

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JANE DOE and JOHN DOE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

VIRGINIA MASON MEDICAL CENTER, and
VIRGINIA MASON HEALTH SYSTEM,

Defendants.

NO. 19-2-26674-1 SEA

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' PROPOSED NOTICE PLAN**

THIS MATTER came before the Court on Plaintiffs' Proposed Notice Plan. Prior to
ruling, the Court considered the following documents and evidence:

1. Plaintiffs' Proposed Notice Plan;
2. Declaration of Eric Johnson in Support of Plaintiffs' Proposed Notice Plan;
3. Declaration of Brandon Schwartz in Support of Plaintiffs' Notice Plan;
4. Defendants' Objections to Plaintiffs' Proposed Notice Plan;
5. Declaration of James Morrison in Support of Defendants' Objections to
Plaintiffs' Proposed Notice Plan;
6. Plaintiffs' Reply; and

1 7. Reply Declaration of Eric Johnson in Support of Plaintiffs' Proposed Notice Plan.

2 Based on the foregoing, it is hereby ORDERED that Plaintiffs' Proposed Notice Plan is
3 APPROVED.

4 The form and content of Plaintiffs' proposed notice plan, and the methods of
5 disseminating notice to the Class, satisfy the requirements of Civil Rule 23 and due process,
6 constitute the best notice practicable under the circumstances, and shall constitute due and
7 sufficient notice to all persons entitled to receive notice. To protect the rights of absent class
8 members, the Court must provide them with the best notice practicable when it certifies a
9 class under CR 23(b)(3). The best notice practicable is that which is "reasonably calculated,
10 under all the circumstances, to apprise interested parties of the pendency of the action and
11 afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank &*
12 *Trust Co.*, 339 U.S. 306, 314 (1950); *see also* CR 23(c)(2).

13 The Court approves the form and content of the Email Notice, Postcard Notice, Press
14 Release, Publication Notice, and Website Notice attached to this Order as Exhibits A-E, which
15 have been modified to comply with the Court's oral ruling at the August 10, 2023 hearing. The
16 Court finds that the notices clearly and concisely state in plain, easily understood language the
17 nature of the action, the class definition, the class claims, that the Court will exclude the class
18 member from the class if the member requests it by a specified date, that the judgment,
19 favorable or not, will include all members who do not request exclusion, and that any class
20 member who does not request exclusion may, if the member desires, enter an appearance
21 through counsel. CR 23(c)(2); *see also Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985)
22 (stating that due process requires notice to apprise class members of the pendency of the
23 action, afford them the opportunity to appear, describe their rights, and provide them an
24 opportunity to opt out of the action).

25 The Court approves the methods of disseminating the notice, which class action
26 administrator Postlethwaite & Netterville ("P&N") has designed to provide the best notice
27

1 practicable in this case. The combination of email notice, postal mail notice, website notice,
2 and publication notice constitutes the best notice practicable under the circumstances and
3 meets the requirements of due process.

4 Virginia Mason is directed to provide P&N with a patient list in electronic format that
5 includes names, addresses, and email addresses (to the extent available) within 14 days of this
6 Order. P&N shall treat the patient list as confidential and shall not disclose it to any third
7 party. Plaintiffs are directed to implement the notice plan within 14 days of Virginia Mason's
8 provision of the patient list to P&N. Class members shall have 45 days from dissemination of
9 notice to opt out (the "Opt-Out- Deadline"). Plaintiffs shall file a declaration with the Court no
10 later than seven days after the Opt-Out Deadline identifying every person who opts out.

11 IT IS SO ORDERED.

12 Dated this 16th day of August, 2023.

13
14 
15 _____
16 THE HONORABLE MICHAEL K. RYAN

17 Presented By:

18 TERRELL MARSHALL LAW GROUP PLLC

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20 *Class Counsel*

EXHIBIT A

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

You are a Class member if you are a Washington resident who is, or was, a patient of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and used the www.virginiamason.org or the MyVirginiaMason patient portal.

What is this case about? The lawsuit is called *Doe v. Virginia Mason*, No. 19-2-26674-1-SEA, and is before a judge of the King County Superior Court in Washington State. The lawsuit claims that Virginia Mason placed tracking pixels on its website that transmit patients' personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason's website, and when patients enter or exit the patient portal and request or set appointments. The lawsuit seeks monetary damages for identity theft (RCW 9.35.020); breach of duty of confidentiality; invasion of privacy; violations of the Washington Consumer Protection Act (RCW 19.86.010, *et seq.*) and Washington Healthcare Information Act (RCW 70.2.005, *et seq.*); negligence; fraudulent concealment; and unjust enrichment. Defendants deny Plaintiffs' allegations. The Court decided this lawsuit should be certified as a class action on behalf of a Class, or group of people, that could include you. This Notice summarizes your rights and options before trial. You have to decide whether to stay in the Class and be bound by any result, or ask to be excluded and keep your right to sue Virginia Mason. **There is no money available now and no guarantee that there ever will be.** More information is in a detailed notice available at the case website www.virginiamasonprivacyclassaction.com.

Why did I get this Notice? Virginia Mason's records show that you are, or were, a Washington resident who is or was a patient of Virginia Mason Medical Center or Virginia Mason Health System or one of their affiliates.

YOUR LEGAL RIGHTS AND OPTIONS

Do Nothing. Stay in this lawsuit. Await the outcome. Give up certain rights.

If you do nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. If you stay in the case you will be bound by any Court decisions and any trial in the case. There is no money available now and no guarantee that there ever will be. If you stay in the case, you give up any rights to sue Virginia Mason separately about the same legal claims as the claims in this lawsuit.

The Court decided that Terrell Marshall Law Group PLLC, Simmons Hanly Conroy, LLC, the Gorny Law Firm LC, Kiesel Law LLP, and the Simon Law Firm, PC are qualified to represent you and all Class Members. If you do nothing and stay in the case, those lawyers will represent the interests of you and the Class. If you have questions about whether you need your own lawyer, visit the case website at www.virginiamasonprivacyclassaction.com or call [NUMBER].

Opt Out. Get out of this lawsuit. Get no benefits from it. Keep rights.

If you ask to be excluded and money or benefits are later awarded to the Class, you won't share in those. But, you keep any rights to sue Virginia Mason separately about the same legal claims as the claims in this lawsuit. You may exclude yourself from the lawsuit and keep your right to sue Virginia Mason on your own by sending a letter to the Class administrator at [ADDRESS], stating that you wish to be excluded from the lawsuit. You must exclude yourself from the lawsuit by [DATE]. Your exclusion request must include your name and address.

How can you get more information: If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit www.virginiamasonprivacyclassaction.com, write to Terrell Marshall Law Group PLLC, 936 N. 34th Street, Suite 300, Seattle, Washington 98103, or call toll-free [NUMBER].

[NUMBER] www.virginiamasonprivacyclassaction.com

EXHIBIT B

A COURT AUTHORIZED THIS LEGAL NOTICE

If you are, or were, a patient of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and have used www.virginiamason.org or the MyVirginiaMason patient portal, please read this notice—it may affect your rights

WHO IS A CLASS MEMBER?

You are a Class member if you are a Washington resident who is, or was, a patient of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and used the www.virginiamason.org or the MyVirginiaMason patient portal.

The lawsuit is called *Doe v. Virginia Mason*, No. 19-2-26674-1-SEA, and is before a judge of the King County Superior Court in Washington State. The lawsuit claims that Virginia Mason placed tracking pixels on its website that transmit patients' personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason's website, and when patients enter or exit the patient portal and request or set appointments. The lawsuit seeks monetary damages for violation of the Washington identity theft (RCW 9.35.020); breach of duty of confidentiality; invasion of privacy; violations of the Washington Consumer Protection Act (RCW 19.86.010, *et seq.*) and Washington Healthcare Information Act (RCW 70.2.005, *et seq.*); negligence; fraudulent concealment; and unjust enrichment. Defendants deny Plaintiffs' allegations. The Court decided that the Class includes all Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who exchanged communications at www.virginiamason.org or the MyVirginiaMason patient portal.

YOUR RIGHTS AND OPTIONS

Do Nothing. Stay in this lawsuit. Await the outcome. Give up certain rights.

If you do nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. If you stay in the case, you will be bound by any Court decisions and any trial in the case. There is no money available now and no guarantee there ever will be. If you stay in the case, you give up any rights to sue Virginia Mason separately about the legal claims alleged in this lawsuit.

The Court decided that Terrell Marshall Law Group PLLC, Simmons Hanly Conroy, LLC, the Gorny Law Firm LC, Kiesel Law LLP, and the Simon Law Firm, PC are qualified to represent you and the Class. If you do nothing and stay in the case, those lawyers will represent the interests of you and the Class. If you have questions about whether you need your own lawyer, visit the Class website at www.virginiamasonprivacyclassaction.com or call 1-XXX-XXX-XXXX.

Opt Out. Get out of this lawsuit. Get no benefits from it. Keep rights.

If you ask to be excluded and money or benefits are later awarded to the Class, you won't share in those. But, you keep any rights to sue Virginia Mason separately about the same legal claims as the claims in this lawsuit. You may exclude yourself from the lawsuit and keep your right to sue Virginia Mason on your own by mailing a letter to the class administrator stating that you want to be excluded from *Doe v. Virginia Mason*, No. 19-2-26674-1-SEA to [ADDRESS]. Be sure to include your name, address, and sign the letter. Your letter must be postmarked by Month XX, XXXX. Please see the case website at www.virginiamasonprivacyclassaction.com for more details or call 1-XXX-XXX-XXXX.

This Notice is a summary. Details about the case are on the website:

www.virginiamasonprivacyclassaction.com. **Please do not contact the Court.**

EXHIBIT C

Court to notify Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who used www.virginiamason.org or the MyVirginiaMason patient portal, that a class action lawsuit may affect their rights

Seattle, WA, DATE / PR Newswire / The lawsuit claims that Virginia Mason placed tracking pixels that transmit patients' personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason's website, and when patients enter or exit the patient portal and request or set appointments. Plaintiffs assert claims for identity theft (RCW 9.35.020); breach of duty of confidentiality; invasion of privacy; violations of the Washington Consumer Protection Act (RCW 19.86.010, *et seq.*) and Washington Healthcare Information Act (RCW 70.2.005, *et seq.*); negligence; fraudulent concealment; and unjust enrichment. Defendants deny Plaintiffs' allegations.

The Court has ruled that this lawsuit is going forward as a class action. This means that the Plaintiffs will act as the Class Representatives, trying to get money damages and other relief for everyone who is a Class Member.

The Court decided that the Class includes all Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who exchanged communications at www.virginiamason.org or the MyVirginiaMason patient portal.

Class Members must choose whether to stay in the Class. If Class Members stay in the Class, and money or benefits are obtained for the Class, they will be notified about what they must do to share in any benefits for which they may be eligible. Class Members will be bound by all orders and judgments of the Court, whether favorable or not, and they won't be able to sue the Defendant for the claims at issue in this case. If Class Members want to stay in the Class, THEY DO NOT HAVE TO DO ANYTHING NOW.

To be excluded from the Class, Class Members may visit www.virginiamasonprivacyclassaction.com for instructions or call toll-free INSERT. Class Members must mail their exclusion request postmarked by INSERT. If Class Members exclude themselves, they cannot get any money or benefits from the lawsuit, but they will not be bound by any orders or judgments in the case. If Class Members do not request exclusion, they may (but do not have to) enter an appearance in the Court through their own counsel. The Court has appointed Terrell Marshall Law Group PLLC, Simmons Hanly Conroy, LLC, the Gorny Law Firm LC, Kiesel Law LLP, and the Simon Law Firm, PC as Class counsel. Detailed information is available at www.virginiamasonprivacyclassaction.com and toll-free at INSERT. Class Members should not call Virginia Mason personnel, its counsel, or any Virginia Mason agent about this case.

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/PRESS CONTACT: INSERT

/URL: INSERT

/SOURCE: Superior Court for the State of Washington in and for the County of King

EXHIBIT D

If you are a Washington resident who is or was a patient of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and have used www.virginiamason.org or the MyVirginiaMason patient portal, please read this notice—it may affect your rights.

What is this case about? The lawsuit is called *Doe v. Virginia Mason*, No. 19-2-26674-1-SEA, and is before a judge of the King County Superior Court in Washington State. The lawsuit claims that Virginia Mason placed tracking pixels on its website that transmit patients' personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason's website, and when patients enter or exit the patient portal and request or set appointments. The lawsuit seeks monetary damages for identity theft (RCW 9.35.020); breach of duty of confidentiality; invasion of privacy; violations of the Washington Consumer Protection Act (RCW 19.86.010, *et seq.*) and Washington Healthcare Information Act (RCW 70.2.005, *et seq.*); negligence; fraudulent concealment; and unjust enrichment. Defendants deny Plaintiffs' allegations. The Court decided that the Class includes all Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who exchanged communications at www.virginiamason.org or the MyVirginiaMason patient portal. This Notice summarizes your rights and options before trial. You have to decide whether to stay in the Class and be bound by any result, or ask to be excluded and keep your right to sue Virginia Mason. **There is no money available now and no guarantee that there ever will be.** More information is in a detailed notice available at the case website www.VirginiaMasonPrivacyClassAction.com.

YOUR LEGAL RIGHTS AND OPTIONS

Do Nothing. Stay in this lawsuit. Await the outcome. Give up certain rights.

If you do nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. If you stay in the case you will be bound by any Court decisions and any trial in the case. There is no money available now and no guarantee that there ever will be. If you stay in the case, you give up any rights to sue Virginia Mason separately about the same legal claims as the claims in this lawsuit.

The Court decided that Terrell Marshall Law Group PLLC, Simmons Hanly Conroy, LLC, the Gorny Law Firm LC, Kiesel Law LLP, and the Simon Law Firm, PC are qualified to represent you and all Class Members. If you do nothing and stay in the case, those lawyers will represent the interests of you and the Class. If you have questions about whether you need your own lawyer, visit the case website at www.VirginiaMasonPrivacyClassAction.com or call 1-XXX-XXX-XXXX.

Opt Out. Get out of this lawsuit. Get no benefits from it. Keep rights.

If you ask to be excluded and money or benefits are later awarded to the Class, you won't share in those. But, you keep any rights to sue Virginia Mason separately about the same legal claims

as the claims in this lawsuit. You may exclude yourself from the lawsuit and keep your right to sue Virginia Mason on your own by sending a letter to the Class administrator at [ADDRESS], stating that you wish to be excluded from the lawsuit. You must exclude yourself from the lawsuit by **Month DD, 202X**. Your exclusion request must include your name and address.

How can you get more information: If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit the case website, write to Terrell Marshall Law Group PLLC, 936 N. 34th Street, Suite 300, Seattle, Washington 98103, or call toll-free **1-XXX-XXX-XXXX**.

1-XXX-XXX-XXXX

www.VirginiaMasonPrivacyClassAction.com

EXHIBIT E

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY
CASE NO. 19-2-26674-1 SEA

If you are a Washington resident and are or was a patient of Virginia Mason Medical Center and used either its website, www.virginiamason.org, or the MyVirginiaMason patient portal, please carefully read this notice. It may affect your rights.

This is a court-ordered notice. This is not a solicitation from a lawyer.

- Two patients of Virginia Mason Medical Center and Virginia Mason Health System, designated as Jane Doe and John Doe to protect their privacy (“Named Plaintiffs”), have sued Virginia Mason Medical Center and Virginia Mason Health System (“Defendants”) based on alleged violations of Washington state law, including identity theft (RCW 9.35.020); breach of duty of confidentiality; invasion of privacy; violations of the Washington Consumer Protection Act (RCW 19.86.010, *et seq.*) and Washington Healthcare Information Act (RCW 70.2.005, *et seq.*); negligence; fraudulent concealment; and unjust enrichment.
- The Court has allowed, or “certified,” the lawsuit to proceed as a class action with respect to the claims asserted by the Named Plaintiffs in the Complaint on behalf of all Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who exchanged communications at www.virginiamason.org or the MyVirginiaMason patient portal.
- Defendants deny all of the allegations in the lawsuit.
- The Court has not decided whether Defendants did anything wrong. There is no money available at this time and no guarantee that there will be in the future. However, your legal rights are affected and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
Do NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Defendants separately about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED FROM THE LAWSUIT BY [ADD DATE]	<p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded from the lawsuit and money or benefits are later awarded, you won't share in those. But, you</p>

keep any rights to sue Defendants separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act **by [ADD DATE]**.
- The Named Plaintiffs, those who do not exclude themselves, and their lawyers must prove the claims against Defendants at a trial. (See “The Trial” below on page 5). If money or benefits are obtained as a result of this lawsuit, you will be notified about how to participate.
- **Any questions? Read on and at www.virginiamasonprivacyclassaction.com.**

BASIC INFORMATION

1. Why did I get this notice?

Defendants’ records show that you are or were a patient of Virginia Mason Medical Center, Virginia Mason Health System, or its affiliates. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Defendants, on your behalf, are correct. A judge of the King County Superior Court in Washington State is overseeing this class action. The lawsuit is known as *Doe, et al. v. Virginia Mason Medical Center., et al.*, Case No. 19-2-26674-1-SEA.

2. What is this lawsuit about?

The Named Plaintiffs allege that Defendants placed tracking pixels designed to scrape HTML tags and text from Internet communications on their website that transmitted patients’ personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason’s website, and when patients enter or exit the patient portal and request or set appointments.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, the Named Plaintiffs, Jane Doe and John Doe) sued on behalf of other people who they assert have similar claims. The people together are called a “Class” or “Class Members.” The companies the Named Plaintiffs sued (Virginia Mason Medical Center and Virginia Mason Health System) are called the Defendants. One court resolves the case for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Washington State Superior Court Rule 23, which governs class actions in Washington State Superior Courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Granting Plaintiffs’ Motion for Class Certification, available at www.virginiamasonprivacyclassaction.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

The Named Plaintiffs allege that Defendants placed tracking pixels designed to scrape HTML tags and text from Internet communications on its website that transmitted patients' personally identifiable information, their status as patients of Virginia Mason, and their communications with Virginia Mason to Facebook, Google, Signal, and The Trade Desk. The alleged communications included medical-related information and providers patients view on Virginia Mason's website, and when patients enter or exit the patient portal and request or set appointments. The Named Plaintiffs allege that tens of thousands of Washingtonians have been subjected to the same allegedly unlawful practices. You can read the First Amended Class Action Complaint at www.virginiamasonprivacyclassaction.com.

6. How do Defendants respond?

Defendants deny they did anything wrong. Defendants contend that no medical-related information and no communications between a doctor and patient have ever been transmitted to third parties from the websites. Defendants maintain that they adequately warned patients of their practices and that no personally identifiable information was disclosed. You can read Defendants' Answer to the Complaint at www.virginiamasonprivacyclassaction.com.

7. Has the Court decided who is right?

The Court hasn't decided whether Plaintiffs or Defendants are correct about the claims set forth in Section 5 above. By certifying the Class and issuing this notice, the Court is not suggesting that Plaintiffs will win or lose this case, or that Defendants have taken any improper actions. Plaintiffs must prove their claims at a trial. (See "The Trial" below on pages 5).

8. What are Plaintiffs asking for?

On behalf of themselves and the Class Members, Plaintiffs seek monetary damages, attorneys' fees, and legal costs.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are obtained, you will be notified about how to participate.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

A Superior Court Judge decided that the following individuals are Class Members: All Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates and who exchanged communications at www.viriniamason.org or the MyVirginiaMason patient portal.

Excluded from the Class are:

- Virginia Mason Medical Center, Virginia Mason Health System, and any person, trust, firm, corporation, or other entity affiliated with or related to Virginia Mason Medical Center; and
- Any persons who exclude themselves by filing a valid and timely Exclusion Request Form in accordance with the requirements set forth in this Notice.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

11. What happens if I do nothing at all?

If you are or were a patient of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates, you are automatically included in the lawsuit. By doing nothing you are choosing to stay in the Class. If the Named Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, all Class members will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, Defendants as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this lawsuit.

12. What happens if I ask to be excluded?

If you do not wish to be part of this lawsuit against Defendants, you will need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class—you won’t get any money or benefits from this lawsuit even if the Named Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Defendants and the Named Plaintiffs. However, if you have any claims against Defendants, you may then be able to sue or continue to sue Defendants for privacy violations that occurred or occur at any time. If you exclude yourself, you will not be legally bound by any orders the Court issues or judgments the Court makes in this lawsuit.

If you start your own lawsuit against Defendants after you exclude yourself, you’ll have to retain your own lawyer for that lawsuit and prove your claims. If you do exclude yourself so you can start or continue your

own lawsuit against Defendants, you should talk to your own lawyer soon, as the statute of limitations may not be delayed.

13. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send a letter to the Notice Administrator using the contact information set forth below. The letter must include your name, address, signature, and state that you want to exclude yourself from the Class. You may submit the letter by mail, facsimile or e-mail by sending it to:

[ADD CONTACT INFO]

Any letter requesting exclusion sent by mail must be postmarked by [ADD DATE]. A letter sent by facsimile or e-mail must be received by [ADD DATE].

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has decided that the law firms of Terrell Marshall Law Group, PLLC, Simmons Hanly Conroy, the Gorny Law Firm, LC, Kiesel Law LLP, and the Simon Law Firm, PC are qualified to represent you and all Class Members. Together, the lawyers are called "Class Counsel." They are experienced in handling similar cases. More information about the firms, their practices, and their lawyers' experience is available at www.terrellmarshall.com, www.simmonsfirm.com, www.gornylawfirm.com, www.kiesel.law, and www.simonlawpc.com.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you will have to retain that lawyer at your own expense. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and costs. You won't have to pay these fees and costs. If the Court grants Class Counsel's request, the fees and costs will either be deducted from any money obtained for the Class or paid separately by Defendants.

18. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Named Plaintiffs' claims at a trial. During the trial, a jury or judge will hear all of the evidence and decide who is right about the claims in the lawsuit. There is no guarantee that Plaintiffs will win or that they will get any money for the Class.

19. Do I have to come to the trial?

You do not need to attend the trial unless you are subpoenaed. Class Counsel will present the case for the Named Plaintiffs and the Class, and Defendants will present their defenses. You, or your own lawyer if you choose to seek independent representation, may come at your own expense.

20. Will I get money after the trial?

If Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website www.virginiamasonprivacyclassaction.com, where you will find the Court's Order Granting Plaintiffs' Motion for Class Certification, Plaintiffs' First Amended Class Action Complaint, and Defendants' Answer to the Amended Complaint. You may also get more information by calling Class Counsel at [ADD 800 NUMBER] or writing to:

[SETTLEMENT ADMINISTRATOR]

Additional information is available at:
www.virginiamasonprivacyclassaction.com

The lawyers representing the Class are:

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Eric S. Johnson
SIMMONS HANLY CONROY
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