

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00109-MR**

**SANDRA M. PETERS, on behalf of
herself and all others similarly
situated,**

Plaintiff,

vs.

**AETNA, INC., AETNA LIFE
INSURANCE COMPANY, and
OPTUMHEALTH CARE SOLUTIONS,
LLC,**

Defendants.

**ORDER GRANTING
PRELIMINARY APPROVAL
OF CLASS SETTLEMENT**

THIS MATTER is before the Court on the Plaintiff's Unopposed Motion for Preliminary Approval of Class Settlement. [Doc. 321].

The Plaintiff Sandra M. Peters ("Plaintiff") on behalf of the certified classes (the "Classes," together with Plaintiff, "Plaintiffs") and the Defendants Aetna Inc. and Aetna Life Insurance Company ("Aetna") and OptumHealth Care Solutions, LLC ("Optum," and together with Aetna, "Defendants"), have determined to settle the above-captioned matter (the "Action") on the terms and conditions set forth in the Settlement Agreement dated February 26, 2025 and all exhibits thereto (the "Settlement

Agreement”), the original of which is filed with the Clerk of the Court (this settlement process hereafter referred to as the “Settlement”);

The Plaintiff has filed an unopposed motion for an order that, *inter alia*, (1) preliminarily approves the Settlement on the terms set forth in the Settlement Agreement; (2) appoints the Settlement Administrator; (3) directs notice to be sent to the members of the Classes per the approved form of notice; (4) establishes a deadline for members of the Classes to opt out of or object to the Settlement; and (5) schedules a hearing to determine whether the Settlement should be finally approved as fair, reasonable and adequate, and whether an order finally approving the Settlement should be entered.

Having read and considered the motion, the memorandum submitted in support of the motion, the exhibits thereto (including the Plan of Allocation), the Settlement Agreement, and the exhibits thereto, including the proposed (i) Notice of Proposed Settlement of Class Action and Fairness Hearing; (ii) Order of Final Approval of Settlement; and (iii) Class Action Fairness Act of 2005 Notices, the Court finds that substantial and sufficient grounds exist for entering this Order Preliminarily Approving Settlement and Approving Notice of Proposed Settlement and Fairness Hearing (“this Order”).

IT IS, THEREFORE, ORDERED THAT:

1. The definitions and terms set forth in the Settlement Agreement are hereby adopted and incorporated into this Order.

2. The proposed Settlement as reflected in the Settlement Agreement, including all exhibits thereto, is hereby preliminarily approved. The Court finds that it is likely to be able to approve the Settlement as fair, reasonable, and adequate under Rule 23(e)(2) after considering whether:

- (A) the class representatives and class counsel have adequately represented the class;
- (B) the proposal was negotiated at arm's length;
- (C) the relief provided for the class is adequate, taking into account:
 - (i) the costs, risks, and delay of trial and appeal;
 - (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;
 - (iii) the terms of any proposed award of attorney's fees, including timing of payment; and
 - (iv) any agreement required to be identified under Rule 23(e)(3); and
- (D) the proposal treats class members equitably relative to each other.

Accordingly, notice of the proposed Settlement should be given to the Classes.

3. The Court approves the substance of the Notice of Proposed Class Action Settlement and Fairness Hearing (“Notice”) and the Opt-Out Form, which are attached to the Settlement Agreement as Exhibit B. The Notice program includes: (i) the mailing of a short-form notice directly to Class members, which summarizes the Settlement Agreement and Class members’ options and rights, and directs them to the Settlement website; (ii) the creation of a Settlement website, which will contain the long-form Notice information, the Opt-Out Form, and all relevant pleadings about the case, including the Motion for Preliminary Approval and the Fee Motion, once filed; and (iii) putting into operation a dedicated telephone number by which members of the Classes can obtain information about the Settlement. The Court finds that these procedures established for Notice by the Settlement Agreement are the best practicable under the circumstances and are reasonably calculated to apprise the members of the Classes of the pendency of the Action and the proposed Settlement, afford any member of the Classes an opportunity to present any objections to the Settlement or to opt out of the Settlement, and comply in all respects with the Federal Rules of Civil Procedure and all of the requirements of due process.

4. The Court approves the form and substance of the CAFA Notices, which are attached to the Settlement Agreement as Exhibit D.

The Court further finds and orders that upon timely mailing of the CAFA Notice to the attorneys general of the United States and the states where Class members are located (based on available information at the time such notices are sent), the Defendants will have complied with the notice requirements of CAFA.

5. Atticus Administration, LLC is hereby appointed as Settlement Administrator. The Settlement Administrator will be responsible for carrying out the Notice as directed by Class Counsel, in coordination with Aetna and in accordance with the provisions of the Settlement Agreement and this Order. The Court finds that the Settlement Administrator has experience handling cases that involve protected health information (“PHI”), as that term is defined by 45 C.F.R. § 160.103.

6. Within twenty (20) business days of entry of this Order, Aetna will provide the Settlement Administrator with the Class List. Within sixty (60) days of the date of this Order, the initial Notice will be sent to all individuals listed on the Class List in accordance with the Settlement Agreement.

7. Defendants and their counsel are authorized and directed to disclose the Class List to the Settlement Administrator in accordance with the foregoing paragraph and the terms of the Settlement. Defendants and their counsel are also authorized and directed to disclose agreed-upon

information about Class members and their claims to the Settlement Administrator and Class Counsel as needed to facilitate administration of the Settlement in accordance with this Order and the Settlement's terms. Such disclosures, which include information protected by HIPAA and potentially other laws (including state privacy laws), are necessary to facilitate the Settlement, and therefore good cause and a compelling need exist for these disclosures, the interests supporting disclosure outweigh the need for greater confidentiality, and non-disclosure would be contrary to the public interest. To the extent any provision of federal or state law requires the Parties to obtain a court order as a precondition for the disclosure of information related to or arising out of the treatment of a mental health condition, this Order satisfies that requirement. Defendants will designate any such material produced containing PHI as "CONFIDENTIAL" under the Consent Protective Order [Doc. 64] and produce the data in encrypted form, and the information will be subject to all the restrictions on use in the Consent Protective Order.

8. In order for a Class member to be excluded from the Settlement, the Class member must request exclusion by sending a complete, signed, and valid Opt-Out Form to the Settlement Administrator at the address described in the Notice, which must be postmarked no later than forty (40) days after the date on which the

Notice is mailed or otherwise provided. In the event that a member of the Class submits a timely and valid Opt-Out Form, that member of the Class will be excluded from the Member Class and will not be entitled to participate in the Settlement.

9. Any Class Member who wishes to object to the fairness, reasonableness, and adequacy of the Settlement as embodied by the Settlement Agreement, including the application for an award of the Incentive Amount and the Attorneys' Fee Amount for Class Counsel, must send a complete, signed, and valid objection to the Court at the address described in the Notice, no later than forty (40) days after the date on which the Notice is mailed or otherwise provided. Any such objection must include a written statement that indicates all bases for objection and all documentation in support of the objection. Any Class Member who has so objected may appear at the Fairness Hearing, in person or by counsel, and be heard to the extent allowed by the Court in opposition. If the objecting Class Members intends to so appear, such Class member must also include, as part of the objection, a notice of intent to appear and a list of witnesses (if any) the person may call by live testimony. Copies of such objection and notice, and all documentation in support thereof, together with copies of any other papers or briefs filed with the Court, must be simultaneously delivered to Class Counsel and Defendants' Counsel at the

addresses provided in the Notice. Any Class member who does not object in the foregoing manner will be deemed to have waived all objections and will be foreclosed from making any objections to the Settlement. The procedures and requirements for filing objections satisfy the due process rights of all Class members and are sufficient to ensure the efficient administration of justice and the orderly presentation of any Class members' objections to the Settlement.

10. No later than twenty-one (21) days before the opt-out and objection deadline, the Plaintiff will file her motion for attorneys' fees and reimbursement of costs and expenses in the amount of the Attorneys' Fee Amount, as that term is defined in the Settlement Agreement (the "Fee Motion"), and upload said Fee Motion to the Settlement website. The Court finds that this schedule is reasonable and adequate to enable members of the Class to consider the Fee Motion in deciding whether to opt out or object to the Settlement.

11. By no later than fourteen (14) days after the deadline for submission of Opt-Out Forms or objections, Class Counsel will file the Plaintiff's motion for final approval of the Settlement, along with any exhibits necessary to support the request for final approval. Copies of said Motion and all said exhibits will be served upon all Class members (or their counsel) who file a valid and timely objection to the Settlement.

12. The Court will determine whether to grant final approval of the Settlement at a Fairness Hearing to be held before this Court on **August 22, 2025**, at the United States District Court for the Western District of North Carolina, 100 Otis Street, Asheville, NC 28801 (the “Fairness Hearing”). The Court will determine pursuant to the Fairness Hearing whether it has jurisdiction over the subject matter and the Parties. It will further determine whether the proposed Settlement, including the Plan of Allocation and Attorneys’ Fee Amount, are fair, reasonable, and adequate, and whether it should be finally approved by the Court. As part of that determination, the Court will decide the Fee Motion and determine the Incentive Amount to be awarded to the class representative.

13. The Settlement Administrator will, at least seven (7) days prior to the Fairness Hearing, file with the Court proof of mailing of the Notice to the Class.

14. The Court reserves the right to adjourn and/or reschedule the Fairness Hearing without further notice of any kind to Class members. Therefore, any Class member intending to attend the Fairness Hearing should (in addition to complying with all instructions and requirements above) monitor the date, time, and location of the Fairness Hearing on the Court docket.

15. Pending the final determination of whether the Settlement should be approved, all proceedings and discovery in the Action are stayed, except as specifically provided for in this Order. If the Effective Date does not occur, or if the Parties' Settlement Agreement is otherwise terminated and canceled pursuant to its terms, the Settlement will be void and of no force and effect, and the Parties will be deemed to have reverted to their respective statuses as of the date and time immediately prior to the execution of the Settlement Agreement.

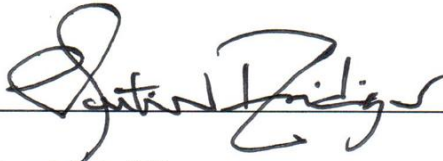
16. This Court hereby retains jurisdiction to consider further matters and applications arising out of or connected with the Settlement and this Order.

17. The Court approves the following schedule for Settlement-related activities:

| <u>DATE</u> | <u>EVENT</u> |
|-----------------|---|
| May 18, 2025 | Last day to provide Notice |
| June 6, 2025 | Plaintiff files Fee Motion |
| June 26, 2025 | Last day for Class members to opt out or object to Settlement |
| July 10, 2025 | Last day for Plaintiff to file a motion for final approval of the Settlement and to respond to objections |
| August 22, 2025 | Fairness Hearing concerning final approval of Settlement, including Fee Motion. |

IT IS SO ORDERED.

Signed: March 18, 2025

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

