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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re: INVITAE CORPORATION, *et al.* Wind-Down Debtors.[1]	Chapter 11 Case No. 24-11362 (MBK) (Jointly Administered)

PLAINTIFF B.W.'S OPPOSITION TO THE WIND-DOWN DEBTORS' MOTION TO ENFORCE THE PLAN, CONFIRMATION ORDER, AND SALE ORDER

[1] The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at https://www.veritaglobal.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

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1. Plaintiff B.W., an individual, by and through his guardian Julie Wiess ("Plaintiff"), individually and on behalf of all others similarly situated, by and through undersigned counsel, hereby submits this Opposition to the Wind-Down Debtors' Motion to Enforce the Plan, Confirmation Order, and Sale Order [Dkt. No. 1265] (the "Motion to Enforce" or the "Motion"). In support hereof, Plaintiff states as follows:

I. PRELIMINARY STATEMENT

2. The Wind-Down Debtors ("Debtors") seek to misuse this Court's post-confirmation jurisdiction to block a consumer protection action arising under the Illinois Genetic Information Privacy Act ("GIPA"), 410 ILCS 513/1, *et seq*. The genetic data transferred has permanence, uniqueness, and familial implications going both backward in time and forward to generations not yet born. Plaintiff is not seeking to vacate the sales order, modify the sales order, or rescind the transaction. Rather, Plaintiff is seeking redress for violation of Illinois statutory law. The "claim" for Plaintiff and the class arose after bankruptcy confirmation and after the bankruptcy effective date, making Plaintiff neither a creditor nor holder of a discharged claim under the Bankruptcy Code or the Plan.

3. On June 11, 2026, Plaintiff filed a class action complaint, together with a motion for class certification, in Illinois state court (*B.W. v. Invitae Corp.*, No. 2026CH05573) alleging that following approval of the bankruptcy sale, the Debtors unlawfully disclosed and transferred Plaintiff's and the putative Class's highly sensitive biological and genetic data to a third party (Labcorp) without obtaining required written statutory consent under GIPA or otherwise providing notice of the change in possession of the data and samples. Debtors removed the action to the United States District Court for the District of Illinois on July 15, 2026 (Case No. 1:25-cv-08376 (N.D. Ill)) (the "Underlying Action"), where it is currently pending and where the

complaint has been amended to add Labcorp as a party. Labcorp and Invitae filed a motion to transfer in the Northern District of Illinois pursuant to 28 U.S.C. section 1404(a).

4. The Debtors' Motion to Enforce before this Court is a sophisticated attempt to transform a state-law genetic privacy claim into a bankruptcy enforcement proceeding. The Motion assumes, but fails to establish, that: 1) the transfer of the genetic information and sample occurred before the final sale was approved; 2) data and samples transferred without complying with state law constitute an asset; 3) Invitae patients were "holders of claims" subject to bankruptcy releases; 4) Plaintiff and other Invitae patients received constitutionally adequate notice that their genetic information would be transferred; and 5) Plaintiff and other Invitae patients received due-process notice sufficient to extinguish privacy rights arising from the transfer itself.

5. Plaintiff B.W. is a minor patient who through his parent and guardian submitted a biological sample per physician instructions for genetic testing in February 2024, and whose GIPA claim arises from Invitae's disclosure of his genetic data to Labcorp following the bankruptcy sale.

6. Notwithstanding that Invitae had access to Plaintiff and/or his guardian's information in its files, "Labcorp did not receive, or attempt to receive, consent from any of the individuals whose genetic information was contained in the assets Labcorp obtained from Invitae through the bankruptcy sale." FAC ¶ 27. Plaintiff never provided such consent and there is no indication in public disclosures that Invitae obtained written consent from patients authorizing the disclosures of their genetic information to Labcorp as part of the bankruptcy.

7. Here, the Confirmation Order provides for release of claims that could have been asserted prior to Effective Date. In turn, the Bankruptcy Code provides that confirmation of a

plan "discharges the debtor from any debt that arose *before the date of such confirmation*…" 11 U.S.C. § 1141(d)(1)(A) (emphasis added).

8. Plaintiff, whose claim arose after the Effective Date of the Confirmation Plan when the information without notice was transferred, is not a creditor.

9. Moreover, Debtors' treatment of Invitae customers here stands in stark contrast to the ample due process notice protections afforded to similarly situated customers in *In re 23andMe Holding Co.*, 674 B.R. 487 (Bankr. E.D. Mo. 2025), where the debtor's customers received notice before their data and samples were sold, as well as enhanced privacy protections provided to its customers after the sale was completed. Plaintiff and the Class were entitled to those same protections in this case.

II. RELEVANT PROCEDURAL HISTORY

10. On February 13, 2024, Debtors filed voluntary petitions for relief under Chapter 11. [Dkt. No. 1].

11. On May 7, 2024, the Court entered an order approving the Asset Purchase Agreement ("APA") with Labcorp [Dkt. No. 463] (the "Sale Order"). Section 1.2 of the APA explicitly established that documents and data subject to applicable privacy laws prohibiting transfer were classified as "Excluded Assets":

> **Excluded Assets**. Notwithstanding anything to the contrary in this Agreement, in no event shall Sellers be deemed to sell, transfer, assign, convey or deliver, and Sellers shall retain all right, title and interest to, in and under all of the properties, rights, interests and assets of Sellers other than the Acquired Assets (collectively, the "Excluded Assets"), including all of Sellers' right, title and interest to, in and under: . . .or (d) all Documents… (iv) that are governed under applicable Information Privacy and Security Laws that prohibit the transfer or sale of personal information; provided that Purchaser shall have the right to make copies of any portions of such Documents to the extent not prohibited by applicable Law…

[Dkt. No. 463 at 49-50].

12. On August 2, 2024, the Court entered the Confirmation Order [Dkt. No. 913], and the Plan became effective on August 7, 2024 (the "Effective Date") [Dkt. No. 927 at 2]. No notice as provided to Plaintiff and the class before or after either the Confirmation Order or the Effective Date.

13. On June 11, 2026, Plaintiff filed the Underlying Action, alleging violations of GIPA based on unauthorized disclosure/ transfer of genetic data.

14. On July 15, 2026, Debtors filed the instant Motion to Enforce.

III. ARGUMENT

A. Plaintiff's Post-Petition, Post-Confirmation Order, and Likely Post-Effective Date Claims Are Not Claims Under the Bankruptcy Code

15. In *JELD–WEN, Inc. v. Van Brunt (In re Grossman's Inc.),* 607 F.3d 114 (3d Cir.2010), the Third Circuit established the test for determining when a "claim" exists under the Bankruptcy Code, 11 U.S.C. § 101 *et seq.*: a " 'claim' arises when an individual is exposed pre-petition to a product or other conduct giving rise to an injury, which underlies a 'right to payment' under the Bankruptcy Code." 607 F.3d at 125.

16. In *Wright v. Owens Corning*, 679 F.3d 101, 107 (3d Cir. 2012), the Third Circuit extended the test in *Grossman's* to hold that a claim arises when an individual is exposed pre-confirmation to a product or other conduct giving rise to an injury that underlies a "right to payment" under the Code.

17. Even under the expansive definition of "claim" adopted in *Grossman's* and *Wright*, there must still be pre-confirmation conduct giving rise to the injury. Debtors have done nothing to identify the precise pre-confirmation conduct that supposedly underpins Plaintiff's

claim creation and Debtors should not be allowed to raise that argument for the first time on reply.

18. Debtors also incorrectly characterize a patient as being equal to a creditor. Those concepts are fundamentally different. Plaintiff was not owed money, is not asserting a pre-petition debt, is not a contract claimant, is not a bankruptcy participant, and is not a proof-of-claim holder. Plaintiff is not a pre-confirmation creditor; Plaintiff is an Invitae customer and patient who underwent genetic testing on or about February 2024 whose biological material and genetic testing results were entrusted to Invitae. *See* **Exhibit A** to the Declaration of Robert K. Shelquist In Support of Plaintiff's Opposition ("Shelquist Decl."), First Amended Complaint ("FAC") ¶ 38.

19. The GIPA regulates the use, disclosure, and acquisition of genetic information. 410 ILCS 513/5. *See Bridges v. Blackstone, Inc.*, 66 F.4th 687, 688 (7th Cir. 2023). Plaintiff's GIPA claim arises from Invitae's disclosure of Plaintiff's genetic data to Labcorp following the bankruptcy sale and Confirmation Order. *Taylor v. Union Pac. R.R. Co.*, No. 23-CV-16404, 2024 WL 3425751, at *2 (N.D. Ill. July 16, 2024) ("GIPA provides a private right of action to "any person aggrieved by a violation of this Act.") (internal quotation marks omitted) (emphasis and brackets removed).

20. On August 5, 2024, Labcorp reported that it had fully completed its acquisition of Invitae. FAC ¶ 25.

21. "*Following Labcorp's acquisition of Invitae's assets out of bankruptcy proceedings*, Labcorp reported that it had obtained genetic test results from Invitae's patients and stated that the genetic data obtained from Invitae would support its clinical trials and development of various medical treatments." FAC ¶ 26 (emphasis added).

22. Because discovery has not yet taken place, Plaintiff does not know the exact date that the genetic information was transferred to Labcorp. It is noteworthy that Defendant has not challenged the allegations about the transfer date. It is also a reasonable assumption that the transfer occurred after August 7, 2024, given that August 7 is just two days after Labcorp reported the acquisition.

23. Thus, the conduct giving rise to Plaintiff's injury occurred at some point after the Petition Date of February 15, 2024; after the Confirmation Order of August 2, 2024; following Labcorp's acquisition announcement on August 5, 2024; and almost certainly after the Effective Date of August 7, 2024—and accordingly does not constitute a discharged claim under the Bankruptcy Code.

24. Separately, Article VIII.D of the Plan releases only claims and causes of action arising from acts, omissions, or occurrences taking place *on or before the Effective Date* (August 7, 2024). [Dkt. No. 909 at 52].

25. By its terms the Plan does not discharge or release Plaintiff's GIPA claims based on post-Effective Date unlawful conduct or tortious acts.

26. For all of these reasons, Plaintiff's claims in the Underlying Action have not been discharged and the Motion to Enforce should be denied.

B. The Debtors' Transfer of Genetic Data Exceeded the Scope of the Sale Order and Asset Purchase Agreement

27. Debtors' argument ignores that GIPA protected data was an excluded asset. The APA excludes data that applicable privacy law prohibits transferring and GIPA prohibits transfer absent written consent. No consent existed as Invitae strategically chose to provide none. Therefore, Plaintiff's and the Class's information was not purchased under the APA. Because the information was never sold under the APA, neither the Sale Order nor the Confirmation Order

can immunize the transfer even assuming the physical transfer was accomplished prior to the Confirmation Order (which it was not).

28. The Bankruptcy Court's Sale Order approved the APA which explicitly exempts "data… (iv) that are governed under applicable Information Privacy and Security Laws that prohibit the transfer of personal information…", classifying such items as "Excluded Assets" under Section 1.2(d). [Dkt. No. 463 at 50].

29. The Illinois GIPA provides that entities, including Invitae, may not release and/or disclose genetic testing and information derived from genetic testing to anyone other than the individual tested or to persons specifically authorized in writing in accordance with the Act. *See* 410 ILCS 513/15(a).

30. The Bankruptcy Court approved a transaction that expressly excluded data whose transfer violated applicable privacy laws.

31. Plaintiff's genetic information was transferred by Labcorp to Invitae without notice, much less written consent, in violation of GIPA.

32. Plaintiff's genetic information is accordingly excluded as an asset under the terms of the APA.

33. To the extent that private genetic information was transferred, Labcorp and Invitae acted outside of the authority conferred by the Sale Order.

34. Debtors cannot invoke the Sale Order or Confirmation Order to shield conduct that violated both Illinois state privacy statutes and the explicit terms/limitations of the APA itself.

C. The Invitae and Labcorp Privacy Policies Are Inconsistent

35. Debtor represented to this Court during the bankruptcy proceedings that its and Labcorp's privacy policies are consistent. That policy consistency representation was and is false.

36. Section 363(b)(1) of the Bankruptcy Code provides:

> .. except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—
>
> (A) such sale or lease is consistent with such policy; or
>
> (B) after appointment of a consumer privacy ombudsman ... the court approves such sale or lease—
>
> (i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and
>
> (ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.

11 U.S.C. §363(b)(1).

37. In entering the proposed form of Order presented by the Debtors, this Court made the following factual finding in its Sale Order, ¶S:

> The sale, conveyance, assignment, and transfer of any personally identifiable information pursuant to the terms of the Labcorp APA and this Sale Order complies with the terms of the Debtors' policy regarding the transfer of such personally identifiable information as of the Petition Date and, as a result, consummation of the Sale Transaction is permitted pursuant to section 363(b)(1)(A) of the Bankruptcy Code. Accordingly, appointment of a consumer privacy ombudsman in accordance with section 363(b)(1) or 332 of the Bankruptcy Code is not required with respect to the Sale Transaction.

[Dkt. No. 463 at 14-15].

38. The present record does not support the conclusion that the transfer of Plaintiff's personally identifiable information is consistent with even the terms of Debtors' policy, much less Illinois GIPA statutory requirements.

39. The Sale Order was issued on May 7, 2024. [Dkt. No. 463].

A. Invitae Privacy Policy:

40. The Wayback Machine internet archive reflects that on January 6, 2024 (before Debtors filed their voluntary petitions), the Invitae Privacy Policy specified "How Invitae Uses and Shares Your Genetic Data". **Exhibit B** to Shelquist Decl. at 16-18. The policy advised patients that their data would be used to provide genetic testing services, operational activities in support of genetic testing services, validation, quality improvement, and their data would be shared under limited circumstances. *Id.* According to the policy, "when you consent to a genetic test, **you are consenting to and understand you cannot opt-out of these activities**…" *Id.* at 16 (emphasis in original).

41. The privacy policy specified that patients could opt out of any of the following activities:

You also consent to the research and commercial activities as set forth below, you can opt out of any of the following activities by setting your preferences in the Invitae patient portal or by emailing us. Samples originating in the State of New York will not be eligible for the research and commercial activities described below. No tests other than those authorized shall be performed on your biological sample, though your de-identified data may still be utilized unless you opt out as described above.

- Performing internal research activities. These are activities where Invitae uses patient samples or data to generate new knowledge.
- Sharing de-identified data and samples with third parties for research or commercial activities.
  - Third parties may include academic researchers, commercial entities, and other genetic testing laboratories. Recipients of the de-identified data and samples are prohibited from attempting to re-identify you. Recipients may link de-identified data from Invitae with other data sources to create a combined data set as long as the data remains de-identified. Invitae will NOT share your identifiable data or sample without your additional, explicit consent. If you opt out of data sharing after your data has already been shared, you understand your data cannot be "un-shared".
- Contacting you about research opportunities, opportunities to connect with others, product feedback, and new products and services.

Exhibit B at 17.

b. Labcorp Privacy Policies Before And After Sale Order:

42. The Wayback Machine reflects that on February 11, 2024 (before the Sale Order), the Labcorp Website Privacy Policy, **Exhibit C** to Shelquist Decl. at 1, provided in relevant part as follows:

> This Privacy Statement does not apply to information that is considered Protected Health information, as defined by Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). For information on Our use and disclosure of medical information please see Our **HIPAA Notice of Privacy Practices (/web/20240314164006/https://www.labcorp.com/hipaa-privacy/hipaa-notice-privacy-practices).** For more information on the use and disclosure of information collected about or from residents of California and Virginia, please see Our **California and Virginia Privacy Policy (/web/20240314164006/https://www.labcorp.com/California-and-Virginia-privacy-policy).** The California and Virginia Privacy Policy supplements this Privacy Statement. If there is any conflict between this Privacy Statement and the California and Virginia Privacy Policy, the California and Virginia Privacy Policy will control solely with respect to information relating to residents of California and Virginia. If you are a resident of California or Virginia, You acknowledge our California and Virginia Privacy Policy.

43. The HIPAA Notice of Privacy Practices in effect on February 11, 2024, **Exhibit D** to Shelquist Decl., lists categories of disclosures Labcorp may make including for treatment; payment; healthcare operations; appointment reminders and health-related benefits and services; disclosure of Protected Health Information ("PHI") to you; emergency circumstances and notifications individuals involved in your care or payment for your care business associates judicial and administrative proceedings; law enforcement; as required by law; public health; concerning victims of abuse, neglect, or domestic violence; health oversight activities; coroners, medical examiners, and funeral directors; organ and tissue donation; personal representative; correctional institution; serious threat to health or safety; research; government functions; workers' compensation; and de-identified information and limited data sets. **Exhibit D** at 1-2. "For purposes not described above, including uses and disclosures of PHI for marketing purposes and disclosures that would constitute a sale of PHI, Labcorp will ask for patient authorization before using or disclosing PHI. If you signed an authorization form, you may revoke it, in writing, at any time, except to the extent that action has been taken in reliance on the authorization." *Id*. at 2.

44. The Wayback Machine reflects that on May 8, 2024 (after the Sale Order), the Labcorp Website Privacy Policy, **Exhibit E** to Shelquist Decl.at 1, provided in relevant part as follows.

HIPAA Information

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. **Read the HIPAA Notification (/web/20240511090712/https://www.labcorp.com/hipaa-privacy/hipaa-information)**

45. The HIPAA Notice of Privacy Practices in effect on May 8, 2024, **Exhibit F** to Shelquist Decl., appears to be identical to **Exhibit D**, with the same notice and revision dates.

c. The LabCorp Policies Are Inconsistent With The Invitae Policy:

46. Both before Debtors filed their bankruptcy petitions and after the Sale Order, the applicable Labcorp privacy policies provide far more categories of permissible disclosures and far fewer protections than the Invitae policy.

47. In *In re 23andMe Holding Co*., 674 B.R. 487, 510 (Bankr. E.D. Mo. 2025), the Bankruptcy Court evaluated the debtors' and purchaser's privacy policies, noting as follows:

> A typical customer's relationship with [the personally identifiable information (PII) purchaser] after closing will be essentially the same as the customer's relationship with the Debtors today. [The PII purchaser] will have the same… privacy policies as the Debtors have now, except for certain privacy enhancements…
>
> Although there is disagreement about how effective some of these enhancements may be and whether some are already required by the laws of certain states, there does not appear to be any dispute that the enhancements will result in greater privacy protections than many customers enjoy today. The enhancements include the adoption in perpetuity of the Debtors' policies permitting customers to delete their accounts, delete their data, and opt out of research.

48. Here, however, the policies are nowhere near equivalent.

49. The *23andMe* court also recognized genetic information presents extraordinary privacy concerns and imposed robust safeguards precisely because ordinary bankruptcy procedures are inadequate. When genetic information and samples are the asset being transferred, a concept which Debtors ignored during the bankruptcy process, it is telling that Debtors now invoke this Court's continuing jurisdiction to insulate them from their strategic decision to ignore GIPA and save it from its representation to this Court that privacy policies were identical when, in fact, they are not.

50. The sale of Plaintiff's and the Class's private information was improper under 11 U.S.C. § 363(b)(1).

D. Plaintiff Was Not Provided With Requisite Due Process

51. Even assuming *arguendo* that Plaintiff held claims under the Bankruptcy Code (he did not) and the data and sample transfer was not an excluded asset (it is), Debtors' failure to provide adequate notice "precludes discharge of a claim in bankruptcy." *Owens Corning*, 679 F.3d at 107 (quoting *Chemetron Corp. v. Jones,* 72 F.3d 341, 346 (3d Cir.1995)); *Jones v. Chemetron Corp*., 212 F.3d 199, 209-210 (3d Cir. 2000) ("[I]f a potential claimant lacks sufficient notice of a bankruptcy proceeding, due process considerations dictate that his or her claim cannot be discharged by a confirmation order… Under fundamental notions of procedural due process, a claimant who has no appropriate notice of a bankruptcy reorganization cannot have his claim extinguished in a settlement pursuant thereto.").

52. Section 102(1) of the Bankruptcy Codes defines "Notice" to mean "such notice as is appropriate in the particular circumstances ...." 11 U.S.C. § 102(1).

53. "Known creditors are entitled to actual written notice of a debtor's bankruptcy filing. While notification by publication will generally suffice for unknown creditors." *In re Bowflex, Inc.*, 674 B.R. 47, 66 (Bankr. D.N.J. 2025), aff'd sub nom. *In re: Bowflex Inc., Proposed*

Class Representatives v. the Bowflex Liquidating Trust, et al., No. 25-CV-14953, 2026 WL 2198743 (D.N.J. July 30, 2026) (internal quotation marks, brackets, and citations omitted).

54. In *In re 23andMe Holding Co.*,

> the Debtors published notice of the proposed sale in the Wall Street Journal on April 2, 2025. They also distributed a notice to all current and former customers of a potential change of ownership of their personal information beginning on June 11, 2025. The Debtors and TTAM have agreed to send another notice by email to current customers, at least two days prior to closing, informing them about TTAM's privacy practices, customers' right to delete their accounts and data, and related matters.

Id., 674 B.R. 487, 502 (Bankr. E.D. Mo. 2025).

55. No notice went out to Plaintiff and the Class at any point, "nor was published notice directed to the sale of genetic data and materials." FAC ¶¶ 22, 27 32. This was not a situation bankruptcy courts repeatedly face where it is dealing with anonymous tort victims, unknown asbestos claimants, or unidentified future product users. In sharp contrast, Invitae knew names, addresses, emails, and genetic testing history for Plaintiff and every class member from the releases and internal records.

56. "No effort was made during the course of the bankruptcy proceeding to have a representative appointed to receive notice for and represent the interests of future claimants. Therefore, whatever claim [Plaintiff] may now have was not… discharged by the [bankruptcy] court's confirmation order." *Jones v. Chemetron Corp*., 212 F.3d 199, 210 (3d Cir. 2000).

57. "Plaintiffs were not afforded due process… [and] [a]ccordingly their claims were not discharged by the Plan and Confirmation Order, and they retained their cause of action against" Debtors. *Owens Corning*, 679 F.3d at 109.

E. Plaintiff's GIPA Claim Is An Independent State-Law Privacy Claim

58. "After a reorganization plan has been confirmed, bankruptcy courts have 'related to' jurisdiction only if the claim 'affect[s] an integral aspect of the bankruptcy process' such that 'there is a close nexus to the bankruptcy plan or proceeding.'" *In re Congoleum Corp*., 149 F.4th 318, 328 (3d Cir. 2025) (quoting *In re Resorts Int'l, Inc*., 372 F.3d 154, 165 (3d Cir. 2004)). Both *Congoleum* and *Resorts International* instruct that post-confirmation jurisdiction requires a sufficiently close nexus to plan implementation and administration. That nexus, much less a close nexus, is missing here. The Illinois Court can adjudicate whether consent existed, whether disclosure occurred, whether GIPA was violated, and whether damages are owed all without disturbing the Plan, the Confirmation Order, distributions, creditor recoveries, and estate administration.

59. Plaintiff's GIPA claim does not require interpretation of the Sale Order; rather, it is an independent state-law privacy claim that arises from Invitae's failure to obtain written consent before disclosing genetic information.

60. This duty is imposed by Illinois law entirely separate from and predating any bankruptcy proceeding.

61. The exclusive jurisdiction provisions in the Sale Order, Confirmation Order, and Plan cannot divest a state court of jurisdiction over an independent statutory claim under Illinois law, particularly where the claim belongs to a non-creditor minor patient, B.W., who was not a party to the bankruptcy proceedings, did not receive notice of the bankruptcy proceedings, and did not participate in the sale process. See *In re One2One Commc'ns, LLC*, 805 F.3d 428, 433 (3d Cir. 2015) ("non-Article III bankruptcy judges do not have the constitutional authority to adjudicate a claim that is exclusively based upon a legal right grounded in state law").

62. "Courts in the Third Circuit routinely find state law claims do not fall within a bankruptcy court's 'arising in' jurisdiction even if the claims may be affected by the Bankruptcy Code or even if they would not exist 'but for' the bankruptcy." *In re AeroCision Parent, LLC*, 667 B.R. 1, 6 (Bankr. D. Del. 2025) (citing cases); see also *Hamarneh v. United Airlines*, No. CV 24-05962 (JXN) (CLW), 2025 WL 957421, at *5 (D.N.J. Mar. 31, 2025) ("Because these claims are 'independent state law claims that do not require any interpretation of the CBA,' this Court is not divested of jurisdiction over them."). While acknowledging in certain circumstances this Court has jurisdiction to interpret its orders, Debtors are asking the Court to impermissibly use that power to adjudicate the merits of a state-law privacy claim belonging to a non-creditor. *Stern v. Marshall*, --- U.S. ---, 131 S.Ct. 2594, 2620, 180 L.Ed.2d 475 (2011) (a bankruptcy court is not constitutionally permitted to enter a final judgment on state law counterclaims unrelated to a ruling on a creditor's proof of claim).

63. Moreover, the Bankruptcy Court's factual finding (arising from Debtors' proposed form of order) that any transfer of personally identifiable information "complies with the terms of the Debtors' policy" [Dkt. No. 463 at 14-15], though Debtors failed to provide evidence supporting the finding, speaks only to compliance with Invitae's own privacy policy under section 363(b)(1)(A) of the Bankruptcy Code, not to compliance with GIPA's independent written-consent requirement under 410 ILCS 513/15(a).

64. The question of whether Invitae violated GIPA is a purely state-law question that does not require the Bankruptcy Court to revisit or reinterpret the Sale Order; it requires application of Illinois statutory law to undisputed facts about the transfer of genetic data. See *In re 23andMe Holding Co.*, 674 B.R. at 505-508 (Bankruptcy Code does not preempt state-law

restrictions on a debtor's sale of personally identifiable information, even if a debtor demonstrates that proposed sale is consistent with its privacy policy)

65. Exclusive jurisdiction provisions in a plan or sale order cannot expand bankruptcy court jurisdiction beyond its constitutional and statutory limits, and a state court action asserting an independent statutory privacy claim by a non-creditor does not "arise in" or "arise under" the Bankruptcy Code simply because the underlying conduct occurred during after the asset sale, plan confirmation and effective date.

F. The Release Does Not Bar Plaintiff's Non-Creditor Claims

66. Plaintiff B.W. is a minor patient who submitted a biological sample for genetic testing at an Advocate Children's health facility in Cook County, Illinois in or around February 2024.

67. The Plan's creditor releases under Article VIII.D apply to "Holders of Claims and Interests under the Plan," a defined term that encompasses creditors who participated in the bankruptcy process,[2] not third-party individuals with independent statutory privacy claims under Illinois law that arose after the Effective Date. [Dkt. 913 at 120].

[2] The provision releases claims: "based on or relating to, or in any manner arising from, in whole or in part, the Debtors (including the management, ownership, or operation thereof or otherwise), the Debtors' in- or out-of-court restructuring efforts, intercompany transactions between or among the Debtors or between the Debtors and their non-Debtor Affiliates, the Chapter 11 Cases, the formulation, preparation, dissemination, negotiation, entry into, or filing of the TSA, the Disclosure Statement, the Plan, the Sale Transaction, the Asset Purchase Agreement, the Definitive Documents, or any transaction, contract, instrument, release, or other agreement or document created or entered into in connection with the TSA, the Disclosure Statement, the Sale Transaction, the Definitive Documents, or the Plan, the filing of the Chapter 11 Cases, the pursuit of Confirmation, the pursuit of Consummation, the administration and implementation of the Plan, or the distribution of property under the Plan or any other related agreement, or upon any other related act or omission, transaction, agreement, event, or other occurrence taking place on or before the Effective Date."

68. Even if the claims are deemed to arise prior to the Effective Date, which they did not, extending a bankruptcy plan's release to extinguish the GIPA rights of a non-creditor minor who had no notice of or participation in the bankruptcy proceedings raises serious due process concerns, as a debtor cannot discharge or release the claims of parties who were not afforded adequate notice and an opportunity to be heard.

> Where releases are to be granted to non-debtor third parties, courts in the Third Circuit consider the following factors:
> (1) an identity of interest between the debtor and non-debtor such that a suit against the non-debtor will deplete the estate's resources;
> (2) a substantial contribution to the plan by the non-debtor;
> (3) the necessity of the release to the reorganization;
> (4) the overwhelming acceptance of the plan and release by creditors and interest holders; and
> (5) the payment of all or substantially all of the creditors and interest holders under the plan…
>
> Two elements are almost universally determinative: *first*, that the success of the debtors' reorganization bears a relationship to the release of the non-consensual parties, and *second*, that the releasees have provided a critical financial contribution to the debtors' plan that is necessary to make the plan feasible in exchange for receiving a release of liability.

In re Invitae Corp., No. BR 24-11362 (MBK), 2025 WL 2538952, *15 (D.N.J. Aug. 11, 2025) (internal quotation marks and citations omitted).

69. The district court affirmed the decision to confirm the debtor releases in *In re Invitae Corp*. because the third parties "shared an identify of interest with Debtors… [and were] indispensabl[y] involve[d] in bringing the bankruptcy to fruition…" 2025 WL 2538952, *16-17.

70. The facts of that decision stand in stark contrast to those at issue here which involve a Plaintiff that is not a creditor of Invitae's bankruptcy estate, never received notice of the bankruptcy proceedings, never filed a proof of claim, and never participated in the bankruptcy proceedings. See also *LandSource Communities Dev. LLC v. Citizens Against Corp. Crime*, LLC, 834 F. App'x 747 (3d Cir. 2020) (bankruptcy court's rulings, including injunctive

relief, upheld where affected party appeared before the bankruptcy court and "played a central role in the final reorganization plan").

71. Post-bankruptcy and post-transfer, Invitae and Labcorp are separate entities and Plaintiff's and the Class's data is now held by a company that they were never told about (Labcorp), governed by a policy that they were not told about (Labcorp), and that policy has changed without notice to the Plaintiff or the class.

72. Hence, the problem that genetic information which literally is akin to a "body cookie" to use computer terminology, will live infinitely into the future as it has uniqueness, permanence, impossibility of replacement, and familial implications. This data and samples are no longer moored to the company to which the information and samples were entrusted, are not bound by a policy that can't be changed, and may be sold or re-sold countless times.

73. This problem is amplified if the information is shared with a company which is not HIPAA compliant, then even the limited HIPAA protections vanish. That is what Illinois GIPA law protects against and why the 23andMe bankruptcy provided notice and the opportunity to destroy data and samples before the transfer.

74. Furthermore, GIPA's statutory damages provisions exist to protect individual privacy rights, and a bankruptcy plan cannot prospectively release claims arising under a state consumer protection statute on behalf of individuals who were never creditors of the estate and whose claims did not exist as "Claims" under the Bankruptcy Code at the time of confirmation.

75. The Plan's injunction under Article VIII.F applies only to claims "subject to the releases" [Dkt. 913 at 121-122], and if the Release itself is ineffective as to B.W., the injunction is equally inapplicable.

IV. CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order:

1. Denying the Debtors' Motion to Enforce in its entirety;

2. Declaring that Plaintiff's GIPA claims in Illinois state court are not released or enjoined by the Plan or Confirmation Order; and

3. Granting such other and further relief as the Court deems just and proper.

Dated: August 21, 2026

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UNITED STATES BANKRTUPCY COURT
DISTRICT OF NEW JERSEY

In re:	Chapter 11
INVITAE CORPORATION, *et al.*	Case No. 24-11362 (MBK)
Wind-Down Debtors.[1]	(Jointly Administered)

DECLARATION OF ROBERT K. SHELQUIST IN SUPPORT OF PLAINTIFF'S OPPOSITION TO THE WIND-DOWN DEBTORS' MOTION TO ENFORCE THE PLAN, CONFIRMATION ORDER, AND SALE ORDER

[1] The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at https://www.veritaglobal.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

I, Robert K. Shelquist, declare as follows:

1. I represent Plaintiff B.W., a minor, through his Guardian, Julie Wiess s in the above-captioned matter. I submit this declaration in support of Plaintiff's Opposition to The Wind Down Debtors' Motion to Enforce the Plan, Confirmation Order, and Sale Order.

2. Attached hereto as **Exhibit A** is a true and correct copy of the First Amended Class Action Complaint in *B.W., a Minor, through his Guardian, Julie Wiess v. Invitae Corporation, et al.,* filed July 23, 2026 in the Northern District of Illinois.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Invitae Privacy Policy, effective date January 25, 2024, printed from Wayback Machine on August 18, 2026.

4. Attached hereto as **Exhibit C** is a true and correct copy of Labcorp's Website Privacy Policy as of February 11, 2024, printed from the Wayback Machine on August 18, 2026.

5. Attached hereto as **Exhibit D** is a true and correct copy of Labcorp HIPAA Information as of February 11, 2024, printed from the Wayback Machine on August 19, 2026.

6. Attached hereto as **Exhibit E** is a true and correct copy of Labcorp HIPAA and Privacy as of May 8, 2024, printed from the Wayback Machine on August 19, 2026.

7. Attached hereto as **Exhibit F** is a true and correct copy of Labcorp HIPAA Information as of May 8, 2024, printed from the Wayback Machine on August 19, 2026.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 21st day of August 2026.

s/ Robert K. Shelquist
Robert K. Shelquist

Attorney for Plaintiffs

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

B.W. a Minor, through his Guardian, JULIE WIESS, individually and on behalf of similarly situated individuals, *Plaintiff*, v. INVITAE CORPORATION, a Delaware corporation, and LABCORP GENETICS, INC., a Delaware corporation. *Defendants.*	)	No. 1:26-cv-08376 Hon. Joan H. Lefkow

FIRST AMENDED CLASS ACTION COMPLAINT

Plaintiff B.W., by and through his Guardian, Julie Wiess, individually and on behalf of other similarly situated individuals, brings this Class Action Complaint against Defendants Invitae Corporation ("Invitae") and Labcorp Genetics Inc. ("Labcorp") (together, the "Defendants"), for their violations of the Illinois Genetic Information Privacy Act, 410 ILCS 513/1, *et seq*. ("GIPA"), and to obtain redress for persons injured by its conduct. Plaintiff alleges the following based on personal knowledge as to Plaintiff's own experiences, and as to all other matters, upon information and belief, including an investigation conducted by Plaintiff's attorneys.

INTRODUCTION

1. This case concerns the illegal disclosure of tens of thousands of individuals' genetic information to Laboratory Corporation of America Holdings. ("Labcorp"), a healthcare diagnostics and laboratory services company, that acquired Defendant Invitae, a genetic testing company, in 2024 when Invitae was forced to go through bankruptcy proceedings. As part of the bankruptcy acquisition process Defendants have violated Plaintiff's and the other Class members'

rights arising under GIPA to prevent disclosure of their immutable genetic information to unauthorized third-parties without their written consent.

2. GIPA defines "genetic information" as information pertaining to: (i) the individual's genetic tests; (ii) the genetic tests of family members of the individual; (iii) the manifestation of a disease or disorder in family members of such individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by the individual or any family member of the individual.

3. GIPA provides that entities, such as Defendant Invitae, may not release and/or disclose genetic testing and information derived from genetic testing to anyone other than the individual tested or to persons specifically authorized in writing in accordance with the Act. *See* 410 ILCS 513/15(a).

4. GIPA also provides that entities, such as Defendant Labcorp, may not "compel" anyone else to disclose the identity of any person upon whom a genetic test is performed or the results of a genetic test in a manner that permits identification of the subject of the test." *See* 410 ILCS 513/30(a).

5. Compliance with GIPA is straightforward and may be accomplished through a single, signed sheet of paper or its electronic equivalent. GIPA's requirements bestow a right to privacy in one's genetic information and a right to prevent the disclosure of such information without their consent.

6. In enacting GIPA, the Illinois legislature recognized that "[d]espite existing laws, regulations, and professional standards which require or promote voluntary and confidential use of genetic testing information, many members of the public are deterred from seeking genetic

testing because of fear that test results will be disclosed without consent in a manner not permitted by law or will be used in a discriminatory manner."

7. The Illinois Legislature enacted GIPA because "[t]he public health will be served by facilitating voluntary and confidential nondiscriminatory use of genetic testing information." *Id*. (emphasis added).

8. The deprivation by Defendants of the statutory rights conferred by GIPA constitutes the actual injuries the Illinois Legislature sought to prevent.

9. Plaintiff brings this action for statutory and actual damages, whichever is greater, and other remedies as a result of Defendants' conduct in violating Plaintiff's state genetic privacy rights.

10. On Plaintiff's own behalf, and on behalf of the proposed Class defined below, Plaintiff seeks an injunction requiring Defendants to comply with GIPA, as well as an award of damages, including statutory damages under GIPA, to the Class members, together with costs and reasonable attorneys' fees.

PARTIES

11. Defendant Invitae is a corporation under the laws of the state of Delaware that conducts substantial business throughout Illinois, including in Cook County, Illinois.

12. Defendant Labcorp is a corporation under the laws of the state of Delaware that conducts substantial business throughout Illinois, including in Cook County, Illinois.

13. At all relevant times, Plaintiff B.W., and his Guardian, Julie Wiess, have been residents of Cook County, Illinois

JURISDICTION AND VENUE

14. ` This case was removed by Defendant Invitae pursuant to the Class Action Fairness

Act, 28 U.S.C. § 1332(d) et seq., asserting that: the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs; there are greater than 100 putative class members; at least one putative class member is a citizen of a state other than Defendant; and none of the exceptions under subsection § 1332(d) apply.

15. This Court has personal jurisdiction over Defendants with respect to Plaintiff's and the putative class members' claims, because Defendants knowingly and intentionally transacted business within Illinois and such that they have sufficient minimum contacts with Illinois and have purposely availed themselves of Illinois markets to make it reasonable for this Court to exercise jurisdiction over Defendants; and (3) because Plaintiffs' and the putative class members' claims arise out of or relate to Defendants' unlawful in-state conduct, as Defendants' past and continuing violations of GIPA occurred within Illinois as Plaintiff and the putative class members' genetic information was unlawfully disclosed and obtained in Illinois.

16. Venue is proper in this District under 28 U.S.C. § 1392 because a substantial part of events giving rise to the Plaintiff's claims occurred in this District

COMMON FACTUAL ALLEGATIONS

17. Prior to bankruptcy, Defendant Invitae was a leading genetic testing company with a large patient base that maintained extensive genomic data assets.

18. Invitae's consumer genomics business used DNA collected from its customers' blood or saliva to provide its customers with information relating to diagnostic testing or genetics.[1]

19. Invitae's database of genetic test results, and the information obtained therefrom, constituted the vast majority of Invitae's assets.

[1] www.invitae.com/us/individual-faqs/testing

20. By early 2024 Invitae was under significant financial duress such that it was forced to seek protection through a bankruptcy court.

21. On February 13, 2024, Invitae filed for Chapter 11 bankruptcy.[2]

22. In April 2024 a court-ordered auction was held for qualifying bidders to submit bids to purchase Invitae's assets. No notice was sent to Plaintiff or the class members about the sale of their genetic information or published notice directed to the sale of genetic information and associated materials.

23. Given Invitae's extensive genetic data assets, LabCorp sought to acquire Invitae's assets, including specifically its database of genetic test results and associated materials, and submitted its qualified bid.

24. Having submitted the highest qualified bid for Invitae's assets, and pursuant to the bankruptcy court's orders, Invitae was bound to be purchased by Labcorp and on May 1, 2024 Labcorp entered into an Asset Purchase Agreement with Invitae to acquire its assets, including its database of genetic test results.[3]

25. On August 5, 2024, Labcorp reported that it had fully completed its acquisition of Invitae for $239 million.[4]

26. Following Labcorp's acquisition of Invitae's assets out of bankruptcy proceedings, Labcorp reported that it had obtained genetic test results from Invitae's patients and stated that the

[2] www.prnewswire.com/news-releases/invitae-files-for-voluntary-chapter-11-protection-pursues-sale-process-302061304.html; www.veritaglobal.net/invitae/.
[3] www.sec.gov/Archives/edgar/data/1501134/000119312524129432/d827617d8k.htm; www.veritaglobal.net/invitae/document/241136224050700000000006.
[4] https://ir.labcorp.com/news-releases/news-release-details/labcorp-finalizes-acquisition-select-assets-invitae

genetic data obtained from Invitae would support its clinical trials and development of various medical treatments.

27. Labcorp did not receive, or attempt to receive, consent from any of the individuals whose genetic information was contained in the assets Labcorp obtained from Invitae through the bankruptcy sale.[5]

28. As such, through the court ordered bankruptcy sale and the terms of the asset purchase agreement that Invitae was mandated to enter into to complete bankruptcy proceedings, Labcorp unlawfully compelled Invitae to disclose the genetic information of Illinois residents who conducted genetic tests with Invitae in violation of GIPA. Indeed, Invitae could not complete bankruptcy proceedings and comply with the court-ordered bidding process without providing its genetic testing database to Labcorp.

29. Pursuant to the contracts Plaintiff and each class member had with Invitae, Labcorp provided no notice to Plaintiff and each class member that it had obtained their genetic information and associated materials, what it intended to do with the data an associated materials, or whether it adopted Invitae's contractual use and disclosure requirements or that Labcorp's policies were identical to Invitae's. No Labcorp communications have been sent to Plaintiff or to each class member providing Labcorp's contact information regarding processing requests or questions about the data and associated materials.

30. At no time did the bankruptcy proceedings nullify, amend, or otherwise alter the contract and authorization between Plaintiff and the other class members and Invitae. No member

[5] https://www.prnewswire.com/news-releases/labcorp-finalizes-acquisition-of-select-assets-of-invitae-302214260.html

of the creditor committee was designated to protect the interests of Invitae customers whose genetic information and associated materials were the subject of the sale.

31. At all times Plaintiff and the class members were entitled to notice comporting with their Due Process rights.

32. No notice was ever sent to Plaintiff or the class members about the sale of their genetic information and associated materials, nor was published notice directed to the sale of genetic data and materials.

33. Relatedly, while Invitae was compelled to produce the genetic information in its database as a result of the bankruptcy proceedings and asset purchase agreement, Invitae did not take any steps to obtain consent from the Illinois residents whose genetic information was being disclosed to Labcorp.

34. Under GIPA, the results of a DNA or genetic test are confidential and the subject of such testing has a right to prevent others from receiving their genetic test results without written consent. 410 ILCS 513/15(a).

35. Thus, releasing, disclosing, or transferring genetic testing and information derived from genetic testing to any person other than the individual tested or to persons specifically authorized, must be in writing in accordance with the Act, regardless of the circumstances of the disclosure and whether it was compelled. *Id*.

36. Defendant Invitae released, disclosed and/or transferred Plaintiff's and the other Class Members' genetic test results and associated personal information that can be used to identify them to Labcorp without their written consent in violation of GIPA.

37. Defendant Invitae thus violated GIPA by disclosing and/or releasing Plaintiff's and the Class' genetic information without their advance written consent.

FACTS SPECIFIC TO PLAINTIFF

38. In or about February 2024, Plaintiff B.W., a minor, through his mother and Guardian, Julie Wiess, was directed to undergo genetic testing by Invitae as part of his treatment at an Advocate Children's health facility in Cook County, Illinois.

39. Plaintiff provided samples to be tested pursuant to a contract and release specifically delineating Invitae's confidentiality and guarantees regarding its possession and handling of the test results and associated materials. This contract and release has never been nullified and Labcorp has never requested, much less been provided a signed copy of, a different contract or release to supersede Invitae's document.

40. After his biological sample was sent to Invitae, his genetic material was sequenced by Invitae which then provided his Guardian and clinical team with information derived from his genetic test. Upon information and belief, Invitae and now Labcorp have maintained the genetic material as well as the test results.

41. Due to the highly sensitive nature of genetic test results as well as Invitae's representations regarding maintaining the strict privacy of its customers' genetic information, Plaintiff and his Guardian reasonably believed that the only persons who would be provided the results of Plaintiff's genetic testing would be himself, his mother, and their treating medical staff and doctors, and that the information submitted on Plaintiff's behalf to Invitae would be kept confidential, private and secure—and that it would never be received by third parties like Labcorp without his or his mother's written consent.

42. Plaintiff would not have agreed to have his genetic material provided to Invitae if he had known that Invitae would disclose his genetic information without his consent to third-parties other than his Guardian such as Defendant Labcorp.

43. Plaintiff B.W., through his mother and Guardian, never consented or otherwise agreed to the release, disclosure or transfer of his genetic information and other personal identifying information to Labcorp.

44. As such, Invitae unlawfully disclosed Plaintiff's and the other Class Members' genetic information in violation of GIPA.

45. Conversely, Labcorp unlawfully compelled Invitae's disclosure of Plaintiff's and the other class members' identities and the fact that they had underwent genetic testing, as well as the results of such genetic testing, without their consent in violation of GIPA when it purchased Invitae's assets through the court-ordered bankruptcy sale.

CLASS ACTION ALLEGATIONS

46. Plaintiff brings this action on behalf of himself and similarly situated individuals pursuant to 735 ILCS § 5/2-801. Plaintiff seeks to represent a Class defined as follows: All Illinois residents whose genetic information was obtained by Labcorp as a result of the asset purchase agreement entered into with Invitae.

47. Excluded from the Class are any members of the judiciary assigned to preside over this matter; any officer or director of Defendants; and any immediate family member of such officers or directors.

48. Upon information and belief, there are thousands of members of the Class, making the members of the Class so numerous that joinder of all members is impracticable. Although the exact number of members of the Class is currently unknown to Plaintiff, the members can be easily identified through Defendant's records.

49. Plaintiff's claims are typical of the claims of the members of the Class Plaintiff seeks to represent, because the factual and legal bases of Defendants' liability to Plaintiff and the

other members of the Class are the same, and because Defendants' conduct has resulted in similar injuries to Plaintiff and to the Class. As alleged herein, Plaintiff and the Class have all suffered damages as a result of Defendants' GIPA violations.

50. There are many questions of law and fact common to the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect individual members. Common questions for the Class include, but are not limited to, the following:

a. Whether Defendants' conduct is subject to GIPA;

b. Whether Invitae disclosed Plaintiff's and the other Class members' genetic information in violation of GIPA to Labcorp;

c. Whether Invitae obtained written authorization from Plaintiff and the other Class members before disclosing or releasing their genetic information;

d. Whether Labcorp compelled Invitae to disclose Plaintiff's and the other Class members' genetic information in violation of GIPA;

e. Whether Labcorp obtained written authorization to obtain Plaintiff's and the other Class members' genetic information in violation of GIPA;

f. Whether Defendants' violations of GIPA were willful or reckless;

g. Whether Defendants' violations of GIPA were negligent;

h. Whether Plaintiff and the Class are entitled to damages and injunctive relief.

51. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitively expensive and would thus have no effective remedy. The class treatment of common questions of law and fact is superior to multiple individual actions in that it conserves the resources of the courts and the litigants and promotes consistency of adjudication.

52. Plaintiff will adequately represent and protect the interests of the members of the Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and Plaintiff's counsel are committed to vigorously prosecuting this action on behalf of the other members of the Class and have the financial resources to do so. Neither Plaintiff nor Plaintiff's counsel has any interest adverse to those of the other members of the Class.

53. Defendant has acted and failed to act on grounds generally applicable to Plaintiff and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

COUNT I
Violations of the Illinois Genetic Information Privacy Act, 410 ILCS 513, *et seq*.
against Defendant Invitae Corporation
(On behalf of Plaintiff and the Class)

54. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

55. Defendant Invitae is a corporation and, therefore, a "person" under 410 ILCS 513/10.

56. Plaintiff and the Class obtained "genetic test[s]" and received the results of such tests from Invitae.

57. Plaintiff and the Class also provided accompanying personal identifying information, including their full names, email address, and/or home addresses (including age and gender in some instances) to Invitae.

58. The information obtained from Plaintiff and the Class is the type of information protected by GIPA. 410 ILCS 513/10.

59. Defendant Invitae disclosed and/or released Plaintiff's and the Class members' genetic tests and/or information derived from their genetic tests, along with their accompanying personal identifying information to Labcorp without providing any notice pursuant to its contract and release or that comports with Due Process rights.

60. Defendant Invitae did not receive any written authorization from Plaintiff or the other Class members to disclose and/or release their genetic test results and information derived therefrom, including their personal identifying information, as mandated by 410 ILCS 513/15(a) and 410 ILCS 513/30(a)(2).

61. Plaintiff and the other Class members have been aggrieved by Defendant Invitae's violations of their statutorily protected rights to privacy in their genetic information as set forth in GIPA when it disclosed and/or released their statutorily protected genetic information without their consent to Labcorp.

62. GIPA provides for statutory damages of $15,000 for each willful and/or reckless violation of GIPA or actual damages – whichever is greater – and, alternatively, damages of $2,500 for each negligent violation of GIPA or actual damages – whichever is greater. 410 ILCS 513/40(a)(3).

63. Accordingly, Plaintiff, individually and on behalf of the proposed Class, prays for the relief set forth below.

COUNT II
Violations of the Illinois Genetic Information Privacy Act, 410 ILCS 513, *et seq*.
against Defendant Labcorp Genetics Inc.
(On behalf of Plaintiff and the Class)

64. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

65. Defendant Labcorp is a corporation and, therefore, a "person" under 410 ILCS 513/10.

66. Defendant Labcorp won the court-ordered auction for the sale of Defendant Invitae's genetic testing database and entered into an asset purchase agreement to obtain it.

67. Pursuant to the bankruptcy court's orders, Defendant Invitae had to comply with the terms of the court-ordered auction and asset purchase agreement.

68. Pursuant to the court-ordered sale and the asset purchase agreement Defendant Invitae was compelled to disclose its database of genetic test records, including records that identify Plaintiff and the other Class members as having undergone genetic testing with Invitae and the results thereof, to Labcorp.

69. Defendant Labcorp did not provide any written notice pursuant to Invitae's contract and release or that comports with Due Process and did not receive any written authorization from Plaintiff or the other Class members to compel Invitae's production of the genetic testing information at issue as mandated by 410 ILCS 513/30(a)(2).

70. Plaintiff and the other Class members have been aggrieved by Defendant Labcorp's violations of their statutorily protected rights to privacy in their genetic information as set forth in GIPA when it compelled the disclosure of their statutorily protected genetic information without their consent.

71. GIPA provides for statutory damages of $15,000 for each willful and/or reckless violation of GIPA or actual damages – whichever is greater – and, alternatively, damages of $2,500 for each negligent violation of GIPA or actual damages – whichever is greater. 410 ILCS 513/40(a)(3).

72. Accordingly, Plaintiff, individually and on behalf of the proposed Class, prays for the relief set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff B.W., by and through his guardian, Julie Wiess, individually and on behalf of the proposed Class, respectfully requests that this Court enter an Order:

a. Certifying the Class as defined above, appointing Plaintiff as class representative, and appointing Plaintiff's counsel as class counsel;

b. Declaring that Defendants' actions, as set forth herein, violate GIPA;

c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiff and the Class by requiring Defendants to comply with GIPA;

d. Awarding statutory damages of $15,000 for each willful and/or reckless violation of GIPA or actual damages – whichever is greater – pursuant to 410 ILCS 513/40(a)(3);

e. Awarding statutory damages of $2,500 for each negligent violation of GIPA or actual damages – whichever is greater – pursuant to 410 ILCS 513/40(a)(3);

f. Awarding reasonable attorneys' fees, costs, and other litigation expenses pursuant to 410 ILCS 513/40(a)(3);

g. Awarding pre- and post-judgment interest, as allowable by law; and

h. Such further and other relief the Court deems reasonable and just.

JURY DEMAND

Plaintiff requests trial by jury of all claims that can be so tried.

Dated: July 23, 2026

Respectfully submitted,

B.W., a Minor, through his Guardian, JULIE WIESS, individually and on behalf of similarly situated individuals

By: /s/ Eugene Y. Turin
One of Plaintiff's Attorneys

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Attorneys for Plaintiff and the Putative Class

EXHIBIT B

INVITAE

Invitae Privacy Policy

Effective date: January 25, 2024

INVITAE

"we" or "us"), is committed to protecting your privacy. This Privacy Policy (this "Policy") contains (1) general terms that apply to all of Invitae's products and services, including our genetic testing products and services and our Patient Insights Networks (collectively "the Services") and (2) terms that apply to specific Services (please see the relevant Service-Specific Policies section). This Policy describes how we collect, use, secure and share your personal information when you:

- Access or use our various products or services;
- Access or use our websites that link to this Policy ("Websites");
- Interact with us, including by email, telephone, social media, and in person; or
- Otherwise communicate with us.

We refer to our Websites, products, services, and interactions with you collectively as "Services" in this Policy.

This Policy, along with our HIPAA Notice of Privacy Practices, explains how we use and disclose our patients' protected health information ("PHI") under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). PHI may include, but is not limited to, your genetic testing information and results. Where the terms of this Policy either increase the commitment Invitae has made to an individual's privacy or grant additional rights to patients greater than those listed in the Notice of Privacy Policy Practices, the terms of this Policy will control how we use and disclose your PHI.

To the extent that any Service-Specific Policies conflict with the general terms of this Policy, the Service-Specific Policies will control how Invitae uses or shares your personal information.

Collapse all

▼ 1. SEPARATE TERMS OF USE

INVITAE

linked to a particular Service.

2. POLICY UPDATES

Invitae may revise this Policy from time to time. All updates to this Policy will be posted on the Websites. An updated Policy will supersede all previous versions. If we make any material changes to this Policy, we will notify you by email (sent to the e-mail address specified in your account) in addition to posting an updated Policy on our Websites. Your continued use of our Services after we have posted the updated Policy on the Websites constitutes your acceptance of such changes. Invitae may also provide additional "just-in-time" notices or information about its data collection, use, and sharing practices in relation to specific Services.

3. TYPES OF PERSONAL INFORMATION WE COLLECT

This section lists the general categories of personal information we collect for the Services. See the Product Specific Policies section to learn more details for specific Invitae products or services.

Throughout this Policy we use the term “personal information” to describe any information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, to a particular person or household. Personal information includes, for example, PHI under HIPAA and personal data under the EU’s General Data Protection Regulation. This Policy covers all personal information that we collect from you or on your behalf through our Services.

We may collect the following types of personal information:

- **Personal information provided by you or your clinician.** We collect any personal information that you voluntarily provide to us, such as health information you provide to us or your clinician, or that your clinician provides to us either directly or via health

INVITAE

- **Communications between you and Invitae.** We collect personal information you submit when contacting us (such as your name and email address).
- **Clinical information.** From time to time, we collect additional medical records from your treating providers to support our delivery of genetic testing services.
- **Registration information.** When you register with Invitae or create a user account to access our Services, we collect personal information, such as your name, date of birth, billing and shipping addresses, and contact information. We may use your registration information to provide Services to you.
- **Payment information.** When you place an order that requires payment via our Services, we collect your payment information (such as payment card, billing, and shipping information, and your contact information).
- **Device information.** When you use a mobile device (e.g., a tablet or smartphone) to access our Services, we may collect information about your device. We may collect information about your device's hardware, operating system or software, device name, unique device identifier, your mobile network information, and any other information about your device's interaction with our Services. Some features of the Services may not function properly if the use or availability of device identifiers is impaired or disabled.
- **Information about your use of the Services.** When you browse our Websites, our system automatically collects information such as your web request, Internet Protocol ("IP") address, browser type, browser language, domain names, referring and exit pages and URLs, platform type, pages viewed and the order of these page views, the amount of time spent on a page, the date and time of your request and one or more cookies that may uniquely identify your browser. We may collect this information through third-party analytics tools. This information is used to analyze trends, administer our Websites, improve the design of our Websites, and otherwise enhance our Services.
- **Cookies.** We use technologies like cookies, web beacons, and pixel tags to gather information about how you are interacting with our Services, which may include identifying your IP address, browser type, and referring page. For more information on cookies, please see our Cookie Policy.

4. CHILDREN'S INFORMATION

obtain the authorization of a responsible adult (parent or legal guardian) before using or accessing our Websites. If we become aware that we have collected any personal information from children under 16 without the authorization of a responsible adult, we will promptly remove such information from our databases.

5. USE AND SHARING PERSONAL INFORMATION

This section lists the general ways Invitae uses and shares your personal information we collect for the Services. See the Product Specific Policies section to learn more details for specific Invitae products or services.

- **Provide Services.** We process your personal information to provide you with our Services. We share this information with third party service providers to the extent necessary to provide you with our Services.
- **Maintain legal and regulatory compliance.** Certain laws or regulations apply to our Services that may require us to process your personal information. For example, we may process your personal information to fulfill our business obligations, ensure compliance with employment laws, or as necessary to manage risk as required under applicable law.
- **Ensure the security of the Services.** We may process your personal information to combat spam, malware, malicious activities, or security risks; improve and enforce our security measures; and to monitor and verify your identity so that unauthorized users do not access your account with us.
- **Personalize your experience on our Websites.** We may use cookies and similar tracking technology to keep track of your preferences (e.g., your language selection, time zones, etc.) so we can personalize your experience on our Websites. Please see our Cookie Policy for more information.
- **Sale, Merger, or Bankruptcy.** In connection with a bankruptcy, merger, acquisition or sale or other business transaction, involving all or a portion of our assets or business, user information will also be transferred as part of or in connection with the transaction.
- **Affiliates.** Invitae will share your personal information with our affiliates as necessary to provide the Services or with your consent where required by applicable law.

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expressly consent to receive automated text messages from us to the mobile phone number you provide. Consent to receiving text messages is not required to be an Invitae user. Message and data rates may apply, and you should check the rates of your mobile carrier. Your mobile carrier is not liable for delayed or undelivered messages. You can opt out of receiving text messages by texting STOP in response to any text message. You can also text HELP and we will respond with instructions on how to opt out of or sign up for text messages from Invitae. Invitae is located in the United States, so international rates may apply depending on your location. We share your mobile phone number with service providers with whom we contract to send you automated text messages, but we will not share your mobile phone number with third parties for their own marketing purposes without your express consent. Contact us at clientservices@invitae.com if you have any questions about our text message program.

6. RETENTION

Because genetic testing is still an evolving science, we may store personal information provided to us in the context of performing genetic tests and delivering genetic testing services for as long as we need it to provide and improve our Services and to perform the activities described in this Policy, all to the extent permitted by law. This information remains subject to the protections of HIPPA, and the commitments in this Privacy Policy, for as long as we retain it.

7. SECURITY MEASURES

We use reasonable technical, administrative, and physical measures to protect information contained in our system against misuse, loss or alteration; and to secure information that we receive through our Services.

Please recognize that protecting your personal information is also your responsibility. You should keep your username, password, ID numbers, or other access credentials secure as

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8. INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION

We may store, process, and transmit personal information in locations around the world, including locations outside of the country or jurisdiction where you are located. Our primary data processing activities occur within the United States. The United States and other countries where we process data may have data protection laws that are less protective than the laws of the jurisdiction in which you reside. If you do not want your information transferred to or processed or maintained outside of the country or jurisdiction where you are located, you should not use our Services.

We transfer your personal information subject to appropriate safeguards as permitted under the applicable data protection laws.

9. NOTICE TO INDIVIDUALS LOCATED IN THE EUROPEAN ECONOMIC AREA, THE UNITED KINGDOM, OR SWITZERLAND

This Section only applies to users of our Services located in the European Economic Area, the United Kingdom or Switzerland (collectively, the "Designated Countries") at the time of data collection. If any terms in this Section conflict with other terms contained in this Policy, the terms in this Section shall apply to users in the Designated Countries. Lawful basis for processing your personal information. Below is a summary of our data processing activities and our lawful bases for processing data.

Purposes of processing	Legal basis for processing

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• to send service-related communications • to provide customer support • to enforce our terms, agreements, or policies • to ensure the security of our services • to share information with our service providers, business partners, and affiliates	the applicable contract.
• to personalize your experience on our Websites • to conduct research and product development • change of control	Processing is based on our legitimate interest to better understand you, to maintain and improve the accuracy of the information we store about you, and to better promote or optimize our Services.
• to maintain legal or regulatory compliance • responding to legal requests and preventing harm • safety and legal compliance	Processing is necessary for compliance with our legal obligations, the public interest, or in your vital interests.
• to conduct scientific, historical, or statistical research	Processing is based on your consent, as required under applicable law, or as otherwise permitted by laws governing scientific, historical or statistical research.
• to create anonymized or pseudonymized information or samples	Processing is based on your consent, as required under applicable law, or as otherwise permitted by laws governing scientific or historical research.

about your account or our Services are not considered "direct marketing" communications. We will only send you direct marketing communications by electronic means (including email or SMS) based on our legitimate interest or your consent. When we rely on legitimate interest, we will only send you information about our Services that are similar to those which were the subject of a previous sale or negotiations of a sale to you. If you do not want us to use your personal information in this way, please click an unsubscribe link in your emails, or contact us at clientservices@invitae.com. You can object to direct marketing at any time and free of charge.

Individual rights. We provide you with the rights described below when you use our Services. When we receive an individual rights request from you, please make sure you are ready to verify your identity. Please be advised that there are limitations to your individual rights. We may limit your individual rights in the following ways: (i) where denial of access is required or authorized by law; (ii) when granting access would have a negative impact on other's privacy; (iii) to protect our rights and properties; and (iv) where the request is frivolous or burdensome. If you have questions, if you would like to exercise your rights under the applicable law please contact us at clientservices@invitae.com.

- **Right to withdraw consent.** If we, or any third parties to which we provide your personal information, rely on your consent to process your personal information, you have the right to withdraw your consent at any time. A withdrawal of consent will not affect the lawfulness of our processing or the processing by any third parties made before your withdrawal. In addition, your withdrawal of consent may not limit our, or the third parties' further processing of personal information on another lawful basis, including where it is necessary for the performance of a contract; for us to comply with our legal obligations; where it protects your vital interests; or in limited circumstances where it is in our legitimate interests.
- **Right of access and rectification.** If you request a copy of your personal information that we hold, we will provide you with a copy without undue delay and free of charge, except where we are permitted by law to charge a fee. We may limit your access if such access would adversely affect the rights and freedoms of other individuals. You may request to correct or update any of your personal information held by us.
- **Right to erasure (the "right to be forgotten").** You may request us to erase any of your personal information held by us that: is no longer necessary in relation to the purposes for which it was collected or otherwise processed; was collected in relation to processing that you previously consented to, but later withdrew such consent; or was collected in relation to processing activities to which you object, and there are no

permitted by applicable law if we process your personal information on the legal basis of consent, contract, or legitimate interests. We can continue to process your personal information if it is necessary for the defense of legal claims, or for any other exceptions permitted by applicable law.

- **Right to restriction.** You have the right to restrict our processing of your personal information where one of the following applies:
    - You contest the accuracy of your personal information that is processed.We will restrict the processing of your personal information, which may result in an interruption of some or all of the Services, during the period necessary for us to verify the accuracy of your personal information.
    - The processing is unlawful and you oppose the erasure of your personal information and request the restriction of its use instead.
    - We no longer need your personal information for the purposes of the processing, but it is required by you to establish, exercise, or defend legal claims.
    - You have objected to processing, pending the verification whether the legitimate grounds of our processing override your rights.
    - We will only process your restricted personal information with your consent or for the establishment, exercise, or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest. We will inform you if or when the restriction is lifted.

Right to data portability. If we process your personal information based on a contract with you or based on your consent, or the processing is carried out by automated means, you may request to receive your personal information in a structured, commonly used and machine-readable format, and to have us transfer your personal information directly to another data controller, where technically feasible, unless exercise of this right adversely affects the rights and freedoms of others.

Notification to third parties. If we share your personal information with third parties, we will notify them of any requests for rectification, erasure, or restriction of your personal information, unless this proves impossible or involves disproportionate effort.

Right to lodge a complaint. If you believe we have infringed or violated your privacy rights, please contact us at clientservices@invitae.com so that we can work to resolve your concerns. You also have a right to lodge a complaint with a competent supervisory

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10. NOTICE TO CALIFORNIA RESIDENTS

This Section only applies to users of our Services that reside in the State of California. For purposes of this Section, the term "personal information" does not include information subject to HIPAA or the California Confidentiality of Medical Information Act. For example, this Section does not apply to genetic test records or to any data or medical records stored by Invitae.

If you are a California Resident, you are entitled to certain privacy rights relating to your personal information. This section describes those rights and how you can exercise those rights.

- **Right to Know and Access Personal Information**. You have the right to access and know what personal information we collect about you, and how we use, disclose, or sell such personal information. We do not "share" personal information as that term is used in the California Consumer Privacy Act.
- **Right to Request Deletion of your Personal Information**. You have the right to request that we delete the personal information we have about you subject to certain limitations. If we do not delete your personal information for reasons permitted under applicable law, we will let you know the reason why.
- **Right to Correct Inaccurate Personal Information**. You have the right to request that we correct inaccurate personal information that we maintain about you.
- **Right to Opt Out of Sale of your Personal Information**. You may have the right to opt out of the sale or sharing of your Personal Data.

Non-Discrimination

We will not discriminate or retaliate against you for exercising any of your rights identified in this privacy policy.

Methods for Submitting Requests. If you wish to exercise any of these rights please email clientservices@invitae.com with the phrase “California Privacy Rights” in the subject line. You may also send a letter to us at Invitae Corporation, Attn: Chief Privacy Officer,

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If you are a California ordering clinician and would like to exercise your right to opt out of the sale of your personal information please log in to your portal account, fill out the form located here, or use one of the methods described above.

Identity Verification for requests. If you make a request related to personal information about you, you will be required to supply a valid means of identification as a security precaution. We will verify your identity with a reasonably high degree of certainty using the following procedure where feasible: we will match identifying information you provide when making the request to the personal information maintained by us, or use a third-party identity verification service. If it is necessary to collect additional information, we will use the information only for verification purposes and will delete it as soon as practicable after complying with your request. For requests related to particularly sensitive information, we may require additional proof of your identity.

Authorizing a Third Party to Make a Request. If you wish to authorize a third party to make a request on your behalf through an authorized agent, you must contact us directly and you or the third party acting on your behalf must provide a valid California power of attorney or comparable documentation of written permission from you and verification of your identity. Such power of attorney must meet the requirements of Probate Code sections 4000 to 4465. You may also make a privacy request on behalf of your minor child.

Additional disclosures

How We Collect Your Personal Information

We may have collected personal information about you from a variety of sources in the past 12 months:

- **From You**: When you set up your account or interact with us regarding your account, for billing and payment, for when you start, receive, or discontinue services, and when you otherwise interact with us or our representatives.
- **From Providers**: We work with and receive personal information from third parties such as service providers, vendors, contractors, credit agencies, or market researchers who provide products and services on our behalf.
- **From Your Use of Our Website or Mobile Apps**: We collect information about your visits and use of our website and mobile apps, including information through cookies and other logging technologies.

Categories of personal information we collect. In the previous 12 months, Invitae may have collected the following categories of personal information:

providers and contractors or to other third parties as required by law.

- **Information Subject to Protection Under California Law**, such as the Identifiers above, health insurance information, credit card number, or debit card number. We use this information to provide you with our services, maintain your account, and to otherwise communicate with you. We may provide this information to service providers, regulators or to other third parties as required by law.

- **Characteristics of Protected Classifications**, such as your racial or ethnic origin and health information. For more information, please see the "Sensitive personal information" description below.

- **Sensitive Personal Information**, such as your driver's license or government issued identification number, racial or ethnic origin.

- **Payment Information**. We or our service providers may collect your credit card or debit card information. We use this information to process payments for our services. We do not, however, collect or store payment card or bank information. Payments and purchases are processed through our service providers.

- **Commercial Information**, such as a record of products or services obtained or considered. We use this information to better understand your use of our services and for our internal business purposes. We may provide this information to service providers and contractors or to other third parties as required by law.

- **Professional Information**, including information relating to your role as a representative or agent of a company or business, such as your work title and contact information. We use this to conduct business with you or your employer and provide you with services and otherwise communicate with you. We may provide this information to service providers and contractors or with other third parties as required by law.

- **Internet and Other Electronic Activity Information**, such as your browsing history, search history, information about your interactions with our website, use our mobile apps, or interact with our digital advertisements. We may provide this information to service providers, contractors or to other third parties as required by law. We may collect the following internet and other electronic activity data:

- **Your Visits to Our Website or Mobile Apps**: we collect information about visits to our website and mobile apps, such as the number of visitors and the number of users that click on certain links or use certain services. For some functionalities, such as rate analysis, we link usage information with the customer visiting the website.

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cookies, please read our Cookie Policy.

Purpose for collecting or selling personal information. Your personal information may be collected or used for the purposes described in sections 5, 12, or 13 of this Policy, as well as for other purposes that may be described to you when we collect your personal information.

Categories of third parties with whom we share your personal information. Invitae may share your personal information with the following categories of third parties:

- **At Your Choice**: You may authorize other companies or persons to receive your personal information.
- **To Our Service Providers and Contractors**: We may disclose your personal information to service providers and contractors that provide services and support to us. We contractually require service providers and contractors acting on our behalf to take reasonable steps to protect your personal information and to not use your personal information for any purpose other than that for which it was given to the service provider or contractor.
- **To Third Parties to Fulfill Legal Obligations**: From time to time, we may disclose your personal information with other parties as required pursuant to a valid legal warrant, subpoena, court order, or other legal or regulatory mandate, or as necessary for us to defend to assert legal claims.
- **To Third-Party Analytics Companies**. We use selected third parties to collect data about how you interact with our website and apps. This information may be used to, among other things, improve the functionality of our website and services.
- **To Potential Business Partners**. We may share or transfer your information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company.
- **To Other Parties**: From time to time, we may share your personal information to parties such as law enforcement or other government agencies when we, in good faith, believe you or others are acting unlawfully, when we believe it is necessary or appropriate to satisfy any law, regulation or other governmental request, to operate our business properly, to protect or defend our rights or the rights or well-being of our users, and when we believe disclosure is necessary or appropriate to protect the health and safety of our employees, other consumers, and the general public.

Retention

protections of applicable law and the commitments made by Invitae in this Privacy Policy.

Selling Personal Information

In the last 12 months we may have sold the personal information relating to clinicians who have ordered genetic tests from Invitae. We have not sold other personal information, including the PHI of patients, in the preceding 12 months for any monetary value. However, our use of certain website cookies may be considered a "sale" of information under California law. In the past twelve months, we may have shared your internet activity or geolocation with third parties whose cookies are on our websites. These cookies are used to analyze usage of our website, provide you with relevant advertising and products, and provide additional, dynamic functionality to our websites. You can opt-out of this "sale" of information by using our cookie management tool, available here. We also recognize opt-out preference signals contained in HTTP header fields.

Disclosing Aggregated and De-identified Data

We may share aggregated or de-identified, data and information derived from personal information with other entities for the purpose of performing activities that may help us provide and improve our products and services.

California Shine the Light Law

California residents may also request information from us once per calendar year about any personal information shared with third parties for the third party's own direct marketing purposes, including the categories of information and the names and addresses of those businesses with which we have shared such information. To make such a request, please reach us at the contact information listed below. This request may be made no more than once per calendar year, and we reserve our right not to respond to requests submitted other than to the email or mailing addresses specified below.

▼ 11. DO NOT TRACK

Certain web browsers and other devices you may use to access the Websites may permit you to submit your preference that you do not wish to be "tracked" online. Like many

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12. SERVICE-SPECIFIC POLICIES: GENETIC TESTING

This section describes policies specific to Invitae's genetic testing services. We describe how Invitae uses and protects your data and the choices available to you to determine how it is used. Two of Invitae's founding principles are 1) patients own and control their own genetic information and 2) genetic information is more valuable when shared. These principles have guided the company since its inception and inform how Invitae uses and protects patient data.

Information Invitae Collects for Genetic Testing

As a genetic testing laboratory, Invitae receives your sample (e.g. blood, saliva) along with your relevant health information. Invitae then analyzes the genetic information contained within the sample and delivers a genetic test report to your healthcare provider. Your sample and the health and genetic information Invitae receives and generates about you (collectively, "your data") is considered as sensitive personal data by regulators. Your data is subject to strict legal requirements regarding how it can and cannot be used and how it must be protected.

How Invitae Uses and Shares Your Genetic Data.

The following activities are a core part of Invitae's genetic testing services such that when you consent to a genetic test, **you are consenting to and understand you cannot opt-out** of these activities:

- Providing genetic testing services, including preparing and delivering a genetic test report to your healthcare providers. This report may be delivered through the Invitae portal or an intermediary and may include raw sequencing data.
- Performing operational activities in support of genetic testing services, such as billing for services Invitae provides. Invitae may contact you via text or email (per your contact preference) as part of delivering the genetic testing services.
- Internal uses for validation, quality improvement, refining and updating Invitae's classification of genetic variants, and product development related to genetic testing.
- Sharing of anonymized variant information with ClinVar, a federal program that enables research on genes and health.

particular disease.

- Sharing of data that is summarized at a group or aggregate level rather than data that is specific to a single individual.
- Sharing of the contact information of your healthcare provider with third parties if your healthcare provider has provided consent.

You also consent to the research and commercial activities as set forth below, you can opt out of any of the following activities by setting your preferences in the Invitae patient portal or by emailing us. Samples originating in the State of New York will not be eligible for the research and commercial activities described below. No tests other than those authorized shall be performed on your biological sample, though your de-identified data may still be utilized unless you opt out as described above.

- Performing internal research activities. These are activities where Invitae uses patient samples or data to generate new knowledge.
- Sharing de-identified data and samples with third parties for research or commercial activities.
    - Third parties may include academic researchers, commercial entities, and other genetic testing laboratories. Recipients of the de-identified data and samples are prohibited from attempting to re-identify you. Recipients may link de-identified data from Invitae with other data sources to create a combined data set as long as the data remains de-identified. Invitae will NOT share your identifiable data or sample without your additional, explicit consent. If you opt out of data sharing after your data has already been shared, you understand your data cannot be "un-shared".
- Contacting you about research opportunities, opportunities to connect with others, product feedback, and new products and services.

Sponsored Testing Programs and Data Sharing. *If you choose to participate in a sponsored testing program or other data sharing program offered by Invitae to help individuals access genetic testing, you are consenting to de-identified data sharing through the program. You understand that (1) you cannot opt out of data sharing through the program (except where required by law) and (2) your general data sharing preference will not apply to data sharing through the program.*

Location of processing of sample and data. Invitae is located in the United States and Invitae will process your data and sample in the United States.

taken or at the end of the testing process, whichever is later.

13. SERVICE-SPECIFIC POLICIES: PATIENT INSIGHTS NETWORKS (PINs)

Patient Insights Networks (PINs) are online platforms where individuals can take surveys, upload medical records, track health outcomes, and learn about the latest research and clinical trials.

PIN Data Storage and Sharing. Data stored in PINs is safeguarded and de-identified which makes it possible to share with researchers and drug developers working to help find new and better treatments for disease. Data is also shared with other patients, as well as various organizations, as discussed in further detail below.

Invitae will only share your de-identified data stored in a PIN according to the preferences you set, either at account creation or at any time after. If you opt-in, your de-identified data may be shared:

- With public databases such as ClinVar, a federal program that enables research on genes and health.
- With PIN Participants including non-profit organizations, doctors, research scientists, medical investigators, regulatory agencies, and pharmaceutical and biomedical companies.

Contacting Us

Our Websites are owned and operated by Invitae. If you have any questions about this Policy or our Services, you can email us at clientservices@invitae.com, call us at 800-436-3037, or write to us via regular mail at Invitae Corporation, 1400 16th St., San Francisco, California 94103.





INVITAE

Invitae's mission is to bring comprehensive genetic information into mainstream medicine to improve healthcare for billions of people.

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Accessibility | Cookie preferences | Licensing | Privacy | Terms of use |

Do not sell or share my personal information

US

EXHIBIT C

Website Privacy Policy

Labcorp Web Privacy Statement

Laboratory Corporation of America Holdings and its subsidiaries, including Laboratory Corporation of America (collectively "Labcorp", “We”, “Us” or “Our”), is a leading global life sciences company that is committed to protecting your (“Your” or “You”) information that We may collect from or which You may submit to or through **www.Labcorp.com (https://web.archive.org/web/20240314164006/https://www.labcorp.com/)** or other Labcorp websites or mobile applications that directly link to this privacy statement (collectively, the “Website”).

This privacy statement (the “Privacy Statement”), together with Our Terms of Use, describes how We may use Your information and how that information may be used or disclosed by Us.

Please read the following carefully to understand Our views and practices regarding Your information and how We will treat it.

This Privacy Statement does not apply to information that is considered Protected Health information, as defined by Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). For information on Our use and disclosure of medical information please see Our **HIPAA Notice of Privacy Practices (/web/20240314164006/https://www.labcorp.com/hipaa-privacy/hipaa-notice-privacy-practices)**. For more information on the use and disclosure of information collected about or from residents of California and Virginia, please see Our **California and Virginia Privacy Policy (/web/20240314164006/https://www.labcorp.com/California-and-Virginia-privacy-policy)**. The California and Virginia Privacy Policy supplements this Privacy Statement. If there is any conflict between this Privacy Statement and the California and Virginia Privacy Policy, the California and Virginia Privacy Policy will control solely with respect to information relating to residents of California and Virginia. If you are a resident of California or Virginia, You acknowledge our California and Virginia Privacy Policy.

This Privacy Statement applies only to information collected on the Website. It does not apply to information collected on any third-party site that may link to or be accessible to the Website over which We have no influence or control. The use of other sites, or the submission of information to other third-party sites is at Your own risk and is subject to their privacy statements and policies.

Collecting Your Information

Generally, You can visit the Website without revealing who You are and without disclosing any of Your information. However, there may be times when We require information about You or Your device, or when You wish to disclose such information to Us. Such information is obtained when You use our Website or it is submitted by You, and is subject to the provisions set out in this Privacy Statement.

We collect and process the following information:

- Unique identifiers, such as Your name, postal address, online identifier, email address, account name, or other similar personal identifiers.
- Protected classification characteristics under applicable laws, such as Your age (40 years or older), race, ancestry, national origin, medical condition, physical or mental disability, sex (including gender, pregnancy and related medical conditions), genetic information (including familial genetic information).
- Commercial information, such as records of products or services purchased or obtained, or correspondence from You.
- Usage information and other similar network activity, such as browsing history, device ID, search history, Internet Protocol address, information on Your interaction with a website, device geolocation, application type and version, or advertisements placed and ad interactions.
- Professional or employment-related information, such as current or past job history or performance evaluations.

We obtain the information listed above:

- Directly from You, such as from documents or forms You provide to Us, or preferences You express or provide when accessing our services;
- Indirectly from You, such as by observing Your activity when receiving, using, or accessing our services;
- Automatically from You, such as through the use of tracking technologies and other cookies as You use our digital services, including Our websites and mobile applications; or
- From third-parties, such as to monitor and analyze the use of our websites, mobile applications, for payment processing, or other third-party vendors that We use to provide services to You, including websites and mobile applications through the course of providing services to You or jointly with Us.

Where required by law, We may ask for Your additional explicit consent to collect information considered to be sensitive personal information (such as information about Your ethnicity or health information). You may withdraw such consent at any time by contacting Us at the details below.

We do not ask You to provide personal health care information to Us through our general website.* We obtain personally identifying information about You only if You voluntarily choose to provide such information via correspondence with Us. Feedback forms used in Labcorp correspondence specifically request that You not include personal information such as user names, passwords, social security numbers, and private health information.

Correspondence conducted via Labcorp Secured Communications stored on a third-party server and not owned, controlled, or accessible to

* If You are a user of Labcorp Link or other specific Labcorp Connectivity Solutions or programs, You may be asked to provide personal information through those applications. In addition to the general applicability of this Privacy Statement to those products, use of those applications and any information collected through there, are governed by specific end user agreements, as well as Labcorp's **Notice of Privacy Practices (/web/20240314164006/https://www.labcorp.com/hipaa-privacy)** relating to use and disclosure of individually identifiable health information.

If You are a user of the Labcorp Patient mobile application, You may be asked to grant access to Your device's file storage to store and retrieve data in order to view PDF files in the application.

Various Labcorp webpages and programs give users the option to make electronic payment for services. Information from these bill payment links is not tracked or recorded but may be transmitted to independent third parties for payment processing.

We may be required by law to collect certain personal information about You or as a consequence of any contractual relationship We have with You. Failure to provide this information may prevent or delay the fulfillment of these obligations.

How We Will Use Your Information

We use Your information for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided, including to process payments and other financial transactions.
- To provide You with information, products, or services that You request from Us.
- To provide You with electronic messages consisting of alerts, reminders, event registrations and other notices concerning Our products or services, appointments, events, or news that may be of interest to You.
- To carry out Our obligations and enforce Our rights arising from any contracts entered into between You and Us.
- To improve Our Website and present its contents to You.
- For testing, research, analysis, and product development.
- As necessary or appropriate to protect the rights, property or safety of Us or others.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to You when collecting Your information directly or as otherwise set forth under applicable law.

When we use Your contact information to communicate to You about new services and products that may be of interest to You, You will be given the option of receiving periodic informational/promotional mail or email from Us. You choose whether or not to receive correspondence when You provide this information or by changing Your preferences within Your registration profile or by following the instructions provided in the email at any time.

If You do not want Us to use Your information in this way, please contact Us at the details below.

Worldwide Transfer of Your Personal Information

Your personal information may be transferred to, stored, and processed in a country other than the one in which it was provided, including the U.S. (i.e., a 'Recipient' country). Labcorp will use mechanisms for any such transfer as required under applicable law. If You have questions concerning the transfer of Your information, please contact Us using the contact details set out below.

Third Parties Disclosures

We may share Your Personal Information with agents, contractors, or partners of Labcorp in connection with services that these individuals or entities perform for, or with, Labcorp. We may, for example, provide Your information to agents, contractors, or partners for hosting Our databases, for data processing services, or so that they can mail You information that You requested.

Labcorp will disclose Your information in response to duly authorized information requests of any law enforcement agency, court, regulator, government authority, or other third party, where We believe such disclosure is necessary to comply with a legal or regulatory obligation, or otherwise to protect Our rights or the rights of any third party, including to identity or locate anyone for the prevention or detection of crime or the apprehension or prosecution of offenders. You waive and hold Us harmless from any claims resulting from such disclosures and from any actions taken as a consequence of investigations by either Us or law enforcement authorities.

We will also transfer your information to a third party in connection with the sale, assignment, or other transfer of Our business to which the information relates.

We also share aggregate, non-personal information about Website usage with affiliated and unaffiliated third parties.

Information Security and Storage

We reserve the right to take any appropriate legal action, including referral to law enforcement, for any illegal or unauthorized use of this Website. We also reserve the right take any action to prevent the unauthorized use of Our intellectual property.

The Retention of Your Information

We will retain and use Your information to the extent and for a period permitted under applicable law, including as necessary to comply with our legal obligations, resolve disputes, enforce our legal agreements and policies, and protect Our property.

We will also retain usage data for internal analysis purposes. Usage data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of the Website, or We are legally obligated to retain this data for longer time periods.

The Safety and Security of Your Personal Information Also Depends on You

If You choose or are given a user identification code, password or any other information as part of Our security procedures for one of the registration-only sections of the Website, You are responsible for maintaining the confidentiality of Your password and user name for the Website and You are responsible for all activities that are carried out under them.

We will not be liable where Your password or user name is used by someone else. You agree to notify Us immediately at the contact information provided below of any unauthorized use of Your password or user name of which You become aware. We have the right to disable any user identification code or password, whether chosen by You or allocated by Us, at any time to safeguard your account and data.

Please be aware that while We take appropriate steps to safeguard the security of Your Personal Information, the transmission of information over the Internet is not completely secure and therefore You do this at Your own risk.

Financial information and payment data, including credit card numbers, that You provide to Us via the Labcorp internet bill payment link is encrypted. This information will be accessed only by Labcorp agents and employees and third-party vendors who support Labcorp's billing operations.

We implement technical and organizational measures to maintain a level of security appropriate to the risk to the Personal Information We process.

To request that Your Personal Information be deleted from Our databases, please see below for more information.

Cookies and Our Use of Tracking Technologies

Labcorp tracks visitors to our Website by collecting usage data using various methods, tools, and technologies to store or collect information about Your use of and access to our Website ("tracking technologies"). Tracking technologies may set, change, alter or modify settings or configurations on your device. A few of the tracking technologies we may use include the following (and subsequent technology and methods later developed):

- **Cookies.** A cookie is a unique data file placed on a device when it is used to visit our Website. Cookies help enable Your preferred web experience, allowing Our Website to recognize your device and preferences, and to track Your use of and interest in different parts of our Website.
- **Web Beacons.** Small graphic images or other web programming code called web beacons (also known as "1x1 GIFs" or "clear GIFs") may be included in our Website' pages and messages. Web beacons may be invisible to you, but any electronic image or other web programming code inserted into a page or e-mail can act as a web beacon. Web beacons or similar technologies may be used for a number of purposes, including to count visitors to the Website, to monitor how users navigate the Website, or to identify particular articles or links actually viewed.
- **Embedded Scripts.** An embedded script is programming code that is designed to collect information about Your interactions with the Website, such as the links You click on. The code is temporarily downloaded onto Your device from our web server or a third-party, is active only while You are connected to the Website and is deactivated or deleted thereafter.
- **Browser Fingerprinting.** Collection and analysis of information from Your browser used on Your device, such as Your browser type, version, operating system, plug-ins, system fonts and other data, for purposes of identification.
- **ETag, or Entity Tag.** A feature of the cache in browsers. It is an opaque identifier assigned by a web server to a specific version of a resource found at a URL. If the resource content at that URL ever changes, a new and different ETag is assigned. Used in this manner, ETags are a form of Device Identifier. ETag tracking may generate unique tracking values even where the consumer blocks HTTP, Flash, and/or HTML5 cookies.
- **Recognition Technologies.** Technologies, including application of statistical probability to data sets, which attempt to recognize or make assumptions about devices, users, and activities on the Website (e.g., that a user of multiple devices is the same user), including session and event recorders, voice to text recognition, etc.).

These tracking technologies are used to (1) enable certain functions and tools on the Website, (2) assist in the navigation of the Website, (3) track resources and data used on the Website, (4) promote Labcorp's products and services, and (5) remember computer settings. Labcorp also collects other forms of usage data, such as information on browsers used to access our Website, search terms used to find the Website, and traffic referrals and links to our Website. This usage data may not be permanently maintained within our tracking system.

Labcorp also uses the services of Google Analytics and other similar software to analyze traffic to the various Labcorp webpages. Data collected regarding site usage is compiled in aggregate to improve the performance of the site, create a profile of uses, and improve our marketing and advertisements. By accessing our Website, You expressly consent to the use of these tracking technologies, and this data collection and use.

If You do not wish Your information to be included in aggregated data through Google Analytics, You can download and install Google's "Google Analytics Opt-out Browser Add-on" available **here (https://web.archive.org/web/20240314164006/https://tools.google.com/dlpage/gaoptout)**. If You wish to prevent the use of cookies or for Your information to be included in aggregated data through Google Analytics, You must modify the properties on Your web browser for both as described above.

We are giving You the ability to use tracking technologies and your available choices regarding their use may be meaningfully informed. You are responsible for managing any preference changes on your browser. Please note that certain tracking technologies may be rejected, disabled or removed by tools that are available as part of most commercial browsers, and in some but not all instances can be blocked in the future by selecting certain settings. Each browser You use will need to be set separately and different browsers offer different functionality and options in this regard.

Please be aware that if You disable or remove these tracking technologies some parts of our Website may not work and when You revisit Our Website your ability to limit browser-based tracking technologies is subject to Your browser settings and limitations.

Various third parties are developing or have developed signals or other mechanisms known as “do not track signals.” For instance, some browsers may have such signal options, although they differ as to if the signal is set as default or must be turned on by the user. Further, there is currently no standard as to what sites and app operators should do with regard to these signals. Currently, we do not monitor or take any action with respect to these signals or other mechanisms, although we may consider doing so if an understandable and practical standard is developed and widely adopted.

Internet Links

The Labcorp Website may contain links to a number of sites that may provide useful information. Links contained on the Labcorp Website that transfer You to a non-Labcorp site are not maintained by Labcorp and may contain different information and/or different privacy policies from those of our Company. You may review the privacy policies of these websites and/or receive specific information regarding that site's privacy policies and procedures after leaving the Labcorp site. Labcorp is not responsible for the content or privacy practices of a non-Labcorp Website. Labcorp does not control, or have any input into, whether our business partners or internet-linked sites, use or accept cookies on their sites.

Updates and Changes

We may update this Privacy Statement from time to time. When We do update it, for Your convenience, We will make the updated Privacy Statement available on this page. Changes and additions to the Privacy Statement are effective from the date on which they are posted. Please review the Privacy Statement from time to time to check whether We have made any changes to the way in which We use Your Personal Information.

Children's Privacy

You should be aware that this Site is not intended for, or designed to attract, individuals under the age of 18. If You are a parent or guardian and You are aware that Your child has provided Us with personal information, please contact Us.

Your Rights over Your Personal Information

You may have certain rights regarding Your personal information, subject to local law. These may include the right to:

- access Your personal information;
- rectify the information We hold about You;
- erase Your personal information;
- restrict Our use of Your personal information;
- object to Our use of Your personal information;
- receive Your personal information in a usable electronic format and transmit it to a third party (right to data portability); and
- lodge a complaint with Your local data protection authority if one exists in Your country.

We encourage You to contact Us to update or correct Your personal information if it changes or if the information We hold about You is inaccurate. Please note that We will likely require additional information from You in order to honor Your requests.

You may request that Your personal information be deleted, You may continue to receive materials for a short period while We are updating Our lists. Your records will then be permanently deleted from Our systems.

How to Contact Us

Laboratory Corporation of America Holdings is based in the US and is the controller responsible for information that it collects and processes.

If You have any questions or concerns regarding the way in which Your information is used, please contact Us via mail at 531 South Spring St., Burlington, North Carolina 27215, marking Your letter for the attention of the Data Controller, Compliance Department. Our Data Protection Officer can be contacted at DPO@labcorp.com. The data protection representative of the Company in the European Union is LabCorp BV, Zandvoortstraat 2, Mechelen, 2800, Belgium. The data protection representative in the United Kingdom is Labcorp Research Limited, Shardlow Business Park, London Road, Shardlow Derbyshire, DE72 2GD.

This Privacy Statement was last updated November 27, 2023.

Labcorp **FAQs**

About Us (/web/20240314164006/https://www.labcorp.com/about)

Newsroom (/web/20240314164006/https://www.labcorp.com/newsroom)

Careers (https://web.archive.org/web/20240314164006/https://careers.labcorp.com/global/en)

Investors (https://web.archive.org/web/20240314164006/https://ir.labcorp.com/)

Labs (/web/20240314164006/https://www.labcorp.com/frequently-asked-questions/patient/labs-appointments/all)

Test Results (/web/20240314164006/https://www.labcorp.com/frequently-asked-questions/patient/testing-information/all)

All Patient (/web/20240314164006/https://www.labcorp.com/frequently-asked-questions/patient)

All Provider (/web/20240314164006/https://www.labcorp.com/frequently-asked-questions/provider)

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Privacy Statement (/web/20240314164006/https://www.labcorp.com/hipaa-privacy)

Terms and Conditions (/web/20240314164006/https://www.labcorp.com/terms-and-conditions)

Notice of Nondiscrimination (/web/20240314164006/https://www.labcorp.com/labcorp-nondiscrimination-notice)

Combatting Modern Slavery and Human Trafficking Statement

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EXHIBIT D

HIPAA Information

Labcorp's Notice of Privacy Practices

This Notice Describes How Medical Information About You May Be Used And Disclosed And How You Can Get Access To This Information. Please Review It Carefully.

This Notice of Privacy Practices applies to Laboratory Corporation of America Holdings and all of its subsidiaries and business units (collectively referred to as "LabCorp" in this Notice), except to the extent that a subsidiary, division, or business unit of LabCorp performs occupational screening, forensic tests, paternity/identity tests, clinical trials tests or other services that do not involve standard electronic transactions for which the Department of Health and Human Services ("HHS") has adopted standards.

Labcorp's Protection of Protected Health Information (PHI)

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Labcorp is required by law to maintain the privacy of health information that identifies you, called protected health information (PHI), and to provide you with notice of our legal duties and privacy practices regarding PHI. Labcorp is committed to the protection of your PHI and will make reasonable efforts to ensure the confidentiality of your PHI, as required by statute and regulation. We take this commitment seriously and will work with you to comply with your right to receive certain information under HIPAA.

Labcorp's Use and Disclosure of PHI

As permitted under HIPAA, the following categories explain the types of uses and disclosures of PHI that Labcorp may make. Some of the uses and disclosures described may be limited or restricted by state laws or other legal requirements, for example, the Clinical Laboratory Improvement Amendments of 1988 (CLIA). Please contact our Privacy Officer, using the contact information provided at the end of this notice, for specific information regarding your state.

- For treatment — Labcorp may use or disclose PHI for treatment purposes, including disclosure to physicians, nurses, medical students, pharmacies, and other health care professionals who provide you with health care services and/or are involved in the coordination of your care, such as providing your physician with your laboratory test results.
- For payment — Labcorp may use or disclose PHI to bill and collect payment for laboratory or genetic counseling services we provide. For example, Labcorp may provide PHI to your health plan to receive payment for the health care services provided to you.
- For health care operations — Labcorp may use or disclose PHI for health care operations purposes. These uses and disclosures are necessary, for example, to evaluate the quality of our laboratory testing, accuracy of results, accreditation functions and for Labcorp's operation and management purposes. Labcorp may also disclose PHI to other health care providers or health plans that are involved in your care for their health care operations. For example, Labcorp may provide PHI to manage disease, or to coordinate health care or health benefits.
- Appointment reminders and health-related benefits and services — Labcorp may use and disclose PHI to contact you as a reminder that you have an appointment with us and may use and disclose PHI to tell you about health-related benefits and services that may be of interest to you. For example, Labcorp may contact you about a new patient service center in your area or about new testing services available at Labcorp based on services ordered by your physician.
- Disclosure of PHI to you — Labcorp may disclose PHI to you or as directed by you to a third party. Your right to see and receive a copy of your PHI is listed below under patient rights regarding PHI.
- Emergency circumstances and notifications — If you are present and capable, Labcorp will obtain your agreement to use and/or disclose PHI about you during an emergency event to notify, or assist in the notification of a family member, your personal representative, or another person responsible for your care regarding your location, general condition, or death. Otherwise, Labcorp may exercise its professional judgement based on the circumstances and use and disclose PHI for your safety.
- Individuals involved in your care or payment for your care — Labcorp may disclose PHI to a person who is involved in your care or helps pay for your care, such as a family member or friend. We also may notify your family about your location or general condition or disclose such information to an entity assisting in a disaster relief effort. As allowed by federal and state law, we may disclose the PHI of minors to their parents or legal guardians.
- Business associates — Labcorp may disclose PHI to its business associates to perform certain business functions or provide certain business services to Labcorp. For example, we may use another company to perform billing services on our behalf. All of our business associates are required to maintain the privacy and confidentiality of your PHI. In addition, at the request of your health care providers or health plan, Labcorp may disclose PHI to their business associates for purposes of performing certain business functions or health care services on their behalf. For example, we may disclose PHI to a business associate of Medicare for purposes of medical necessity review and audit.
- Disclosure for judicial and administrative proceedings — Under certain circumstances, Labcorp may disclose your PHI in the course of a judicial or administrative proceeding, including in response to a court or administrative order, subpoena, discovery request, or other lawful process.

- Law enforcement — Labcorp may disclose PHI for law enforcement purposes, including reporting of certain types of wounds or physical injuries or in response to a court order, warrant, subpoena or summons, or similar process authorized by law. We may also disclose PHI when the information is needed: 1) for identification or location of a suspect, fugitive, material witness or missing person, 2) about a victim of a crime, 3) about an individual who has died, 4) in relation to criminal conduct on Labcorp premises, or 5) in emergency circumstances to report a crime, the location of the crime or victims, or the identity, description, or location of the person who committed the crime.
- As required by law — Labcorp must disclose your PHI if required to do so by federal, state, or local law.
- Public Health — Labcorp may disclose PHI for public health activities. These activities generally include: 1) disclosures to a public health authority to report, prevent or control disease, injury, or disability; 2) disclosures to report births and deaths, or to report child abuse or neglect; 3) disclosures to a person subject to the jurisdiction of the Food and Drug Administration (FDA) for purposes related to the quality, safety or effectiveness of an FDA-regulated product or activity, including reporting reactions to medications or problems with products or notifying people of recalls of products they may be using; 4) disclosures to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and 5) disclosures to an employer about an employee to conduct medical surveillance in certain limited circumstances concerning work-place illness or injury.
- Disclosure about victims of abuse, neglect, or domestic violence — Labcorp may disclose PHI about an individual to a government authority, including social services, if we reasonably believe that an individual is a victim of abuse, neglect, or domestic violence.
- Health oversight activities — Labcorp may disclose PHI to a health care oversight agency for activities authorized by law such as audits, civil, administrative, or criminal investigations and proceedings/actions, inspections, licensure/disciplinary actions, or other activities necessary for appropriate oversight of the health care system, government benefit programs, and compliance with regulatory requirements and civil rights laws.
- Coroners, medical examiners, and funeral directors — Labcorp may disclose PHI to a coroner, medical examiner, or funeral director for the purpose of identifying a deceased person, determining cause of death, or for performing some other duty authorized by law.
- Organ and Tissue Donation — If requested, Labcorp may disclose PHI to organizations that handle organ procurement, or eye and tissues donation banks, or other health care organization as needed to make organ and tissue donation and transplantation possible.
- Personal Representative — Labcorp may disclose PHI to your personal representative, as established under applicable law, or to an administrator, executor, or other authorized individual associated with your estate.
- Correctional institution — Labcorp may disclose the PHI of an inmate or other individual when requested by a correctional institution or law enforcement official for health, safety, and security purposes.
- Serious threat to health or safety — Labcorp is allowed to disclose PHI when it has a good faith belief that the disclosure (1) is necessary to prevent or lessen a serious and/or imminent threat to the health or safety of the patient or others and (2) is to a person or persons reasonably able to prevent or lessen the threat.
- Research — Labcorp may use and disclose PHI for research purposes. Limited data or records may be viewed by researchers to identify patients who may qualify for their research project or for other similar purposes, so long as the researchers do not remove or copy any of the PHI. Before we use or disclose PHI for any other research activity, one of the following will happen: 1) a special committee will determine that the research activity poses minimal risk to privacy and that there is an adequate plan to safeguard PHI; 2) if the PHI relates to deceased individuals, the researchers give us assurances that the PHI is necessary for the research and will be used only as part of the research; or 3) the researcher will be provided only with information that does not identify you directly.
- Government functions — In certain situations, Labcorp may disclose the PHI of military personnel and veterans, including Armed Forces personnel, as required by military command authorities. Additionally, we may disclose PHI to authorized officials for national security purposes, such as protecting the President of the United States, conducting intelligence, counter-intelligence, other national security activities, and when requested by foreign military authorities. Disclosures will be made only in compliance with U.S. Law.
- Workers' compensation — As authorized by applicable laws, Labcorp may use or disclose PHI to comply with workers' compensation or other similar programs established to provide work-related injury or illness benefits.
- De-identified Information and Limited Data Sets — Labcorp may use and disclose health information that has been "de-identified" by removing certain identifiers making it unlikely that you could be identified. Labcorp also may disclose limited health information, contained in a "limited data set". The limited data set does not contain any information that can directly identify you. For example, a limited data set may include your city, county and zip code, but not your name or street address.

Other Uses and Disclosures of PHI

For purposes not described above, including uses and disclosures of PHI for marketing purposes and disclosures that would constitute a sale of PHI, Labcorp will ask for patient authorization before using or disclosing PHI. If you signed an authorization form, you may revoke it, in writing, at any time, except to the extent that action has been taken in reliance on the authorization.

Additional Safeguards and Protections

Labcorp employs additional safeguards for PHI that is subject to protection under other federal and state laws, for example, relating to mental health, HIV/AIDS, and genetic testing. Additionally, federally assisted alcohol and drug treatment programs are subject to restrictions on the use and disclosure of alcohol and drug abuse treatment information. As applicable, Labcorp will obtain your permission before disclosing the information to other health care providers who are not involved in your treatment program or care.

Information Breach Notification

Labcorp is required to provide patient notification if it discovers a breach of unsecured PHI unless there is a demonstration, based on a risk assessment, that there is a low probability that the PHI has been compromised. You will be notified without unreasonable delay and no later than 60 days after discovery of the breach. Such notification will include information about what happened and what can be done to mitigate any harm.

Patient Rights Regarding PHI

Subject to certain exceptions, HIPAA establishes the following patient rights with respect to PHI:

- Right to Receive a Copy of the Labcorp Notice of Privacy Practices — You have a right to receive a copy of the Labcorp Notice of Privacy Practices at any time by contacting us at privacyofficer@Labcorp.com, calling us at 877-234-4722/(877-23-HIPAA) and select option 3 for the Labcorp HIPAA Privacy Officer, or by sending a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215. This Notice will also be posted on the Labcorp Internet site at www.Labcorp.com
- Right to Request Limits on Uses and Disclosures of your PHI — You have the right to request that we limit: 1) how we use and disclose your PHI for treatment, payment, and health care operations activities; or 2) our disclosure of PHI to individuals involved in your care or payment for your care. Labcorp will consider your request, but is not required to agree to it unless the requested restriction involves a disclosure that is not required by law to a health plan for payment or health care operations purposes and not for treatment, and you have paid for the service in full out of pocket. If we agree to a restriction on other types of disclosures, we will state the agreed restrictions in writing and will abide by them, except in emergency situations when the disclosure is for purposes of treatment.
- Right to Request Confidential Communications — You have the right to request that Labcorp communicate with you about your PHI at an alternative address or by an alternative means. Labcorp will accommodate reasonable requests.
- Right to See and Receive Copies of Your PHI — You and your personal representative have the right to access PHI consisting of your laboratory test results or reports ordered by your physician. Within 30 days after our receipt of your request, you will receive a copy of the completed laboratory report from Labcorp unless an exception applies. Exceptions include a determination by a licensed health care professional that the access requested is reasonably likely to endanger the life or safety of you or another person, and our inability to provide access to the PHI within 30 days, in which case we may extend the response time for an additional 30 days if we provide you with a written statement of the reasons for the delay and the date by which access will be provided. You have the right to access and receive your PHI in an electronic format if it is readily producible in such a format. You also have the right to direct Labcorp to transmit a copy to another person you designate, provided such request is in writing, signed by you, and clearly identifies the designated person and where to send the copy of your PHI. To request a copy of your PHI:
  - Ask for a courtesy copy when you visit a Labcorp patient service center for specimen collection.
  - Ask a Labcorp patient service technician for information on how to open a Labcorp patient portal account to receive your laboratory reports electronically.
  - Complete the Labcorp HIPAA Patient Request Form.
  - Contact the Privacy Officer at 877-234-4722 or by e-mail at privacyofficer@Labcorp.com (mailto:privacyofficer@Labcorp.com).
- Right to Receive an Accounting of Disclosures — You have a right to receive a list of certain instances in which Labcorp disclosed your PHI. This list will not include certain disclosures of PHI, such as (but not limited to) those made based on your written authorization or those made prior to the date on which Labcorp was required to comply. If you request an accounting of disclosures of PHI that were made for purposes other than treatment, payment, or health care operations, the list will include disclosures made in the past six years, unless you request a shorter period of disclosures. If you request an accounting of disclosures of PHI that were made for purposes of treatment, payment, or health care operations, the list will include only those disclosures made in the past three years for which an accounting is required by law, unless you request a shorter period of disclosures.
- Right to Correct or Update your PHI — If you believe that your PHI contains a mistake, you may request, in writing, that Labcorp correct the information. If your request is denied, we will provide an explanation of the reasoning for our denial.

How to Exercise Your Rights

To exercise any of your rights described in this notice, you must send a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215. Except, patients may update insurance and/or billing information through our website or by contacting the Patient Billing Department using the phone number indicated on the billing invoice.

How to Contact Us or File a Complaint

If you have questions or comments regarding the Labcorp Notice of Privacy Practices, or have a complaint about our use or disclosure of your PHI or our privacy practices, please contact: privacyofficer@Labcorp.com, call us at 877-234-4722 / (877-23-HIPAA) and ask for the Labcorp HIPAA Privacy Officer, or send a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215.

You also may file a complaint with the Secretary of the U.S. Department of Health and Human Services. Labcorp will not take retaliatory action against you for filing a complaint about our privacy practices.

Changes to the Labcorp Notice of Privacy Practices

Labcorp reserves the right to make changes to this notice and to our privacy policies from time to time. Changes adopted will apply to any PHI we maintain about you. Labcorp is required to abide by the terms of our notice currently in effect. When changes are made, we will promptly update this notice and post the information on the Labcorp website at www.Labcorp.com. Please review this site periodically to ensure that you are aware of any such updates.

Effective Date of Notice: April 1, 2020

Revised: January 31, 2020

HIPAA Contacts

Labcorp works diligently to provide exceptional, quality service to all of its clients and is committed to implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The following information is provided to assist clients in contacting the appropriate Labcorp office with questions regarding HIPAA.

General HIPAA Inquiries

Privacy and Security - **privacyofficer@labcorp.com (mailto:privacyofficer@labcorp.com)** or call (877)234-4722 / 877-23-HIPAA

Transactions and Code Sets - **tcs@labcorp.com (mailto:tcs@labcorp.com)**

National Provider Identifier (NPI) - **npi@labcorp.com (mailto:npi@labcorp.com)**

Questions regarding specific HIPAA transactions and/or Code Sets standards should be addressed to the following:

Claims (837 Professional)	837claims@labcorp.com (mailto:837claims@labcorp.com)
Remittance (835) testing	835remittance@labcorp.com (mailto:835remittance@labcorp.com)
Encounters (837 Professional)	837encounters@labcorp.com (mailto:837encounters@labcorp.com)
Eligibility (270/271)	270-271eligibility@labcorp.com (mailto:270-271eligibility@labcorp.com)
Claims Status (276/277)	276-277claimstatus@labcorp.com (mailto:276-277claimstatus@labcorp.com)

Other HIPAA Inquiries

Trading Partner Agreement inquiry	tpa@labcorp.com (mailto:tpa@labcorp.com)
EDI Communications (B2B)	X12 Data Transfer misecdt@labcorp.com (mailto:misecdt@labcorp.com) X12 Data Mapping misecdm@labcorp.com (mailto:misecdm@labcorp.com)

Labcorp

About Us (/web/20240203150604/https://www.labcorp.com/about)

Newsroom (/web/20240203150604/https://www.labcorp.com/newsroom)

Careers (https://web.archive.org/web/20240203150604/https://careers.labcorp.com/global/en)

Investors (https://web.archive.org/web/20240203150604/https://ir.labcorp.com/)

FAQs

Labs (/web/20240203150604/https://www.labcorp.com/frequently-asked-questions/patient/labs-appointments/all)

Test Results (/web/20240203150604/https://www.labcorp.com/frequently-asked-questions/patient/testing-information/all)

All Patient (/web/20240203150604/https://www.labcorp.com/frequently-asked-questions/patient)

All Provider (/web/20240203150604/https://www.labcorp.com/frequently-asked-questions/provider)

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Privacy Statement (/web/20240203150604/https://www.labcorp.com/hipaa-privacy)

Terms and Conditions (/web/20240203150604/https://www.labcorp.com/terms-and-conditions)

Notice of Nondiscrimination (/web/20240203150604/https://www.labcorp.com/labcorp-nondiscrimination-notice)

Combatting Modern Slavery and Human Trafficking Statement

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EXHIBIT E

HIPAA & Privacy

Website Privacy Policy

Labcorp is committed to protecting the privacy of every person who visits the Labcorp Web site so that each person will feel free to gather information, make inquiries/comments, and/or perform bill payment functions on our site. As part of Labcorp's effort to protect the privacy of your personal information while visiting the Labcorp site, we created this web privacy statement to inform you of the privacy standards used to ensure the security and confidentiality of your information. **Read the full Website Privacy Policy (/web/20240511090712/https://www.labcorp.com/hipaa-privacy/web-privacy-policy)**

HIPAA Information

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. **Read the HIPAA Notification (/web/20240511090712/https://www.labcorp.com/hipaa-privacy/hipaa-information)**

California and Virginia Privacy Policy

This Privacy Policy describes how personal information of California and Virginia residents is used and disclosed. Read the full **Privacy Policy (/web/20240511090712/https://www.labcorp.com/california-privacy-policy)**

Privacy Statement (/web/20240511090712/https://www.labcorp.com/hipaa-privacy)

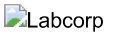
Terms and Conditions (/web/20240511090712/https://www.labcorp.com/terms-and-conditions)

Notice of Nondiscrimination (/web/20240511090712/https://www.labcorp.com/labcorp-nondiscrimination-notice)

Combatting Modern Slavery and Human Trafficking Statement

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EXHIBIT F



HIPAA Information

Labcorp’s Notice of Privacy Practices

This Notice Describes How Medical Information About You May Be Used And Disclosed And How You Can Get Access To This Information. Please Review It Carefully.

This Notice of Privacy Practices applies to Laboratory Corporation of America Holdings and all of its subsidiaries and business units (collectively referred to as "LabCorp" in this Notice), except to the extent that a subsidiary, division, or business unit of LabCorp performs occupational screening, forensic tests, paternity/identity tests, clinical trials tests or other services that do not involve standard electronic transactions for which the Department of Health and Human Services (“HHS”) has adopted standards.

Labcorp's Protection of Protected Health Information (PHI)

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Labcorp is required by law to maintain the privacy of health information that identifies you, called protected health information (PHI), and to provide you with notice of our legal duties and privacy practices regarding PHI. Labcorp is committed to the protection of your PHI and will make reasonable efforts to ensure the confidentiality of your PHI, as required by statute and regulation. We take this commitment seriously and will work with you to comply with your right to receive certain information under HIPAA.

Labcorp's Use and Disclosure of PHI

As permitted under HIPAA, the following categories explain the types of uses and disclosures of PHI that Labcorp may make. Some of the uses and disclosures described may be limited or restricted by state laws or other legal requirements, for example, the Clinical Laboratory Improvement Amendments of 1988 (CLIA). Please contact our Privacy Officer, using the contact information provided at the end of this notice, for specific information regarding your state.

- For treatment — Labcorp may use or disclose PHI for treatment purposes, including disclosure to physicians, nurses, medical students, pharmacies, and other health care professionals who provide you with health care services and/or are involved in the coordination of your care, such as providing your physician with your laboratory test results.
- For payment — Labcorp may use or disclose PHI to bill and collect payment for laboratory or genetic counseling services we provide. For example, Labcorp may provide PHI to your health plan to receive payment for the health care services provided to you.
- For health care operations — Labcorp may use or disclose PHI for health care operations purposes. These uses and disclosures are necessary, for example, to evaluate the quality of our laboratory testing, accuracy of results, accreditation functions and for Labcorp’s operation and management purposes. Labcorp may also disclose PHI to other health care providers or health plans that are involved in your care for their health care operations. For example, Labcorp may provide PHI to manage disease, or to coordinate health care or health benefits.
- Appointment reminders and health-related benefits and services — Labcorp may use and disclose PHI to contact you as a reminder that you have an appointment with us and may use and disclose PHI to tell you about health-related benefits and services that may be of interest to you. For example, Labcorp may contact you about a new patient service center in your area or about new testing services available at Labcorp based on services ordered by your physician.
- Disclosure of PHI to you — Labcorp may disclose PHI to you or as directed by you to a third party. Your right to see and receive a copy of your PHI is listed below under patient rights regarding PHI.
- Emergency circumstances and notifications — If you are present and capable, Labcorp will obtain your agreement to use and/or disclose PHI about you during an emergency event to notify, or assist in the notification of a family member, your personal representative, or another person responsible for your care regarding your location, general condition, or death. Otherwise, Labcorp may exercise its professional judgement based on the circumstances and use and disclose PHI for your safety.
- Individuals involved in your care or payment for your care — Labcorp may disclose PHI to a person who is involved in your care or helps pay for your care, such as a family member or friend. We also may notify your family about your location or general condition or disclose such information to an entity assisting in a disaster relief effort. As allowed by federal and state law, we may disclose the PHI of minors to their parents or legal guardians.
- Business associates — Labcorp may disclose PHI to its business associates to perform certain business functions or provide certain business services to Labcorp. For example, we may use another company to perform billing services on our behalf. All of our business associates are required to maintain the privacy and confidentiality of your PHI. In addition, at the request of your health care providers or health plan, Labcorp may disclose PHI to their business associates for purposes of performing certain business functions or health care services on their behalf. For example, we may disclose PHI to a business associate of Medicare for purposes of medical necessity review and audit.
- Disclosure for judicial and administrative proceedings — Under certain circumstances, Labcorp may disclose your PHI in the course of a judicial or administrative proceeding, including in response to a court or administrative order, subpoena, discovery request, or other lawful process.
- Law enforcement — Labcorp may disclose PHI for law enforcement purposes, including reporting of certain types of wounds or physical injuries or in response to a court order, warrant, subpoena or summons, or similar process authorized by law. We may also disclose PHI when the information is

needed: 1) identification or location of a suspect, fugitive, material witness or missing person, 2) about a victim of a crime, 3) about an individual who has died, 4) in relation to criminal conduct on Labcorp premises, or 5) in emergency circumstances to report a crime, the location of the crime or victims, or the identity, description, or location of the person who committed the crime.

- As required by law — Labcorp must disclose your PHI if required to do so by federal, state, or local law.
- Public Health — Labcorp may disclose PHI for public health activities. These activities generally include: 1) disclosures to a public health authority to report, prevent or control disease, injury, or disability; 2) disclosures to report births and deaths, or to report child abuse or neglect; 3) disclosures to a person subject to the jurisdiction of the Food and Drug Administration (FDA) for purposes related to the quality, safety or effectiveness of an FDA-regulated product or activity, including reporting reactions to medications or problems with products or notifying people of recalls of products they may be using; 4) disclosures to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and 5) disclosures to an employer about an employee to conduct medical surveillance in certain limited circumstances concerning work-place illness or injury.
- Disclosure about victims of abuse, neglect, or domestic violence — Labcorp may disclose PHI about an individual to a government authority, including social services, if we reasonably believe that an individual is a victim of abuse, neglect, or domestic violence.
- Health oversight activities — Labcorp may disclose PHI to a health care oversight agency for activities authorized by law such as audits, civil, administrative, or criminal investigations and proceedings/actions, inspections, licensure/disciplinary actions, or other activities necessary for appropriate oversight of the health care system, government benefit programs, and compliance with regulatory requirements and civil rights laws.
- Coroners, medical examiners, and funeral directors — Labcorp may disclose PHI to a coroner, medical examiner, or funeral director for the purpose of identifying a deceased person, determining cause of death, or for performing some other duty authorized by law.
- Organ and Tissue Donation — If requested, Labcorp may disclose PHI to organizations that handle organ procurement, or eye and tissues donation banks, or other health care organization as needed to make organ and tissue donation and transplantation possible.
- Personal Representative — Labcorp may disclose PHI to your personal representative, as established under applicable law, or to an administrator, executor, or other authorized individual associated with your estate.
- Correctional institution — Labcorp may disclose the PHI of an inmate or other individual when requested by a correctional institution or law enforcement official for health, safety, and security purposes.
- Serious threat to health or safety — Labcorp is allowed to disclose PHI when it has a good faith belief that the disclosure (1) is necessary to prevent or lessen a serious and/or imminent threat to the health or safety of the patient or others and (2) is to a person or persons reasonably able to prevent or lessen the threat.
- Research — Labcorp may use and disclose PHI for research purposes. Limited data or records may be viewed by researchers to identify patients who may qualify for their research project or for other similar purposes, so long as the researchers do not remove or copy any of the PHI. Before we use or disclose PHI for any other research activity, one of the following will happen: 1) a special committee will determine that the research activity poses minimal risk to privacy and that there is an adequate plan to safeguard PHI; 2) if the PHI relates to deceased individuals, the researchers give us assurances that the PHI is necessary for the research and will be used only as part of the research; or 3) the researcher will be provided only with information that does not identify you directly.
- Government functions — In certain situations, Labcorp may disclose the PHI of military personnel and veterans, including Armed Forces personnel, as required by military command authorities. Additionally, we may disclose PHI to authorized officials for national security purposes, such as protecting the President of the United States, conducting intelligence, counter-intelligence, other national security activities, and when requested by foreign military authorities. Disclosures will be made only in compliance with U.S. Law.
- Workers' compensation — As authorized by applicable laws, Labcorp may use or disclose PHI to comply with workers' compensation or other similar programs established to provide work-related injury or illness benefits.
- De-identified Information and Limited Data Sets — Labcorp may use and disclose health information that has been "de-identified" by removing certain identifiers making it unlikely that you could be identified. Labcorp also may disclose limited health information, contained in a "limited data set". The limited data set does not contain any information that can directly identify you. For example, a limited data set may include your city, county and zip code, but not your name or street address.

Other Uses and Disclosures of PHI

For purposes not described above, including uses and disclosures of PHI for marketing purposes and disclosures that would constitute a sale of PHI, Labcorp will ask for patient authorization before using or disclosing PHI. If you signed an authorization form, you may revoke it, in writing, at any time, except to the extent that action has been taken in reliance on the authorization.

Additional Safeguards and Protections

Labcorp employs additional safeguards for PHI that is subject to protection under other federal and state laws, for example, relating to mental health, HIV/AIDS, and genetic testing. Additionally, federally assisted alcohol and drug treatment programs are subject to restrictions on the use and disclosure of alcohol and drug abuse treatment information. As applicable, Labcorp will obtain your permission before disclosing the information to other health care providers who are not involved in your treatment program or care.

Information Breach Notification

Labcorp is required to provide patient notification if it discovers a breach of unsecured PHI unless there is a demonstration, based on a risk assessment, that there is a low probability that the PHI has been compromised. You will be notified without unreasonable delay and no later than 60 days after discovery of the breach. Such notification will include information about what happened and what can be done to mitigate any harm.

Patient Rights Regarding PHI

Subject to certain exceptions, HIPAA establishes the following patient rights with respect to PHI:

- Right to Receive a Copy of the Labcorp Notice of Privacy Practices — You have a right to receive a copy of the Labcorp Notice of Privacy Practices at any time by contacting us at privacyofficer@Labcorp.com, calling us at 877-234-4722/(877-23-HIPAA) and select option 3 for the Labcorp HIPAA Privacy Officer, or by sending a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215. This Notice will also be posted on the Labcorp Internet site at www.Labcorp.com
- Right to Request Limits on Uses and Disclosures of your PHI — You have the right to request that we limit: 1) how we use and disclose your PHI for treatment, payment, and health care operations activities; or 2) our disclosure of PHI to individuals involved in your care or payment for your care. Labcorp will consider your request, but is not required to agree to it unless the requested restriction involves a disclosure that is not required by law to a health plan for payment or health care operations purposes and not for treatment, and you have paid for the service in full out of pocket. If we agree to a restriction on other types of disclosures, we will state the agreed restrictions in writing and will abide by them, except in emergency situations when the disclosure is for purposes of treatment.
- Right to Request Confidential Communications — You have the right to request that Labcorp communicate with you about your PHI at an alternative address or by an alternative means. Labcorp will accommodate reasonable requests.
- Right to See and Receive Copies of Your PHI — You and your personal representative have the right to access PHI consisting of your laboratory test results or reports ordered by your physician. Within 30 days after our receipt of your request, you will receive a copy of the completed laboratory report from Labcorp unless an exception applies. Exceptions include a determination by a licensed health care professional that the access requested is reasonably likely to endanger the life or safety of you or another person, and our inability to provide access to the PHI within 30 days, in which case we may extend the response time for an additional 30 days if we provide you with a written statement of the reasons for the delay and the date by which access will be provided. You have the right to access and receive your PHI in an electronic format if it is readily producible in such a format. You also have the right to direct Labcorp to transmit a copy to another person you designate, provided such request is in writing, signed by you, and clearly identifies the designated person and where to send the copy of your PHI. To request a copy of your PHI:
  - Ask for a courtesy copy when you visit a Labcorp patient service center for specimen collection.
  - Ask a Labcorp patient service technician for information on how to open a Labcorp patient portal account to receive your laboratory reports electronically.
  - Complete the Labcorp HIPAA Patient Request Form.
  - Contact the Privacy Officer at 877-234-4722 or by e-mail at privacyofficer@Labcorp.com (mailto:privacyofficer@Labcorp.com).
- Right to Receive an Accounting of Disclosures — You have a right to receive a list of certain instances in which Labcorp disclosed your PHI. This list will not include certain disclosures of PHI, such as (but not limited to) those made based on your written authorization or those made prior to the date on which Labcorp was required to comply. If you request an accounting of disclosures of PHI that were made for purposes other than treatment, payment, or health care operations, the list will include disclosures made in the past six years, unless you request a shorter period of disclosures. If you request an accounting of disclosures of PHI that were made for purposes of treatment, payment, or health care operations, the list will include only those disclosures made in the past three years for which an accounting is required by law, unless you request a shorter period of disclosures.
- Right to Correct or Update your PHI — If you believe that your PHI contains a mistake, you may request, in writing, that Labcorp correct the information. If your request is denied, we will provide an explanation of the reasoning for our denial.

How to Exercise Your Rights

To exercise any of your rights described in this notice, you must send a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215. Except, patients may update insurance and/or billing information through our website or by contacting the Patient Billing Department using the phone number indicated on the billing invoice.

How to Contact Us or File a Complaint

If you have questions or comments regarding the Labcorp Notice of Privacy Practices, or have a complaint about our use or disclosure of your PHI or our privacy practices, please contact: privacyofficer@Labcorp.com, call us at 877-234-4722 / (877-23-HIPAA) and ask for the Labcorp HIPAA Privacy Officer, or send a written request to: HIPAA Privacy Officer, Labcorp, 531 South Spring Street, Burlington, NC 27215.

You also may file a complaint with the Secretary of the U.S. Department of Health and Human Services. Labcorp will not take retaliatory action against you for filing a complaint about our privacy practices.

Changes to the Labcorp Notice of Privacy Practices

Labcorp reserves the right to make changes to this notice and to our privacy policies from time to time. Changes adopted will apply to any PHI we maintain about you. Labcorp is required to abide by the terms of our notice currently in effect. When changes are made, we will promptly update this notice and post the information on the Labcorp website at www.Labcorp.com. Please review this site periodically to ensure that you are aware of any such updates.

Effective Date of Notice: April 1, 2020

Revised: January 31, 2020

HIPAA Contacts

Labcorp works diligently to provide exceptional, quality service to all of its clients and is committed to implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The following information is provided to assist clients in contacting the appropriate Labcorp office with questions regarding HIPAA.

General HIPAA Inquiries

Privacy and Security - **privacyofficer@labcorp.com (mailto:privacyofficer@labcorp.com)** or call (877)234-4722 / 877-23-HIPAA

Transactions and Code Sets - **tcs@labcorp.com (mailto:tcs@labcorp.com)**

National Provider Identifier (NPI) - **npi@labcorp.com (mailto:npi@labcorp.com)**

Questions regarding specific HIPAA transactions and/or Code Sets standards should be addressed to the following:

Claims (837 Professional)	837claims@labcorp.com (mailto:837claims@labcorp.com)
Remittance (835) testing	835remittance@labcorp.com (mailto:835remittance@labcorp.com)
Encounters (837 Professional)	837encounters@labcorp.com (mailto:837encounters@labcorp.com)
Eligibility (270/271)	270-271eligibility@labcorp.com (mailto:270-271eligibility@labcorp.com)
Claims Status (276/277)	276-277claimstatus@labcorp.com (mailto:276-277claimstatus@labcorp.com)

Other HIPAA Inquiries

Trading Partner Agreement inquiry	tpa@labcorp.com (mailto:tpa@labcorp.com)
EDI Communications (B2B)	X12 Data Transfer misecdt@labcorp.com (mailto:misecdt@labcorp.com) X12 Data Mapping misecdm@labcorp.com (mailto:misecdm@labcorp.com)

Labcorp

About Us (/web/20240502162046/https://www.labcorp.com/about)

Newsroom (/web/20240502162046/https://www.labcorp.com/newsroom)

Careers (https://web.archive.org/web/20240502162046/https://careers.labcorp.com/global/en)

Investors (https://web.archive.org/web/20240502162046/https://ir.labcorp.com/)

FAQs

Labs (/web/20240502162046/https://www.labcorp.com/frequently-asked-questions/patient/labs-appointments/all)

Test Results (/web/20240502162046/https://www.labcorp.com/frequently-asked-questions/patient/testing-information/all)

All Patient (/web/20240502162046/https://www.labcorp.com/frequently-asked-questions/patient)

All Provider (/web/20240502162046/https://www.labcorp.com/frequently-asked-questions/provider)

Labcorp

FAQs

Resources

Quick Links

Contact Us

Privacy Statement (/web/20240502162046/https://www.labcorp.com/hipaa-privacy)

Terms and Conditions (/web/20240502162046/https://www.labcorp.com/terms-and-conditions)

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UNITED STATES BANKRUPTCY COURT **DISTRICT OF NEW JERSEY**	
Caption in Compliance with D.N.J. LBR 9004-1(b) **OBERMAYER REBMANN MAXWELL & HIPPEL LLP** D. Alexander Barnes Centre Square West 1500 Market Street, Ste 3400 Philadelphia, PA 19102-2101 Email: Alexander.barnes@obermayer.com *Attorneys for Plaintiff B.W., a Minor, through his Guardian, JULIE WIESS, individually and on behalf of similarly situated individuals*	
In re: INVITAE CORPORATION, *et al.* Wind-Down Debtors.[1]	Chapter 11 Case No. 24-11362 (MBK) (Jointly Administered)

CERTIFICATION OF SERVICE

1. I, Coleen M. Schmidt:

   ☐ represent the _____ in this matter.

   ☒ am the secretary/paralegal for D. Alexander Barnes, who represents the Plaintiff B.W., a Minor, through his Guardian, JULIE WIESS, individually and on behalf of similarly situated individuals in this matter.

   ☐ am the _____ in this case and am representing myself.

2. On August 21, 2026, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

   1 – Opposition to the Wind-Down Debtors' Motion to Enforce the Plan, Confirmation Order, and Sale Order

[1] The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at https://www.veritaglobal.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

3. I hereby certify under penalty of perjury that the above documents were sent to the parties listed below using the mode of service indicated, and electronically to all parties scheduled to receive service via the Court's CM/ECF notification system.

Dated: August 21, 2026

/s/ Coleen M. Schmidt
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
KIRKLAND & ELLIS LLP KIRKLAND & ELLIS INTERNATIONAL LLP Jeffrey Goldfine (admitted *pro hac vice*) 601 Lexington Avenue New York, New York 10022 Telephone: (212) 446-4800 Facsimile: (212) 446-4900 jeffrey.goldfine@kirkland.com	Co-Counsel to the Wind-Down Debtors	☐ Hand-delivered ☐ Regular mail ☐ Certified mail/RR ☒ Other Electronic service via CM/ECF and electronic mail (As authorized by the Court or by rule. Cite rule if applicable)
COLE SCHOTZ P.C. Michael D. Sirota, Esq. Warren A. Usatine, Esq. Felice R. Yudkin, Esq. Daniel J. Harris, Esq. Court Plaza North, 25 Main Street Hackensack, New Jersey 07601 Telephone: (201) 489-3000 msirota@coleschotz.com wusatine@coleschotz.com fyudkin@coleschotz.com dharris@coleschotz.com	Co-Counsel to the Wind-Down Debtors	☐ Hand-delivered ☐ Regular mail ☐ Certified mail/RR ☒ Other Electronic service via CM/ECF and electronic mail (As authorized by the Court or by rule. Cite rule if applicable)
United States Trustee Office of the United States Trustee One Newark Center, Suite 2100 Newark, NJ 07102-5235 USTPRegion03.NE.ECF@usdoj.gov	U.S. Trustee	☐ Hand-delivered ☐ Regular mail ☐ Certified mail/RR ☒ Other Electronic service via CM/ECF and electronic mail (As authorized by the Court or by rule. Cite rule if applicable)
Jeffrey M. Sponder Office of U.S. Trustee One Newark Center Newark, NJ 07102 jeffrey.m.sponder@usdoj.gov	Counsel to the U.S. Trustee	☐ Hand-delivered ☐ Regular mail ☐ Certified mail/RR ☒ Other Electronic service via CM/ECF and electronic mail (As authorized by the Court or by rule. Cite rule if applicable)
Lauren Bielskie DOJ-Ust One Newark Center Suite 2100 Newark, NJ 07102 973-645-2939 lauren.bielskie@usdoj.gov	Counsel to the U.S. Trustee	☐ Hand-delivered ☐ Regular mail ☐ Certified mail/RR ☒ Other Electronic service via CM/ECF and electronic mail (As authorized by the Court or by rule. Cite rule if applicable)