

Christopher Legg (“Plaintiff”) v Laboratory Corporation of America Holdings (“LabCorp”)

United States District Court for the Southern District of Florida

Case No. 14-61543-RLR

If you visited a LabCorp patient service center and paid for services using a credit card or debit card between July 6, 2012 and November 4, 2015, you may be entitled to benefits under a class action settlement.

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

- **A proposed settlement will provide a total of \$11,000,000 (the “Settlement Fund”) to fully settle and release claims of persons who made a payment at a LabCorp patient service center or equivalent using a credit card or debit card for which LabCorp printed a point of sale receipt that displayed the card expiration date during the time period set forth above (the “Settlement Class”).**
- **Plaintiff alleges that LabCorp willfully printed transaction receipts that included credit card or debit card expiration dates in violation of the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681c(g)(1), et seq. (“FACTA”). LabCorp denies Plaintiff’s allegations and denies any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff’s claims or LabCorp’s defenses. By entering into the settlement, LabCorp has not conceded the truth or validity of any of the claims against it.**
- **The Settlement Fund shall be used to pay all amounts related to the settlement, including awards to Settlement Class members who submit a valid and timely claim form to receive payment (“Claim Form”), attorneys’ fees and costs to attorneys representing Plaintiff and the Settlement Class (“Class Counsel”), any service award for Plaintiff and the costs of notice and administration of the settlement. Class Counsel estimate that Settlement Class members who timely submit a valid Claim Form will receive around \$200 subject to a pro rata distribution.**
- **Your rights and options, and the deadlines to exercise them, are explained in this Notice. Your legal rights are affected whether you act or don’t act. Read this Notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	If you submit a valid Claim Form by January 25, 2016, you will receive a payment and will give up your rights to sue LabCorp and/or any other released parties on a released claim. Claim Forms may be submitted by mail to LabCorp Settlement Claims Administrator, P.O. Box 43392, Providence, RI 02940-3392.
EXCLUDE YOURSELF OR “OPT-OUT” OF THE SETTLEMENT	If you ask to be excluded, you will not receive a payment. This is the only option that allows you to pursue your own claims against LabCorp and/or other released parties in the future. The deadline for excluding yourself is January 19, 2016.
OBJECT TO THE SETTLEMENT	Write to the Court about why you believe the settlement is unfair in any respect. The deadline for this is January 25, 2016. To obtain a benefit from this settlement, you must still submit a Claim Form. If you only submit an objection, you will not receive any benefit from the settlement and you will give up your right to sue LabCorp and/or any other released parties on a released claim.
DO NOTHING	If you do nothing, you will not receive any monetary award and you will give up your rights to sue LabCorp and/or any other released parties on a released claim.
GO TO THE FAIRNESS HEARING	Ask to speak in Court about the fairness of the settlement if you object to the settlement. To speak at the Fairness Hearing, you must file with the Court and mail to counsel for Plaintiff and LabCorp a document stating your intention to appear and the basis for your opposition, including any supporting document as well as your name, address, telephone number and signature, by no later than January 25, 2016.

- 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. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

BASIC INFORMATION

1. What is the purpose of this Notice?

The purpose of this Notice is to inform you that a proposed Settlement has been reached in the class action lawsuit entitled *Legg v. Laboratory Corporation of America Holdings*, Case No. 14-61543-RLR (S.D. Fla.) Because your rights will be affected by this Settlement, it is extremely important that you read this Notice carefully. This Notice summarizes the settlement and your rights under it.

2. What does it mean if I received a postcard about this settlement?

If you received a postcard describing this settlement, that is because LabCorp's records indicate that you may be a member of the Settlement Class in this action. You are a member of the Settlement Class if you made a payment at a LabCorp patient service center or equivalent using a debit or credit card, and LabCorp printed a point of sale receipt that displayed the card expiration date between July 6, 2012 and November 4, 2015.

3. What is this class action lawsuit about?

In a class action, one or more people called a Class Representative (here, Plaintiff) sues on behalf of people who allegedly have similar claims. This group is called a class and the persons included are called class members. One court resolves the issues for all of the class members, except for those who exclude themselves from the class.

Here, Plaintiff claims LabCorp violated FACTA by willfully printing credit card and debit card transaction receipts at its patient service centers that included card expiration dates, between July 6, 2012 and November 4, 2015. LabCorp denies these allegations and denies any claim of wrongdoing. The Court has conditionally certified a class action for settlement purposes only. The Honorable Robin L. Rosenberg is the judge in charge of this lawsuit.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or LabCorp. Instead, both sides agreed to this settlement. That way, they avoid the risk and cost of a trial, and the Settlement Class members will receive compensation. Plaintiff and Class Counsel think the settlement is best for all persons in the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS?

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

The Court has certified a class action for settlement purposes only. The Settlement Class is defined as:

All individuals in the U.S. who: (i) made a payment at a LabCorp patient service center or equivalent (ii) using a debit or credit card, and (iii) for which LabCorp printed a point of sale receipt (iv) that displayed the card expiration date (v) between July 6, 2012 and November 4, 2015.

"Settlement Class Member" is defined as any person in the Settlement Class who is not validly excluded from the Settlement Class. If you are still not sure whether you are included, you can visit other sections of the Settlement Website, www.LabFACTASettlement.com, you may write to the claims administrator at LabCorp Settlement Claims Administrator, P.O. Box 43392, Providence, RI 02940-3392, or you may call the Toll-Free Settlement Hotline, 1-888-576-8343, for more information.

THE LAWYERS REPRESENTING YOU

6. Do I have lawyers in this case?

The Court has appointed lawyers from the law firms of Scott D. Owens, P.A., Bret Lusskin, P.A. and Keogh Law, Ltd. as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers.

7. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of one third of the \$11 million dollar Settlement Fund, which is \$3,666,667 to them for attorneys' fees, plus expenses. Class Counsel also will ask the Court to approve payment of up to \$10,000 to Plaintiff for his service as Class Representative. The Court may award less than these amounts.

THE SETTLEMENT BENEFITS – WHAT YOU GET

8. What does the settlement provide?

Settlement Fund. LabCorp will pay the total amount of \$11,000,000 into a fund (the “Settlement Fund”), which will cover: (1) cash payments to Settlement Class Members who submit timely and valid Claim Forms; (2) an award of attorneys’ fees to Class Counsel, in an amount not to exceed one third, which is \$3,666,667, plus expenses, as approved by the Court; (3) service award to the Plaintiff, in an amount not to exceed \$10,000, as approved by the Court; and (4) the costs of notice and administration of the Settlement.

Cash Payments. All Settlement Class Members are eligible to submit a Claim Form and receive a cash payment. To submit a Claim Form, follow the procedures described under Question 11 below.

No Portion of the Settlement Fund Will Return to LabCorp. All money in the Settlement Fund beyond the funds the Court authorizes to be paid for the costs of notice and administration of the settlement, attorneys’ fees and costs to Class Counsel and any service award to Plaintiff, will be divided and paid pro rata to the Settlement Class Members who submitted valid and timely Claim Forms. No portion of the Settlement Fund will return to LabCorp.

9. How much will my payment be?

Your share of the Settlement Fund will depend on the number of valid Claim Forms that Settlement Class Members submit. Class Counsel estimate that the amount of the cash award (while dependent upon the number of claims) may be around \$200. **This is an estimate only. The final cash payment amount will depend on the total number of valid and timely claims submitted by Settlement Class Members.**

10. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the settlement, you will be part of the Settlement Class and will be bound by the release of claims in the settlement. This means that if the settlement is approved, you cannot rely on any Released Claim to sue or continue to sue, on your own or as part of any other lawsuit, LabCorp and/or any other Released Parties, as explained in the settlement agreement. It also means that all of the Court’s orders will apply to you and legally bind you. Unless you exclude yourself from the settlement, you will agree to release LabCorp and any other Released Parties, as defined in the settlement agreement, from any and all claims that arise from printing a credit or debit card transaction receipt that included the card expiration date.

In summary, the Release includes, without limitation, all claims that arise or could arise from LabCorp printing credit and debit card transaction receipts at its patient service centers that include the card expiration date or other credit or debit card information, including, but not limited to, claims under FACTA, the Fair Credit Reporting Act, and any other statutory or common law, and including any claim (to the extent that such claims may exist) concerning the disclosure, display, publication, provision or printing of credit or debit cardholder account information.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed under Question 6, for free, at 1-866-726-1092 or labfactasettlement@keoghlaw.com or you can, at your own expense, talk to your own lawyer. The Release does not apply to persons in the Settlement Class who timely exclude themselves.

HOW TO OBTAIN A PAYMENT

11. How can I get a payment?

To receive a payment, you must submit a Claim Form. You may get a Claim Form on the Settlement Website, www.LabFACTASettlement.com, or by calling the Toll-Free Settlement Hotline, 1-888-576-8343. **Read the instructions carefully, fill out the form completely and accurately, sign it and submit it.** To be valid, the Claim Form must be completed fully and accurately, signed and submitted timely. A Claim Form may be submitted by mail to the claims administrator at: LabCorp Settlement Claims Administrator, P.O. Box 43392, Providence, RI 02940-3392, or via the Settlement Website.

If you are submitting your claim via the Settlement Website, it must be submitted no later than January 25, 2016. If you are mailing your Claim Form to the claims administrator, it must be postmarked by that date.

WHEN WILL I RECEIVE MY SETTLEMENT PAYMENT?

12. When would I receive a settlement payment?

The Court will hold a hearing on February 16, 2016 to decide whether to approve the settlement (“Fairness Hearing”). If the Court approves the settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a Claim Form will be informed of the progress of the settlement through information posted on the Settlement Website at www.LabFACTASettlement.com. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the settlement?

If you want to keep the right to sue or continue to sue LabCorp or a Released Party, as defined in the settlement agreement, then you must take steps to get out of the Settlement Class. This is called excluding yourself from, or opting-out of, the Settlement Class.

To exclude yourself from the settlement, you must send an exclusion request to the claims administrator. To be valid, an exclusion request must include: (i) the name of the person in the Settlement Class who is requesting exclusion; (ii) their address; and (iii) a signed certification containing the following language: “[Class Member Name] hereby requests to be excluded from the settlement in *Legg v LabCorp* and understands that he/she will not be entitled to receive any proceeds of the class Settlement Fund. The undersigned individual states that he/she is the above-named class member or has authority to sign and submit this request on that person’s behalf.”

No request for exclusion will be valid unless all of the information described above is included. For any person in the Settlement Class who has more than one account, the exclusion request shall include all accounts. No person in the Settlement Class, or any person acting on behalf of or in concert or participation with that person in the Settlement Class, may exclude any other person in the Settlement Class from the Settlement Class.

To be valid, you must mail your exclusion request postmarked no later than January 19, 2016 to the claims administrator at LabCorp Settlement Claims Administrator, P.O. Box 43392, Providence, RI 02940-3392.

14. If I do not exclude myself, can I sue LabCorp for the same thing later?

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) LabCorp or any Released Parties for the claims that this settlement resolves.

15. If I exclude myself, can I get a benefit from this settlement?

No. If you ask to be excluded, you will not be able to submit a Claim Form for a settlement payment and you cannot object to the settlement.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I do not think the settlement is fair?

If you are in the Settlement Class, you can object to the settlement or any part of the settlement that you think the Court should reject, and the Court will consider your views. If you do not provide a written objection in the manner described below, you shall be deemed to have waived any objection and shall forever be foreclosed from making any objection to the fairness, reasonableness, or adequacy of the settlement or the award of any attorneys’ fees and expenses and/or service award.

To object, you must make your objection in writing, stating that you object to the settlement in Legg v. Laboratory Corporation of America Holdings. If you wish to be heard at the Fairness Hearing, you must file with the Clerk of the Court a notice of your intention to appear as well as a statement that indicates the basis for your opposition and any documentation in support of such opposition.

To be considered, you must file your objections with the Court and mail your objections to the addresses below no later than January 25, 2016.

For Plaintiff:
Michael S. Hilicki, Esq.
Keogh Law, Ltd.
55 West Monroe St., Suite 3390
Chicago, IL 60603

For LabCorp:
Steven F. Barley, Esq.
Hogan Lovells US LLP
100 International Drive, Suite 2000
Baltimore, MD 21202

Even if you timely and properly object, to obtain a benefit from this settlement, you must submit a Claim Form. If you object but fail to submit a Claim Form, you will not receive any monetary award.

17. What is the difference between objecting and excluding yourself?

Objecting is telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself means that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you do nothing, you will not receive any monetary award and you will give up your rights to sue LabCorp and/or any other Released Parties on a Released Claim. For information relating to what rights you are giving up, see Question 10.

THE FAIRNESS HEARING

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

The Court will hold a Fairness Hearing at 9:00 a.m. on February 16, 2016 at the United States District Court for the Southern District of Florida, Paul G. Rogers Federal Building and Courthouse, 701 Clematis Street, Fourth Floor, Courtroom 2, West Palm Beach, Florida 33401. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are valid objections that comply with the requirements in Question 16 above, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and Plaintiff.

The Fairness Hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates.

20. Do I have to come to the hearing?

No. Class Counsel will appear on behalf of the Settlement Class. But, you are welcome to come, or have your own lawyer appear, at your own expense.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing, but you may not speak in opposition to the Class Settlement, dismissal or the Fee Petition, or submit any papers or briefs unless you have complied with the procedure set forth in Question 16 above. Your written objection and notice of intention to appear must be filed with the Court no later than January 25, 2016. You cannot speak at the hearing if you exclude yourself from the settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice is only a summary of the proposed settlement. You can get a copy of the settlement agreement by visiting the Settlement Website, www.LabFACTASettlement.com, or you can write to the address in Question 4, above, or call the Toll-Free Settlement Hotline, 1-888-576-8343. You can also call Class Counsel with any questions at 1-866-726-1092 or labfactasettlement@keoghlaw.com.

DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, LABCORP OR LABCORP'S COUNSEL ABOUT THE SETTLEMENT. ALSO, TELEPHONE REPRESENTATIVES WHO ANSWER CALLS MADE TO THE TOLL-FREE NUMBER ARE NOT AUTHORIZED TO CHANGE THE TERMS OF THE SETTLEMENT OR THIS NOTICE.