

If you purchased or paid for Assisted Reproductive Technology (ART) IVF services from Center for Advanced Reproductive Services, P.C. (CARS) or Reproductive Medicine Associates of Connecticut (RMACT) from January 1, 2004, through July 19, 2022, you may be entitled to benefits from a settlement.

A state court has authorized this Notice. This is not a solicitation from a lawyer.

- A \$2.85 million Settlement has been reached in a class action lawsuit against Women’s Health USA, Inc.; In Vitro Sciences, LLC; Center for Advanced Reproductive Services, P.C. (“CARS”); and Reproductive Medicine Associates of Connecticut (“RMACT”) (collectively “Defendants”). The Settlement is regarding Defendants’ alleged conspiracy to artificially raise, fix, maintain, or stabilize prices for Assisted Reproductive Technology (“ART”) IVF services and to allocate geographic markets for ART services, which resulted in restricted competition and artificially high prices in violation of the Connecticut Antitrust Act. Defendants have decided to settle this action in order to avoid the burden and expense of litigation, and each maintains that their actions were lawful and did not result in higher prices.
- You are a “Settlement Class Member” if you purchased or paid for, in whole or in part, Assisted Reproductive Technology (“ART”) services from the Center for Advanced Reproductive Services, P.C. (“CARS”) or Reproductive Medicine Associates of Connecticut (“RMACT”) from January 1, 2004, through July 19, 2022.
- Settlement Class Members may file a Claim Form to receive a percentage of out-of-pocket costs paid for ART services from CARS or RMACT. Settlement Class Members who file a valid, timely Claim Form will receive a pro rata share (a legal term that means proportional share based on the amount you paid for ART services relative to the total amounts paid by all other claiming Settlement Class Members) of the \$2.85 million Settlement Fund, as a cash payment, minus attorneys’ fees, expenses, and costs, service awards, and the cost of settlement administration.

This Notice may affect your rights. Please read it carefully.

Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM	The only way to get money from the Settlement is to submit a Claim Form.	January 4, 2023
EXCLUDE YOURSELF	Get no Settlement benefits. Keep your right to file your own lawsuit against the Defendants about the legal claims in this case.	November 16, 2022
OBJECT	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it.	November 16, 2022
DO NOTHING	Get no Settlement benefits. Be bound by the Settlement.	

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees, expenses, and costs. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.

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BASIC INFORMATION

1. Why is this Notice being provided?

A state court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval to the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

The Honorable Kenneth B. Povodator is overseeing this class action. The case is known as *Kent et al. v. Women's Health USA, Inc. et al.*, Case No. FST-CV-21-6054676-S (Superior Court Judicial District of Stamford/Norwalk) (the "Action"). The people who filed this lawsuit are called the "Plaintiffs" or "Plaintiff Class Representatives" and the companies sued, Women's Health USA, Inc.; In Vitro Sciences, LLC; Center for Advanced Reproductive Services, P.C. ("CARS"); and Reproductive Medicine Associates of Connecticut ("RMACT") are called the "Defendants."

2. What is this lawsuit about?

The Plaintiffs allege that they were injured as a result of Defendants' participation in a conspiracy to artificially raise, fix, maintain, or stabilize prices for Assisted Reproductive Technology ("ART") services and to allocate geographic markets for ART services, which resulted in restricted competition and artificially high prices in violation of the Connecticut Antitrust Act.

The Defendants deny any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing, or that any law has been violated. The Defendants deny these and all other claims made in the Action. By entering into the Settlement, the Defendants are not admitting any wrongdoing.

3. Why is the lawsuit a class action?

In a class action, Plaintiff Class Representatives sue on behalf of all people who have similar claims. Together, all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves (opt out) from the Settlement Class.

4. Why is there a Settlement?

The Plaintiffs and Defendants do not agree about the claims made in this Action. The Action has not gone to trial, and the Court has not decided in favor of the Plaintiffs or Defendants. Instead, the Plaintiffs and Defendants have agreed to settle the Action. Plaintiffs and the attorneys for the Settlement Class ("Class Counsel") believe the Settlement is best for all Settlement Class Members because of the Settlement benefits and, the risks and uncertainty associated with continued litigation, and the nature of the defenses raised by the Defendants.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are a "Settlement Class Member" if you purchased or paid for, in whole or in part, Assisted Reproductive Technology ("ART") services from the Center for Advanced Reproductive Services, P.C. ("CARS") or Reproductive Medicine Associates of Connecticut ("RMACT") from January 1, 2004, through July 19, 2022.

6. Are there exceptions to being included in the Settlement?

Yes. Excluded from the Settlement Class are Defendants' officers, directors, and employees; all counsel of record; and the Court, Court personnel, and members of their immediate families.

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the settlement website at IVFSettlement.com or call the Settlement Administrator's toll-free number at 1 (855) 675-2845.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member, you must submit a valid and timely Claim Form to receive a share of the Settlement Fund based on the amount you paid for ART services (IVF services) from CARS or RMACT during the relevant period. Settlement Class Members who file a valid, timely Claim Form will receive a pro rata share (a legal term that means proportional share based on the amount you paid for ART services relative to the total amounts paid by all other claiming Settlement Class Members) of the \$2.85 million Settlement Fund, as a cash payment, minus attorneys' fees, expenses, and costs, service awards, and the cost of settlement administration.

9. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you exclude yourself (opt out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendants and Releasees about the legal issues in this Action that are released by this Settlement. The specific rights you are giving up are called "Released Claims."

10. What are the Released Claims?

The Settlement Agreement in Section C, paragraph 17 describes the Release, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at IVFSettlement.com or in the public Court records on file in this lawsuit. For questions regarding the Release or Released Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in Question 14 for free, or you can talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

11. How do I make a claim for Settlement benefits?

To submit a claim for a payment from the Settlement Fund for out-of-pocket costs paid, in whole or in part, for ART services from CARS or RMACT, you must submit a valid Claim Form to the Settlement Administrator by **January 4, 2023**. Claim Forms can be submitted online at IVFSettlement.com or by mail. If by mail, the Claim Form must be **postmarked** by **January 4, 2023**. The quickest way to submit a claim is online. Claim Forms are also available by calling 1 (855) 675-2845 or by writing to:

Settlement Administrator
P.O. Box 2956
Portland, OR 97208-2956

12. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1 (855) 675-2845 or by writing to:

Settlement Administrator
P.O. Box 2956
Portland, OR 97208-2956

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.

13. When will I receive my Settlement benefits?

If you file a timely and valid Claim Form, payment will be provided by the Settlement Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check IVFSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

Yes, the Court has appointed Jonathan Jagher of Freed Kanner London & Millen LLC and Jonathan Shapiro of Aeton Law Partners LLP, as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this Action. Class Counsel can be contacted at:

Jonathan Jagher
Freed Kanner London & Millen LLC
923 Fayette Street
Conshohocken, PA 19428

Jonathan Shapiro
Aeton Law Partners LLP
311 Centerpoint Drive
Middletown, CT 06457

15. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees up to 1/3 of the Settlement Fund, plus reimbursement of expenses and costs. They will also ask the Court to approve service awards not to exceed \$10,000 per Plaintiff Class Representative for participating in this Action and for their efforts in achieving the Settlement. If awarded by the Court, attorneys' fees, expenses, and costs, Plaintiff Class Representative service awards, plus interest on such attorneys' fees, costs, and expenses at the same rate and for the same period as earned by the Settlement Fund (until paid) will be paid out of the Settlement Fund. The Court may award less than these amounts.

Class Counsel's application for attorneys' fees, expenses, and costs and service awards will be made available on the settlement website at IVFSettlement.com before the deadline for you to comment or object to the Settlement.

OPTING OUT FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendants on your own based on the claims raised in this Action or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from or "opting out" of the Settlement.

16. How do I get out of the Settlement?

To opt out of the Settlement, you must mail a written notice of intent to opt out. The written notice must be signed, include your name and address, and clearly state that you wish to be excluded from the Settlement Class.

The opt out request must be mailed to the Settlement Administrator, **postmarked by November 16, 2022:**

Settlement Administrator
P.O. Box 2956
Portland, OR 97208-2956

You cannot exclude yourself by telephone or by email.

17. If I opt out, can I get anything from the Settlement?

No. If you opt out, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement benefits if you stay in the Settlement.

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.

18. If I do not opt out, can I sue the Defendants for the same thing later?

No. Unless you opt out, you give up any right to sue the Defendants and Releasees for the claims this Settlement resolves. You must opt out of this Action to start or continue with your own lawsuit or be part of any other lawsuit against the Defendants or any of the Releasees. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement or requested attorneys' fees, expenses, and costs. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees, expenses, and costs. To object, you must file timely written notice as provided below no later than **November 16, 2022**, stating you object to the Settlement. The objection must include all the following additional information:

- (1) Your full name and address;
- (2) The case name and docket number, *Kent et al. v. Women's Health USA, Inc. et al.*, Case No. FST-CV-21-6054676-S (Superior Court Judicial District of Stamford/Norwalk) (the "Action");
- (3) Information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of your settlement notice or a statement explaining why you believe you are a Settlement Class Member);
- (4) A written statement of all reasons for the objection, accompanied by any legal support for the objection you believe is applicable;
- (5) The identity of any and all counsel representing you in connection with the objection;
- (6) A statement whether you and/or your counsel will appear at the Final Fairness Hearing; and
- (7) Your signature or the signature of your duly authorized attorney or other duly authorized representative (if any) representing you in connection with the objection.

To be timely, written notice of an objection in the appropriate form must be mailed to the Settlement Administrator, **postmarked by November 16, 2022**:

Settlement Administrator
P.O. Box 2956
Portland, OR 97208-2956

Any Settlement Class Member who fails to comply with the requirements for objecting waives and forfeits any and all rights they may have to appear separately and/or to object to the Settlement Agreement and will be bound by all the terms of the Settlement Agreement and by all proceedings, orders, and judgments in the Action.

20. What is the difference between objecting and asking to opt out?

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees, expenses, and costs. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

THE FINAL FAIRNESS HEARING

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

The Court will hold a Final Fairness Hearing on **December 5, 2022, at 2:00 p.m.** before Judge Kenneth B. Povodator, remotely via Zoom. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsels' application for attorneys' fees, expenses, and costs, Plaintiff Class Representative service awards, plus interest on such attorneys' fees, costs and expenses at the same rate and for the same period as earned by the Settlement Fund (until paid). If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.

Note: The date and time of the Final Fairness Hearing are subject to change. Any change will be posted at IVFSettlement.com.

22. Do I have to attend to the Final Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to speak about it. As long as you file or mail your written objection on time, the Court will consider it.

23. May I speak at the Final Fairness Hearing?

Yes, as long as you do not exclude yourself (opt out), you can (but do not have to) participate and speak for yourself in this Action and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you at the hearing, you must follow all of the procedures for objecting to the Settlement listed in Question 19 and specifically include a statement whether you and your counsel will appear at the Final Fairness Hearing.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement benefits. You will give up rights explained in the “Opting Out from the Settlement” section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants or any of the Releasees about the legal issues in this Action that are released by the Settlement Agreement relating to the Action.

GETTING MORE INFORMATION

25. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at IVFSettlement.com, by calling 1 (855) 675-2845, or by writing to:

Settlement Administrator
P.O. Box 2956
Portland, OR 97208-2956

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT’S CLERK
OFFICE REGARDING THIS NOTICE.**

Questions? Go to IVFSettlement.com or call 1 (855) 675-2845.