

# **EXHIBIT 2**

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

JOHN FINN and SALVATORE J.  
CONTRISTANO, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

EMPRESS AMBULANCE SERVICES, LLC,

Defendant.

Index No. 61058/2023

CLASS ACTION

**DECLARATION OF CAMERON R.  
AZARI, ESQ. REGARDING  
IMPLEMENTATION OF NOTICE  
PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”), a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft is a business unit of Epiq.

4. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

**OVERVIEW**

5. This declaration describes the implementation of the Notice Plan (“Notice Plan”) and notices (the “Notice” or “Notices”) for *Finn and Contristano v. Empress Ambulance Service, LLC*, No. 61058/203, currently pending in Supreme Court of the State of New York, County of Westchester (the “Action”). I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice Plan*, on May 31, 2023, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational

and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans.

### **NOTICE PLAN SUMMARY**

6. New York Consolidated Laws CVP - Civil Practice Law & Rules Article 9 directs that notice of a class action must be “reasonable notice of the commencement of a class action” and it “shall be given to the class in such manner as the court directs.”<sup>1</sup> The Notice Plan satisfied this requirement.

7. The Notice Plan as designed and implemented reached the greatest practicable number of Class Members with individual notice. The Notice Plan individual notice efforts reached approximately 87.3% of the identified Settlement Class. The reach was further enhanced by a Settlement Website. In my experience, the reach of the Notice Plan was consistent with or better than other court-approved notice programs, was reasonable notice under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.<sup>2</sup>

### **NOTICE PLAN DETAIL**

8. On November 27, 2023, the Court approved the Notice Plan and appointed Epiq as the Settlement Administrator in the *Order Granting Preliminary Approval of Class Action Settlement* (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court conditionally certified the following “Settlement Class”:

All natural persons who are residents of the United States whose Personal Information was potentially compromised in the Network Incident and were sent via U.S. Mail notice by Empress that their Personal Information may have been compromised in the Network Incident.

Excluded from the Settlement Class are: (1) the Judges presiding over the Action and members of their families; (2) Empress, its subsidiaries, parent

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<sup>1</sup> NY CPLR § 904 (b) (2012).

<sup>2</sup> *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

companies, successors, predecessors, and any entity in which Empress or its parents, have a controlling interest, and its current or former officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period; and (4) the successors or assigns of any such excluded natural person.

9. After the Court's Preliminary Approval Order was entered, Epiq began to implement the Notice Plan. This declaration details the notice activities undertaken to date and explains how and why the Notice Plan was comprehensive and well-suited to reach the Class Members. This declaration also discusses the administration activity to date.

### **NOTICE PLAN**

#### ***Individual Notice***

10. Epiq previously handled the data breach notification efforts and received data for potential Class Members (the "Settlement Class List"). The data included 323,938 records, which included names, physical address, and any other available contact information for the potential Class Members. Epiq deduplicated and rolled-up the records and loaded the unique, identified Class Member records into its database for this Settlement. These efforts resulted in 304,362 unique, identified Class Member records, which were sent a Summary Notice.

#### ***Individual Notice – Direct Mail***

11. On January 8, 2024, Epiq sent 304,362 Summary Notice postcards to all identified Class Members with an associated physical address via United States Postal Service ("USPS") mail. The Summary Notice clearly and concisely summarized the case, the Settlement, and the legal rights of the Class Members. In addition, the Summary Notice directed the recipients to the Settlement Website to access additional information. The Summary Notice is included as **Attachment 1**.

12. Prior to sending the Summary Notices, all mailing addresses were checked against the National Change of Address ("NCOA") database maintained by the USPS to ensure all address

information was up-to-date and accurately formatted for mailing.<sup>3</sup> In addition, the addresses were certified through 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. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

13. The return address on the Summary Notices is a post office box that Epiq maintains for this case. The USPS automatically forwards Summary Notices with an available forwarding address order that has not expired (“Postal Forwards”). Summary Notices returned as undeliverable are re-mailed to any new address available through USPS information (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order had expired, but was still within the time period in which the USPS returns the piece with the address indicated), or to better addresses that are found using a third-party address lookup service. Upon successfully locating better addresses, Summary Notices are promptly remailed. As of March 19, 2024, Epiq has remailed 24,231 Summary Notices.

14. Additionally, a Claim Package (Long Form Notice and Claim Form) are mailed to all persons who request one via the toll-free telephone number or by other means. As of March 19, 2024, 138 Claim Packages have been mailed as a result of such requests. The Long Form Notice is included as **Attachment 2**. The Claim Form is included as **Attachment 3**.

15. As set forth in Section II of the *Supplemental Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement*, and as required by the Court, separate notice was provided to the attorneys for the plaintiffs in the stayed federal actions before Judge Karas in the Southern District of New York. Specifically, on January 8, 2024, Epiq mailed via FedEx 2nd Day Air, a Cover Letter, the Preliminary Approval Order, the Long Form

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<sup>3</sup> The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery point coded addresses, for matches made to the NCOA file for individual, family, and business moves.

Notice, and the Postcard Notice to these individuals.

#### *Notice Results*

16. As of March 19, 2024, a Summary Notice was delivered to 265,863 of the 304,362 unique, identified Class Members. This means the individual notice efforts reached approximately 87.3% of the identified Class Members.

#### *Settlement Website*

17. On January 3, 2024, Epiq established a dedicated website for the Settlement with an easy to remember domain name ([www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com)). Relevant documents, including the Long Form Notice, Summary Notice, Claim Form, Complaint, Settlement Agreement, Preliminary Approval Order, Motion for Attorneys' Fees, Costs, and Expenses, and other case-related documents are posted on the Settlement Website. The Settlement Website also provides the ability for Class Members to file an online Claim Form. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions ("FAQs"), instructions for how Class Members may opt-out (request exclusion) from or object to the Settlement, contact information for the Settlement Administrator, and how to obtain other case-related information. The Settlement Website address was prominently displayed in all notice documents. As of March 19, 2024, there have been 5,718 unique visitor sessions to the Settlement Website, and 23,352 web pages have been presented.

#### *Settlement Toll-Free Telephone Number and Other Contact Information*

18. On January 3, 2024, a toll-free telephone number (1-888-482-4942) was established for the Settlement. Callers are able to hear an introductory message, have the option to learn more about the Settlement in the form of recorded answers to FAQs, and request that a Claim Package be mailed to them. The automated phone system is available 24 hours per day, 7 days per week. The Settlement toll-free telephone number was prominently displayed in all notice documents. As of March 19, 2024, there have been 977 calls to the toll-free telephone number representing 2,137 minutes of use.

19. A postal mailing address was established and continues to be available, providing

Class Members with the opportunity to request additional information or ask questions.

*Requests for Exclusion and Objections*

20. The deadline to request exclusion (opt-out) from the Settlement or to object to the Settlement was March 8, 2024. As of March 19, 2024, Epiq has received one request for exclusion. The Request for Exclusion Report is included as **Attachment 4**.

21. As of March 19, 2024, I am aware of one objection to the Settlement, which addressed one aspect of the settlement administration, the Objection of David Buchwald (herein after “Buchwald”) (Dkt. No. 38).

22. The Buchwald Objection asserts there were technical difficulties sending email to the designated email address established for the Settlement. Prior to launching the designated email address, it is my understanding that Epiq and Class Counsel tested and confirmed the functionality of the email address and the Settlement Website. It is correct, however, that for a period of time, the email inbox was not able to receive external email due to a technical malfunction. As soon as this issue was brought to Epiq’s attention, it was promptly corrected and the email address and inbox are now fully operational. The toll-free telephone number and postal mailing address for Epiq have been and continue to be readily available and were listed in the Notices, along with contact information for counsel. As noted in the Buchwald Objection, Buchwald successfully reached Epiq via mail and received Epiq’s timely response to Buchwald’s written correspondence. Epiq has not received any other objections, nor am I aware of any potential Class Member who sought to object but was unable to do so as a result of the technical issues with the email address.

*Claim Submission & Distribution Options*

23. The Settlement provided Class Members the option of filing a Claim Form. The Notices provided a detailed summary of the relevant information about the Settlement, including the Settlement Website address and how Class Members can file a Claim Form online or by mail. With any method of filing a Claim Form, Class Members have the option of receiving a digital payment or a traditional paper check.

24. The extended deadline for Class Members to file a claim is May 8, 2024.<sup>4</sup> As of March 19, 2024, Epiq has received 2,708 Claim Forms (2,595 online and 113 paper). Since the May 8, 2024, claim filing deadline has not yet passed, these numbers are preliminary. By that deadline, I expect additional claims will be filed by Class Members. As standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

### **PLAIN LANGUAGE NOTICE DESIGN**

25. The Notices were designed to be “noticed,” reviewed, and—by presenting the information in plain language—understood by Class Members. The design of the Notices followed the principles embodied in the Federal Judicial Center’s (“FJC”) illustrative “model” notices posted at [www.fjc.gov](http://www.fjc.gov). Many courts, and the FJC itself, have approved notices that we have written and designed in a similar fashion. The Notices contained substantial, albeit easy-to-read summaries of all key information about Class Members’ rights and options. Consistent with our normal practice, all notice documents underwent a final edit prior to actual mailing and display for grammatical errors and accuracy.

26. The Long Form Notice provided substantial information to Class Members. The Long Form Notice included (i) details regarding the Class Members’ ability to opt-out or object to the Settlement, (ii) instructions on how to submit a Claim Form, (iii) the deadline to submit a Claim Form, opt-out, or objection, and (iv) the date, time, and location of the Final Approval Hearing, among other information.

### **CONCLUSION**

27. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by state and local rules and statutes,

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<sup>4</sup> Counsel for the parties have agreed to extend the deadline to file a claim by 30 days, to May 8, 2024. This extension is being made in an abundance of caution due to the previous technical malfunction with the email inbox for the Settlement. The Settlement Website was updated to communicate the extended claim filing deadline clearly and conspicuously to Class Members.

and further by case law pertaining to notice. This framework directs that the notice plan be designed to be reasonable and to reach the greatest practicable number of potential class members and, in a settlement class action notice situation such as this, that the notice or notice program itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All these requirements were met in this case.

28. The Notice Plan included an individual notice effort via mailed notice to identified Class Members. With the address updating protocols that were used, the Notice Plan individual notice efforts reached approximately 87.3% of the identified Class Members. The reach was further enhanced by a Settlement Website. The FJC’s *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, and is illustrative for state courts, states that “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the Settlement Class. It is reasonable to reach between 70–95%.”<sup>5</sup> Here, the Notice Plan as developed and implemented achieved a reach at the higher end of that standard.

29. The Notice Plan provided notice that was reasonable and was the best notice practicable under the circumstances of this case, conformed to all aspects of the New York Consolidated Laws CVP - Civil Practice Law & Rules Article 9, and comported with the guidance for effective notice set out in the Manual for Complex Litigation, Fourth.

30. The Notice Plan schedule afforded enough time to provide full and proper notice to Class Members before the Opt-Out Deadline and the Objection Deadline.

I declare under penalty of perjury under the laws of New York that the foregoing is true and correct. Executed March 19, 2024, at Beaverton, Oregon.

  
Cameron R. Azari, Esq.

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<sup>5</sup> FED. JUDICIAL CTR., JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

# Attachment 1



A proposed Settlement has been reached in a class action lawsuit against Empress Ambulance Service, LLC, regarding a "Network Incident." Plaintiffs allege that in July 2022, Empress discovered that unauthorized persons gained access to Empress's network systems, resulting in access to certain files or data that may have contained information concerning Empress's patients and other affiliated persons. **To submit a claim, please visit [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com).**

**You are receiving this notice because you may be a Settlement Class Member.** Under the terms of the Settlement, you can recover the following benefits:

**Settlement Payment Options**

**Documented Loss Payment:** You may submit a Claim Form for a cash Settlement Payment of up to \$10,000 for reimbursement in the form of a Documented Loss Payment. To request a Documented Loss Payment, you must provide Reasonable Documentation to support your claim and that it is more likely than not related to the Network Incident; **OR**

**Cash Fund Payment:** In the alternative to a Documented Loss Payment, you may submit a Claim Form to receive a pro rata (equal share) cash Settlement Payment. Cash Fund Payment amounts are estimated to be as follows: \$114 per claimant at a 1% claims rate; \$53 per claimant at a 2% claims rate; and \$21 per claimant at a 4% claims rate. This is just an estimate and actual payment amounts may be different.

**Credit Monitoring and Insurance Services:** In addition to or instead of selecting one of the above cash Settlement Payment options, you also may submit a Claim Form for 12 months of free Credit Monitoring and Insurance Services provided by TransUnion, which includes three credit bureau monitoring services and \$1 million in identity theft insurance.

If you elected to use a previous offer of Credit Monitoring and Insurance Services from Empress, or you obtained Credit Monitoring and Insurance Services from another provider as a result of the Network Incident, you will be permitted to postpone activation of your Credit Monitoring and Insurance Services Settlement Benefit for up to 12 months.

The easiest way to submit a claim is online at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) using your Unique ID found on the front of this postcard. To be eligible, you must complete and submit a valid Claim Form, postmarked or submitted online on or before **April 8, 2024**. You can also exclude yourself or object to the Settlement on or before **March 8, 2024**. If you do not exclude yourself from the Settlement, you will remain in the Class and will give up the right to sue Empress and Released Parties in a separate lawsuit about the claims resolved by the Settlement. **A summary of your rights under the Settlement and instructions regarding how to submit a claim, exclude yourself, or object are available at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com).**

The Court will hold a Final Approval Hearing on **April 3, 2024, at 9:30 a.m.** At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also listen to people who have asked to speak at the hearing. You may attend the Final Approval Hearing at your own expense, or you may also pay your own lawyer to attend, but it is not necessary. The Court has indicated the the Final Approval Hearing may be conducted remotely. In the event the hearing is remote, instructions for how to attend the hearing remotely will be made available on the Settlement Website prior to the hearing.

This notice is a summary. The Settlement Agreement and more information about the Settlement are available at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or by calling toll-free 1-888-482-4942.



PLACE  
STAMP  
HERE

EMPRESS AMBULANCE SETTLEMENT ADMINISTRATOR  
PO BOX 2059  
PORTLAND OR 97208-2059



# Attachment 2

*Finn and Contristano v. Empress Ambulance Service, LLC, No. 61058/2023*  
Supreme Court of the State of New York, Westchester County

## Notice of Empress Ambulance Network Incident Class Action Settlement

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

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

- A proposed Settlement has been reached in a class action lawsuit against Empress Ambulance Service, LLC (“Defendant”) regarding a “Network Incident.” Plaintiffs allege that in July 2022, Empress discovered that unauthorized persons gained access to Empress’s network systems, resulting in access to certain files or data that may have contained information concerning Empress’s patients and other affiliated persons.
- You are a “Class Member” if your Personal Information (email addresses, phone numbers, home address, date of birth, Social Security number (SSN), drivers’ license information, tax records, bank account and routing information, and other personally identifying information, as well as information used to process health insurance claims, prescription information, medical records and data, and other medical or personal health information) was potentially compromised in the Network Incident that Defendant discovered on or about July 14, 2022 and you were sent a notice by Empress via U.S. Mail that your Personal Information may have been compromised in the Network Incident.
- Class Members may file a Claim Form to receive one of the following two Settlement Payment options. As part of the Settlement, Class Members may also submit a Claim Form for Credit Monitoring and Insurance Services (“CMIS”) in addition to or instead of one of the two Settlement Payment options below.

**Settlement Payment Options**

1. **Documented Loss Payment:** You may submit a Claim Form for a cash Settlement Payment of up to \$10,000 for reimbursement in the form of a Documented Loss Payment; **OR**
2. **Cash Fund Payment:** You may submit a Claim Form to receive a pro rata (equal share) cash Settlement Payment. Cash Fund Payment amounts are estimated to be as follows: \$114 per claimant at a 1% claims rate; \$53 per claimant at a 2% claims rate; and \$21 per claimant at a 4% claims rate. This is just an estimate and actual payment amounts may be different.

**Credit Monitoring and Insurance Services** – In addition to or instead of the cash Settlement Payment options, you may submit a Claim Form for 12 months free Credit Monitoring and Insurance Services provided by TransUnion, which includes three credit bureau monitoring services and \$1 million in identity theft insurance.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<p><b>FILE A CLAIM FORM</b></p> <p><b>DEADLINE:</b> <b>APRIL 8, 2024</b></p>	<p>Submitting a Claim Form is the only way that you can receive any of the Settlement Benefits provided by this Settlement, including Credit Monitoring and Insurance Services, a Documented Loss Payment, or a Cash Fund Payment.</p> <p>If you submit a Claim Form, you will give up the right to sue Empress and certain Released Parties in a separate lawsuit about the legal claims this Settlement resolves.</p>
<p><b>EXCLUDE YOURSELF FROM THIS SETTLEMENT</b></p> <p><b>DEADLINE:</b> <b>MARCH 8, 2024</b></p>	<p>This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Empress, or certain Released Parties (as defined in the Settlement Agreement), for the claims this Settlement resolves.</p> <p>If you exclude yourself, you will give up the right to receive any Settlement Benefits from this Settlement.</p>
<p><b>OBJECT TO OR COMMENT ON THE SETTLEMENT</b></p> <p><b>DEADLINE:</b> <b>MARCH 8, 2024</b></p>	<p>You may object to the Settlement by writing to the Court and informing it why you do not think the Settlement should be approved. You can also write the Court to provide comments or reasons why you support the Settlement. You will still be bound by the Settlement if it is approved, and you will not be allowed to exclude yourself from the Settlement.</p> <p>If you object, you may also file a Claim Form to receive Settlement Benefits, but you will give up the right to sue Empress and Released Parties in a separate lawsuit about the legal claims this Settlement resolves.</p>
<p><b>GO TO THE “FINAL APPROVAL” HEARING</b></p> <p><b>DATE:</b> <b>APRIL 3, 2024</b></p>	<p>You may attend the Final Approval Hearing where the Court may hear arguments concerning approval of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection or comment. You are <u>not</u> required to attend the Final Approval Hearing.</p>
<p><b>DO NOTHING</b></p>	<p>If you do nothing, you will not receive any of the Settlement Benefits and you will give up your rights to sue Empress and certain Released Parties for the claims this Settlement resolves.</p>

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement and the requested attorneys’ fees, costs, and expenses. No Settlement Benefits will be provided unless the Court approves the Settlement and it becomes final.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

**WHAT THIS NOTICE CONTAINS**

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**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

## BASIC INFORMATION

### 1. Why is this notice being provided?

A court authorized this notice because 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 get Settlement Benefits.

This class action lawsuit is pending before the Supreme Court of the State of New York, Westchester County. The case is known as *Finn and Contristano v. Empress Ambulance Service, LLC*, No. 61058/2023, in the Supreme Court of the State of New York. The persons who filed this lawsuit are called the “Plaintiffs” and the company sued, Empress Ambulance Services, LLC is called the “Defendant.”

### 2. What is this lawsuit about?

The Plaintiffs allege that in July 2022, Empress discovered that unauthorized persons gained access to Empress’s network systems, resulting in unauthorized access to certain files that may have contained information of Empress’s patients and other affiliated persons (“Class Members”).

Empress specifically denies any and all wrongdoing, and no court or other entity has made any judgment other determination of any wrongdoing or that the law has been violated. By entering into the Settlement, Empress is not admitting that it did anything wrong.

### 3. Why is the lawsuit a class action?

In a class action, one or more people called the Class Representatives (in this Action, Plaintiffs John Finn and Salvatore J. Contristano) sue on behalf of all people who have similar claims. Together, all these people are called a Settlement Class or Class Members. One court resolves the issues for all Class Members, except for those Class Members who timely exclude themselves (opt out) from the Settlement Class.

### 4. Why is there a Settlement?

The Plaintiffs and the Defendant do not agree with respect to the legal allegations asserted in this lawsuit. The Court has not decided in favor of the Plaintiffs or the Defendant. Instead, the Plaintiffs and the Defendant have agreed to settle the lawsuit. The Plaintiffs and the attorneys for the Settlement Class (“Class Counsel”) believe the Settlement is best for all Class Members because of the benefits of the Settlement and the risks and uncertainty associated with continued litigation and the nature of the defenses raised by Empress.

## WHO IS INCLUDED IN THE SETTLEMENT?

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

You are a Class Member if you are a resident of the United States, and your Personal Information was potentially compromised in the Network Incident that Defendant discovered on or about July 14, 2022 and you were sent a notice by Empress via U.S. Mail that your Personal Information may have been compromised in the Network Incident.

Personal Information means email addresses, phone numbers, home addresses, dates of birth, Social Security numbers (SSN), drivers’ license information, tax records, bank account and routing

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

information, and other personally identifying information, as well as information used to process health insurance claims, prescription information, medical records and data, and other medical or personal health information.

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

Yes. Excluded from the Settlement Class are: (1) the Judges presiding over the Action and members of their families; (2) Empress, its subsidiaries, parent companies, successors, predecessors, and any entity in which Empress or its parents have a controlling interest, and their current or former officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period; and (4) the successors or assigns of any such excluded natural person.

## 7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Class Member, you may go to the Settlement Website at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call the Settlement Administrator's Settlement Toll-Free Number at 1-888-482-4942.

# THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

## 8. What does the Settlement provide?

If you are a Class Member, you may receive **only one** of the following two Settlement Payment benefit options as part of the Settlement, by submitting a timely and valid Claim Form.

### Settlement Payment Options

1. **Documented Loss Payment:** You may submit a timely and valid Claim Form for a cash Settlement Payment of up to \$10,000 for reimbursement in the form of a Documented Loss Payment.

To request a Documented Loss Payment, your Claim Form must include all of the following:

- Select the option to receive the Documented Loss Payment Settlement Benefit;
- Sign the attestation regarding any actual and unreimbursed Documented Loss made under penalty of perjury; and
- You must provide Reasonable Documentation to support your Documented Loss claim and that it is more likely than not related to the Network Incident. Reasonable Documentation means, but is not limited to, credit card statements, bank statements, invoices, telephone records, and receipts. Documented Loss costs cannot be documented solely by a personal certification, declaration, or affidavit from you.

If you do not submit Reasonable Documentation supporting your Documented Loss Payment claim, or if your claim for a Documented Loss Payment is rejected by the Settlement Administrator for any reason, and you fail to cure your claim, the claim will be rejected and your claim will instead be automatically considered a claim for a Cash Fund Payment.

**Cash Fund Payment:** In the alternative to the Documented Loss Payment, you may submit a timely and valid Claim Form to receive a pro rata (a legal term that means equal share) cash Settlement Payment. This amount may increase or decrease as described in Question 9. Cash Fund Payment amounts are estimated to be as follows: \$114 per claimant at a 1% claims rate; \$53 per claimant at a 2% claims rate; and \$21 per claimant at a 4% claims rate. This is just an estimate and actual payment amounts may be different.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

**Credit Monitoring and Insurance Services:** In addition to or instead of selecting one of the above cash Settlement Payment options, you also may submit a timely and valid Claim Form for 12 months of free Credit Monitoring and Insurance Services provided by TransUnion, which includes three credit bureau monitoring services and \$1 million in identity theft insurance.

If you elected to use a previous offer of Credit Monitoring and Insurance Services from Empress, or you obtained Credit Monitoring and Insurance Services from another provider as a result of the Network Incident, you will be permitted to postpone activation of your Credit Monitoring and Insurance Services Settlement Benefit for up to 12 months.

## 9. How will claims be paid and what may cause a Settlement Benefit to increase or decrease?

According to the Settlement Agreement, the \$1,050,000 Settlement Fund established for the Settlement will be used to pay for: (1) Administrative Expenses reasonably incurred by the Settlement Administrator that are approved by the Parties, (2) Service Awards approved by the Court, (3) any amounts approved by the Court for attorneys' fees, costs, and expenses ("Fee Award and Costs"), and (4) taxes, if any. The amount remaining after these items are paid or allocated, if any is the "Net Settlement Fund."

The Net Settlement Fund will be used to pay for Approved Claims for Class Members in the following order of priority: (1) Credit Monitoring and Insurance Services and Documented Loss Payments; (2) Cash Fund Payments, which will be calculated after Credit Monitoring and Insurance Services and Documented Loss Payments claimed benefits have been deducted, by dividing the remaining Net Settlement Fund amount by the number of valid claims designated to receive a Cash Fund Payment. This is called a pro rata share.

If the claims for Credit Monitoring and Insurance Services and Documented Loss Payments exceed the amount of money in the Net Settlement Fund, then no payments for claims for Cash Fund Payments will be made, and the value of the Documented Loss Payments and duration of the CMIS Settlement Benefit to be distributed to each Class Member shall be reduced, on a pro rata basis, such that the aggregate value of all Documented Loss Payments and CMIS claims does not exceed the Net Settlement Fund.

## 10. What am I giving up to receive Settlement Benefits or stay in the Settlement Class?

Unless you exclude yourself (opt out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other action for all Released Claims, including Unknown Claims, against each of the Released Parties that relates to the Network Incident or otherwise arises out of the same facts and circumstances set forth in the complaint in this lawsuit. The specific rights you are giving up are called "Released Claims."

## 11. What are the Released Claims?

The Settlement Agreement in Sections 1.38, 1.39, and 4 describes the Release, Released Claims, and Released Parties in necessary legal terminology, so please read these sections carefully. The Released Claims also include the release of Unknown Claims, which is also described in necessary legal terminology in the Settlement Agreement in Section 1.52. The Settlement Agreement is available at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or in the public Court records on file in this lawsuit. For questions regarding the Release or Released Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in Question 15 of this Notice, or you can talk to your own lawyer at your own expense.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### 12. How do I make a claim for Settlement Benefits?

To submit a Claim Form for one of the cash Settlement Payment options (i.e., Documented Loss Payment or Cash Fund Payment) and/or Credit Monitoring and Insurance Services, you must submit a timely and valid Claim Form. Your Claim Form must be filed with the Settlement Administrator, postmarked, or submitted online on or before **April 8, 2024**. Claim Forms may be submitted online at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim Form is online. Claim Forms are also available by calling 1-888-482-4942 or by writing to:

Empress Ambulance Settlement Administrator  
PO Box 2059  
Portland, OR 97208-2059

### 13. What happens if my contact information changes after I submit a Claim Form?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1-888-482-4942 or by writing to:

Empress Ambulance Settlement Administrator  
PO Box 2059  
Portland, OR 97208-2059

### 14. When will I receive my Settlement Benefits?

If you file a timely and valid Claim Form, cash Settlement Payments and Credit Monitoring and Insurance Services will be provided after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) for updates.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

Yes, the Court has appointed attorneys Tina Wolfson and Andrew W. Ferich of Ahdoot & Wolfson, PC, and Ben Barnow and Anthony L. Parkhill of Barnow and Associates, P.C. as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this lawsuit.

### 16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees and, separately, reimbursement of reasonable costs and expenses incurred in prosecuting the lawsuit. Class Counsel may also ask the Court to approve Service Awards not to exceed \$1,500 per Class Representative (total of \$3,000), which are intended to recognize the Class Representatives for their efforts in the litigation and commitment on behalf of the Settlement Class. If awarded by the Court, attorneys' fees, costs, and expenses, and the Service Awards will be paid out of the Settlement Fund. The Court may award less than these amounts. The Settlement is not conditioned upon approval of these awards.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

## OPTING OUT OF THE SETTLEMENT

If you are a Class Member and want to keep any right you may have to sue or continue to sue the Defendant or Released Parties on your own based on the claims raised in this lawsuit or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from or “opting out” of the Settlement.

### 17. How do I get out of the Settlement?

To opt out of the Settlement, you must mail a written Request for Exclusion, which must include all the following:

- 1) The case name *Finn, et al. v. Empress Ambulance Service, LLC*, No. 61058/f;
- 2) Your full name, address, and telephone number;
- 3) Your physical signature; and
- 4) A statement that “I hereby request to be excluded from the proposed Settlement Class in *Finn, et al. v. Empress Ambulance Service, LLC*, NO. 61058/2023.”

The Request for Exclusion must be mailed to the Settlement Administrator at the following address **postmarked by March 8, 2024**:

Empress Ambulance Settlement Administrator  
Exclusions  
PO Box 2059  
Portland, OR 97208-2059

You cannot exclude yourself by telephone or by email. A Request for Exclusion may only be done on an individual basis, and no person may request to be excluded from the Settlement Class through “mass” or “class” opt-outs.

### 18. If I opt out, can I get anything from the Settlement?

No. If you opt out, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement Benefits if you stay in the Settlement.

### 19. If I do not opt out, can I sue the Defendant for the same thing later?

No. Unless you opt out, you give up any right to sue the Released Parties (including the Defendant) for all claims and other matters released in and by the Settlement Agreement Section 4. You must opt out of this lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against the Released Parties (including the Defendant) regarding the Released Claims. If you have a pending lawsuit, speak to your lawyer in that case immediately.

## OBJECTING TO THE SETTLEMENT

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

If you are a Class Member, you can object to the Settlement, meaning tell the Court you do not agree with all or any part of the Settlement. Your written objection must include the following information:

- 1) The case name and number, *Finn, et al. v. Empress Ambulance Service, LLC*, No. 61058/2023;
- 2) Your full name, current mailing address, and telephone number;
- 3) A statement that you believe you are a member of the Settlement Class;

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

- 4) Proof that you are a member of the Settlement Class (for example a copy of the settlement notice or a copy of the original notice of the Network Incident);
- 5) A statement of the specific factual and legal basis for the objection;
- 6) A statement to identify whether you are objecting to the Settlement in part or in whole;
- 7) A statement of whether the objection applies only to the objector, a subset of the Settlement Class, or the entire Settlement Class;
- 8) Identify all lawyer(s) representing you as the Class Member, if any;
- 9) Include a list, including case name, court, and docket number, of all other cases in which you as the objector and/or your lawyer(s) has filed an objection to any proposed class action settlement in the past five (5) years;
- 10) Include all documents or writings that you desire the Court to consider;
- 11) A statement regarding whether you as a Class Member (or lawyer(s) of your choosing) intends to appear at the Final Approval Hearing; and
- 12) Your original signature or the signature of your duly authorized attorney or representative.

Your written objection must be filed with or mailed to the Court and sent to Class Counsel and Defendant's Counsel **postmarked** by **March 8, 2024** at the following addresses:

Court	Class Counsel	Defendant's Counsel
Supreme Court of New York, Westchester County, 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York 10601	Tina Wolfson Andrew W. Ferich Ahdoot & Wolfson, PC 201 King of Prussia Road, Suite 650 Radnor, Pennsylvania 19087 Ben Barnow Anthony L. Parkhill Barnow and Associates, PC 205 W. Randolph St., Suite 1630 Chicago, Illinois 60606	Casie D. Collignon Baker & Hostetler LLP 1801 California Street, Suite 4400 Denver, Colorado 80202

Any Class Member who does not make their objection following the requirements listed above and by the deadline, will be deemed to have waived any objections and will be forever barred from raising such objections in this or any other lawsuit or proceeding, absent further order of the Court.

## 21. What is the difference between objecting and asking to opt out?

Objecting is simply telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

## THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **April 3, 2024, at 9:30 a.m.** before the Honorable Gretchen Walsh, at 111 Dr. Martin Luther King Jr. Blvd., White Plains, NY 10601.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsels' motion for attorneys' fees, costs, and expenses, and Service Awards for the Class Representatives. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or by phone. In the event the hearing is remote, instructions for how to attend the hearing remotely will be made available on the Settlement Website prior to the hearing. Any change will be posted on the Settlement Website at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com).

### 23. Do I have to attend the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. If you send an objection, you have the right, but do not have to, attend the Final Approval Hearing to speak about it. As long as you file or mail your written objection on time, the Court will consider it.

### 24. May I speak at the Final Approval Hearing?

If you are a Class Member *and* you file an objection, you have the right, but are not required, to attend the Final Approval Hearing. If you are a Class Member and you intend to appear at the Final Approval Hearing, either with or without your own lawyer(s), you must also file a Notice of Appearance with the Court (as well as send the Notice of Appearance to Class Counsel and Defendant's Counsel) at the addresses listed in Question 20, by **March 8, 2024**.

If you are a Class Member and you file an objection, and you intend to appear at the Final Approval Hearing through counsel, you must identify the lawyer(s) representing you who will appear at the Final Approval Hearing and include the lawyer(s) name, address, telephone number, email address, state bar(s) to which the lawyer(s) is admitted, as well as associated state bar number(s).

Any Class Member who does not submit a timely objection in compliance with all the requirements provided for in the Settlement Agreement, this Notice, and otherwise as ordered by the Court, will not be treated as having filed a valid objection to the Settlement and will be forever barred from raising any objection to the Settlement.

## IF YOU DO NOTHING

### 25. What happens if I do nothing at all?

If you are a Class Member and you do nothing, you will not receive any Settlement Benefits. You will give up rights explained in the "Opting Out of the Settlement" section of this notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit, etc. against the Released Parties (including the Defendant) regarding the Released Claims in this lawsuit.

## GETTING MORE INFORMATION

### 26. How do I get more information?

This notice summarizes the Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com), by calling 1-888-482-4942 or by writing to:

Empress Ambulance Settlement Administrator  
PO Box 2059  
Portland, OR 97208-2059

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK'S OFFICE  
REGARDING THIS NOTICE.**

**Questions? Go to [www.EmpAmbulanceSettlement.com](http://www.EmpAmbulanceSettlement.com) or call 1-888-482-4942**

# Attachment 3

**CLAIM FORM FOR EMPRESS AMBULANCE NETWORK INCIDENT BENEFITS**

*Finn and Contristano v. Empress Ambulance Service, LLC*, No. 61058/2023  
Supreme Court of the State of New York, Westchester County

**USE THIS FORM TO MAKE A CLAIM FOR CREDIT MONITORING AND INSURANCE SERVICES  
AND FOR EITHER A DOCUMENTED LOSS PAYMENT OR A PRO RATA CASH FUND PAYMENT**

The **DEADLINE** to submit this Claim Form is postmarked: **April 8, 2024**

**I. GENERAL INSTRUCTIONS**

If you are an individual who was notified that your Personal Information was potentially compromised as a result of a network security incident (the “Network Incident”) impacting Empress Ambulance Service, LLC’s (“Empress”) computer systems, you are a Class Member.

As a Class Member, you are eligible to make a claim for:

(1) twelve months of Credit Monitoring and Insurance Services;

**AND one of the following two options** for a cash Settlement Payment:

(2) up to a \$10,000 cash payment for reimbursement of Documented Losses that are supported by Reasonable Documentation and determined by the Settlement Administrator to be more likely than not a result of the Empress Network Incident, and not otherwise reimbursable by insurance (“Documented Loss Payment”);

**OR**

(3) a pro rata Cash Fund Payment, the amount of which will depend on the number of Class Members who participate in the Settlement.

The Credit Monitoring and Insurance Services are offered through TransUnion and will include the following services, among others: (i) up to \$1,000,000 of identity theft insurance coverage; and (ii) 12 months of three-bureau credit monitoring providing, among other things, notice of changes to the Class Member’s credit profile. If you already subscribed to credit monitoring services through a previous offer of credit monitoring from Empress, or from another provider obtained as a result of the breach, you will have the option to postpone the commencement of the Credit Monitoring and Insurance Services by up to 12 months for no additional charge.

Cash Fund Payments may be reduced or increased *pro rata* (equal share) depending on how many Class Members submit claims. Complete information about the Settlement and Settlement Benefits are available at [www.empambulancesettlement.com](http://www.empambulancesettlement.com).

**Please complete this Claim Form on behalf of the individual who received a notification from Empress. If you are the parent of a minor or minors who received a breach notification, please submit the form using their personal information.**

This Claim Form may be submitted online at [www.empambulancesettlement.com](http://www.empambulancesettlement.com) or completed and mailed to the address below. Please type or legibly print all requested information, in blue or black ink. Mail your completed Claim Form, including any supporting documentation, by U.S. Mail to:

Empress Ambulance Settlement Administrator  
P.O. Box 2059  
Portland, OR 97208-2059





<b>Cost Type</b> (Fill all that apply)	<b>Approximate Date of Loss</b>	<b>Amount of Loss</b>	<b>Description of Supporting Reasonable Documentation</b> (Identify what you are attaching and why)
Credit freeze  <i>Examples: Notices or account statements reflecting payment for a credit freeze</i>	<div style="text-align: center;"> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>                          MM                  DD                  YYYY                     </div>	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>	<hr/> <hr/> <hr/> <hr/>
Credit monitoring that was ordered after July 14, 2022, through the date on which the Credit Monitoring and Insurance Services become available through this Settlement  <i>Example: Receipts or account statements reflecting purchases made for credit monitoring and insurance services</i>	<div style="text-align: center;"> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>                          MM                  DD                  YYYY                     </div>	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges  <i>Example: Phone bills, gas receipts, postage receipts; detailed list of locations to which you traveled (i.e. police station, IRS office), indication of why you traveled there (i.e. police report or letter from IRS re: falsified tax return) and number of miles you traveled to remediate or address issues related to the Empress Ambulance Network Incident</i>	<div style="text-align: center;"> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>                          MM                  DD                  YYYY                     </div>	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

**If you do not submit Reasonable Documentation supporting a Documented Loss Payment claim, or your claim for a Documented Loss Payment is rejected by the Settlement Administrator for any reason and you do not cure the defect, your claim will be considered for a Cash Fund Payment.**

**Questions? Go to [www.empambulancesettlement.com](http://www.empambulancesettlement.com) or call 1-888-482-4942**

**VI. ATTESTATION  
(REQUIRED FOR DOCUMENTED LOSS PAYMENT CLAIMS ONLY)**

I declare that I suffered the Documented Losses claimed above. I also attest that the Documented Losses claimed above are accurate and were not otherwise reimbursable by insurance. I declare under penalty of perjury under the laws of New York that the foregoing is true and correct.

**VII. CERTIFICATION**

By submitting this Claim Form, I certify that I am eligible to make a claim in this settlement and that the information provided in this Claim Form and any attachments are true and correct. I declare under penalty of perjury under the laws of the state of New York that the foregoing is true and correct. I understand that this claim may be subject to audit, verification, and Court review and that the Settlement Administrator may require supplementation of this Claim or additional information from me. I also understand that all claim payments are subject to the availability of settlement funds and may be reduced in part or in whole, depending on the type of claim and the determinations of the Settlement Administrator.

Signature

Date: 

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MM DD YYYY

Print Name

**VIII. HOW YOU WILL RECEIVE YOUR PAYMENT**

If you submitted an Approved Claim for a cash Settlement Payment in this Claim Form, after the Settlement is approved, an email will be sent from [noreply@epiqpay.com](mailto:noreply@epiqpay.com) to the email address you provided on this Claim Form, prompting you to elect your method of payment. Popular electronic payment options will be available, or you can elect a check. Please ensure you have provided a current and complete email address. If you do not provide a current and valid email address, the claims administrator may attempt to send you a check relying on your physical address on file.

# Attachment 4



**Exclusion Report**

***Finn v Empress Ambulance Services***

Number	First Name	Middle Name	Last Name	Timely or Late
1	ELLIS		MASON	Timely