

If You Received Physical Health Services and Were Charged an Administrative Fee under a Cigna Health Care Plan

You Could Get Money from a Class Action Settlement Totaling Approximately \$8.25 Million

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

- You could receive money from a class action settlement totaling approximately \$8.25 million.
- Please read this Notice¹ and the Settlement Agreement available at www.AdminFeeSettlement.com carefully. Your legal rights may be affected whether you act or don't act. This Notice is a summary, and it is not intended to, and does not, include all of the specific details of the Settlement Agreement. To obtain more specific details concerning the Settlement, please read the Settlement Agreement.
- A class action lawsuit is currently pending and was brought on behalf of patients who received chiropractic, physical therapy, acupuncture, naturopathy, occupational therapy, and/or massage therapy services and were charged an allegedly improper administrative fee.
- Plaintiffs seek recovery under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1000, *et seq.* ("ERISA") related to the violation of the written terms of ERISA plan documents and the misrepresentation of the fees in explanation of benefit forms.
- A Settlement totaling approximately \$8.25 million has been reached with Cigna Corp. ("Cigna"), American Specialty Health Group, Inc. ("ASH") and each of their subsidiaries, affiliates, officers, directors, employees, and agents (collectively known as "Defendants").
- Your legal rights will be affected whether you act or don't act. This Notice includes information on the Settlement and the lawsuit. Please read the entire Notice carefully.
- The Court in charge of this case still has to decide on final approval of the Settlement. Settlement payments will be made to eligible Settlement Class Members only if the Court approves the Settlement and after any appeals are resolved.
- The following rights and options – and deadlines to exercise them – are explained in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS		
DO NOTHING	You do not need to do anything to be included in the Settlement. Inclusion is automatic and you will be included unless you specifically request to Opt Out from the Settlement.	
OPT OUT	You will not be included in the Settlement. You will receive no payment or benefits from the Settlement if you Opt Out, but you will keep any rights you currently have to sue the Defendants about the claims in the lawsuit.	JULY 10, 2019
OBJECT TO THE SETTLEMENT	If you do not Opt Out, you can write to the Court explaining why you disagree with the Settlement, Attorneys' Fees, or Service Awards.	JULY 10, 2019
GO TO THE HEARING	Ask to speak in Court about your opinion of the Settlement.	AUGUST 9, 2019

¹ All capitalized terms in this Notice that are not otherwise defined herein shall have the meanings provided in the Settlement Agreement dated March 25, 2019, which is available on the website www.AdminFeeSettlement.com.

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BASIC INFORMATION

1. What Is This Notice About?

This Notice is to inform you about a Settlement reached in this litigation, before the Court decides whether to grant final approval to this Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. The Court in charge is the United States District Court for the Eastern District of Pennsylvania. This litigation is known as *In re Cigna-American Specialty Health Administrative Fee Litigation*, No. 2:16-cv-03967-NIQA. The people who sued are called the “Plaintiffs.” The companies they sued are called the “Defendants.”

2. What Is This Lawsuit About?

The lawsuit alleges violations of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1000, *et seq.* (“ERISA”) related to the written terms of ERISA plan documents and the alleged misrepresentation of the fees in explanation of benefit forms.

3. Why Is This a Class Action?

In a class action, one or more people, called the “Class Representatives,” sue on behalf of themselves and other people with similar claims in the specific class action. All of these people together are the “class” or “class members.” In a class action, one court may resolve the issues for all class members, except for those who exclude themselves from the class.

4. Why Is There A Settlement?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides have agreed to the Settlement to avoid the costs and risks of a lengthy trial and appeals process. The Class Representatives and Lead Counsel believe the Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class Members.

THE SETTLEMENT

5. How Do I Know If I May Be Included in the Settlement Class?

The Settlement Class includes:

Collectively, any Plan Member whose Plan benefits and/or cost share under a Plan were determined based on ASH's² charges to Cigna through the Final Approval Date for the following types of services: chiropractic, acupuncture, massage therapy, naturopathy, physical therapy, or occupational therapy. The Settlement Class excludes all Persons who, in accordance with the terms of this Agreement, execute an Opt-Out from the Settlement Class pursuant to ¶8.1 of the Agreement.

The specific definition of who is included in the Settlement Class is set forth in the Settlement Agreement and in the order preliminarily approving the Settlement. The Settlement Agreement, the Preliminary Approval Order, and other relevant pleadings and Court Orders are accessible on the website www.AdminFeeSettlement.com.

6. What Does the Settlement Provide?

The Total Settlement Fund for this case is \$8,250,000. After a deduction of attorneys' fees, notice and administration costs, litigation expenses, and Service Awards to the Lead Plaintiffs, as approved by the Court, the remaining Settlement Fund will be available for distribution to Settlement Class Members pursuant to the Plan of Allocation described below. Even after deduction of any attorneys' fees and expenses awarded to Lead Counsel by the Court, and notice and administrative expenses, the \$8.25 million Proposed Settlement is large enough to provide Settlement Class members with checks that, based on Plaintiffs' estimates, would nearly fully compensate Settlement Class members who paid made out-of-pocket payments towards Administrative Fees. The settlement also provides that Cigna will make reasonable efforts to add additional disclosures regarding the manner in which Cigna calculates Plan benefits and Plan Member cost-sharing responsibility for entities such as ASH.

More details about the Settlement are set forth in the Settlement Agreement, available at www.AdminFeeSettlement.com.

HOW TO GET BENEFITS

7. How Much Money Can I Get?

Each Settlement Class Member will receive a *pro rata* payment from the Net Settlement Fund for every instance that a Settlement Class Member paid co-insurance or deductible amounts for an approved health benefit claim for services from an ASH contracted provider based on ASH's charges to Cigna, rather than the ASH contracted provider's charges to ASH. At this time, it is unknown exactly how much each Settlement Class Member will receive. If the allocation process determines that a Settlement Class Member did not incur financial responsibility for a claim, that Settlement Class Member will not receive a payment, but the member will still receive the benefit of the Business Reforms under the Settlement. Each Settlement Class Member's specific payment amount will be determined based on the amount remaining in the Net Settlement Fund after deductions for Court-approved Notice and Administration expenses, Attorneys' fees and expenses, Service Awards to the Lead Plaintiffs, and taxes. Payments to Settlement Class Members will be made only if the Court grants final approval of the Settlement and any objections and appeals are resolved.

8. How Can I Get a Payment from the Settlement?

You do not need to do anything to receive a payment from the Settlement. Inclusion is automatic and you will be included, unless you specifically request to Opt Out from the Settlement as described in response to Question 14 below. Settlement checks will be mailed to at the address listed in the postcard notice sent to Settlement Class Members. If that address is wrong, or if your address changes, please notify the Settlement Administrator at www.AdminFeeSettlement.com or by phone toll-free (888)-206-2123.

9. When Will I Get a Payment?

Payments from the Settlement will not be distributed until the Court grants final approval of the Settlement and any objections or appeals are resolved. Updates will be provided on the Settlement's website at www.AdminFeeSettlement.com or may be obtained by contacting the Settlement Administrator by phone toll-free at (888)-206-2123. Please be patient. You can also get updates via email by registering your email at www.AdminFeeSettlement.com.

² "ASH" means, individually and collectively, defendants American Specialty Health, American Specialty Health Networks, Inc., and American Specialty Health Group, Inc. and each of their subsidiaries, affiliates, officers, directors, employees, and agents.

10. What Am I Giving Up To Get a Payment and Stay In the Settlement?

If you remain a Settlement Class Member, you will give up your right to sue the Defendants on your own for the claims described in the Settlement Agreement. You will also be bound by any decisions by the Court relating to the Settlement. In return for paying the Total Settlement Fund, the Defendants will be released from Settlement Class Members' claims stemming from the alleged conduct concerning administrative fees charged to Plan Members and Plans identified in the Settlement Agreement.

The Settlement Agreement describes the released claims in further detail. Read the Settlement Agreement carefully since those releases will be binding on you as a Settlement Class Member if the Court grants final approval of the Settlement. The Settlement Agreement is available at the website www.AdminFeeSettlement.com.

THE LAWYERS REPRESENTING YOU

11. Do I Have a Lawyer Representing Me?

The Court has appointed the following lawyers as Lead Counsel to represent you and all other members of the Settlement Class:

Steven A. Schwartz
sas@chimicles.com

Mark B. DeSanto
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
361 West Lancaster Avenue
Haverford, PA 19041
610.642.8500

Jason M. Knott
jknott@zuckerman.com
ZUCKERMAN SPAEDER LLP
1800 M Street NW, Suite 1000
Washington, DC 20036
202.778.1800

D. Brian Hufford
Jason S. Cowart
Nell Z. Peyser
ZUCKERMAN SPAEDER LLP
485 Madison Avenue, 10th Floor
New York, NY 10022
212.704.9600

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

12. How Will the Lawyers Be Paid?

Lead Counsel will ask the Court to reimburse them for certain fees, costs, and expenses. Lead Counsel will ask the Court for attorneys' fees based on their services in this litigation, not to exceed one-third of the Total Settlement Fund, plus litigation expenses or charges not to exceed \$175,000, and a Service Award not to exceed \$10,000 for each of the Lead Plaintiffs. Any payment to the attorneys will be subject to Court approval, and the Court may award less than the requested amount. The attorneys' fees, costs, and expenses that the Court orders, plus the costs to administer the Settlement, will come out of the Total Settlement Fund.

OPTING OUT FROM THE SETTLEMENT CLASS

13. How Do I Get Out of the Settlement Class?

To Opt Out from the Settlement, you must send a letter by mail stating that you want to be excluded from *In re Cigna-American Specialty Health Administrative Fee Litigation*, No. 2:16-cv-03967-NIQA. Your written "Opt Out" request must include the following:

- Your name, address, and telephone number;
- A statement saying that you want to be excluded from *In re Cigna-American Specialty Health Administrative Fee Litigation*, No. 2:16-cv-03967-NIQA; and
- Your signature.

You must mail your exclusion request, postmarked no later than July 10, 2019, to:

Cigna-American Specialty Health Administrative Fee Litigation
EXCLUSIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217-8042

14. If I Don't Opt Out, Can I Sue for the Same Thing Later?

No. Unless you Opt Out, you give up any right to sue the Defendants for the claims being released in this litigation.

If you have a pending lawsuit against any of the Defendants, speak to your lawyer in that lawsuit immediately, because you may need to Opt Out from the Settlement Class to continue your own lawsuit.

15. If I Opt Out, Can I Still Get Money Benefits?

No. If you Opt Out from the Settlement, you will not get any money as a result of the Settlement.

OBJECTING TO THE SETTLEMENT

16. How Do I Object to or Comment on the Settlement?

You can ask the Court to deny approval by filing an objection. You can also object to the request for attorneys' fees and expenses or the proposed Service Awards for each of the Lead Plaintiffs. You can't ask the Court to order a different Settlement; the Court can only approve or reject this 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 must object.

Any objection to the proposed Settlement must be in writing. Any objections must be submitted to the Court either by mailing them to Judge Quinones Alejandro, the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Room 8613 Philadelphia, PA 19106-1740, or by filing them in person with the Court, and be filed or postmarked on or before July 10, 2019. 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 own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*In re Cigna-American Specialty Health Administrative Fee Litigation*, No. 2:16-cv-03967-NIQA), (b) the Settlement Class Member's printed name, address, telephone number, email address, and date of birth (and, if different, name and address on the Notice you received); (c) a statement with specificity of the grounds for the objection along with any supporting papers, materials, briefs or evidence that the Settlement Class Member wishes the Court to consider when reviewing the objection; (d) whether the objection applies only to the objector, to a specific subset of the Settlement Class or to the entire Settlement Class; (e) the objector's actual written signature; and (f) a statement whether the objecting Settlement Class Member and/or his or her counsel intend to appear at the Final Approval Hearing. If a Settlement Class Member or counsel for the Settlement Class Member who submits an objection to this Settlement has objected to a class action settlement on any prior occasion, the objection shall also disclose all cases in which they have filed an objection by caption, court and case number, and for each case, the disposition of the objection, including whether any payments were made to the objector or his or her counsel, and if so, what incremental benefits, if any, were achieved for the class in exchange for such payments.

17. What Is the Difference Between Opting Out From the Settlement Class and Objecting to the Settlement?

If you Opt Out from the Settlement Class, you are telling the Court that you do not want to participate in the Settlement. Therefore, you will not be eligible to receive any benefits from the Settlement, and you will not be able to object to the Settlement. Objecting to a Settlement simply means telling the Court that you do not like something about the Settlement. Objecting does not make you ineligible to receive a payment.

THE FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests by Lead Counsel for fees, costs, and expenses and the proposed Service Awards for the Lead Plaintiffs. You may attend and you may ask to speak, but you do not have to do so.

18. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a Final Fairness Hearing at 1:00 p.m. on August 9, 2019 at Courtroom 8B of the United States District Court for the Eastern District of Pennsylvania, Philadelphia Office, 601 Market St., Philadelphia, PA 19106. The hearing may be moved to a different date or time without additional notice, so check www.AdminFeeSettlement.com; or call (888)-206-2123 to confirm that the date has not been changed. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Lead Counsel and whether to reimburse Lead Counsel for certain costs, and whether to pay Service Awards to the Lead Plaintiffs. At or after the hearing, the Court will decide whether to approve the Settlement.

19. Do I Have to Attend the Hearing?

No. Lead Counsel will answer any questions the Court may have. But you are welcome to attend at your expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you filed or mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend on your behalf, but you are not required to do so.

20. May I Speak at the Hearing?

If you send an objection or comment on the Settlement, you may have the right to speak at the Final Fairness Hearing as determined by the Court. You cannot speak at the hearing if you Opt Out from the Settlement Class.

GET MORE INFORMATION

21. How Do I Get More Information?

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.AdminFeeSettlement.com. For more information on the Settlement, please contact the Settlement Administrator at (888)-206-2123, or you may contact Lead Counsel with the information provided in Question 11. Updates about the Settlement will be posted at www.AdminFeeSettlement.com. To receive updates via email, Settlement Class Members can, but are not required, to register their email address at www.AdminFeeSettlement.com. Finally, you may visit the office of the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania, Philadelphia Office, 601 Market St., Philadelphia, PA 19106, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT.

Dated: March 25, 2019

By Order of the Court, United States District Court
Eastern District of Pennsylvania