

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE SHIELDS HEALTH GROUP,
INC DATA BREACH LITIGATION**

CASE NO. 1:22-cv-10901-PBS

Hon. Patti B. Saris

AND

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

**CONSTANTINE KOSSIFOS, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,
INC.,**

Defendant.

**SUPERIOR COURT
TRIAL COURT DEPARTMENT**

CASE NO. 2282-cv-00561

CONSOLIDATED WITH

ESSEX, ss.

**AMANDA JOHNSON, CHRISTINE
CAMBRIA, COURTNEY HORGAN, and
KENNETH VANDAM, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,
INC.,**

Defendant.

**SUPERIOR COURT
TRIAL COURT DEPARTMENT**

CASE NO. 2277-cv-00839

NORFOLK, ss.

**WILLIAM BISCAN, TENNIE KOMAR,
and LISA SMITH, on behalf of himself
and all others similarly situated,**

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,
INC.,**

Defendant.

**SUPERIOR COURT
TRIAL COURT DEPARTMENT**

CASE NO. 2382-cv-0023

**JOINT DECLARATION OF LORI G. FELDMAN, KELLY K. IVERSON, ALEX J.
DRAVILLAS, AND JOHN A. YANCHUNIS IN SUPPORT OF PLAINTIFFS’
UNOPOSED MOTION FOR PRELIMINARY APPROVAL**

Lori G. Feldman, Kelly K. Iverson, Alex J. Dravillas, and John A. Yanchunis declare as follows in support of preliminary approval of the proposed Settlement¹:

1. We are Interim Class Counsel for Plaintiffs and Settlement Class Members, as appointed by the Court. We submit this declaration in support of preliminary approval of the proposed Settlement Agreement that we negotiated with Defendant Shields Health Group, Inc. (“Shields” or “Defendant”). We have personal knowledge of the facts set forth in this declaration and could testify to them competently if called to do so.

2. Before filing these suits, we fully investigated the claims presented here and the possible defenses that could be asserted, which included a reasonable investigation into the facts underlying this action.

3. Plaintiffs and Class Members are approximately 2,382,578 individuals who were impacted by the Data Incident discovered in or around March 28, 2022.

¹ The proposed Class Action Settlement Agreement is attached hereto as Exhibit 1.

4. As a condition of receiving services from Defendant, Plaintiffs and Class Members were required to provide Defendant with their personally identifiable information (“PII”) and protected health information (“PHI”) (together, “Personal Information”).

5. Plaintiffs and Interim Class Counsel believe strongly in the merits of this Action, but we nonetheless recognize the complexity and uncertainty inherent in data breach litigation and the expense and delays associated with pressing these claims through summary judgment, trial, and appeal.

Federal Procedural History

6. Beginning on June 9, 2022, proposed class action complaints were filed in the United States District Court for the District of Massachusetts, asserting claims arising out of the Data Incident. S.A. ¶ 1.6. Thereafter, the actions were consolidated. S.A. ¶ 1.7.

7. By Order dated September 16, 2022, the Court appointed Interim Class Counsel: with George Feldman McDonald, PLLC, Lynch Carpenter LLP, and Keller Postman serving as Interim Co-Lead Counsel,² Berman Tabacco and Block & Leviton serving as Interim Co-Liaison Counsel, and the following firms serving as the Interim Executive Committee: Barrack, Rodos & Bacine, Kantrowitz, Goldhamer & Graifman, P.C., Finkelstein, Blankinship, Frei-Pearson & Garber, LLP, Milberg LLP, Morgan & Morgan, Lynch Carpenter LLP, Scott+Scott Attorneys at Law LLP³, Sweeney Merrigan Law LLC, and Wolf, Haldenstein, Adler, Freeman & Herz LLP.
Dkt. 55.

² Lori G. Feldman of George Feldman McDonald, PLLC., Elizabeth Pollock-Avery of Lynch Carpenter, LLP and Seth Meyer of Keller Postman LLC were appointed as Interim Co-Lead Counsel. By Order dated October 16, 2023, Alex Dravillas of Keller Postman LLC was substituted for Mr. Meyer as Interim Co-Lead Counsel, and by Order dated May 9, 2024, Kelly K. Iverson of Lynch Carpenter, LLP was substituted for Ms. Pollock-Avery as Interim Co-Lead Counsel.

³ Carey Alexander of Scott+Scott Attorneys at Law LLP was initially appointed as an Interim Executive Committee member. By Order dated September 16, 2024, Anjori Mitra of Scott+Scott Attorneys at Law LLP was substituted for Mr. Alexander.

8. On January 9, 2023, the Federal Plaintiffs filed a Consolidated Class Action Complaint (the “Federal CAC”), which, among other changes, consolidated the facts and claims of the related actions filed in this federal district and redefined the scope of the “Federal Action” to be on behalf of a proposed nationwide class with the exception of individuals who are citizens of the Commonwealth of Massachusetts. S.A. ¶ 1.9.⁴

9. On August 23, 2023, Shields filed its motion to dismiss the Federal CAC. Dkt. 85.

10. The parties continued to work on their discovery plan pursuant to Fed. R. Civ. P. 26, and, on September 20, 2023, the parties filed their “Proposed Joint Statement” and “Proposed Case Management Schedule” for the Court’s consideration. Dkt. 92.

11. On September 27, 2023, Interim Co-Lead Counsel and counsel for Shields appeared before the Court for a Case Management Conference. Judge Saris suggested that the parties coordinate the briefing schedule in the Federal Action with the schedule in the State Action and ordered the filing of an “Amended Case Management Schedule” consistent with that guidance. Dkt. 95.

12. On October 2, 2023, Federal Plaintiffs filed their opposition to Shields’ motion to dismiss. Dkt. 98. On October 11, 2023, the parties filed an Amended Joint Statement and Case Management Schedule. Dkt. 102. On October 26, 2023, Shields filed its reply in further support of its motion to dismiss. Dkt. 110.

13. By Order dated October 23, 2023, Judge Saris approved the parties’ Amended Case Management Schedule, establishing deadlines for the completion of class certification discovery and the briefing of Federal Plaintiffs’ class certification motion. Dkt. 111.

14. On November 27, 2023, the parties appeared before Judge Saris and presented

⁴ The State Action class is subject to the home state exception under CAFA. *See* 28 U.S.C. § 1332(d)(4).

oral argument relating to Shields' motion to dismiss. S.A. ¶ 1.14.

15. On February 6, 2024, the parties filed a "Notice of Scheduled Mediation" advising the Court that they would engage in a mediation session on April 9, 2024. Dkt. 123.

16. On March 5, 2024, Judge Saris entered a Memorandum Opinion and Order granting in part and denying in part Shields' motion to dismiss the Federal CAC. Dkt. 124.

17. On March 19, 2024, Shields filed its Answer to the Federal CAC. Dkt. 125. Defendant denied all material allegations in the Federal CAC and specifically denied all statutory, common law, and contract-related claims alleging it had inadequate data security or failed to properly protect any personal data. *See id.*

State Procedural History

18. Beginning on June 16, 2022, Plaintiffs Constantine Kossifos, William Biscan, Tennie Komar, Lisa Smith, Amanda Johnson, Christine Cambria, Courtney Horgan, and Kenneth Vandam ("Initial State Plaintiffs") filed proposed class action complaints in Norfolk and Essex Counties of the Massachusetts Superior Courts, asserting claims arising out of the Data Incident.

19. On March 15, 2023, Shields moved to consolidate the Initial State Plaintiffs' actions into a single action in Norfolk County.

20. The Initial State Plaintiffs' cases were consolidated by Order dated March 16, 2023.

21. On September 7, 2023, State Plaintiffs—Constantine Kossifos, William Biscan, Tennie Komar, Lisa Smith, Amanda Johnson, Christine Cambria, Courtney Horgan, Kenneth Vandam, Peter Shea, and Maria Melo—filed their Consolidated Amended Complaint (the "State CAC").

22. On February 5, 2004, Shields filed the Superior Court Rule 9A package for its

motion to dismiss the State CAC. This package included the State Plaintiffs' opposition papers and Shields' reply brief.

23. On May 29, 2024, the parties presented oral argument on Shields' motion to dismiss the State CAC.

24. By Order dated July 11, 2024, the Honorable Joseph Leighton issued a Memorandum and Order on Defendant's Motion to Dismiss, allowing certain counts in the State CAC to proceed and dismissing others.

25. On July 22, 2024, Shields filed its Answer in the State Action.

26. As reflected in its Answer, Defendant denied all material allegations of wrongdoing in the State CAC and specifically denied all statutory, common law, and contract-related claims, including those alleging it had inadequate data security, failed to properly protect any personal data, failed to provide adequate and timely notice of the Data Incident, or committed any unfair or deceptive practices, and disputed that Plaintiffs have suffered any damages as a result of the Data Incident.

27. The parties continued to engage in discovery in the State Action, with work being done up until they reached an agreement-in-principle to settle the Litigation.

The Mediations

28. In preparation for mediation, Interim Co-Lead Counsel and Defendant exchanged sufficient informal discovery to enable informed negotiations.

29. The information provided sufficient facts and details for Interim Co-Lead Counsel to understand the nature of the Class, the likelihood of achieving class certification, and likely arguments and defenses that could and would be raised later in litigation in absence of a settlement.

30. In our experience across collectively countless data breach class actions, the

information learned was sufficient to enable informed negotiations.

31. On April 5, 2024, counsel for the parties attended an all-day mediation before Hon. Wayne Andersen (Ret.), in which they engaged in arm's-length negotiations. S.A. ¶ 1.30. Counsel for the parties failed to reach an agreement during that mediation session. S.A. ¶ 1.30. After the mediation concluded, the parties continued to litigate the Federal Action and State Action and to engage in discovery, with work being done up until they reached an agreement in principle to settle the Litigation. S.A. ¶ 1.1.

32. After additional case activity, discovery, and court decisions, the parties scheduled a second mediation with Hon. Wayne Andersen. S.A. ¶ 1.31. The second mediation took place in person in Naples, Florida on November 15, 2024. S.A. ¶ 1.32. Once again, counsel engaged in arm's-length negotiations. *Id.* Counsel for the parties failed to reach an agreement in principle during that mediation but kept the session open for continuing negotiations. *Id.*

33. After continued discussion through the mediator, Hon. Wayne Andersen made a mediator's proposal, which ultimately led to this settlement of the Litigation. S.A. ¶ 1.33.

34. The parties reached the proposed Settlement after exchanging both informal and formal discovery.

35. The informal discovery received and reviewed by Interim Class Counsel under Fed. R. Evid. 408, along with their knowledge and experience in this area of the law, provided them with the information needed to objectively evaluate the strengths and weaknesses of Plaintiffs' and Settlement Class Members' claims.

36. In addition, the parties were actively engaging in formal discovery while settlement negotiations proceeded.

37. Though the parties had not completed all discovery, Interim Class Counsel has

litigated numerous data breach class actions and was fully informed regarding the type of discovery necessary to conduct informed and empowered settlement negotiations.

38. Based on the information provided and the benefits achieved for the Class, Interim Class Counsel believe the Settlement is a solid result, and provides relief to address the consequences of a data breach.

39. Thus, Interim Class Counsel believe the Settlement is fair, reasonable, and adequate.

40. The parties recognize the expense and risk inherent in continued litigation of the Federal and State Actions through further motion practice, discovery, trial, and any possible appeals. S.A. ¶ 1.34. The parties have considered the uncertainty of the outcome of further litigation, and the expense, difficulties, and delays inherent in such litigation. *Id.* The parties, though confident of their ability to overcome the challenges, are also aware of the burdens of proof necessary to establish liability and damages for the claims alleged in the Federal and State Actions and the defenses thereto. *Id.* The parties have determined that the settlement reached is in their respective best interests and that the agreement is fair, reasonable, and adequate. *Id.* The parties have therefore agreed to the Settlement set forth in the terms and provisions of the agreement, subject to Court approval.

41. Plaintiffs and Interim Class Counsel have worked cooperatively and efficiently and committed substantial time and resources to this case. This work has included: (i) investigating the Data Incident; (ii) researching and evaluating the appropriate legal claims to assert; (iii) interviewing potential class representatives about their experiences; (iv) preparing and filing class action complaints; (v) opposing the motion to dismiss; (vi) preparing and filing a consolidated class action complaint; (vii) engaging in informal discovery with Defendant in

advance of the mediation; (viii) participating in two mediation sessions and subsequent settlement discussions; and (ix) negotiating the proposed settlement, preparing the settlement documentation, and moving for preliminary approval.

42. After agreeing to the Settlement, the parties procured bids from multiple settlement administrators and ultimately determined that Analytics Consulting, LLC was the administrator that would best serve the Class.

43. Ms. Feldman is a member of the law firm of George Feldman McDonald, PLLC. She is Chair of her firm's Class Action Practice Group, Managing Partner of the firm's New York office, and member of the Firm's EB-5 and Commercial Litigation Practice Groups. Her practice primarily focuses on issues of consumer protection class actions, with an emphasis on data breach and privacy cases. Numerous federal courts have appointed Ms. Feldman to leadership positions in these types of cases, and she routinely oversees and successfully collaborates with other class action lawyers. Ms. Feldman presently serves as Plaintiffs' Co-Lead Counsel in *In re EyeMed Vision Care, LLC Data Sec., Litig.*, 1:20-cv-00036 (S.D. Ohio), which, like this action, involves a PII and PHI cybersecurity data breach. She also serves as Co-Chair of the Plaintiffs' Steering Committee in *In re Meta Tax Filing Cases*, No. 2-07557-(SI) (N.D. Cal.) and *Smith v. Google*, No. 23-cv-03527 (N.D. Cal.), and holds many other leadership positions in class actions, pending in federal and state court class actions across the country, including but not limited to: *In re Fidelity Investments Data Breach Litigation*, Civil No. 24-12601-LTS (D. Mass.) (Co-Lead Counsel in data breach case); *Wahab v. Boston Children's Health Physician, et al.*, Case No. 73692/2024 (Westchester Cty) (Liaison Counsel in data breach case); *Skurauskis v. NationsBenefits Holdings, LLC*, 23-cv-60830-RAR (S.D. Fla.) (Executive Committee Member in *Fortra Data Breach MDL*); *Doe v. Highmark, Inc.*, Case No. 2:23-cv-00250 (W.D. Pa.) (Executive Committee Member in data

breach case); *Morill v. Lakeview Loan Servicing, LLC*, Case No. 1:22-cv-20955-DPG (S.D. Fl.) (supporting lead counsel in data breach case); *In re MOVEit Customer Data Security Breach Litig.*, MDL No. 1:23-md-03083-ADB (representing named plaintiffs in Master Complaint); *Bowen v. Paxton Media Group, LLC*, Case No. 5:21-cv-00143-GNS-LLK (W.D. Ky) (Co-Lead Settlement Class Counsel in data breach case); *In re Morgan Stanley Data Security Litig.*, Case No. 1:20-cv-05014-MKV (S.D.N.Y.) (Executive Committee Member in settled data breach case); and *In re: Canon Data Breach Litig.*, Case No. 1:20-cv-06239-AMD-SJB (E.D.N.Y.) (Executive Committee Member in settled data breach case). Ms. Feldman also represented plaintiffs in the *In re Equifax Consumer Data Sec. Breach Litig.*, 1:17-md-2800 (N.D. Ga.), *In Re: Sonic Corp. Customer Data Security Breach*, Case No. 1:17-md-02087 (N.D. Ohio), and *Johnson v. Marriott International, Inc.*, 18-CV54883 (Multnomah Cty, Oregon). For additional information, attached as Exhibit 2 to this Joint Declaration is Ms. Feldman's firm resume.

44. Ms. Iverson is a partner at Lynch Carpenter and has an established practice litigating complex and class action privacy and data breach cases. She has litigated cases factually similar to this one, involving disclosure of protected health information, such as *Opris v. Sincera Reproductive Medicine*, 2:21-cv-3072 (E.D. Pa.) (co-lead counsel); and *In re: Solara Medical Supplies Data Breach Litig.*, 19-cv-2284 (Plaintiffs' Steering Committee). Ms. Iverson is currently appointed as Co-Lead Counsel in *In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation* (W.D. Pa.) (products liability class and mass tort MDL arising from the sale of defective medical devices manufactured with toxic sound abatement foam; recently received final approval of a more than \$600 million settlement of economic loss class claims) and *Kolstedt v. TMX Finance Corp. Serv., Inc.*, 4:23-cv-00076 (S.D. Ga.) (consolidated data breach class action). Ms. Iverson is also appointed to the Plaintiffs'

Steering Committee in *In re Blackbaud, Inc. Customer Data Breach Litig.*, MDL 2972 (D.S.C.) (data breach MDL) and *In re: Samsung Customer Data Security Breach Litig.*, MDL 3055 (D.N.J) (data breach MDL). For additional information, attached as Exhibit 3 to this Joint Declaration is Ms. Iverson's firm resume.

45. Mr. Dravillas is litigation counsel at Keller Postman LLC. There, he manages the firm's data privacy matters, including claims arising from the exposure of clients' sensitive information and the unlawful use of biometric identifiers under the Illinois Biometric Information Privacy Act, and is part of the firm's antitrust and government entity practice groups. In 2024, he helped secure the largest settlement in history for an action brought by a single state, recovering \$1.4 billion on behalf of the State of Texas against Meta Platforms, Inc. in *State of Texas v. Meta Platforms, Inc.*, No. 22-0121 (71st Judicial District, TX). For additional information, attached as Exhibit 4 to this Joint Declaration is Mr. Dravillas' firm resume.

46. John A. Yanchunis leads Morgan & Morgan's Class Action Department. Mr. Yanchunis began his work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, he served as co-lead counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns LexisNexis). See *Fresco v. Automotive Directions, Inc.*, No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 07-cv-60695-JEM (S.D. Fla.). Subsequently, he also served as co-lead counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) (\$10 million class settlement),

and *Kehoe v. Fidelity Federal Bank and Trust*, No. 03-cv-80593 (S.D. Fla.) (\$50 million class settlement). He has been appointed and served in leadership positions in a number the largest multidistrict litigation in this country in the area of privacy and data breaches: *In re Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) (court approved \$190,000,000.00 common fund settlement for approximately 100 million US residents); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) (“Yahoo”) (lead counsel) (court approved \$117,500,000.00 common fund settlement for approximately 194 million US residents and 270,000 Israeli citizens); *In re The Home Depot, Inc. Consumer Data Security Data Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-lead counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of \$29,025,000); *In re Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-2800- TWT (N.D. Ga.) (member of the plaintiffs’ steering committee) (final judgment entered approving \$380.5 million fund for 145 million consumers); *In re U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-01394-ABJ (D.D.C.) (“OPM”) (member of the executive committee) (court granted final approval to the parties’ \$63,000,000 Settlement); *In re Target Corp. Customer Data Sec. Breach Litigation*, MDL No. 2522 (D. Minn.) (executive committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers). For additional information, attached as Exhibit 5 to this Joint Declaration is Mr. Yanchunis’ firm resume.

47. Undersigned Interim Class Counsel are experienced in prosecuting complex class actions nationwide, including data breach cases. We have demonstrated throughout this litigation that we are well-versed in data breach and privacy law and have prosecuted this case vigorously and with a commitment to obtaining a reasonable recovery for the Class.

48. We identified and investigated Settlement Class Members' claims, successfully opposed a motion to dismiss, conducted discovery related to Settlement Class Members' claims and Defendant's defenses, and conducted extensive negotiations (participating in two mediations and extended settlement discussions) to secure meaningful relief for class members in the form of the proposed Settlement Agreement.

49. Based on our collective extensive experience in consumer class litigation, particularly in data breach litigation, the undersigned Interim Class Counsel strongly believe the proposed Settlement is fair, reasonable, and adequate and that its approval is in the best interest of the Class. Indeed, the benefits achieved for the Class here are likely the same or substantially similar to any benefits that would or could be achieved later in litigation, even after completion of formal discovery.

50. Our opinion regarding the reasonableness of the proposed Settlement is based on our experience in consumer class actions, and specifically in data breach litigation. The benefits achieved here are in line with the great bulk of similar data breach class actions. Indeed, the benefits made available here compare favorably with the typical benefits offered in similar cases. In light of the strength of the benefits here, the interests of the Class are best served by gaining access to these benefits without the need for continued delays that would occur if the Parties continued to litigate the questions presented in this class action.

51. The benefits here include reimbursement for ordinary and extraordinary losses and expenses, payments for lost time, and the option to receive an alternative cash payment. Moreover, all Class Members are treated equally, and all are eligible to apply for the benefits applicable to their circumstances.

52. Throughout this litigation, the Plaintiffs have admirably represented the Class and

have been available to Interim Class Counsel at every turn. Moreover, no evidence exists of any conflict or collusion, and none could be presented, as Plaintiffs and absent Class Members have parallel interests. Indeed, they enabled Interim Class Counsel to successfully pursue the benefits made available in the proposed Settlement and Plaintiffs should be named as Class Representatives.

53. The proposed Class Representatives have actively participated in this litigation, including communicating with counsel on the status of the litigation, consulting with counsel on the management and direction of the litigation, assisting in approving pleadings, and gathering and producing relevant information to counsel and documents for informal discovery and for responding to Defendant's discovery requests.

54. Plaintiffs' interests align with, and are not adverse or antagonistic to, those of the Settlement Class Members.

55. We, as Interim Class Counsel, are qualified, experienced, and competent in complex litigation, and have an established, successful track record in class litigation—including data breach cases analogous to this one.

56. The combined efforts of Plaintiffs and Interim Class Counsel ultimately led to the proposed Settlement and the benefits it makes available to the Class.

We affirm, under the penalties for perjury, that the foregoing representations are true.

Executed this 15th day of May, 2025 in Croton-on-Hudson, New York, for Ms. Feldman, in Pittsburgh, Pennsylvania, for Ms. Iverson, in Chicago, Illinois, for Mr. Dravillas, and in Tampa, Florida, for Mr. Yanchunis.

/s/ Lori G. Feldman

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