

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

NOTICE OF PENDENCY OF CLASS ACTION

If you paid any portion of premiums for health insurance from Aetna, Anthem Blue Cross, Blue Shield of California, Health Net or United HealthCare at any time since January 1, 2011, a class action lawsuit may affect your rights.

PLEASE READ THIS NOTICE CAREFULLY

Para una notificación en español, visite www.SutterHealthPremiumLawsuit.com

This Notice is being provided by Order of the U.S. District Court. This is not a solicitation.

- A lawsuit is pending in the United States District Court for the Northern District of California (the “Court”) against Sutter Health (“Sutter”): *Sidibe, et al. v. Sutter Health*, No. 3:12-cv-4854-LB.
- Plaintiffs claim that Sutter violated antitrust and unfair competition laws, which caused certain individuals and employers in certain parts of Northern California to overpay for health insurance premiums for health insurance purchased from Aetna, Anthem Blue Cross (“Anthem”), Blue Shield of California (“Blue Shield”), Health Net or United HealthCare (“UHC”) (together, the “Health Plans”) from January 1, 2011 to the present.
- Sutter denies that it has done anything wrong or that its conduct caused any increase in the price of premiums that individuals and employers paid for health insurance from those Health Plans.
- The Court has not determined whether Plaintiffs or Sutter are/is correct.
- On July 30, 2020, the Court determined that the lawsuit can proceed as a class action and that the Class can assert damages claims on behalf of all Class Members for overpayments that they may have made. As a result, you have a choice to make now. Your legal rights and options are explained below.

YOUR LEGAL RIGHTS AND OPTIONS

<p>IF YOU DO NOTHING</p>	<p>If you do nothing, you will be a member of the Class and therefore bound by the outcome of the lawsuit, regardless of who wins. You will not be able to remove yourself from the Class at a later point.</p> <p>You will keep the possibility of getting money or benefits that may come from a trial or settlement.</p> <p>However, you will give up your right to be part of any other lawsuit against Sutter asserting claims related to the allegations or claims in this case—other than claims that you may have as a Class Member in another case entitled <i>UFCW & Employers Benefit Trust v. Sutter Health et al.</i>, Case No., CGC-14-538451 (“<i>UFCW</i>”), pending in Superior Court for the City and County of San Francisco, California. See Question #14 below for more information about the <i>UFCW</i> case.</p>
<p>IF YOU ASK TO BE EXCLUDED DEADLINE: MARCH 8, 2021</p>	<p>Excluding yourself or “opting out” as a potential member of the Class allows you to keep your right to file your own lawsuit against Sutter asserting claims related to the allegations or claims in this case.</p> <p>If you opt out, (1) you will not be entitled to any money or benefits that may result from a trial or settlement of the lawsuit, but (2) you still will be bound by any injunctive relief that the Court may order in the lawsuit.</p> <p>The deadline to request exclusion is: March 8, 2021.</p>

YOUR RIGHTS AND OPTIONS AND THE DEADLINES TO EXERCISE THEM ARE EXPLAINED IN THIS NOTICE

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Questions? Call 1-833-961-3465 or visit www.SutterHealthPremiumLawsuit.com

BASIC INFORMATION ABOUT THE LAWSUIT

1. What is this lawsuit about?

Plaintiffs claim that Sutter forced upon Health Plans certain pricing and contractual terms, and those practices and terms violated state and federal antitrust and unfair competition laws. Plaintiffs claim this caused the Health Plans to pay more than they otherwise would for Sutter’s hospital services, and that this resulted in higher insurance premiums for Class Members whether or not they used Sutter hospitals. Plaintiffs seek: (1) a Court order prohibiting Sutter from engaging in the alleged anticompetitive conduct, and (2) compensation for Class Members for the premium overcharges they allegedly paid for health insurance.

Sutter denies that it violated any antitrust or unfair competition laws, or that its conduct caused any increase in the price of premiums that individuals and employers paid for health insurance from those Health Plans. Sutter seeks a judgment in its favor that Plaintiffs take nothing by virtue of this lawsuit.

2. What is the Certified Class?

The Class certified by the Court includes:

“All entities in California Rating area 1, 2, 3, 4, 5, 6, 8, 9 or 10 (the “Nine Rating Areas” or “Nine RAs”), and all individuals that either live or work in one of the Nine RAs, that paid premiums for a fully-insured health insurance policy from Blue Shield, Anthem Blue Cross, Aetna, Health Net or United Healthcare from January 1, 2011 to the present. This class definition includes Class Members that paid premiums for individual health insurance policies that they purchased from these health plans and Class Members that paid premiums, in whole or in part, for health insurance policies provided to them as a benefit from an employer or other group purchaser located in one of the Nine RAs.”

This means you may be a Class Member if you paid any portion of a premium for a fully-insured health insurance policy from any of these five Health Plans at any time from January 1, 2011 to the present, and if, during the period you paid those premiums, you lived or worked (or, if you are an employer, had an office located) in one of the following California counties: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo or Yuba.

Please note that federal employees are not members of the Class for the period they were employed by the federal government, nor are persons whose in-patient hospital services were paid for by Medicare or Medi-Cal.

3. What is a Class Action?

In a class action, one or more people or entities called “Class Representatives” (in this case, Djeneba Sidibe, Jerry Jankowski, Susan Hansen, David Herman, Johnson Pool & Spa and Optimum Graphics, Inc.) file a lawsuit on behalf of a group of people who have similar claims. All these people and entities are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from (or opt out of) the Class.

Questions? Call 1-833-961-3465 or visit www.SutterHealthPremiumLawsuit.com

4. Why is this lawsuit a Class Action?

The Court decided that this lawsuit can proceed as a class action because it meets the requirements of the Federal Rules of Civil Procedure, which govern class actions in United States federal courts.

5. Why was this Notice issued?

The Court authorized this Notice because the persons described in Question # 2 above may be Class Members and have a right to know about the lawsuit and their legal rights and options. This Notice explains the lawsuit, the Class, legal rights and options, and the deadlines by which to exercise those options.

6. What is the current status of the lawsuit?

The lawsuit is pending in the District Court before United States Magistrate Judge Laurel Beeler.

7. Is there any money available now?

No money or benefits are available now because there has not been a trial and there is no settlement. There is no guarantee that money or benefits ever will be available to Class Members. If they do become available, a separate notice will be issued about how to submit a claim for potential money or benefits.

WHO IS INCLUDED IN THIS CLASS?

8. How do I know if I am a “Class Member”?

You are potentially a Class Member if you paid any portion of a premium for a fully-insured health insurance policy from Aetna, Anthem, Blue Shield, Health Net or UHC at any time from January 1, 2011 to the present, and if, during the period you paid those premiums, you lived or worked (or, if you are an employer, had an office located) in any of the following counties:

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo or Yuba.

Please note that federal employees are not members of the Class for the period they were employed by the federal government, nor are persons whose in-patient hospital services were paid for by Medicare or Medi-Cal.

9. What kind of health insurance plan is included in the lawsuit?

Any fully-insured health insurance policy from one of the Health Plans (Aetna, Anthem Blue Cross, Blue Shield of California, Health Net or United HealthCare) qualifies. Individual, small or large group plans qualify, including, but not limited to, Health Maintenance Organization (HMO) plans or Preferred Provider Organization (PPO) plans. You may be a Class Member if you paid some

portion of a health insurance premium for any such plan at any time since January 1, 2011 and you lived in or worked in one of the relevant California counties (see Question #2 above) when you were making those payments.

10. What is a “fully-insured” health insurance policy?

A fully-insured health insurance policy is a health insurance policy where the premium is paid to the health plan, and the health plan covers the healthcare costs (other than deductibles, co-pays and certain other fees) for the individual who is insured. Many employers purchase fully-insured policies for their employees, and, in some cases, they and their employees agree that the employees will pay a portion of the premium. Individuals who purchase health insurance on their own also purchase a fully-insured policy. **If you paid any premium, in whole or in part, for a fully-insured health insurance policy from one of the Health Plans at any time since January 1, 2011, you may be a Class Member.**

A fully-insured policy is different from a “self-insured” policy. For a self-insured policy, the employer covers the health care costs (other than deductibles, co-pays and certain other fees) for the individuals who are insured. However, the employer usually hires a health plan to provide administrative services to manage the plan for the employer under an “administrative services only” or “ASO” contract. Many medium and large employers are self-insured. That is true even though the covered employees pay premiums to a health plan, have an insurance card from the health plan, receive statements and invoices from the health plan, have accounts on the health plan’s website, and have a health savings account through the health plan. **If you participated only in self-insured policies since January 1, 2011, or you only provided self-insured policies to your employees or group members, you are not a Class Member.**

11. What if I don’t know whether I paid a premium for a fully-insured or self-insured health insurance policy offered through my employer?

If you are not sure, ask your employer or your health plan. If you are unable to ask your employer or health plan, assume that you had a fully-insured policy and that you are a Class Member. A final determination will be made at a later time in the claims administration process.

12. If I am an employer who paid a portion of premiums for the benefit of my employees, am I Class Member?

Yes, if you were located in one of the California counties listed above (see Question #2 above) at any time from January 1, 2011 to the present and, during that period, you paid some portion of health insurance premiums for a fully-insured policy from one of the Health Plans, you are a Class Member.

13. If I am an individual who paid only a portion of the premiums for a fully-insured policy through my employer, am I Class Member?

Yes, if you lived or worked in one of the California counties listed above (see Question #2 above) at any time from January 1, 2011 to the present and, during that period, you paid some portion of health insurance premiums for a fully-insured policy from one of the Health Plans, you are a Class Member.

14. What is the *UFCW* case?

The *UFCW* case alleges similar claims against Sutter for anticompetitive conduct but is brought on behalf of entities that purchased self-insured health insurance policies. Even if you are already a member of the *UFCW* class, you may also be a Class Member in this case if you paid a premium for a fully-insured health insurance policy.

15. If I paid premiums that covered healthcare expenses for members of my family, are my family members also Class Members?

No. Someone who was covered under a fully-insured policy but did not pay the premiums is not a Class Member.

16. What if I paid premiums for only a short period of time during the relevant timeframe?

If you paid some portion of premiums for a fully-insured health insurance policy from a Health Plan at any time from January 1, 2011 to the present, and you meet the other requirements outlined above, you are a Class Member.

IF YOU DO NOTHING

17. What happens if I do nothing at all?

If you do nothing, you will be bound by the outcome of the lawsuit regardless of who wins. You will keep the possibility of getting money or benefits that may come from a trial or settlement. Unless you exclude yourself from the Class, you will not be able to file a lawsuit or be part of any other lawsuit asserting claims against Sutter related to the allegations or claims in this case—other than if you are a member of the *UFCW* class described above in Question # 14. Once you are in the Class, you will not be able to remove yourself from it.

EXCLUDING YOURSELF FROM THE CLASS

18. What does it mean to request to be excluded or to “opt-out” from the Class?

If you do not want to be part of the Class and you want to keep your right to sue Sutter relating to the claims in this lawsuit, then you must take steps to remove yourself from the Class now. This is called “excluding” yourself, or “opting out” of the Class. If you exclude yourself, you will not be eligible to receive a payment from future settlements or judgments in this lawsuit. If you exclude yourself or opt out, you will not be doing so with respect to any injunction that the Court may enter in the lawsuit. You may not opt out of the class after the deadline to do so has passed.

19. How do I exclude myself from the Class?

To exclude yourself from the Class, you must send a letter by mail stating that you wish to be excluded from the Class in *Sidibe, et al. v. Sutter Health*, Case No. 3:12-cv-4854-LB. Be sure to

include your name or the name of the business, the current address and telephone number, and your signature. Please provide all names by which you have been known since January 1, 2011. You cannot exclude yourself by telephone call, by email, or through the case website. To exclude yourself from the Class, you must mail your Request for Exclusion to:

Sutter Health Litigation Notice Administrator
c/o JND Legal Administration
P.O. Box 91350
Seattle, WA 98111

Your request for exclusion must be postmarked on or before March 8, 2021.

THE LAWYERS REPRESENTING YOU

20. Do I have a lawyer representing me in this Class Action?

Yes. The Court has appointed lawyers to represent you and the other Class Members. These lawyers are called Class Counsel. The following lawyers represent the Class:

Matthew L. Cantor
Constantine Cannon LLP
335 Madison Avenue
New York, NY 10017
(212) 350-2700

Azra Mehdi
The Mehdi Firm, PC
One Market Street
Spear Tower, Suite 3600
San Francisco, CA 94105
(415) 293-8039

21. How will the lawyers be compensated?

If Plaintiffs prevail in the lawsuit, Class Counsel will ask the Court to approve attorney's fees, which may be up to one-third of any recovery that may be obtained in this lawsuit, plus costs and expenses. They also will ask the Court to approve incentive payments to the named Plaintiffs from any recovery that may be obtained in this lawsuit. Those fees, costs and awards must be approved by the Court.

22. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on behalf of the Class. If you choose to hire your own lawyer to represent you, you will have to pay for that lawyer on your own.

GETTING MORE INFORMATION

23. How can I keep up with developments in the lawsuit and the class notice process?

Class Counsel has hired JND Legal Administration to assist with the class notice process and to maintain a website for all Class Members. The website address is **www.SutterHealthPremiumLawsuit.com**. Updates regarding the case and the class notice process will be provided on the website and not by additional mailings to potential Class Members. This includes major developments in the case, supplemental information to be distributed to the class, and changes to dates the Court sets. Please check the website on a regular basis to see whether there are updates or new information.

24. Where can I get more information about the lawsuit?

This Notice contains a summary of the lawsuit and the proceedings. You may access additional information by visiting **www.SutterHealthPremiumLawsuit.com**. Complete copies of the pleadings, orders and other publicly filed documents in the lawsuit may be accessed for a fee through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>. They also may be examined and copied at any time during regular office hours at the office of the Clerk of the Court, United States District Court for the Northern District of California, San Francisco Division, 450 Golden Gate Avenue, San Francisco, CA 94102-3489.

25. I have more questions. Where can I go to have them answered?

Any questions you have concerning this Notice, or any corrections or changes of name or address should be directed in writing to Sutter Health Litigation Notice Administrator, c/o JND Legal Administration, P.O. Box 91350, Seattle, WA 98111, or forwarded to the Administrator through the website at **www.SutterHealthPremiumLawsuit.com**, or by calling **1-833-961-3465**.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.

Dated: December 15, 2020

By Order of the United States
District Court Northern District of California