DAVID M. LANDAY,

Representative Plaintiff,

v.

DATAVANT LLC, formerly known as Health Port Technologies LLC,

Defendant.

CIVIL DIVISION
CLASS ACTION

GD-09-012923

REPRESENTATIVE PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Counsel of Record for Representative Plaintiff:

James M. Pietz
PA ID 55406
Pietz Law Office
429 Fourth Avenue, Suite 1310
Law & Finance Building
Pittsburgh, PA 15219
T.: (412) 606-8122

Paul Lagnese, Esquire
PA ID 51281
Berger Lagnese & Paul, LLC.
310 Grant Street, Suite 720
Pittsburgh, PA 15219
(412) 471-4300

John P. Worgul, Esquire
Pa. I.D. 325374
Feinstein Doyle Payne & Kravec, LLC
429 Fourth Avenue
Law & Finance Building, Suite 1300
Pittsburgh, PA 15219
Telephone: 412-281-8400

Attorneys for Representative Plaintiff and the Putative Classes

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID M. LANDAY,	CIVIL DIVISION
Representative Plaintiff,	CLASS ACTION
v.	No. GD-09-012923
DATAVANT, LLC formerly known as Health Port Technologies LLC,	
Defendant.	

REPRESENTATIVE PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

The Representative Plaintiff, by his undersigned counsel, hereby moves the Court for Final Approval of Class Action Settlement. In further support of this motion, the Plaintiffs hereby submit or reference: 1) a Memorandum of Law In Support of the Motion For Final Approval of Class Action Settlement; and 2) a Declaration of Plaintiffs' Counsel which attests to and sets forth their background and experience in class litigation and the time and efforts expended in this litigation previously filed in support of the Motion For Attorneys' Fees and Costs; and 3) the Declaration of Settlement Administrator American Legal Claims Services attached hereto as Exhibit 1.

WHEREFORE, the Parties hereby request that the Court enter the proposed Final Order and Judgment which is attached.

Respectfully submitted,

Dated: September 30, 2026

s/ James M. Pietz

James M. Pietz

PA ID 55406
Pietz Law Office
429 Fourth Avenue, Suite 1310
Law & Finance Building
Pittsburgh, PA 15219
T.: (412) 606-8122

Paul Lagnese, Esquire
PA ID 51281
David Paul, Esquire
PA ID 70552
Berger & Lagnese
310 Grant Street, Suite 720
Pittsburgh, PA 15219

John P. Worgul, Esquire
Pa. I.D. #325374
Feinstein Doyle Payne & Kravec, LLC
429 Fourth Avenue
Law & Finance Building, Suite 1300
Pittsburgh, PA 15219
Telephone: 412-281-8400

Attorneys for Representative Plaintiff and the Putative Classes

EXHIBIT

1

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID M. LANDAY, Representative Plaintiff, v. DATAVANT, LLC formerly known as Health Port Technologies LLC, Defendant.	CIVIL DIVISION CLASS ACTION No. GD-09-012923

DECLARATION OF AMERICAN LEGAL CLAIM SERVICES, LLC REGARDING DUE DILIGENCE IN NOTICING

I, Snehal Indra, declare as follows:

1. I am a competent adult, over the age of eighteen, and this declaration is based on my personal knowledge.

2. I am a Case Manager for American Legal Claim Services, LLC ("ALCS"). ALCS was selected by the Court to serve as the Settlement Administrator and to otherwise comply with the provisions set forth in the Class Settlement Agreement and Release and the Order Certifying Settlement Class, Preliminarily Approving Class Settlement and Directing the Issuance of Notice to the Class. I was responsible for overseeing the dissemination of Notice of Proposed Class Action Settlement ("Notice") to class members, claims processing, exclusion processing, and all other matters required as Settlement Administrator.

3. **Class List:** On February 10, 2026, ALCS received a universe of invoice data for the time period pertinent to the Class Period. ALCS analyzed the amounts charged per invoice and worked with the Parties to determine the eligible invoices that are included in the settlement. After completion of this analysis process it was determined that 306,602 invoices, associated with 50,818 entities. Of these entities, 5,772 entities were missing contact information necessary to attempt to provide the settlement notice. Throughout the noticing process, ALCS utilized several means of ensuring the most accurate mailing addresses for class members. These methods included National Change of Address through the USPS, skip-tracing, and manual updates from class members.

4. **Initial Class Notice:** On July 16, 2026, ALCS mailed the Notice, which included a Claim Form, substantially in the form approved by the Court, to 14,319 Non-Patients (attached hereto as Exhibit A) and 30,727 Patients (attached hereto as Exhibit B) class members.

5. **Returned Mail Handling:** ALCS processed all Notices returned by USPS. A minority of the mail included an updated address provided by the USPS ("FOE"). For these, the class member addresses were updated, and the Notice were re-mailed to the updated address provided. The remainder of the mail returned by the USPS did not contain an updated address ("UAA"). For these, ALCS conducted address searches using a nationally recognized location service to attempt to locate new addresses for these class members. Of the 45,046 Notices mailed,9,310 were returned by USPS as of the date of this declaration. ALCS has remailed or has scheduled to remail 6,679 Notices to updated addresses. Of the 6,679 remailed Notices, 1,816 were returned by USPS as of the date of this declaration.

6. **Noticing Campaign Summary:** The following is a summary of the noticing, as of the date of this Declaration:

   - Total class members: 50,818
   - Class Member with missing address: 5,772
   - Notices initially mailed via USPS: 45,046
   - Notices returned by USPS: 9,310
   - Notices remailed or scheduled to remail via USPS via USPS: 6,679
   - Remailed Notices returned as UAA: 1,816
   - Total number of Notices deemed undeliverable: 10,219
   - Percentage of Notices deemed delivered: 79.89%

7. **Website:** ALCS created a case website www.healthportsettlementpa.com, that provided further information as stated in the Notice. The website contained sections for Important Court Documents, Key Dates and FAQs. Class members had an opportunity to update their address and/or submit their claim online.

8. **Toll-Free Telephone:** ALCS established a toll-free telephone line (888-966-4765) for Class members to contact with questions about the settlement or update their address.

9. **Claims:** The Notice instructed those who wish to receive a settlement check to submit their claim on the website or mail (postmark) the claim form to the Settlement Administrator by no later than November 30, 2026. The claim form was included with the Patient Notice and available to submit online for both Non-Patients and Patients through the case website. As of this date of this declaration, we have received 2,290 claims. The claims filed represent over 8.5% of the eligible invoices and associated recovery available for the notices deemed delivered under the settlement. ALCS has administered more than eight class action settlements involving medical records requests that have received final approval in various courts throughout the United States. Based on our experience with those matters, the claim results in this case appear generally consistent with outcomes observed in similar settlements, taking into account factors such as claimant demographics, the age of the class list, attestation requirements, and other case-specific variables.

   - Total claims received: 2,290
   - Total invoices associated with filed claims: 25,170

10. **Exclusions:** The Notice instructed those who wish to opt out of the settlement to write to the Settlement Administrator stating that the class member does not wish to participate. It further states that an opt out request must be postmarked by October 1, 2026. As of the date of this declaration, we have received 11 requests for exclusion, associated with 7 entities, for this case. Copies of the exclusions were provided to the parties and are listed below.

- Kaniuka, Jean - Philadelphia, PA
- Marcus and Mack - Indiana, PA
- Marcus and Mack Attys At Law - Indiana, PA
- Marcus and Mack PC - Indiana, PA
- Moxness, Andrea - The Villages, FL
- Shultz, Diane - Altoona, PA
- Friday and Cox - Pittsburgh, PA (2 Locations)
- Friday and Cox LLC - Pittsburgh, PA
- Yerger, Lucille - Reading, PA
- Thomas Thomas and Hafer LLP - Camp Hill, PA

11. **Objections:** The Notice informed class members who wish to object to the settlement to file their written objection with the Court by September 16, 2026. I am not aware of any objections being filed with the Court as of the date of this declaration.

I declare under penalty of perjury pursuant to the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge. Executed on September 29, 2026, in Jacksonville, Florida.

Snehal Indra

Exhibit A

LANDAY v HEALTHPORT/DATAVANT (912)
PO BOX 23459
JACKSONVILLE FL 32241-3459
Postmaster: Do Not Mark Barcode

Your Class Member ID/ Notice ID: «noticeid»
PIN: «PIN»
[INSERT PERSONALIZED QR CODE]

«fname» «lname»
«addrline1» «addrline2»
«addrcity» «addrstate» «addrzip»

NON-PATIENT NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
David M. Landay v. Datavant LLC, successor to HealthPort Technologies, LLC., GD-09-012923
(**Court of Common Pleas of Allegheny County, Pennsylvania**)

HealthPort/Datavant's Records Indicate You May Be Entitled to a Payment from a Class Action Settlement.

A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

This Notice is to inform you that a settlement has been reached in a class action lawsuit against Datavant LLC, successor to HealthPort Technologies, LLC. This lawsuit claims that HealthPort (before it became known as Datavant) failed to comply with the Pennsylvania Medical Records Act (MRA) between July 15, 2005, and September 3, 2012. The claims are that HealthPort overcharged persons, including businesses, that paid for copies of medical records from Pennsylvania Hospitals and Healthcare Providers. The Plaintiffs allege that HealthPort instead of charging persons the estimated actual and reasonable expenses for locating, retrieving, reproducing, and transmitting the records, automatically charged and then collected from persons the maximum charges possible under the MRA. The claims say that HealthPort/Datavant is liable to Plaintiff and a proposed class for money damages for the alleged overpayments. The Defendants deny that they violated any law or overcharged any individual or entities but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.

Am I a Class Member? You are receiving this Notice because you have been identified from the records of HealthPort (now maintained by Datavant Health, LLC) as a person, lawyer, law firm, or business who requested and paid HealthPort for copies of certain medical records kept and maintained by a Pennsylvania Hospital or Healthcare Provider. You have rights under the proposed class action settlement if you are a member of the following group:

> All patients, patient representatives, patient designees, including insurance companies and attorneys (including but not limited to, prosecuting, defense, or plaintiffs' attorneys) designated by a patient or patients' agents and representatives to obtain a patient's medical records, who made a request or others who served a subpoena without being designated by a patient ("Record Requests") to a Pennsylvania healthcare provider or facility to obtain copies of medical records and who were charged and paid to HealthPort Technologies LLC and or its subsidiaries the maximum basic, search and retrieval, and/or reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) of the Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 with payment of the charges made between July 15, 2005 through September 3, 2012 and that was sent Mail Notice.

What Can I Get? The proposed settlement provides that, for class members who submit a valid timely claim, the class member shall be paid an amount equal to 35% of the amounts paid to HealthPort for basic fees, search and retrieval fees, and/or per page copying fees for each medical record request associated with the identified class member. This is known as the Settlement Benefit. Defendant maintains records of the amount of basic fees, search and retrieval fees, and/or per page copying fees invoiced to and paid by each identified class member for each request. The aggregate Settlement Benefit as calculated based upon these records is attached to this notice and set forth on your Proof of Claim maintained on the settlement website which you can access using your Class Member ID (QR Code or Notice I.D. + Pin) set forth above. If your Proof of Claim is approved, you will be paid the Settlement Benefit. If you have questions about how the total Settlement Benefit available for you to claim was calculated, by using your Class Member ID above you can login at the Settlement Website and review a list of the transactions ("Transaction List") HealthPort/Datavant attributes to record requests and payments you made.

If approved by the Court, the Defendant will pay all valid claims submitted by the Settlement Class, together with the cost to administer the settlement, the cost to inform people about the settlement, attorneys' fees, costs, and expenses, and a service award to the Class Representative. Your Settlement Benefit will not change based on these costs.

If you paid for the medical records copying request but were reimbursed for that payment by someone else, you should consider whether any Settlement Benefits are required to be paid to the person or entity who reimbursed you. **Attorneys who were reimbursed by their client(s) may have an ethical obligation to hold Settlement Benefits in their client trust account and return the funds to their client(s).**

How Do I Get a Payment? You must submit a timely and complete Proof of Claim that is received by the Settlement Administrator no later than November 30, 2026. You can **ONLY** do this by submitting a claim on the settlement website, located at www.HealthportSettlementPA.com (the "Settlement Website"). You can submit a claim on the website using the Class Member ID (QR Code or Notice I.D. + Pin) located above to access your account on the Settlement Website. Your payment will come by check unless you elect to receive payment electronically on your Proof of Claim. Only one claim may be submitted per Class Member ID although the claim may involve payment you made to HealthPort/Datavant for one or more transactions associated to you. You can choose to seek reimbursement for all transactions associated with your Class Member ID, or select to be reimbursed only for certain transactions from the Transaction List via the Settlement Website, and in either case, you can obtain further information about each transaction by visiting the Settlement Website.

What are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator, which must be received no later than October 1, 2026. If you exclude yourself, you cannot get a Settlement Benefit, but you keep any rights you may have to sue the Defendants over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than September 16, 2026. Specific instructions about how to object to, or exclude yourself from (or "opt out" of), the settlement are available on the Settlement Website. If you file a claim or do nothing, and the Court approves the settlement, you will be bound by all of the Court's orders and judgments. In addition, all of your claims relating to the Defendants' alleged acts and/or omissions will be released.

Who Represents Me? The Court has appointed the following lawyers to represent the Settlement Class: James M. Pietz, Esq., Paul Lagnese, Esq. and John Worgul, Esq. These attorneys are called Class Counsel. You will not be charged for Class Counsel. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at 9:00 AM on October 16, 2026. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and reimbursement of costs and expenses; and decide whether to award the Class Representative a service award of up to $25,000 from HealthPort/Datavant for his service in helping to bring and settle this case. Class Counsel may request reasonable attorneys' fees in an amount of $1,620,678 to be paid by Datavant but the Court may award less than this amount. Class Counsel may also seek reimbursement of reasonable costs and expenses of $32,500 to be paid by Datavant, as approved by the Court. Neither will affect the amount of your Settlement Benefit.

How Do I Get More Information? For more information, including the full Notice, Proof of Claim, and the operative settlement, You can call 1-888-966-4765 toll free or visit the website at www.HealthportSettlementPA.com. You can also contact the Settlement Administrator via email at info@HealthportSettlementPA.com.

YOUR SETTLEMENT BENEFIT

Class Member ID/Notice ID: <<noticeid>> **PIN:** <<pin>> QR Code: **Class Member's Name:** <<fname>> <<lname>>	**Total Settlement Benefit Available to Claim:** <<settlementbenefit>> **Total Number of Transactions:** <<transactions>>

Exhibit B

LANDAY v HEALTHPORT/DATAVANT (912)
PO BOX 23459
JACKSONVILLE FL 32241-3459
Postmaster: Do Not Mark Barcode

Your Class Member ID/ Notice ID: «noticeid»

PIN: «PIN»

[INSERT PERSONALIZED QR CODE]

«fname» «lname»
«addrline1» «addrline2»
«addrcity» «addrstate» «addrzip»

PATIENT NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
David M. Landay v. Datavant LLC, successor to HealthPort Technologies, LLC., GD-09-012923
(**Court of Common Pleas of Allegheny County, Pennsylvania**)

HealthPort/Datavant's Records Indicate You May Be Entitled to a Payment from a Class Action Settlement.

A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

This Notice is to inform you that a settlement has been reached in a class action lawsuit against Datavant LLC, successor to HealthPort Technologies, LLC. This lawsuit claims that HealthPort (before it became known as Datavant) failed to comply with the Pennsylvania Medical Records Act (MRA) between July 15, 2005, and September 3, 2012. The claims are that HealthPort overcharged persons, including businesses, that paid for copies of medical records from Pennsylvania Hospitals and Healthcare Providers. The Plaintiffs allege that HealthPort, instead of charging persons the estimated actual and reasonable expenses for locating, retrieving, reproducing, and transmitting the records, automatically charged and then collected from persons the maximum charges possible under the MRA. The claims say that HealthPort/Datavant is liable to Plaintiff and a proposed class for money damages for the alleged overpayments. The Defendants deny that they violated any law or overcharged any individual or entities but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.

Am I a Class Member? You are receiving this Notice because you have been identified from the records of HealthPort (now maintained by Datavant, LLC) as a (i) patient or (ii) a non-commercial requestor who requested and paid HealthPort for copies of medical records kept and maintained by a Pennsylvania Hospital or Healthcare Provider. You have rights under the proposed class action settlement if you are a member of the following group:

> All patients, patient representatives, patient designees, including insurance companies and attorneys (including but not limited to, prosecuting, defense, or plaintiffs' attorneys) designated by a patient or patients' agents and representatives to obtain a patient's medical records, who made a request or others who served a subpoena without being designated by a patient ("Record Requests") to a Pennsylvania healthcare provider or facility to obtain copies of medical records and who were charged and paid to HealthPort Technologies LLC and or its subsidiaries the maximum basic, search and retrieval, and/or reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) of the Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 with payment of the charges made between July 15, 2005 through September 3, 2012 and that was sent Mail Notice.

What Can I Get? The proposed settlement provides that, for class members who submit a valid timely claim, the class member shall be paid an amount equal to 35% of the amounts paid to HealthPort for basic fees, search and retrieval fees, and/or per page copying fees for each medical record request associated with the identified class member. This is known as the Settlement Benefit. Defendant maintains records of the amount of basic fees, search and retrieval fees, and/or per page copying fees invoiced to and paid by each identified class member for each request. The aggregate Settlement Benefit as calculated based upon these records is set forth on the attached Proof of Claim or on your Proof of Claim maintained on the settlement website which you can access using your Class Member ID (QR Code or Notice I.D. + Pin) set forth above. If your Proof of Claim is approved, you will

be paid the Settlement Benefit. If you have questions about how the total Settlement Benefit available for you to claim was calculated, by using your Class Member ID you can login at the Settlement Website to access and review a list of the transactions (the "Transaction List") HealthPort/Datavant attributes to record requests and payments you made.

If approved by the Court, the Defendant will pay all valid claims submitted by the Settlement Class, together with the cost to administer the settlement, the cost to inform people about the settlement, attorneys' fees, costs, and expenses, and a service award to the Class Representative. Your Settlement Benefit will not change based on these costs.

How Do I Get a Payment? You must submit a timely and complete Proof of Claim that is received by the Settlement Administrator no later than November 30, 2026. You can do this by submitting a claim on the settlement website, located at www.HealthportSettlementPA.com (the "Settlement Website"), using the Class Member ID (QR Code or Notice I.D. + Pin) located above. You can also do this by mailing your completed Proof of Claim to the Settlement Administrator. Any Proof of Claim submission made by mail should be made as soon as possible to ensure the Proof of Claim is timely received by the Settlement Administrator. A copy of your Proof of Claim is attached to this Notice. Your payment will come by check unless you submit your claim online and elect to receive payment electronically. Only one claim may be submitted per Class Member ID although the claim may involve payments you made to HealthPort for one or more transactions associated to you. You can choose to seek reimbursement for all transactions associated with your Class Member ID, or select to be reimbursed only for certain transactions from the Transaction List via the Settlement Website, and in either case, you can obtain further information about each transaction by visiting the Settlement Website. If you believe that you have a right to a Settlement Benefit because you are the beneficiary of Settlement Class Member, then you may be entitled to submit a Proof of Claim as a Patient Requestor Beneficiary. You can **ONLY** do this by submitting a claim on the Settlement Website.

What are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator, which must be received no later than October 1, 2026. If you exclude yourself, you cannot get a Settlement Benefit, but you keep any rights you may have to sue the Defendants over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than September 16, 2026. Specific instructions about how to object to, or exclude yourself from (or "opt out" of), the settlement are available on the Settlement Website. If you file a claim or do nothing, and the Court approves the settlement, you will be bound by all of the Court's orders and judgments. In addition, all of your claims relating to the Defendants' alleged acts and/or omissions will be released.

Who Represents Me? The Court has appointed the following lawyers to represent the Settlement Class: James M. Pietz, Esq., Paul Lagnese, Esq. and John Worgul, Esq. These attorneys are called Class Counsel. You will not be charged for Class Counsel. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at 9:00 AM on October 16, 2026. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and reimbursement of costs and expenses; and decide whether to award the Class Representative a service award of up to $25,000 from HealthPort/Datavant for his service in helping to bring and settle this case. Class Counsel may request reasonable attorneys' fees in an amount of $1,620,678 to be paid by Datavant but the Court may award less than this amount. Class Counsel may also seek reimbursement of reasonable costs and expenses of $32,500 to be paid by Datavant, as approved by the Court. Neither will affect the amount of your Settlement Benefit.

How Do I Get More Information? For more information, including the full Notice, Proof of Claim, and the operative settlement, You can call 1-888-966-4765 toll free or visit the website at www.HealthportSettlementPA.com. You can also contact the Settlement Administrator via email at info@HealthportSettlementPA.com.

PROOF OF CLAIM

Class Member ID/Notice ID: <<noticeid>> **PIN:** <<pin>> **Class Member:** «fname» «mname» «lname» «suffix» «addrline1» «addrline2» «addrcity» «addrstate» «addrzip»	**Total Settlement Benefit Available to Claim:** <<settlementbenefit>> **Total Number of Transactions:** <<transactions>> QR Code:

Landay v. Datavant LLC, successor to known as HealthPort Technologies, LLC, GD No. 09-012923

Court of Common Pleas of Allegheny County

COMPLETE IN ORDER TO BE ELIGIBLE TO RECEIVE PAYMENT FOR THE RETURN OF CERTAIN CHARGES FOR THE REQUEST OF MEDICAL RECORDS

THERE ARE TWO WAYS YOU CAN PROVIDE A COMPLETED PROOF OF CLAIM TO THE SETTLEMENT ADMINISTRATOR.

THE FIRST WAY TO SUBMIT A PROOF OF CLAIM IS ON THE SETTLEMENT WEBPAGE: WWW.HEALTHPORTSETTLEMENTPA.COM BY USING YOUR CLASS MEMBER ID (QR Code or Notice I.D. + Pin). YOUR SIGNED, COMPLETED PROOF OF CLAIM MUST BE SUBMITTED TO THE SETTLEMENT ADMINISTRATOR ELECTRONICALLY, NO LATER THAN NOVEMBER 30, 2026.

THE SECOND IS THAT YOU MAY COMPLETE AND SUBMIT THIS PROOF OF CLAIM BY FIRST CLASS U.S. MAIL, POSTAGE PAID, AND RECEIVED BY THE SETTLEMENT ADMINISTRATOR ON OR BEFORE NOVEMBER 30, 2026 ADDRESSED AS FOLLOWS:

Landay v HealthPort/Datavant,
c/o Settlement Administrator,
PO Box 23459,
Jacksonville, FL 32241.

INSTRUCTIONS

1. You must: (a) complete all applicable portions of this Proof of Claim; (b) sign the Proof of Claim under penalty of perjury; and (c) follow all the instructions herein, before submitting.

2. If you need information about the medical record requests that you requested and that you paid for according to HealthPort's records, you may use your Class Member ID (QR Code or Notice I.D. + Pin) set forth above to access your account at the Settlement Website and view your Transaction List. Your Transaction List shows the following information for each transaction: Invoice Number for the Record Request(s) HealthPort/Datavant associates as being made and paid for by a Class Member, the date HealthPort issued an invoice for payment, the identity of the person whose records were the subject of the Record Request, the identity of the healthcare provider the Record Request was made to, the amount of payment the HealthPort's records indicates was made to HealthPort, and the amount of the Settlement Benefit being made available by the Settlement for each Record Request payment attributable to a Settlement Class.

3. If you review the Transaction List online and determine you desire to only submit a claim for a limited number of transactions, you must electronically submit the Proof of Claim on the Settlement Website and select the specific transactions for which you claim reimbursement. You may still submit a claim form online for all transactions as well.

4. You have a right to elect to receive your Settlement Benefit payment by one of six different methods, including by: (1) a paper check sent via mail; (2) Zelle, (3) PayPal, (4) Venmo, (5) electronic Mastercard,

and (6) ACH. If you want payment method other than by a paper check, you must electronically submit the Proof of Claim on the Settlement Website because you must submit further information with your Proof of Claim so that the Settlement Administrator can process your payment.

ACCURATE CLAIMS PROCESSING TAKES TIME.
YOUR PATIENCE IS APPRECIATED.

PROOF OF CLAIM

If this address printed on the reverse page is incorrect, please correct in the space below:		
Claimant Name ↳		
First Name	MI	Last Name
Street Address ↳		
City ↳	State ↳	Zip Code ↳

PATIENT REQUEST CERTIFICATION

I, _____, certify that:

☐ I am identified as Class Member ID No. <<NOTICEID>> on the Notice of Class Action Settlement.

☐ I have not assigned my claims to any person, and to my knowledge, no other person has submitted a Proof of Claim related to my medical records requests.

☐ I assert a claim for the Total Settlement Benefit Available to Class Member ID No. <<NOTICEID>>

☐ I understand that claims may be audited for veracity and accuracy. I agree to provide in a timely manner any additional necessary information within my possession as is reasonably requested by the Claims Administrator to validate my claim, and I understand that my claim may be rejected if I fail to respond to a request by the Claims Administrator for additional information.

Disclosure: By signing below, I declare that I have read the terms and conditions of the class action settlement and this Proof of Claim and that the information provided is true and correct to the best of my knowledge, under penalty of perjury.

_____
Signature
Dated ___-____-____ (MM-DD-YY)

Printed Name: _____

Administrative use only- Do not write below this line

912 «noticeidbarcode»	*Docket*	*Postmark*	*Received*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID M. LANDAY,	CIVIL DIVISION
Representative Plaintiff,	CLASS ACTION
v.	No. GD-09-012923
DATAVANT, LLC. formerly known as Health Port Technologies LLC,	
Defendant.	

(PROPOSED) FINAL JUDGMENT APPROVING CLASS SETTLEMENT, PAYMENT OF INCENTIVE AWARD AND ATTORNEYS' FEES/COSTS AND ORDER OF DISMISSAL WITH PREJUDICE

WHEREAS:

This matter having come before the Court on the Motion of the parties for Final Approval of Class Action Settlement, in accordance with a Class Settlement Agreement and Release ("Settlement Agreement"), by and between Datavant, LLC, formerly known as Health Port Technologies, LLC ("Datavant" or "Defendant"), on the one hand, and named Plaintiff David M. Landay, Esq. ("Landay") on behalf of himself and the members of the Settlement Class (collectively "Class Members" or "Class Plaintiffs") in the above-styled action (the "Action");

A Fairness Hearing having been held before the Court on October 15, 2026, pursuant to this Court's Order of Preliminarily Approval of Class Settlement and Providing for Notice and Hearing (the "Order");

Notice having been given to the Class Members pursuant to the Order, and the respective parties having appeared by their attorneys of record;

The Court having heard and considered the positions advanced in support of the proposed settlement of this Action, the attorneys for the parties having been heard, and an opportunity to be heard having been given to all other persons requesting to be heard in accordance with the Order and Class Notice;

The Court having determined that this Action satisfies the requirements of Pa.R.Civ.P. 1702, 1708 and 1709 with respect to a settlement class of persons defined as:

> All patients, patient representatives, patient designees, including insurance companies and attorneys (including but not limited to, prosecuting, defense, or plaintiffs' attorneys) designated by a patient or patients' agents and representatives to obtain a patient's medical records, who made a request or others who served a subpoena without being designated by a patient ("Record Requests") to a Pennsylvania healthcare provider or facility to obtain copies of medical records and who were charged and paid to HealthPort Technologies LLC and or its subsidiaries the maximum basic, search and retrieval, and/or reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) of the Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 with payment of the charges made between July 15, 2025 through September 3, 2012 and that was sent Mail Notice. This definition does not include medical record copying requests that did not require a patient authorization or where the maximum basic, search and retrieval, and reproduction fees as set forth in 42 Pa.C.S. § 6152(a)(2)(i) Pennsylvania Medical Records Act as was effective between July 15, 2005 and September 3, 2012 were **not** charged and paid, including the following examples (a) requests for radiological reports; (b) insurance companies performing auditing functions pursuant to a written contract; (c) healthcare providers or facilities; and (d) governmental entities. Excluded from the class are also (a) any present or former counsel for Defendant in this Litigation; (b) the Court, the Courts immediate family, and the Court staff; and (c) Class Counsel.

("Class Members");

Notice to the Class Members having been adequate and sufficient and in compliance with all the requirements of due process;

The Court having determined that it has jurisdiction over the subject matter of the Action and over all parties to the Action, including Class Members; and

No objections having been filed by Class Members.

After reviewing the Settlement Agreement, considering the record, pleadings and other documents filed in support of the request for final approval of the Settlement, and the presentations of counsel, the Court finds as follows:

1. The question presented on a motion for final approval of a proposed class action settlement is whether the proposed settlement is fair, reasonable and adequate within Pa.R.Civ.P. 1714 considering the following factors:

A. the risks of establishing liability and damages;

B. the range of reasonableness of the settlement in light of the best possible recovery;

C. the range of reasonableness of the settlement in light of all the attendant risks of litigation;

D. the complexity, expense and likely duration of the litigation;

E. the state of the proceedings and the amount of discovery completed;

F. the recommendations of competent counsel; and

G. the reaction of the class to the settlement.

Dauphin Deposit Bank and Trust Co. v. Hess, 727 A.2d 1076, 1079-1080 (Pa. 1999).

A. The Risks of Establishing Liability

2. This factor surveys the possible risks of litigation to balance the likelihood of success and potential damages against the benefit of settlement.

3. The Class Plaintiffs face risks that their claims might be dismissed in total. The Class Plaintiffs face a risk that they may not sufficiently establish that Defendant's conduct was

actionable and, therefore, may not recover actual damages. The Class Plaintiffs also face risk that the Court would not grant certification of the class.

4. These considerations weigh in favor of settlement.

B. The Range of Reasonableness of the Settlement considering the Best Possible Recovery

5. An assessment of the reasonableness of a proposed settlement seeking monetary relief requires analysis of the present value of the damages a plaintiff would likely recover if successful, appropriately discounted for the risk of not prevailing.

6. The best possible recovery that plaintiffs might achieve would be to recover an amount for alleged implied breach of contract damages. The settlement, therefore, provides relief well within the range of relief that could be obtained at trial.

7. Considering the questions of law and fact present in this litigation, the value of the proposed settlement outweighs the mere possibility of future relief. The expense of a trial on the implied breach of contract claim and on individual class member damages would be substantial. The continued litigation of this matter would require a large expenditure of the court's and the parties' resources. The Pennsylvania Supreme Court has already recognized in this case that "several (possibly complicated) factual and legal issues" would require consideration, including the existence of numerous defenses, the nature and scope of "actual and reasonable expenses," and whether "actual and reasonable expenses" may include a profit margin. *See Chiurazzi Law, et al. v. MRO Corp.*, 626 Pa. 303, 337-339 (Pa. 2014).

8. Moreover, considering the highly contested nature of liability, it is likely that any judgment entered would be the subject of post-trial motions and appeals, further prolonging the litigation and reducing the value of any recovery. This Action has already

undergone very many years of litigation, including substantial appellate litigation. Thus, a settlement is advantageous to all concerned. An appeal of a damage award could seriously and adversely affect the scope of an ultimate recovery, if not the total recovery itself.

9. While Class Plaintiffs may be confident of their ability to prevail at trial, no adjudication has been made as to the validity of their claims. The Court also recognizes that Defendant has continued to deny all liability and allegations of wrongdoing and that some or all of Class Plaintiffs' claims could be dismissed in connection with dispositive motions that would surely be filed, if the settlement were not approved.

10. The proposed settlement represents a substantial benefit for the Class Plaintiffs. Here, the Settlement Agreement provides for claims-made payments based upon damage amounts that such persons could potentially receive were the action to proceed to a trial on the merits.

C. The Range of Reasonableness of the Settlement in Light of all the Attendant Risks of Litigation

11. The third *Dauphin* factor is intended to compare the present value of the damages plaintiff would likely recover if successful, appropriately discounted for the risk of not prevailing, with the amount of the proposed settlement.

12. Here, the Class Plaintiffs face potential risk that the entirety of their claims may be dismissed, class certification may be denied, a jury may find for Datavant, or that a jury may not award any damages. Despite these risks, the settlement confers a recovery based upon an assumption that these risks may be overcome.

13. This factor supports approval of the settlement.

D. The Complexity, Expense and Likely Duration of the Litigation

14. Absent the settlement, future proceedings would continue to take a substantial time and would be costly. Future proceedings would include summary judgment motions and argument, class certification proceedings, a trial on the merits of the implied breach of contract claims and on damages, possibly objections to class certification and, given the novel legal issues presented, an appeal. Both parties would be required to extensively brief and argue the issues. Whether or not the case proceeded on a class basis, further discovery must be pursued, dispositive motions must be prepared and filed, and trial preparation on both sides would be necessary. Given Defendant's vigorous advocacy of the contention that it did not violate the law, it would be unrealistic not to expect appeals from any result reached on the question of liability or of damages.

15. Avoidance of this unnecessary expenditure of time and resources clearly benefits all parties.

E. The Stage of the Proceedings and the Amount of Discovery Completed

16. A settlement should not be approved if the parties do not have an adequate appreciation of the merits of the case.

17. The proposed settlement was reached at a point in the litigation where the parties have a clear understanding of the factual basis for the claims and defenses. With very many years of litigation completed, the parties have an appreciation for the class certification issues, the issues for dispositive motions, potential damages, and the risk of trial.

F. The Recommendations of Competent Counsel

18. Courts recognize that the opinion of experienced and informed counsel in favor of settlement should be afforded substantial consideration in determining whether a class settlement is fair and adequate.

19. Here, Plaintiff's and Defense Counsel are experienced in class action litigation.

20. This factor further supports approval of the settlement.

G. The Reaction of the Class to the Settlement

21. On July 16, 2026, notices were individually mailed to Class Members advising them of the terms of the settlement and their right to exclude themselves from the Class. *See* Declaration of Settlement Administrator American Legal Claim Services. ("ALCS") The deadline for Class members to exclude themselves was October 1, 2026. The deadline for Class members to object was September 16, 2026.

22. Eleven (11) Class Members have exercised the right to opt out and no objections have been filed to date. *See* ALCS Declaration. The fact that there are 11 opt-outs by Class Members, and no objections, is convincing evidence of the proposed settlement's fairness and adequacy.

23. In conclusion, most if not all the factors discussed above weigh in favor of the settlement of this class action.

H. The Representative Plaintiff is Entitled to an Incentive Payment for Participation in This Action

24. Courts routinely approve incentive awards to compensate a named plaintiff for the services he/she provided and the risks they incurred during the class action litigation. The payment of $ 25,000 provided to David M. Landay is within the range of incentive awards authorized in consumer class actions.

I. Class Counsel is Entitled to the Requested Attorneys' Fees and Costs as Provided in the Settlement Agreement

25. Upon consideration of the Plaintiff's Motion for Award and Approval of Attorneys' Fees/Costs and the supporting materials submitted in support of the Motion, the Court

finds that the $1,620,678 to Settlement Class Counsel for reasonable attorneys' fees and no more than $32,500 in fees and costs, as negotiated by the parties, is reasonable and appropriate. In so holding, the Court has considered and reviewed the Plaintiff's Counsel's Motion, Brief and Declaration(s) in support of the request for approval of attorneys' fees and costs in this matter and finds that Plaintiff's Counsel's request is reasonable under the factors applicable to the award of attorneys' fees and costs under Pennsylvania law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Court has jurisdiction over the subject matter of the Action, the Class Members, and the Defendant.

2. The Settlement Class has been preliminarily certified under Pa.R.Civ.P. 1702, 1708 and 1709, with the named Plaintiff in the Action serving as the representative of the Class. For the reasons stated in the Order, the Court finds that the Settlement Class shall be certified for final settlement purposes.

3. The Settlement Agreement was reached after arm's-length negotiations between the parties. The Settlement Agreement and the proposed Settlement are fair, reasonable and adequate, consistent and in compliance with all applicable requirements of the United States Constitution (including the Due Process Clause), the Pennsylvania Rules of Civil Procedure, the Rules of Court and any other applicable law, and in the best interests of each of the parties and the Class Members. The terms of the Settlement Agreement and this Final Judgment are binding on Plaintiff and all other Class Members, except those who timely and properly filed a request for exclusion and whose names are listed in Exhibit A hereto, as well as their heirs, executors and administrators, successors and assigns, and those terms shall have res judicata, collateral

estoppel and all other preclusive effect in all pending and future claims, lawsuits or other proceedings, including all forms of alternative dispute resolution, maintained by or on behalf of any such persons, to the extent those claims, lawsuits or other proceedings involve matters that were or could have been raised in this Action or are otherwise encompassed by the release set forth in the Settlement Agreement.

4. The Class Notice and the notice methodology, implemented pursuant to the Settlement Agreement: (i) constituted the best practicable notice; (ii) constituted notice that was reasonably calculated, under the circumstances, to apprise Class Members of the pendency of the Action, their right to object to or exclude themselves from the proposed Settlement and their right to appear at the Fairness Hearing; (iii) were reasonable and constituted due, adequate and sufficient notice to all persons entitled to receive notice; and (iv) met all applicable requirements of the Pennsylvania Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Rules of Court and any other applicable law.

5. Except as to any individual who has validly and timely requested exclusion from the Settlement Class, this Court hereby dismisses with prejudice and without costs (except as otherwise provided in the Settlement Agreement) the Action against Defendant. Plaintiff and all Class Members, and any person or entity acting on their behalf, are permanently barred and enjoined from: (i) filing, commencing, prosecuting, intervening in, participating in (as class members or otherwise), or receiving any benefits or other relief from, any other lawsuit, in any state or federal court, arbitration, or administrative, regulatory or other proceeding or order in any jurisdiction based on or relating to the claims and causes of action, or the facts and circumstances relating thereto, in this Action; and (ii) organizing such nonexcluded Class

Members into a separate class for purposes of pursuing as a purported class action (including by seeking to amend a pending complaint to include class allegations, or by seeking class certification in a pending action) any lawsuit based on or relating to the claims and causes of action, or the facts and circumstances relating thereto, in this Action.

6. The Lawsuit is hereby dismissed with prejudice.

7. The releases set forth in the Settlement Agreement are hereby approved.

8. Except for the obligations expressly provided for in the Settlement Agreement, Class Members fully and finally release the Defendants from the claims in this Action as defined in the Settlement Agreement.

9. The parties are authorized, without further approval from the Court, to agree to and to adopt such amendments, modifications and expansions of the Settlement Agreement and all exhibits attached hereto as: (i) are consistent with the Final Judgment; and (ii) which do not limit the rights of Class Members under the Agreement.

10. The Court hereby grants the request for a Class Representative Award of $ 25,000 to David M. Landay. The Class Representative payment will be paid to Plaintiff as provided in pursuant to Section 8.3 of the Settlement Agreement.

11. Plaintiff's Counsel are hereby awarded $ $1,620,678 in attorneys' fees and $32,500 costs and expenses to be paid by Defendant pursuant to Section 8.1 of the Settlement Agreement.

12. Without affecting the finality of the Final Judgment, the Court shall retain jurisdiction over the Action and the parties and Class Members, and the administration and enforcement of the Settlement, for a period of three (3) years following the entry of this Order.

SO ORDERED this ___ day of _____ 2026.

BY THE COURT:

_____J.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Dated: October 1, 2026

s/James M. Pietz
James M. Pietz

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon counsel of record by Electronic Mail this 1st Day of October 2026 addressed as follows:

Leland P. Schermer, Esquire
MARCUS & SHAPIRA LLP
301 Grant Street, 35th Floor
One Oxford Centre
Pittsburgh, PA 15219
schermer@marcus-shapira.com

s/
James M. Pietz