

SUPERIOR COURT OF DURHAM COUNTY, NORTH CAROLINA

If, between October 1, 2019 through March 31, 2023, you obtained or had medical records obtained on your behalf by a legal representative through MRO Corporation, you may be entitled to benefits from a class action Settlement.

A North Carolina State Court authorized this Notice. This is not a solicitation from a lawyer.

- This Notice informs you of a proposed settlement in a class action lawsuit filed by Leland Davis (“Plaintiff”) against MRO Corporation (“Defendant”). Plaintiff alleged that Defendant unlawfully charged fees for medical records that exceeded the amounts set forth in the North Carolina Medical Record Fee Act, N.C.G.S. § 90-411. The Settlement resolves the lawsuit. Defendant denies that it did anything wrong or unlawful, including any liability to Plaintiff and to the members of the Settlement Class.
- If you are included in the Settlement, you may qualify to receive compensation.

Settlement Class: For the period of time between October 1, 2019 through March 31, 2023 (“Relevant Time Period”), all North Carolina residents who (a) requested medical records from a North Carolina medical provider, (b) were sent an Invoice, and (c) paid amounts, or had amounts paid on their behalf, to MRO Corporation in excess of those allowed under the North Carolina Medical Record Fee Act, N.C.G.S. § 90-411 (“Excess Fees”).

- **If you are a member of the Class, your legal rights are affected whether you act or do not act. Read this Notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING	You will remain a member of the Settlement Class and will automatically receive a Settlement Benefit. Members of this Class do not need to file a Claim.
EXCLUDE YOURSELF BY SEPTEMBER 11, 2024	You will receive no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendants about the legal claims in this case.
OBJECT BY SEPTEMBER 11, 2024	Write to the Court about why you think the Settlement is unfair, inadequate, or unreasonable.
FILE A NOTICE OF INTENT TO APPEAR BY SEPTEMBER 5, 2024	Your Notice of Intent to Appear in Court at the Fairness Hearing must be filed with the Court and served on Class Counsel and Defendants’ Counsel no later than this date.
GO TO A HEARING ON SEPTEMBER 26, 2024 AT 10:00 A.M.	Ask to speak in Court about the fairness of the Settlement. This hearing will be conducted via WEBEX. The Durham County Civil Superior Court Calendar is maintained online and may be subject to change.

- These rights and options—and the deadlines to exercise them—are explained in this Notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website, www.MRORecordSettlement.com, regularly for updates and further details.
- 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.

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BASIC INFORMATION.

1. **Why is there a Notice?**

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

This case was filed in the North Carolina Durham County Superior Court and the case is called *Leland Davis v. MRO Corporation*, Case No. 22-CVS-3672 (Durham County, NC). The individual who sued is called the Representative Plaintiff, and the company being sued is called the Defendant.

2. **What is this lawsuit about?**

Plaintiff alleged that Defendant unlawfully charged fees for medical records that exceeded the amounts set forth in the North Carolina Medical Record Fee Act, N.C.G.S. § 90-411.

The lawsuit, as amended, brought seven claims for relief: Violation of the Medical Record Fee Act (N.C.G.S. § 90-411), Violation of the North Carolina Debt Collection Act (NCDCA) (N.C.G.S. § 75-50, et seq.), Unfair and Deceptive Trade Practices (UDTPA) (N.C.G.S. § 75-1.1, et seq.), Unjust Enrichment, Negligent Misrepresentation and Negligence Per Se, Negligence, and Declaratory Judgement and Request for Permanent Injunction.

The Defendant denies these claims, contends that it has numerous defenses to the action, and denies that class certification is required or appropriate.

3. **Why is this a class action?**

In a class action, one or more people, called “Representative Plaintiffs,” sue on behalf of people who have similar claims. All these people are in a “Class” or are “Settlement Class Members,” except for those who exclude themselves from the Class.

4. **Why is there a Settlement?**

The Defendant denies that they did anything wrong. Both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Representative Plaintiff or the Defendant. The Representative Plaintiff and his attorneys think the Settlement is best for everyone who is affected. The Settlement provides the opportunity for Settlement Class Members to receive Settlement benefits.

WHO IS IN THE SETTLEMENT?

5. **How do I know if I am in the Settlement?**

The Class in this Action is:

Settlement Class: For the period of time between October 1, 2019 through March 31, 2023 (“Relevant Time Period”), all North Carolina residents who (a) requested medical records from a North Carolina medical provider, (b) were sent an Invoice, and (c) paid amounts, or had amounts paid on their behalf, to MRO in excess of those allowed under the North Carolina Medical Record Fee Act, N.C.G.S. § 90-411 (“Excess Fees”).

Excluded from the proposed Class are: (a) any Judge or Magistrate presiding over this action and members of their families; (b) MRO Corporation, and any entity in which it has a controlling interest and its legal representatives, assigns and successors; and (c) all persons and entities who properly execute and file a timely request for exclusion from the proposed Class.

6. What if I am still not sure if I am included in the Settlement?

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, you should visit the Settlement Website, www.MRORecordSettlement.com, or call the toll-free number, 1-888-298-2034.

SETTLEMENT BENEFITS.

7. What does the Settlement provide?

The Settlement provides Monetary Relief of \$2,500,000.00 in cash. The Monetary Relief shall be used to pay all costs associated with the Settlement, including but not limited to (a) the costs of notice and administration of the Settlement, including for a Settlement Notice and Settlement Administrator to process objections and opt-out requests; (b) the payment of settlement benefits; (c) attorneys' fee awards (if any); (d) attorneys' costs (actually incurred litigation expenses and other hard costs apart from fees); (e) service award (if any) to the Representative Plaintiff; and (f) any other expenses.

8. What can I get from the Settlement?

Monetary Relief – Cash Fund.

If you are a member of the Settlement Class, you do NOT need to file a claim to obtain benefits. Defendants' records demonstrate how many instances in which you or your legal representative were charged and paid Excess Fees to MRO during the Relevant Time Period.

Accordingly, Settlement Class Members will receive (a) reimbursement of all Excess Fees (which are a total of \$164,835.19 owed to all Settlement Class Members); and (b) approximately \$190-200 per violation (in other words, for each Request ID in which Excess Fees were charged, that Class Member shall receive, in addition to reimbursement of the Excess Fees, an additional amount of approximately \$190-200).

The exact amount of compensation will be determined after administrative expenses, service award, and attorneys' fees and costs are deducted.

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

Unless you exclude yourself from the Settlement, you cannot sue the Released Persons, continue to sue, or be part of any other lawsuit against the Released Persons about the claims released in this Settlement. It also means that all of the decisions by the Court will bind you. The Released Claims and Released Persons are defined in the Settlement Agreement and describe the legal claims that you give up if you stay in the Settlement Class. The Settlement Agreement is available at the Settlement Website, www.MRORecordSettlement.com.

HOW TO GET A PAYMENT.

10. **How can I get a payment?**

Monetary Relief – Cash Payments.

If you are a member of the Settlement Class, you do NOT need to file a claim to obtain benefits. A check will simply be mailed to you after final calculation of the settlement benefits.

11. **When will I get my benefits?**

Benefits will be made after the Court grants “final approval” to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time.

EXCLUDING YOURSELF FROM THE SETTLEMENT.

If you don’t want a payment from the Settlement, and you want to keep the right to sue or continue to sue the Released Persons on your own about the claims released in this Settlement, then you must take steps to get out. This is called “excluding yourself,” or “opting out” of the Settlement Class.

12. **How do I get out of the Settlement?**

To exclude yourself, you must mail or email a Request for Exclusion to the Settlement Administrator, including the following:

- a. A caption or title identifying your mail or email as Request for Exclusion in *Leland Davis v. MRO Corporation*, Durham County File No. 22 CVS 3672;
- b. Your full name and address; and
- c. A statement that you wish to be excluded from the Settlement.

No person or entity may opt out on behalf of another Class Member. Your Request for Exclusion must be emailed or postmarked no later than **September 11, 2024** to the Settlement Administrator:

Davis v. MRO Corporation Settlement Administrator
P.O. Box 301130
Los Angeles, CA 90030-1130
Email: info@MRORecordSettlement.com

If you don’t include the required information or timely submit your request for exclusion, you will remain a Settlement Class Member and will not be able to sue the Released Persons about the claims in this lawsuit.

13. **If I don’t exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendant and Released Persons for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. If you properly exclude yourself from the Settlement Class, you shall not be bound by any orders or judgments entered in the Action relating to the Settlement Agreement.

14. **If I exclude myself, can I still get a payment?**

No. You will not get any money from the Settlement if you exclude yourself.

OBJECTING TO THE SETTLEMENT.

15. How can I tell the Court if I do not like the Settlement?

Any Class Member who does not timely and properly opt out of the Settlement may object to the fairness, reasonableness, or adequacy of the proposed Settlement under North Carolina Rule of Civil Procedure 23. Each Class Member who wishes to object to any term of this Agreement must do so, in writing, by filing a **Written Objection** with the Clerk of the Court and mailing it to Settlement Class Counsel, and counsel for Defendant.

The Written Objection must include: (1) the objector's name, address, and telephone number; (2) the name of this Action and the case number; (3) a statement of each objection; (4) proof of class membership; and (5) a written brief detailing the specific basis for each objection, including any legal and factual support the objector wishes to bring to the Court's attention and any evidence the objector wishes to introduce in support of the objection.

If the objection is made through an attorney, the written objection must also include: (1) the identity and number of the Settlement Class Members represented by objector's counsel; (2) the number of such represented Settlement Class Members who have opted out of the Settlement Class; and (3) the number of such represented Settlement Class Members who have remained in the Settlement Class and have not objected. If the attorney intends to seek fees and expenses from anyone other than the objectors he or she represents, the attorney shall also file with the Court and serve upon Class Counsel and Defendant's Counsel not later than fourteen days before the Fairness Hearing or as the Court may otherwise direct a document containing the following: (1) the amount of fees sought by the attorney for representing the objector and the factual and legal justification for the fees being sought; (2) a statement regarding whether the fees being sought were calculated on the basis of a lodestar, contingency, or other method; (3) the number of hours already spent by the attorney and an estimate of the hours to be spent in the future; and (4) the attorney's hourly rate.

Objectors must also make themselves available for deposition by counsel for the Parties between the time the objection is filed and a date no later than five (5) days before the Fairness Hearing, and the objection must include the dates when the objector is available for deposition.

Any Settlement Class Member who files and serves a written objection satisfying the requirements of this section may appear at the Fairness Hearing, either in person or through personal counsel hired at the Settlement Class Member's expense, to object to any aspect of the fairness, reasonableness, or adequacy of the Settlement. Class Members, or their attorneys, intending to make an appearance at the Fairness Hearing must deliver to Class Counsel and Defendant's Counsel and have file-marked by the Court, no later than thirty days before the Fairness Hearing or as the Court otherwise may direct, a Notice of Intent to Appear. The Notice of Intent to Appear must: (1) state how much time the Settlement Class Member anticipates needing to present the objection; (2) identify, by name, address, and telephone number all witnesses the Settlement Class Member proposes to have testify; (3) summarize in detail the anticipated testimony of all such witnesses; (4) identify all exhibits the Settlement Class Member intends to offer in support of the objection; and (5) attach complete copies of all such exhibits.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to Class Counsel, Defendant's Counsel and Settlement Administrator no later than **September 11, 2024** at the following addresses:

CLASS COUNSEL	DEFENDANT'S COUNSEL	COURT	SETTLEMENT ADMINISTRATOR
MAGINNIS HOWARD Edward H. Maginnis Karl S. Gwaltney 7706 Six Forks Rd. Ste. 101 Raleigh, NC 27615	CIPRIANI & WERNER, P.C. Michael Abbott Jessica Heinz 450 Sentry Pkwy. East Ste. 200 Blue Bell, PA 19422 HUFF, POWELL & BAILEY Pankaj Shere Joshua Hiller 3737 Glenwood Ave. Ste. 370 Raleigh, NC 27612	North Carolina Durham County Superior Court 510 South Dillard St. Durham, NC 27701	<i>Davis v. MRO Corporation</i> Settlement Administrator P.O. Box 301130 Los Angeles, CA 90030-1130

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

THE LAWYERS REPRESENTING YOU.

17. Do I have a lawyer in this case?

Yes. The Court has appointed "Class Counsel" as designated in Question 15 of this Notice to represent the Settlement Classes. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel intends to file a motion on or before **September 19, 2024** seeking an award of up to a third (33.33%) of the Monetary Relief in fees and out-of-pocket expenses, as well as a service award in the amount of \$7,500.00 for the Representative Plaintiff, to be drawn from the Settlement Fund. The Court will determine the amount of fees and expenses and service award.

THE COURT'S FAIRNESS HEARING.

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

The Court will hold a Fairness Hearing on **September 26, 2024 at 10:00 a.m.** or as soon thereafter as can be heard via WEBEX. The Durham County Civil Superior Court Calendar is maintained online and may be subject to change.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Representative Plaintiffs. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter stating that it is your "Notice of Intent to Appear." Your request must be filed with the Clerk of the Court and served on Class Counsel and Defendant's Counsel no later than **September 5, 2024**.

Any such request must state the name, address, and telephone number of the Class Member, as well as the name, address, and telephone number of the person that shall appear on his or her behalf. Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, shall be deemed ineffective and a waiver of such Class Member's rights to appear and to comment on the Settlement at the Fairness Hearing. Only the Parties, Settlement Class Members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that opt out may not request to appear and be heard at the Fairness Hearing.

IF YOU DO NOTHING.

22. What happens if I do nothing at all?

If you are a Settlement Class Member and do nothing, you will receive payment from the Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Persons about the legal issues in this case, ever again.

GETTING MORE INFORMATION.

23. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Settlement Website, www.MRORecordSettlement.com. If you have additional questions, you can visit the Settlement Website or contact the Settlement Notice & Settlement Administrator:

MAIL: *Davis v. MRO Corporation* Settlement Administrator, P.O. Box 301130, Los Angeles, CA 90030-1130

EMAIL: info@MRORecordSettlement.com

TOLL-FREE TELEPHONE: 1-888-298-2034

Updates will be posted at the Settlement Website, www.MRORecordSettlement.com, as information about the Settlement process becomes available.

**PLEASE DO NOT CONTACT THE COURT OR THE
CLERK'S OFFICE CONCERNING THIS CASE.**