

SUPPLEMENTAL NOTICE

Additional Information for Self-Funded Accounts affected by the \$2.67 billion Blue Cross Blue Shield Settlement

Para una notificación en español, visite www.BCBSsettlement.com/espanol

A federal court authorized that this SUPPLEMENTAL NOTICE be sent to you.

Class Representatives (“Plaintiffs”) and the Blue Cross Blue Shield Association (“BCBSA”) and Settling Individual Blue Plans (together with BCBSA, “Settling Defendants”) reached a settlement in a class action antitrust lawsuit called *In re: Blue Cross Blue Shield Antitrust Litigation MDL 2406*, N.D. Ala. Master File No. 2:13-cv-20000-RDP (the “Settlement”).

This SUPPLEMENTAL NOTICE is to inform you that Blue Cross or Blue Shield Self-Funded Entity Accounts that choose to opt out of the Settlement Damages Class will not receive any individualized injunctive relief under the Settlement, but can seek individualized injunctive relief in their own lawsuit.

The Settling Parties jointly agree that the Second Blue Bid relief reflected in Paragraph 15 of the Settlement Agreement is divisible injunctive relief under Federal Rule of Civil Procedure 23(b)(3) and the Settlement Agreement.

To determine if you qualify to request a Second Blue Bid under the Settlement, check your eligibility at www.BCBSsettlement.com/secondbluebid.

This Notice advises you that Self-Funded Entity Accounts have until **May 2, 2022 to opt out** from the Settlement Damages Class. Opting out means that you will not be able to receive monetary damages or individualized injunctive relief under the Settlement. If you opt out and previously filed a claim, your claim will be automatically withdrawn. If you opt out, you will maintain your right to sue or continue to sue Settling Defendants for monetary damages and individualized injunctive relief related to the claims in this case.

Who is affected?

You may be affected if you are a Self-Funded Entity Account that purchased or were enrolled in a Blue Cross and/or Blue Shield administrative services plan at any point in time between September 1, 2015 and October 16, 2020.

Self-Funded Entity Accounts encompass any account, employer, health benefit plan, ERISA plan, non-ERISA plan, or group that purchased, were covered by, participated in, or were enrolled in a Self-Funded Health Benefit Plan from September 1, 2015 through October 16, 2020. Self-Funded

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Entity Accounts *do not* include sponsors, administrators, fiduciaries, or members of a Self-Funded Account. A Self-Funded Health Benefit Plan is any Commercial Health Benefit Product other than Commercial Health Insurance, including administrative services only (“ASO”) contracts or accounts, administrative services contracts or accounts (“ASC”), and jointly administered administrative services contracts or accounts (“JAA”).

What are my options?

Stay in the Settlement Classes: If you stay in the Settlement Classes, you will be bound by the Settlement. The deadline to file a claim has already passed. If you already filed a valid and timely claim, you may receive a cash benefit. You may also check your eligibility to request a Second Blue Bid at www.BCBSsettlement.com/secondbluebid.

Opt Out or Exclude Yourself: If you opt out or exclude yourself from the Settlement Damages Class, you will not receive any of the benefits of the Settlement Damages Class, including a distribution from the Settlement Fund or individualized injunctive relief, including the right to request a Second Blue Bid, under the Settlement. As an opt-out, you will keep your right to sue Settling Defendants for monetary damages and individualized injunctive relief related to the claims in this case. Whether such a remedy is merited will depend on the individual business and fact circumstances surrounding your individual claim. Divisible injunctive relief may include the right to pursue in litigation more than one Blue bid based upon a claimant’s individual business and the facts and circumstances of the individual claims. However, you may not request indivisible injunctive or declaratory relief, as the relief pursued by you may not undermine or infringe on the Rule 23(b)(2) indivisible injunctive relief or (b)(2) release approved by the court. As a member of the Rule 23(b)(2) Injunctive Relief Class, you will be precluded from pursuing indivisible declaratory or injunctive relief to the extent claims for those remedies are released under the Settlement Agreement.

If you opt out and you previously filed a claim, your claim will automatically be withdrawn. If you previously opted out and you want to now remain in the Settlement Damages Class, you must withdraw your opt out request.

Object to Supplemental Notice and/or Supplemental Notice Plan: If you do not exclude yourself from the Settlement Damages Class, you may object to this Supplemental Notice and/or the Supplemental Notice Plan filed with the Court. Given all Class Members’ prior opportunity to object, no other objections are permitted at this time.

How do I exclude myself from the Settlement Damages Class?

If you do not want to receive the monetary damages benefits or the individualized injunctive relief under the Settlement, or if you wish to pursue your own separate lawsuit against Settling Defendants for monetary damages or individualized injunctive relief, you must exclude yourself from the Settlement Damages Class. This requires submitting a written request to the Claims Administrator stating your intent to exclude yourself from the Settlement Damages Class.

Your Exclusion Request must include the following: (a) the name of your business, address, and telephone; (b) a statement that your business wants to be excluded from the Settlement Damages Class in In re: Blue Cross Blue Shield Antitrust Litigation; and (c) your personal, physical

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signature (electronic signatures, including Docusign, or PDF signatures are not permitted and will not be considered personal signatures). Requests signed solely by your lawyer are not valid.

You must mail or email your Exclusion Request, postmarked or received by **May 2, 2022** to:

Blue Cross Blue Shield Antitrust Litigation
c/o JND Legal Administration – Exclusion Dpt.
PO Box 91393
Seattle, WA 98111
or info@BCBSsettlement.com

If you opt out of the Settlement Damages Class and you previously filed a claim, your claim will automatically be withdrawn.

What if I already filed an exclusion?

If you already opted out of the Settlement Damages Class and you want to remain opted out, you do not need to do anything at this time.

If you already opted out of the Settlement Damages Class, but you want to remain in the Settlement Damages Class, you must notify the Claims Administrator that you would like to withdraw your opt out request. To withdraw your opt out request please send a letter that includes the following: (a) the name of your business, address, and telephone; (b) a statement that you would like to withdraw your exclusion request from the Settlement Damages Class in *In re: Blue Cross Blue Shield Antitrust Litigation*; and (c) your personal, physical signature (electronic signatures, including Docusign, or PDF signatures are not permitted and will not be considered personal signatures).

Your request to withdraw your opt out must be mailed or emailed so that it is postmarked or received by **May 2, 2022** to:

Blue Cross Blue Shield Antitrust Litigation
c/o JND Legal Administration – Exclusion Dpt.
PO Box 91393
Seattle, WA 98111
or info@BCBSsettlement.com

How do I object to the Supplemental Notice and/or the Supplemental Notice Plan?

If you have not excluded yourself from the Settlement Damages Class, you may object to this Supplemental Notice and/or the Supplemental Notice Plan filed with the Court. Given all Class Members' prior opportunity to object, no other objections are permitted at this time.

To object, you must send a letter or other written statement saying that you object to the Supplemental Notice and/or the Supplemental Notice Plan in *In re: Blue Cross Blue Shield Antitrust Litigation* and the reasons why you object. Please include:

- The name of the Action – *In re: Blue Cross Blue Shield Antitrust Litigation*

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- Description of your objections, including any applicable legal authority and any supporting evidence you wish the Court to consider;
- Your full name, address, email address, telephone number, and the plan name under which Blue Cross Blue Shield coverage was provided and dates of such coverage;
- The identity of all counsel who represent you, including former or current counsel who may be entitled to compensation for any reason related to the objection, along with a statement of the number of times in which that counsel has objected to a class action within five years preceding the submission of the objection, the caption of the case for each prior objection, and a copy of any relevant orders addressing the objection;
- Your (and your attorney's) signature on the written objection; and
- A declaration under penalty of perjury that the information provided is true and correct.

Do not send your written objection to the Court or the judge. Instead, mail the objection to the Claims Administrator with copies to Co-Lead Counsel and Counsel for Settling Defendants at the addresses listed below. Your objection must be mailed so that it is postmarked by **May 2, 2022** to:

Claims Administrator:

Blue Cross Blue Shield
Settlement
c/o JND Legal
Administration
PO Box 91393
Seattle, WA 98111
(888) 681-1142

Plaintiffs' Co-Lead Counsel:

Blue Cross Blue Shield Settlement
c/o Michael D. Hausfeld
Hausfeld LLP
888 16th Street NW, Suite 300
Washington, DC 20006
(202) 849-4141
BCBSsettlement@hausfeld.com

Counsel for Settling Defendants:

Dan Laytin
Kirkland & Ellis LLP
300 N. LaSalle St.
Chicago, IL 60657
(312) 862-4137
BCBSsettlement@kirkland.com

Blue Cross Blue Shield Settlement
c/o David Boies
Boies Schiller Flexner LLP
333 Main Street
Armonk, NY 10504
(888) 698-8248
BCBS-Settlement@bsflp.com

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

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