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*Attorneys for Plaintiff and the Putative Class*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MARA BERTON, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

AETNA INC. and AETNA LIFE INSURANCE  
COMPANY,

Defendants.

Case No. 4:23-cv-01849-HSG

Hon. Haywood S. Gilliam, Jr.

**NOTICE OF FILING OF AMENDMENT  
NO. 1 TO SETTLEMENT AGREEMENT**

Hearing: November 6, 2:00 p.m.

Location: Courtroom 2

Filed: April 17, 2023

1 Pursuant to the Court's Minute Entry for proceedings held on November 6, 2025, ECF  
2 No. 135, Plaintiff hereby submits as Exhibit A hereto Amendment No. 1 to the proposed class  
3 action settlement agreement (previously filed at ECF No. 132-5), in support of Plaintiff's Motion  
4 for Order Provisionally Certifying Settlement Class and Preliminarily Approving Class  
5 Settlement (ECF No. 132). A Revised [Proposed] Order Granting Plaintiff's Motion for Order  
6 Provisionally Certifying Settlement Class and Preliminarily Approving Class Settlement is filed  
7 concurrently herewith.

8  
9 DATED: November 17, 2025

Respectfully submitted,

**KATZ BANKS KUMIN LLP**



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Rebecca Peterson-Fisher

*Counsel for Plaintiff and Putative Class*

# EXHIBIT A

## AMENDMENT NO. 1 TO CLASS ACTION SETTLEMENT AGREEMENT

Pursuant to paragraph 136 (“Modification”) of the Class Action Lawsuit Settlement Agreement (“Agreement”) entered into as of the 26<sup>th</sup> day of September 2025, by and among Defendants Aetna Inc. and Aetna Life Insurance Company (together, “Aetna” or “Defendants”) and named Plaintiff Mara Berton (“Class Representative” or “Named Plaintiff”), individually and on behalf of the classes of individual she seeks to represent (altogether, the “Parties), to resolve *Berton v. Aetna Inc., et al.*, Case No. 4:23-cv-01849 (HSB) (N.D. Cal) (the “Civil Action”), the Parties hereby modify the Agreement as follows:

Paragraph 75(b) shall be amended such that the subheading shall be changed from “Class Counsel Review – Class Membership” to “Class Counsel Review – Eligibility.” and amended to read as follows:

(b) If the Administrator determines a Category B Class Member has submitted a completed Attestation, or Aetna determines a potential Category C, D-A, or D-B California Damages Class Member has submitted a Claim with sufficient documentation to demonstrate their membership in the California Damages Class, that Claim shall be considered valid for the purpose of verifying their membership in the California Damages Class. Should Aetna conclude that any individual who has submitted a Claim has not provided sufficient information to verify their membership in the California Damages Class, Aetna shall inform the Administrator and Class Counsel and shall provide to Class Counsel the information and documents relied upon and an explanation of the reasons for its conclusion. Class Counsel shall meet and confer with Aetna, and in the event no resolution is agreed upon, the eligibility dispute shall be submitted to mediation for resolution with the Special Master. For the avoidance of doubt, the Parties understand and agree that the California Damages Class does not include individuals who would

not have qualified for coverage for ICI/IUI under their healthcare plan for reasons other than the Definition of Infertility.

Paragraph 96 is amended to read as follows:

96. The Special Master's duties shall include, but may not be limited to: (1) mediating and resolving disputes about the validity of individual Claims; (2) mediating and resolving disputes about Dollars for Benefits Payments; and (3) evaluating all Special Harm Submissions and allocating amounts from the Special Harms Common Fund to the California Damages Class Members who made such submissions.

Paragraph 134 is amended to read as follows:

134. The Parties shall propose to the Court for approval the following settlement schedule:

|                                                                                                                 |                                          |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Defendant to provide necessary data to Administrator for Class Notice                                           | 5 days after Preliminary Approval Order  |
| Class Notice to be mailed                                                                                       | 14 days after Preliminary Approval Order |
| Response Deadline                                                                                               | 180 days after Class Notice is mailed    |
| Special Harm Submissions Sent to Special Master Where Validity of Claims for Eligibility Purposes is Determined | 15 days after Response Deadline          |
| Deadline to Notify Class Members/Potential Class Members of Deficiencies;                                       | 30 days after Response Deadline          |
| Last Day for Corrections to deficient submissions                                                               | 60 days after Response Deadline          |

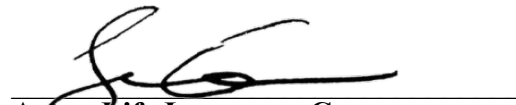
|                                                                                                                                                                 |                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Last Day for Special Master to Resolve Disputes re: Validity of Claims for Eligibility Purposes; Preliminary Special Harms Allocations to Parties/Administrator | 75 days from Response Deadline                                         |
| Administrator to Report Final Class Size to the Parties, Deadline for Aetna to determine Dollars for Benefits Payments                                          | 80 days from Response Deadline                                         |
| Deadline for Final Special Harms Allocation Determinations, Resolution of Contested Dollars for Benefits Payments, Redistribution Payments to be determined     | 95 days after Response Deadline                                        |
| Final Approval Motion Due                                                                                                                                       | 105 days after Response Deadline                                       |
| Fairness Hearing                                                                                                                                                | 135 days after Response Deadline                                       |
| Funding date                                                                                                                                                    | 30 days after Effective Date                                           |
| Payment Date for Settlement Awards, Dollars for Benefits Payments, Service Award, Attorneys' Fees and Costs                                                     | 10 business days after Funding Date                                    |
| Payment Date for Dollars for Benefits Payments                                                                                                                  | 60 days after the Effective Date                                       |
| Check-cashing deadline                                                                                                                                          | 180 days after initial issuance, at least 90 days for re-issued checks |

The Parties may adjust the above deadlines if mutually agreed other than the Response Deadline, Fairness Hearing date, and Payment Date.

Dated: 11/17/2025

  
\_\_\_\_\_  
**Mara Berton**

Dated:

  
\_\_\_\_\_  
**Aetna, Inc.**  
\_\_\_\_\_  
**Aetna Life Insurance Company**

**Approved as to form:**

*For Plaintiff and the Settlement Class:*

Dated: November 17, 2025

  
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*For Defendants:*

Dated: November 17, 2025

  
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