

# Exhibit B

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
Docket #2277CV00106

_____	)
	)
ELAINE LAFRATTA, individually and in her	)
capacity on behalf of similarly situated class members,	)
Plaintiff	)
	)
v.	)
	)
MEDICAL HEALTHCARE SOLUTIONS, INC.,	)
Defendant	)
-----	)

OBJECTION TO SETTLEMENT

Now comes Robert M. Josephs, Esq., on behalf of himself as a class member, Objects to this proposed settlement in the above captioned civil action, based upon insufficient compensation to the members of the class, no consideration for a large portion of the class members and upon the conduct of the Defendant after the data breach. I state as follows:

STANDING

Based upon the postcard I received and the Proof of Claim I filed, I am a Plaintiff and a class member in the class action entitled above.

ARGUMENT OF INSUFFICIENT COMPENSATION

The proposed compensation in this class action settlement is insufficient for the damage I have suffered because of this breach. I have endured several fraudulent, fake collection calls concerning the breach of my medical records that were held by the Defendant. It is obvious to me that my medical records from this breach have been sold to criminal elements, who are using a fake collection name of "Consumer Collections" with a fake address in Santa Barbara, California. These fake collection calls started on October 25, 2021, and continued to February 14, 2023. These fake collection calls used the actual date of services that I had visited a Harvard Medical Faculty Physicians's doctor at the Beth Israel Hospital between the years of 2018 and 2020 in order to tell me that I had an outstanding lab bill from a fake lab company of "US Diagnostics" or "Lab Corp."

The fake collection call started with the the fake bill collector reciting the true date of service that I saw a Harvard Medical Faculty Physicians's doctor at the Beth Israel Hospital. If I had seen my primary care doctor on that date, the fake collection agency, "Consumer Collections," would state that I had a complete blood test. If I had seen a Harvard Medical Faculty Physicians's specialist at the Beth Israel Hospital on the date in question, the fake lab bill would be for a purported test on that specific body part.

While I did not suffer any monetary loss because I quickly realized there was no collection agency licensed by the Massachusetts Division of Banks as "Consumer Collection," I have suffered emotional anguish and distress due to criminal elements having obtained my medical records from appointments at the Beth Israel Hospital. It is my position my medical records will be bought and sold by various criminal elements for years to come in the future.

#### CONDUCT OF THE DEFENDANT AFTER THE BREACH

In early 2022, after I learned about the data breach of my Beth Israel Hospital and Harvard Medical Faculty Physicians medical records, Beth Israel patient representative had the attorney for the Defendant's insurance company contact me. I informed the insurance attorney of my experiences with the fake collection agency and provided the telephone numbers that were used to contact me. My hope was that some kind of investigation would be done by the insurance company. I was told by the Defendant's insurance company's attorney that it was too difficult to track down owners of telephone numbers. Furthermore, I was told that the hacker was most likely in Russia and would return all the records once a ransom was paid. While the hacker may have been in Russia and may have received a ransom, it is my position that this did not rectify the situation and my medical records were sold to a domestic criminal element, who pretends to be a fake collection agency.

Further, throughout 2022 and early 2023, I contacted the chief legal officer at Harvard Medical Faculty Physicians, the company that hired the Defendant, about doing an investigation on the telephone numbers that had contacted me about the fake lab bills. Again, I was informed that there was no desire to do any investigation on who had contacted me with information about my medical treatments at Beth Israel Hospital.

A great opportunity was lost by the lack of investigation into what domestic criminal party had possession of my Harvard Medical Faculty Physicians and Beth Israel Hospital records. In the end, the Defendant and its insurance company chose the more cost efficient option of having the insurance company propose a nominal settlement to each class member.

#### NO REAL COMPENSATION TO A MAJORITY OF THE CLASS MEMBERS

It appears that the vast majority of the class members will not receive any monetary compensation or any consideration at all from this proposed class action settlement. The vast majority of the class members are being offered fifty (\$50.00) or credit monitoring. I acknowledge that there is a component for up to three (3) hours of compensation for time spent on this matter and up to five thousand dollars (\$5,000.00) in documented losses. It is my position, the vast majority of the class members will not be compensated for up to the three (3) hours of loss time or up to five thousand dollars (\$5,000.00) in documented losses.

The issue with the choice between the fifty dollars (\$50.00) or credit monitoring is that all members of the class were already offered two (2) years of credit monitoring in early 2022, prior to this class action settlement proposal. I did sign up for the two (2) years of credit monitoring in 2022, prior to notice of this class action, and, therefore, I believe that I am not eligible for the fifty dollar (\$50.00) option.

If I do not get compensated for my up to three (3) hours of loss time or my up to five thousand dollars (\$5,000.00) in emotional distress, which I have suffered from the knowledge that criminal elements have my medical records, I will not receive any consideration from this proposed class action settlement. I contend that there are many other class members in my position, who will not receive any additional compensation from this proposed class action settlement.

Wherefore, I request this Court to reject this proposed settlement and grant any other such relief that this Court deems just and proper.

Date: January 4, 2024

Respectfully submitted,

Signed:

/s/ Robert M. Josephs

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