

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

HEATHER ROLL; COLLEEN
RONAN; and DAVID K. RONAN;
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Case No.: 6:20-cv-212-RBD-EJK

ENHANCED RECOVERY COMPANY, LLC
d/b/a ENHANCED RESOURCE CENTERS
d/b/a ERC,

Defendant/Third-Party Plaintiff,

v.

UNITED HEALTHCARE SERVICES,
INC.,
Third-Party Defendant.

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING

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

This Notice of Proposed Class Action Settlement and Hearing provides important information regarding your right to participate in or to opt out of a proposed settlement in a class action lawsuit. Plaintiffs Heather Roll, Colleen Ronan, and David K. Ronan (collectively, “Plaintiffs”) filed a lawsuit against Enhanced Recovery Company, LLC d/b/a Enhanced Resource Centers and d/b/a ERC (“Defendant” or “ERC”) in which they allege that ERC failed to provide required notices of their and the putative class members’ right to continued health care coverage under ERISA and COBRA. ERC disputes the allegations. That case is pending in the U.S. District Court, Middle District of Florida (Orlando Division).

Plaintiffs propose to settle this dispute on behalf of themselves and all participants and beneficiaries at Defendant’s Melbourne, Florida facility. The class definition is described below as follows: “All participants and beneficiaries in the Defendant’s Health Plan at Defendant’s Melbourne, Florida facility who were not sent a timely COBRA notice by Defendant during the applicable statute of limitations period as a result of a qualifying event, as determined by Defendant” (referenced herein as the “Settlement Class”).

Membership in the Settlement Class will be determined based upon Defendant’s records reflecting participants and beneficiaries at Defendant’s Melbourne, Florida facility. It is estimated that the Settlement Class is comprised of 50 potential members. You received this notice because Defendant’s records indicate that you are eligible to receive benefits from this class action settlement. Your rights and options – and the deadlines to exercise them – are explained in this Notice. Here is a brief Summary of your rights and options.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Do Nothing	If you do nothing and the Court approves this settlement, you will receive a settlement payment of \$1,305.00. As a member of the Settlement Class, you will release Defendant from any potential liability regarding the COBRA notice and the issues raised in this lawsuit.
Ask to be Excluded by March 1, 2022	If you do not want to be included in the case and the settlement, you must take action to exclude yourself. This is called “opting out.” To opt out, you must submit a written statement requesting exclusion from this settlement to the Settlement Administrator by March 1, 2022. The letter must: (1) contain your name, address, telephone number, and last four digits of the Social Security number, as well as the unique Class Member ID number printed on your Notice of Settlement; (2) contain a statement that you wish to be excluded from the Settlement; (3) be signed by you; and (4) be postmarked by March 1, 2022 and mailed to the Settlement Administrator at the address specified in this Notice of Settlement. If you elect to opt out, you will not receive any settlement payment and will retain any rights to pursue a separate action against Defendant for the claims raised in this case.
Object by March 1, 2022	You may write to the Court about why you don’t like the settlement, if you object to any of its terms. You may not file an objection if you opt out of the settlement. In order to object, you must submit a written statement, containing the following: (1) your full name and current address, as well as contact information for any attorney representing you for purposes of the objection; (2) include all objections and the factual and legal bases for same; (3) include any and all supporting papers, briefs, written evidence, declarations, and/or other evidence; and (4) be postmarked by March 1, 2022.
Go to a Hearing on September 27, 2022	If you wish to be heard, you may attend the Final Approval Hearing and ask to speak in Court about the fairness of the settlement. If you opt out, you may not present your opinions regarding the settlement at the Final Approval Hearing.

The Court still has to decide whether to approve this settlement, which may take some time, as explained below.

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BASIC INFORMATION

1. Why did I get this notice?

You were sent notice by mail of this proposed settlement because you are a member of the settlement class. Composition of the Settlement Class is based upon Defendant's records. You as a potential member of the Settlement Class have a right to know about the proposed settlement of this case as a class action and about your options to participate as a Settlement Class Member, your ability to object to the settlement terms as a class member, or to opt out of the settlement before the Court decides whether to grant final approval of the settlement. If the Court approves the settlement, and after all objections or appeals relating to that settlement are resolved, the benefits provided for by the settlement will be available to all Settlement Class Members who have not elected to opt out.

This Notice explains the lawsuit, the proposed settlement, your legal rights, the settlement benefits and who will be eligible to receive a benefit from the settlement fund, and the basis upon which benefits will be paid.

2. What is this lawsuit about?

On February 7, 2020, Plaintiffs initiated this civil suit by filing a Complaint asserting claims on behalf of themselves and a putative class against Defendant in the United States District Court for the Middle District of Florida, Orlando Division, Case No.: 6:20-cv-212-ORL-37EJK (the "Civil Action"), alleging violation of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended by the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), 29 U.S.C. § 1166 and 29 C.F.R. § 2590.606 and seeking damages pursuant to 29 U.S.C. § 1132. Specifically, Plaintiffs contend that ERC failed to provide required notices of their and the putative class members' right to continued health care coverage under ERISA and COBRA.

Defendant does not admit, nor concede any fault or liability in connection with any facts or claims that have been or could have been alleged against it in the Civil Action. Defendant denies that it has any liability whatsoever to Plaintiffs or any members of the Settlement Class.

Although the Court has authorized this Notice of Proposed Class Action Settlement, the Court has not determined or ruled upon the merits of the claims or defenses asserted by either side in the lawsuit. The Court has not found Defendant violated the law in any way. The Court has not found that Plaintiffs would prevail in this case. The Court has not made any determination that Plaintiffs will recover any damages in this litigation.

3. Why is this lawsuit a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, as here, Plaintiffs ("Class Representative") seeks to assert claims on behalf of themselves and all members of a class of similarly situated individuals who allegedly also did not receive a COBRA notice. In a class action, individuals with similar claims are treated alike. The Court will supervise the prosecution of the class claims by Counsel for the Settlement Class to assure that all

members of the settlement class are adequately and fairly represented. Settlement Class Members are not individually responsible for the costs or fees of Class Counsel, which are subject to court award and which will be paid out of a separate fund.

4. Why is there a settlement?

The Court has not decided the merits of this case in favor of the Class Representative or in favor of Defendant. Instead, Counsel for the Settlement Class investigated the facts and applicable law regarding the Class Representative's claims and Defendant's defenses. The parties engaged in lengthy and arm's-length negotiations to reach this settlement. The Class Representative and Counsel for the Settlement Class believe that the proposed settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class Members.

Both sides agree that, by settling, Defendant is not admitting any liability or that Defendant did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation.

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

You are included in the settlement if you fit the definition set forth in Paragraph 1. If you receive this Notice, Defendant's records indicate you are a member of the Settlement Class. If you are not certain as to whether you are or should be a member of the Settlement Class, you may contact the Settlement Administrator to find out. In all cases, the question of settlement class membership will be determined based on Defendant's records.

6. What does the settlement provide?

If you are a member of the Settlement Class, you are eligible to receive a benefit under the settlement. Defendant has agreed to pay a total of the gross sum of \$137,750.00 to be divided into four categories: (i) the Settlement Fund of \$65,250.00; (ii) Settlement Administrator Costs (up to \$5,000.00); and (iii) Plaintiffs' attorneys' fees of \$65,000.00 and costs up to \$2,500.00. Each Settlement Class Member that does not timely opt out will receive a gross payment of \$1,305.00.

If any Settlement Class Payments are not cashed within sixty (60) calendar days of distribution, said payments shall be submitted to the Florida Department of Financial Services, Division of Unclaimed Property.

7. How do I receive the benefit from the settlement?

To receive your settlement payment, you do not have to do anything. Your interest in this matter will be represented by the Plaintiffs as Class Representatives and Class Counsel. As a Settlement Class Member, you will be bound by the terms of the Settlement Agreement and any judgment arising from the settlement. If the Court approves the settlement at or after the Final Approval Hearing, you will automatically receive a settlement check of \$1,305.00.

8. When would I receive my benefit?

The Court will hold a Final Approval Hearing on September 27, 2022, at 1:30 p.m. at the United States District Court for the Middle District of Florida, George C. Young Federal Annex Courthouse, 401 West

Central Boulevard, Orlando, Florida 32801, Courtroom 4A, to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals or objections that must be resolved before the settlement will become effective. Settlement payments to members of the Settlement Class will be made only if the settlement is finally approved by the Court and only after all appeals or objections are resolved. This may take some time, so please be patient.

9. What am I giving up to receive a benefit or stay in the class?

Upon the Court's approval of the settlement, all members of the Settlement Class who do not exclude themselves (as well as spouses, heirs, and others who may possess rights on their behalf) will fully release the Defendant and the other parties listed below for all claims, including claims for statutory damages and actual damages, arising out of or relating directly or indirectly in any manner whatsoever to the facts alleged or which could have been alleged or asserted in this case under the claims brought in the operative Complaint: (i) Defendant and all of its past and present officers, directors, shareholders, managers, members, employees, agents, principals, heirs, representatives, and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys; (ii) Defendant's third-party COBRA Administrator, United HealthCare Services, Inc. and all of its past and present officers, directors, shareholders, employees, agents, principals, heirs, representatives, and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys; and (iii) Defendant's insurance carriers and all of its past and present officers, directors, shareholders, employees, agents, principals, heirs, representatives, and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys. This release may affect your rights, and may carry obligations, in the future.

10. Do I have to participate in the Settlement?

No. You may choose to be excluded from the Settlement and you will not be bound by the Settlement Agreement or any judgment or other final disposition of the lawsuit. You will retain any claims you may have against Defendant. To request exclusion, you must submit a written statement requesting exclusion from this settlement to the Settlement Administrator by March 1, 2022. The letter must: (1) contain your name, address, telephone number, and last four digits of the Social Security number, as well as the unique Class Member ID number printed on your Notice of Settlement; (2) contain a statement that you wish to be excluded from the Settlement; (3) be signed by you; and (4) be postmarked by March 1, 2022 and mailed to the Settlement Administrator at the address specified in this Notice of Settlement. **Your request to opt out which will exclude you from the Settlement must be sent by first class mail, postmarked on or before March 1, 2022. You must send your written opt out notice to:**

Roll, et al. v. Enhanced Recovery Company, LLC
c/o Settlement Administrator
PO Box 23369
Jacksonville, FL 32241

If your written opt out request is not postmarked on or before March 1, 2022, your request for exclusion will be invalid, and you will be bound by the terms of the settlement approved by the Court, including without limitation, the terms of the Settlement Agreement and the judgment ultimately rendered in the case, and you will be barred from bringing any claims against Defendant which arise out of or relate in any way to the claims in the case as specified in the Release referenced above.

11. If I don't exclude myself, can I sue Defendant for the same thing later?

No. If you do not opt out of the settlement, you will give up any right to sue Defendant for the claims

that this settlement resolves regarding the COBRA notice you received.

12. If I exclude myself, will I receive any benefits from this settlement?

No. If you opt out and thereby exclude yourself, you are not part of the settlement.

13. Will I have a lawyer as part of this case?

The Court has appointed Plaintiffs as the Class Representatives. The Court has appointed Wenzel Fenton Cabassa, P.A., as Counsel for the Settlement Class. Class Counsel's contact information is as follows:

Donna V. Smith, Esq.
WENZEL FENTON CABASSA, P.A.
1110 North Florida Ave., Suite 300
Tampa, FL 33602
(813) 224-0431
dsmith@wfclaw.com

Counsel for the Settlement Class represent the interests of all of the Settlement Class Members. You may hire your own attorney to advise you regarding this matter and the proposed settlement, but if you hire your own attorney, you will be responsible for paying that attorney's fees and costs.

14. How will Class Counsel be paid?

Class Counsel will apply to the Court for an award of attorneys' fees, in an amount not to exceed \$65,000.00 and up to \$2,500.00 in costs. The Court may award less. Costs of administration incurred by the Settlement Administrator will also be paid by Defendant, up to \$5,000.00, and then by Plaintiffs. The amounts approved by the Court for these awards and expenses will be paid directly by Defendant and will not impact the settlement payments you or the other Settlement Class Members will receive if you do not opt out and the settlement is approved by the Court.

15. How do I tell the Court that I don't like this settlement?

In order to object, you must submit a written statement, containing the following: (1) your full name and current address, as well as contact information for any attorney representing you for purposes of the objection; (2) include all objections and the factual and legal bases for same; (3) include any and all supporting papers, briefs, written evidence, declarations, and/or other evidence; and (4) be postmarked by March 1, 2022. **Your objection must be sent by first class mail, postmarked on or before March 1, 2022. You must send your objection to:**

Roll, et al. v. Enhanced Recovery Company, LLC
c/o Settlement Administrator
PO Box 23369
Jacksonville, FL 32241

If your written objection is not postmarked on or before March 1, 2022, your objection will be invalid. Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

16. Is there a difference between objecting and opting out?

Yes. By objecting, you are simply telling the Court that you don't like something about the Settlement, but you are agreeing to be bound by the Settlement as approved by the Court. You may object only if you stay in the Settlement Class. If you elect to opt out of the Settlement Class, you are telling the Court that you do not want to be part of the Settlement. If you opt out and thereby exclude yourself from the settlement, you will have no basis to object because the lawsuit and settlement no longer affect you or any potential claims you may have.

17. When and where will the Court decide whether to approve the settlement?

There will be a Final Approval Hearing to consider the fairness, reasonableness, and adequacy of the proposed settlement on September 27, 2022, at 1:30 p.m. at the United States District Court for the Middle District of Florida, George C. Young Federal Annex Courthouse, 401 West Central Boulevard, Orlando, Florida 32801, Courtroom 4A. The hearing may be postponed to a later date. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representative and Class Counsel; and whether an order and final judgment should be entered approving the proposed settlement. The Court also will consider Settlement Class Counsel's application for an award of attorneys' fees and expenses.

You will be represented at the Final Approval Hearing by Class Counsel, unless you choose to enter an appearance in person or through your own attorney. The appearance of your own attorney is not necessary to participate in the Final Approval Hearing. Again, should you choose to engage your own attorney, it will be at your own expense.

18. Do I have to come to the hearing?

No. The Class Representatives and Class Counsel will represent the Settlement Class Members at the Final Approval Hearing, but you are welcome to attend the hearing at your own expense. If you file an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own attorney to attend, if you wish.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing.

20. Are there more details about the settlement?

You may also access papers filed in this case on-line through the Public Access to Court Electronic Records ("PACER") service at www.pacer.gov; however, you may need to create an account and certain fees may apply. You may also obtain a copy of the full Settlement Agreement and certain papers filed in this case by sending a written request to the Settlement Administrator, at the address above or by visiting the settlement website at www.rollcobrasettlement.com.