

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ADVANCED INTERVENTIONAL
PAIN & DIAGNOSTICS OF
WESTERN ARKANSAS, LLC, on
behalf of itself and all others similarly
situated,

Plaintiff,

vs.

ADVA HOLDINGS, LLC and
ENCOMPASS SPECIALTY
NETWORK, LLC,

Defendants.

Case No. 8:20-cv-02704-WFJ-CPT

CLASS ACTION

**DECLARATION OF MICHELLE
ROBINSON**

RE: NOTICE PROCEDURES

1 I, Michelle Robinson, declare and state as follows:

2 I am a Project Manager with KCC Class Action Services, LLC ("KCC"), located at 462 S. 4th Street,
3 Louisville, KY 40202. KCC was appointed as the Settlement Administrator in this matter and is
4 not party to this action. I have personal knowledge of the matters stated herein and, if called upon,
5 could and would testify thereto.

6 **CAFA NOTIFICATION**

7
8 1. In compliance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. Section
9 1715, KCC compiled a CD-ROM containing the following documents: Complaint and Related
10 Materials, Notice of Any Scheduled Judicial Hearing, Notification to Class Members, Class Action
11 Settlement Agreement, Any Settlement or Other Agreement, Final Judgement, Names of Class
12 Members/Estimate of Class Members, Judicial Opinions Related to the Settlement; and a cover
13 letter (collectively, the "CAFA Notice Packet"). A copy of the cover letter is attached hereto as
14 Exhibit A.

15 2. On March 10, 2021, KCC caused 58 CAFA Notice Packets to be mailed via Priority
16 Mail to the parties listed on Exhibit B, i.e., the U.S. Attorney General, the Attorneys General of
17 each of the 50 states in which Settlement Class Members reside and the District of Columbia, the
18 Attorney Generals for all 5 U.S. Territories, and the Defense Counsel.

19 3. To date, KCC has received no response to the CAFA Notice Packet from any of the
20 recipients identified in paragraph 2 above.

21 **CLASS LIST**

22 4. On March 15, 2021, KCC received a list of 36,416 fax numbers identified as the
23 Class List. KCC formatted the list for faxing purposes.

24 **FAXING OF THE NOTICE PACKET**

25 5. On March 23, 2021 the Fax Notice and Claim Form (collectively, the "Notice
26 Packet") was faxed to the 36,416 fax numbers in the Class List. A total of 6,350 faxes were
27 unsuccessful. A true and correct copy of the Notice Packet is attached hereto as Exhibit C.

28 6. Through the combined notices set forth above in paragraphs 1-5, the notice program

1 reached an estimated 83% of Putative Class Members. In my experience, this reach percentage
2 meets that achieved in many other court-approved notice programs.

3 **SETTLEMENT WEBSITE**

4 7. On or about March 17, 2021, KCC established a website
5 www.specialtynetworksettlement.com dedicated to this matter to provide information to the Class
6 Members and to answer frequently asked questions. The website URL was set forth in the Notice,
7 Fax Notice and Claim Form. Visitors of the website can download copies of the Notice, Claim
8 Form, and other case-related documents. Visitors can also submit claims online. To date, the
9 website has received 1,452 visits.

10 **TELEPHONE HOTLINE**

11 8. KCC established and continues to maintain a toll-free telephone number 1-844-917-
12 2018 for potential Class Members to call and obtain information about the Settlement. The
13 telephone hotline became operational on March 23, 2021, and is accessible 24 hours a day, 7 days
14 a week. To date, KCC has received a total of 254 calls to the telephone hotline.

15 **CLAIM FORMS**

16 9. The postmark deadline for Class Members to file claims in this matter is May 22,
17 2021. To date, KCC has received 892 timely-filed claim forms. KCC expects additional timely-
18 filed claim forms to arrive over the next few weeks.

19 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

20 10. The Notice informs Class Members that requests for exclusion from the Class must
21 be postmarked no later than May 22, 2021. To date, KCC has received 2 requests for exclusion. A
22 list of the Fax Numbers to be excluded are attached hereto as Exhibit D.

23 **OBJECTIONS TO THE SETTLEMENT**

24 11. The postmark deadline for Class Members to object to the settlement is May 22,
25 2021. To date, KCC has received 0 objections to the settlement.

ADMINISTRATION COSTS

12. To date, KCC estimates its total cost of administration to be \$55,491. This amount includes costs to date as well as through the completion of this matter.

13. KCC's estimated fees and charges are based on certain information provided to KCC by the parties as well as significant assumptions. Accordingly, the estimate is not intended to limit KCC's actual fees and charges, which may be less or more than estimated due to the scope of actual services or changes to the underlying facts or assumptions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 14, 2021 at Louisville, KY

Michelle Robinson
Michelle Robinson

EXHIBIT A

LAW FIRM INFORMATION

MAIL DATE

VIA PRIORITY MAIL

«First» «Last»
«Company»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

K&L GATES, LLP represents Adva Holdings, LLC and Encompass Specialty Network, LLC (“Defendants”) in a putative class action lawsuit entitled *Advanced Interventional Pain & Diagnostics of Western Arkansas, LLC, on behalf of itself and all others similarly situated, v. Adva Holdings, LLC and Encompass Specialty Network, LLC*, Case No. 8:20-cv-02704-WFJ-CPT. The lawsuit is pending before the Honorable William F. Jung in the United States District Court for the Middle District of Florida, Tampa Division. This letter is to advise you that Plaintiff filed an Unopposed Motion for Preliminary Approval of Class Action Settlement in connection with this class action lawsuit on March 1, 2021.

Case Name: *Advanced Interventional Pain & Diagnostics of Western Arkansas, LLC v. Adva Holdings, LLC, et al.*

Case Number: 8:20-cv-02704-WFJ-CPT

Jurisdiction: United States District Court,
Middle District of Florida, Tampa Division

Date Settlement

Filed with Court: March 1, 2021

Defendants deny any wrongdoing or liability whatsoever, but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the following documents referenced below are included on the CD that is enclosed with this letter:

LAW FIRM INFORMATION

LAW FIRM INFORMATION

«First» «Last»

Mail Date

Page 2

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** Copies of the *Class Action Complaint, Answer to Class Action Complaint and Affirmative Defenses, Amended Class Action Complaint, and Second Amended Class Action Complaint* are included on the enclosed CD.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of Mail Date, the Court has not yet scheduled a final fairness hearing in this matter. On March 3, 2021, the Court issued its *Order Preliminarily Approving class Action Settlement, Directing Notice, and Scheduling Final Approval Hearing*, setting the Final Approval Hearing to be heard at 9:30 a.m. Eastern on June 22, 2021 before the Honorable William F. Jung. Copies of the *Order Preliminarily Approving class Action Settlement, Directing Notice, and Scheduling Final Approval Hearing* and *Plaintiff's Unopposed Motion and Memorandum of Law in Support of (I) Preliminary Approval of Class Action Settlement; (II) Certification of the Settlement Class; and (III) Approval of Notice to the Class* are included on the enclosed CD.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Long Form Notice, Claim Form, and Facsimile Notice* to be provided to the class are included on the enclosed CD.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Settlement Agreement and Release* is included on the enclosed CD.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** As of Mail Date, no other settlement or agreement has been entered into by the Parties to this Action with each other, either directly or by and through their respective counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of Mail Date. A copy of the *Joint Stipulation of Dismissal of Defendant Paradigm Management Services, LLC* issued on January 5, 2021, is included on the enclosed CD. A copy of the proposed *Final Approval Order and Judgment* is also included on the enclosed CD.
7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Defendants and KCC Class Action Services, LLC are in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know

LAW FIRM INFORMATION

«First» «Last»

Mail Date

Page 3

the names or current addresses of all the proposed settlement class members and will not learn this information until reverse facsimile number searches are conducted. Attached hereto as Appendix A is a breakdown of unique facsimile number by State area code and an approximate percentage in relation to the entirety of the Class. Pursuant to 28 U.S.C. § 1715(b)(7)(B), it is estimated that there are approximately 36,416 unique facsimile numbers in the class.

8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As the proposed Settlement is still pending final approval by the Court, there are no other opinions available at this time. A copy of the *Stipulation to Transfer* issued November 13, 2020 is included on the enclosed CD.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Defendants can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/

Signor's Name

FIRM

Enclosure – CD Rom

EXHIBIT B

Last	First	Company
Williams	Monty	Attorney General of the United States
Clarkson	Kevin	Office of the Alaska Attorney General
Marshall	Steve	Office of the Alabama Attorney General
Rutledge	Leslie	Arkansas Attorney General Office
Brnovich	Mark	Office of the Arizona Attorney General
CAFA Coordinator		Office of the Attorney General
Weiser	Phil	Office of the Colorado Attorney General
Tong	William	State of Connecticut Attorney General's Office
Racine	Karl A.	District of Columbia Attorney General
Jennings	Kathy	Delaware Attorney General
Moody	Ashley	Office of the Attorney General of Florida
Carr	Chris	Office of the Georgia Attorney General
Connors	Clare	Office of the Hawaii Attorney General
Miller	Tom	Iowa Attorney General
Wasden	Lawrence	State of Idaho Attorney General's Office
Raoul	Kwame	Illinois Attorney General
Hill, Jr.	Curtis T.	Indiana Attorney General's Office
Schmidt	Derek	Kansas Attorney General
Beshear	Andy	Office of the Kentucky Attorney General
Landry	Jeff	Office of the Louisiana Attorney General
Healey	Maura	Office of the Attorney General of Massachusetts
Frosh	Brian	Office of the Maryland Attorney General
Frey	Aaron	Office of the Maine Attorney General
Nessel	Dana	Office of the Michigan Attorney General
Keith Ellison	Attorney General	Attention: CAFA Coordinator
Schmitt	Eric	Missouri Attorney General's Office
Hood	Jim	Mississippi Attorney General's Office
Fox	Tim	Office of the Montana Attorney General
Stein	Josh	Office of the North Carolina Attorney General
Stenehjem	Wayne	North Dakota Office of the Attorney General
Peterson	Doug	Office of the Nebraska Attorney General
MacDonald	Gordon	New Hampshire Attorney General
Grewal	Gurbir S.	Office of the New Jersey Attorney General
Balderas	Hector	Office of the New Mexico Attorney General
Ford	Aaron	Nevada Attorney General
James	Letitia	Office of the New York Attorney General
Yost	Dave	Ohio Attorney General
Hunter	Mike	Oklahoma Office of the Attorney General
Rosenblum	Ellen F.	Office of the Oregon Attorney General
Shapiro	Josh	Pennsylvania Office of the Attorney General
Noranha	Peter F.	Rhode Island Office of the Attorney General
Wilson	Alan	South Carolina Attorney General
Ravnsborg	Jason	South Dakota Office of the Attorney General
Slatery, III	Herbert H.	Tennessee Attorney General and Reporter
Paxton	Ken	Attorney General of Texas
Reyes	Sean	Utah Office of the Attorney General

Herring	Mark	Office of the Virginia Attorney General
Donovan	TJ	Office of the Attorney General of Vermont
Ferguson	Bob	Washington State Office of the Attorney General
Kaul	Josh	Office of the Wisconsin Attorney General
Morrisey	Patrick	West Virginia Attorney General
Hill	Bridget	Office of the Wyoming Attorney General
Ale	Talauega Eleasalo V.	American Samoa Gov't
Camacho	Leevin Taitano	Office of the Attorney General, ITC Building
Manibusan	Edward	Northern Mariana Islands Attorney General
Longo Quir	Dennise N.	Puerto Rico Attorney General
George	Denise N.	Virgin Islands Attorney General, Department of Justice
McGinley	Molly K.	K&L Gates, LLP

EXHIBIT C

Claim ID: <<Claim8>>

PIN: <<PIN>>

CLASS ACTION SETTLEMENT NOTICE*A federal court authorized this notice. This is not a solicitation from a lawyer.*

A proposed settlement (the “Settlement”) has been reached in a proposed class action lawsuit styled *Advanced Interventional Pain & Diagnostics of Western Arkansas, LLC v. Adva Holdings, LLC, et al.*, Case No. 8:20-cv-02704-WFJ-CPT (M.D. Fla.) (the “Class Action”), pending in the United States District Court for the Middle District of Florida. **Please read this notice carefully as you and your rights may be affected.**

What does the Settlement provide? The Settlement, in exchange for the dismissal of the Class Action and release of claims against Adva Holdings, LLC and Encompass Specialty Network, LLC (collectively “Defendants”) as explained in the Settlement Agreement, creates a fund of no more than \$9,000,000.00 (the “Maximum Payment”) and no less than \$2,750,000.00 (the “Base Payment”). The ultimate size of the Settlement Fund will depend on the number of claims filed and approved for payment (“Approved Claims”). Each Approved Claim will share in the distribution of the Settlement Fund. Each Approved Claim will receive approximately \$250.00, subject to pro rata adjustments as provided in the Settlement Agreement, for each of the Settlement Class Members’ facsimile numbers that received one or more of the facsimile transmissions at issue in this Action, as reflected in Defendants’ records, subject to the conditions set forth in the Settlement Agreement. Actual payment amounts could be more or less than the above estimate.

What is this Class Action about? The Class Action alleges that Defendants violated the Telephone Consumer Protection Act by transmitting facsimile advertisements in violation of that law. Defendants deny the claims and further deny that they did anything wrong. No trial has been held on the merits of any allegations against Defendants or as to Defendants’ defenses. Defendants have agreed to the Settlement without admitting any fault or liability.

Why did I get this notice? The Defendants’ records show a successful transmission of one or more facsimiles to the facsimile number to which this notice has been sent, by or on behalf of Defendants from December 20, 2015 through March 3, 2021 allegedly advertising the availability or quality of property, goods or services of Defendants. Because of this, you may be a Settlement Class Member if you were the subscriber to the facsimile number to which this notice has been sent between December 20, 2015 through March 3, 2021.

What do I need to do to receive a payment from the Settlement? To receive a payment, you must submit a completed and signed Claim Form to the Settlement Administrator postmarked by no later than May 22, 2021. Submission of your Claim Form can be done (i) via first-class mail to the following address: Specialty Network Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501, (ii) online at the Settlement Website www.SpecialtyNetworkSettlement.com, or (iii) by fax to 1-866-690-8158.

How do I get out of the Settlement? To exclude yourself from this Settlement, you must send a letter by mail to the Settlement Administrator that is postmarked no later than May 22, 2021. To be effective, the request for exclusion must include (a) the Settlement Class Member’s full name, mailing address, and current facsimile number, and any facsimile number used by the Settlement Class Member from December 20, 2015 through March 3, 2021; (b) a clear and unequivocal statement that the Settlement Class Member wishes to be excluded from the Settlement Class; (c) the style of the Lawsuit: “*Advanced Interventional Pain & Diagnostics of Western Arkansas, LLC v. Adva Holdings, LLC, et al.*, Case No. 8:20-cv-02704-WFJ-CPT (M.D. Fla.)”; and (d) a signature of an individual authorized to act on the Settlement Class Member’s behalf. You must mail your exclusion request to the following address: Specialty Network Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501. If you send a timely and valid request to be excluded from the Settlement Class, you will not get any Settlement payment, you cannot object to the Settlement, and you will not be legally bound by anything that happens in this lawsuit.

What are my other options? If you do not exclude yourself, you can object to the Settlement. You can give reasons why you think the Court should not approve the Settlement. Objections must be postmarked no later than May 22, 2021. The specific details for filing an objection are in the detailed notice available at www.SpecialtyNetworkSettlement.com. If you do nothing, you will remain in the Settlement Class but will NOT receive a payment.

Do I have a lawyer in this Class Action? The Court appointed the law firm of Carney Bates & Pulliam, PLLC to represent you and other Settlement Class Members, referred to as Class Counsel. You will not be charged for these lawyers. Rather, Class Counsel will ask the Court for attorneys’ fees of up to 25% of the Settlement Fund, plus reimbursement of reasonable litigation expenses. Class Counsel will also ask for a Service Award to Plaintiff in the amount of \$5,000.00. If approved by the Court, the Service Award will be paid by Defendants as a separate payment.

When and where will the Court decide whether to approve the Settlement? The Court will hold a Final Approval Hearing at **9:30 a.m. on June 22, 2021** at the Sam M. Gibbons United States Courthouse, 801 N. Florida Ave., Tampa, Florida 33602, Courtroom 15B. Due to COVID-19, the Final Approval Hearing may be held virtually. For specific details about the hearing, please check the Settlement Website. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also decide how much to pay Class Counsel.

How do I get more information? This notice summarizes the Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.SpecialtyNetworkSettlement.com; by visiting the office of the Clerk of the Court for the United States District Court for the Middle District of Florida, 801 N. Florida Ave., Tampa, Florida 33602 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays; or by contacting Class Counsel at 501-312-8500. You can also call the Settlement Administrator toll-free at 1-844-917-2018 with your questions. **You should read the entire Settlement Agreement before making a decision about whether to participate in the Settlement.**

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE
TO INQUIRE ABOUT THIS SETTLEMENT OR THE ADMINISTRATION PROCESS.

Specialty Network Settlement Administrator
P.O. Box 43501
Providence, RI 02940-3501

AVV

Claim: AVV-

*Advanced Interventional Pain & Diagnostics of
Western Arkansas, LLC v. Adva Holdings, LLC, et al.*

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA

Case No. 8:20-cv-02704-WFJ-CPT (M.D. Fla.).

Claim ID:
PIN Code:

**Must Be Postmarked
No Later Than
May 22, 2021**

PROOF OF CLAIM

PART I: SETTLEMENT CLASS MEMBER INFORMATION

First Name										M.I.	Last Name									
Primary Address																				
Primary Address Continued																				
City										State		ZIP Code								
Email Address																				
Best Phone Number to Contact You										Current Fax Number										

Fax Number where the facsimile transmission from either Defendant (Adva Holdings, LLC or Encompass Specialty Network, LLC) was received. This will be used to verify your claim.

PART II: CERTIFICATION

To participate in the class action Settlement of the above-captioned case and to complete this Claim Form, please verify that the statements below are true and correct by affixing your signature to the Claim Form thereunder. If the statements below are not true, you are not entitled to a settlement payment and should not submit a Claim Form.

I was the subscriber of the facsimile number provided above when the facsimile transmission from either Defendant (Adva Holdings, LLC or Encompass Specialty Network LLC) was received.

Signature: _____

Dated (mm/dd/yyyy): _____

Title/Capacity: _____

For more information, you may visit the Settlement Website at www.SpecialtyNetworkSettlement.com
or contact the Settlement Administrator at 1-844-917-2018.

YOU MAY FAX YOUR COMPLETED PROOF OF CLAIM TO: 1-866-690-8158
OR MAIL IT TO: Specialty Network Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501



FOR CLAIMS PROCESSING ONLY	OB	CB	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B

EXHIBIT D

617-358-3710

936-632-3837