity theft protection services (up to two years of coverage); and
- Postage costs.

You cannot recover for emotional distress. Claimants must exhaust all available credit monitoring insurance and identity theft insurance before seeking a Reimbursement Award. Settlement Class Members seeking a Reimbursement Award must provide the information and documents required on the Claim Form.

**Questions? Go to [TTECSettlement.com](https://TTECSettlement.com) or call 1-800-391-1531**

### 11. When and how will the amount of settlement payments be adjusted?

The amounts paid for all Basic Awards and California Subclass Awards will be adjusted upward or downward from the amounts listed in Question 9 depending on how many Settlement Class Members submit valid claims.

If the total dollar value of all valid claims is less than the amount of money available in the Settlement Fund for payment of those claims, the amounts for Basic Awards and California Subclass Awards will be adjusted upward proportionally among all valid claims for those awards, until the amounts remaining in the Settlement Fund are exhausted (or as nearly as possible).

If the total dollar value of all valid claims is more than the amount of money available in the Settlement Fund for payment of those claims, the amount of the payments for Basic Awards and California Subclass Awards will be adjusted downward proportionally among all Settlement Class Members who submitted valid claims for Basic Awards and California Subclass Awards.

### 12. What happens after all claims are processed and there are funds remaining?

If there are any funds remaining after all valid claims are processed and the time to cash any payment checks has passed, those funds shall be distributed as directed by the Court, including potential distribution to a charitable organization. No remaining funds will be returned to Defendants.

## Your Options as a Settlement Class Member

### 13. If I am a Settlement Class Member, what options do I have?

If you are a Settlement Class Member, you do not have to do anything to remain in the settlement. However, if you wish to seek an award under the settlement, you must complete and submit a **Claim Form postmarked or submitted online at TTECSettlement.com by September 6, 2023**. If you do not want to give up your right to sue Defendants about the Data Security Incident or the issues raised in this case, you must exclude yourself (or “opt out”) from the Settlement Class. See Question 17 below for instructions on how to exclude yourself.

If you wish to object to the settlement, you must remain a Settlement Class Member (i.e., you may not also exclude yourself from the Settlement Class by opting out) and submit a written objection. See Question 20 below for instructions on how to submit an objection.

### 14. What happens if I do nothing?

If you do nothing, you will get no award from this settlement. Unless you exclude yourself, after the settlement is granted final approval and the judgment becomes final, you will be bound by the judgment and you will never be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants related to the claims released by the settlement.

### 15. How do I submit a claim?

You may complete the Claim Form online at **TTECSettlement.com**. You may also obtain a paper Claim Form by downloading it at **TTECSettlement.com** or by calling the claims administrator at **1-800-391-1531**. If you choose to complete a paper Claim Form, you must submit the completed signed Claim Form, and any supporting materials, by mail to the following address:

Beasley v. TTEC  
Claims Administrator  
P.O. Box 2889  
Portland, OR 97208-2889

**Questions? Go to TTECSettlement.com or call 1-800-391-1531**

**16. Who decides my settlement claim and how do they do it?**

The Claims Administrator will decide whether a Claim Form is complete and valid and includes all required documentation. The Claims Administrator may require additional information from any claimant. Failure to timely provide all required information will invalidate a claim and it will not be paid.

**17. How do I exclude myself from the settlement?**

To opt out of the settlement, you must make a signed, written request that (i) says you wish to exclude yourself from the Settlement Class in these Lawsuits and (ii) includes your name, address and phone number. You must submit your request through the settlement website, TTECSettlement.com, or mail your request to this address:

Beasley v. TTEC  
Claims Administrator  
P.O. Box 2889  
Portland, OR 97208-2889

Your request must be submitted online or postmarked by **July 24, 2023**.

**18. If I exclude myself, can I receive any payment from this settlement?**

No. If you exclude yourself, you will not be entitled to any award. However, you will also not be bound by any judgment in these Lawsuits.

**19. If I do not exclude myself, can I sue Defendants for the Data Security Incident later?**

No. Unless you exclude yourself, you give up any right to sue Defendants 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 requesting payment.

**20. How do I object to the settlement?**

All Settlement Class Members who do not request exclusion from the Settlement Class have the right to object to the settlement or any part of it. 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 Lawsuits will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing and it and any supporting papers must be mailed to the Clerk of the Court, Settlement Class Counsel, and Defendants' Counsel, at the mailing addresses listed below. Your objection must be filed or postmarked no later than the objection deadline, **July 24, 2023**:

Court Defendants' Counsel	
Office of the Clerk U.S. District Court for the District of Colorado 901 19 <sup>th</sup> Street, Room A105 Denver, CO 80294-3589	Gregory T. Parks Kristin M. Hadgis MORGAN, LEWIS & BOCKIUS LLP 1701 Market St. Philadelphia, PA 19103-2921
Settlement Class Counsel	
Jean S. Martin MORGAN & MORGAN 201 N. Franklin Street, 7th Floor Tampa, FL 33602	Gary Klinger MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 227 W. Monroe St., Suite 2100 Chicago, IL 20016
Scott Edward Cole COLE & VAN NOTE 555 12 <sup>th</sup> Street, Suite 1725 Oakland, CA 94607	

**Questions? Go to TTECSettlement.com or call 1-800-391-1531**

To be considered by the Court, your objection must list the name of one or both of the Lawsuits pending in the District of Colorado: *Beasley v. TTEC Services Corp.*, No. 22-cv-00097 (D. Colo.); and *Anderson v. TTEC Services Corp.*, No. 22-cv-00347-PAB-STV (D. Colo.), and include all of the following information: (i) your full name, address, telephone number, and e-mail address (if any); (ii) information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (such as the notice you received from TTEC or Health Net or the notice of this settlement); (iii) a statement as to whether your objection applies only to yourself, to a specific subset of the Settlement Class, or to the entire class; (iv) a clear and detailed written statement of the specific legal and factual bases for each and every objection, accompanied by any legal support you believe applicable for each objection; (v) the identity of any counsel representing you; (vi) a statement whether you intend to appear at the Final Approval Hearing, either in person or through counsel, and, if through counsel, identifying that counsel; (vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of your objections and any documents to be presented or considered; and (viii) your signature and the signature of your duly authorized attorney or other duly authorized representative (if any).

If you submit a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

## **Court Approval of the Settlement**

### **21. How, when and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing to decide whether to approve the settlement. That hearing is scheduled for **August 18, 2023 at 9:00 AM** at the Alfred A. Arraj UnitedStates Courthouse, 901 19th Street, Courtroom A701, Denver, CO 80294. Please visit the Court's website at <http://www.cod.uscourts.gov/Home.aspx> for current information regarding courthouse access and court hearings. At the Final Approval Hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and will listen to people who have properly requested to speak at the hearing. The Court may also consider Settlement Class Counsel's request for attorneys' fees and costs, and the request for service awards for the Representative Plaintiffs. After the hearing, the Court will decide whether to approve the settlement.

It is possible the Court could reschedule the hearing to a different date or time without notice, so it is a good idea before the hearing to check [TTECSettlement.com](http://TTECSettlement.com) or access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <http://www.cod.uscourts.gov/CourtOperations/PACER.aspx> to confirm the schedule if you wish to attend.

### **22. Do I have to attend the hearing?**

No. You do not need to attend the hearing unless you object to the settlement and wish to appear in person. It is not necessary to appear in person in order to make an objection; the Court will consider any written objections properly submitted according to the instructions in Question 20. You or your own lawyer are welcome to attend the hearing at your expense but are not required to do so.

### **23. What happens if the Court approves the settlement?**

If the Court approves the settlement and no appeal is taken, the Settlement Fund will be fully funded. The Claims Administrator will pay any Attorneys' Fees and Expenses Award and any Representative Plaintiffs' Service Awards from the Settlement Fund. Then, within the later of 30 days after the Effective Date or 30 days after all disputed claims have been resolved, the Claims Administrator will send settlement payments to Settlement Class Members who submitted timely and valid Settlement Claims.

If any appeal is taken, it is possible the settlement could be disapproved on appeal.

### **24. What happens if the Court does not approve the settlement?**

If the Court does not approve the settlement, no Settlement Fund will be created, there will be no settlement payments to Settlement Class Members, Settlement Class Counsel or the Representative Plaintiffs, and the case will proceed as if no settlement had been attempted.

**Questions? Go to [TTECSettlement.com](http://TTECSettlement.com) or call 1-800-391-1531**

## **Lawyers for the Settlement Class and Defendants**

### **25. Who represents the Settlement Class?**

The Court has appointed the following Class Counsel to represent the Settlement Class in this Lawsuit:

Jean S. Martin MORGAN & MORGAN 201 N. Franklin Street, 7th Floor Tampa, FL 33602 (813) 559-4908	Gary Klinger MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 227 W. Monroe St., Suite 2100 Chicago, IL 20016 866-247-0047
Scott Edward Cole COLE & VAN NOTE 555 12th Street, Suite 1725 Oakland, CA 94607	

Settlement Class Members will not be charged for the services of Settlement Class Counsel; Settlement Class Counsel will be paid out of the Settlement Fund, subject to Court approval. However, you may hire your own attorney at your own cost to advise you in this matter or represent you in making an objection or appearing at the Final Approval Hearing.

### **26. How will the lawyers for the Settlement Class be paid?**

Settlement Class Counsel will request the Court's approval of an award for attorneys' fees up to one-third (30%) of the Settlement Fund (or up to \$750,000.00), plus reasonable costs and expenses (up to \$20,000.00), which shall be paid from the Settlement Fund. Settlement Class Counsel will also request approval of Service Awards of \$2,500.00 to each of the Representative Plaintiffs (a total of \$17,500.00), which shall also be paid from the Settlement Fund.

### **27. Who represents the Defendants in the Lawsuit?**

Defendants are represented by the following lawyers:

Gregory T. Parks Kristin M. Hadgis MORGAN, LEWIS & BOCKIUS LLP 1701 Market St. Philadelphia, PA 19103-2921
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## **For Further Information**

### **28. What if I want further information or have questions?**

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Class Settlement Agreement and Release available at **TTECSettlement.com**, by contacting Settlement Class Counsel at the phone numbers provided in response to Question 25 above, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <http://www.cod.uscourts.gov/CourtOperations/PACER.aspx>, or by visiting the Office of the Clerk, U.S. District Court for the District of Colorado, 901 19th Street, Room A105, Denver, CO 80294- 3589 between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

Epiq will act as the Claims Administrator for the settlement. You can contact the Claims Administrator at:

Beasley v. TTEC  
Claims Administrator  
P.O. Box 2889  
Portland, OR 97208-2889

**Please do not contact the Court.**

**Questions? Go to TTECSettlement.com or call 1-800-391-1531**