

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE ANTHEM, INC. DATA BREACH
LITIGATION

Case No. 5:15-MD-02617-LHK

The Honorable Lucy H. Koh

AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE

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The May 31, 2017 Settlement Agreement between the Parties is hereby amended as follows:

1. DEFINITIONS

Section 1.4 is amended as follows:

“Agreement” or “Settlement Agreement” means this Settlement Agreement, as amended by the Amendment to Settlement Agreement and Release. The terms of the Settlement Agreement are set forth in this Settlement Agreement, the Amendment to Settlement Agreement and Release, and the exhibits to the Settlement Agreement and the Amendment to Settlement Agreement and Release.

Section 1.8 is amended as follows:

“Claim Form” means the form Settlement Class Members submit (either in paper form or via the Settlement Website) to select Credit Services or Alternative Compensation, attached to the Amendment to Settlement Agreement and Release as Exhibit 11.

Section 1.20 is amended as follows:

“Notice” means notice of the proposed class action settlement to be provided to Settlement Class members pursuant to the Notice Plan approved by the Court in connection with preliminary approval of the Settlement, substantially in the forms attached to the Amendment to Settlement Agreement and Release as Exhibit 10.

Section 1.24 is amended as follows:

“Out-of-Pocket Costs Claim Form” means the form (in paper or on the Settlement Website) attached to the Amendment to Settlement Agreement and Release as Exhibit 12.

Section 1.30 is amended as follows:

“Preliminary Approval Order” means an order by the Court that preliminarily certifies a Settlement Class, approves this Agreement, including but not limited to the forms and procedure for providing notice to the Settlement Class, establishes a procedure for Settlement Class Members to object to or opt-out of the Settlement, and sets a date for the Final Fairness Hearing, without material change to the Parties’ agreed-upon proposed preliminary approval order attached to the Amendment to Settlement Agreement and Release as Exhibit 9.

8. PRELIMINARY APPROVAL

Section 8.2 is amended as follows:

Class Counsel shall apply to the Court for entry of the Preliminary Approval Order attached to the Amendment to Settlement Agreement and Release as Exhibit 9. The Preliminary Approval Order shall include approval of the form of notice provided to Settlement Class Members.

9. RELEASE

Section 13.1 is amended as follows:


As of the Effective Date, all Settlement Class Representatives and all Settlement Class Members absolutely and unconditionally release and discharge any and all Released Claims against each and every Defendant, their current, former, and future Affiliates, Parents and Subsidiaries, and every other person or entity, including but not limited to Defendants' customers; any company that provided information technology, information security auditing, or information security support to Defendants; any person or entity that provided data to Defendants that was implicated in the Data Breach; any insurance brokers; the Settlement Class Representatives and Settlement Class Members' employers, health plans, and plan fiduciaries; HITRUST; AllClear ID, Inc.; Mandiant, Inc.; Fire Eye, Inc.; R.R. Donnelley & Sons Company; IBM; Optiv Security Inc.; Microsoft; the Centers for Medicare & Medicaid Services; and any state or federal health insurance exchange. Provided, however, that the Settlement Class Representatives and Settlement Class Members are not releasing (a) the cyber attackers who committed the criminal acts involved in the Data Breach, and (b) any person or entity that intentionally misuses the Personal Information stolen in the Data Breach for unlawful purposes.

14. EFFECTIVE DATE AND TERMINATION

Section 14.1(b) is amended as follows:

(b) The Court enters the Preliminary Approval Order, without material change to the Parties' agreed-upon proposed preliminary approval order attached to the Amendment to Settlement Agreement and Release as Exhibit 9;

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed by themselves or by their duly authorized counsel:



Name: Eve Cervantez, Altshuler Berzon LLP

Title: Co-Lead Plaintiffs' Counsel

Date: 8-24-17



Name: Andrew N. Friedman, Cohen Milstein Sellers & Toll PLLC

Title: Co-Lead Plaintiffs' Counsel

Date: 8-24-17



Name: Craig Hoover, Hogan Lovells US LLP

Title: Attorneys for Defendants Anthem, Inc.; Blue Cross and Blue Shield of Georgia, Inc.; Blue Cross Blue Shield Healthcare Plan of Georgia, Inc.; Anthem Insurance Companies, Inc.; Blue Cross of California; Anthem Blue Cross Life and Health Insurance Company; Rocky Mountain Hospital and Medical Service, Inc.; Anthem Health Plans, Inc.; Anthem Health Plans of Kentucky, Inc.; Anthem Health Plans of Maine, Inc.; HMO Missouri, Inc.; RightCHOICE Managed Care, Inc.; Healthy Alliance Life Insurance Company; Anthem Health Plans of New Hampshire, Inc.; Empire HealthChoice Assurance, Inc.; Community Insurance Company; Anthem Health Plans of Virginia, Inc.; HealthKeepers, Inc.; Blue Cross Blue Shield of Wisconsin; Compcare Health Services Insurance Corporation; Amerigroup Corporation; Amerigroup Services, Inc.; Amerigroup Kansas, Inc.; Amerigroup Washington, Inc.; HealthLink, Inc.; UniCare Life & Health Insurance Company; CareMore Health Plan; The Anthem Companies, Inc.; The Anthem Companies of California, Inc.; Blue Cross and Blue Shield of Alabama; USABLE Mutual Insurance Company, d/b/a Arkansas Blue Cross and Blue Shield; California Physicians' Service d/b/a Blue Shield of California; Blue Cross and Blue Shield of Florida, Inc. d/b/a Florida Blue; CareFirst of Maryland, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; Blue Cross and Blue Shield of Michigan; BCBSM, Inc. d/b/a Blue Cross and Blue Shield of Minnesota; Horizon Healthcare Services, Inc.; Blue Cross and Blue Shield of North Carolina; Highmark Inc. f/k/a Highmark Health Services; Blue Cross and Blue Shield of Vermont; and Health Care Service Corporation, a Mutual Legal Reserve Company

Date:

Name: Brian Kavanaugh, Kirkland & Ellis LLP

Title: Attorneys for Defendants Blue Cross Blue Shield Association and Health Care Service Corporation

Date:

Name: Craig Hoover, Hogan Lovells US LLP

Title: Attorneys for Defendants Anthem, Inc.; Blue Cross and Blue Shield of Georgia, Inc.; Blue Cross Blue Shield Healthcare Plan of Georgia, Inc.; Anthem Insurance Companies, Inc.; Blue Cross of California; Anthem Blue Cross Life and Health Insurance Company; Rocky Mountain Hospital and Medical Service, Inc.; Anthem Health Plans, Inc.; Anthem Health Plans of Kentucky, Inc.; Anthem Health Plans of Maine, Inc.; HMO Missouri, Inc.; RightCHOICE Managed Care, Inc.; Healthy Alliance Life Insurance Company; Anthem Health Plans of New Hampshire, Inc.; Empire HealthChoice Assurance, Inc.; Community Insurance Company; Anthem Health Plans of Virginia, Inc.; HealthKeepers, Inc.; Blue Cross Blue Shield of Wisconsin; CompCare Health Services Insurance Corporation; Amerigroup Corporation; Amerigroup Services, Inc.; Amerigroup Kansas, Inc.; Amerigroup Washington, Inc.; HealthLink, Inc.; UniCare Life & Health Insurance Company; CareMore Health Plan; The Anthem Companies, Inc.; The Anthem Companies of California, Inc.; Blue Cross and Blue Shield of Alabama; USABLE Mutual Insurance Company, d/b/a Arkansas Blue Cross and Blue Shield; California Physicians' Service d/b/a Blue Shield of California; Blue Cross and Blue Shield of Florida, Inc. d/b/a Florida Blue; CareFirst of Maryland, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; Blue Cross and Blue Shield of Michigan; BCBSM, Inc. d/b/a Blue Cross and Blue Shield of Minnesota; Horizon Healthcare Services, Inc.; Blue Cross and Blue Shield of North Carolina; Highmark Inc. f/k/a Highmark Health Services; Blue Cross and Blue Shield of Vermont; and Health Care Service Corporation, a Mutual Legal Reserve Company

Date:



Name: Brian Kavanaugh, Kirkland & Ellis LLP

Title: Attorneys for Defendants The Blue Cross and Blue Shield Association and Health Care Service Corporation, a Mutual Legal Reserve Company

Date: 8/24/17