

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 who is 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	Stay in this lawsuit. Await the outcome. Give up certain rights. 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.
ASK TO BE EXCLUDED FROM THE LAWSUIT BY OCTOBER 30, 2023	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded from the lawsuit and money or benefits are later awarded, you won’t share in those. But, you 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 October 30, 2023**.
- The Named Plaintiffs, those who do not exclude themselves, and their lawyers must prove the claims against Defendants at a trial. (See number 17 below on page 5). If you do not exclude yourself and 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 Civil Rule 23, which governs class actions in Washington State 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 number 17 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.virginiamason.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:

Virginia Mason Notice Administrator
P.O. Box 3637
Baton Rouge, Louisiana 70821

Any letter requesting exclusion sent by mail must be postmarked by October 30, 2023. A letter sent by facsimile or e-mail must be received by October 30, 2023.

THE LAWYERS REPRESENTING YOU

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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

20. 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 1-844-609-1124 or writing to:

Virginia Mason Notice Administrator
P.O. Box 3637
Baton Rouge, Louisiana 70821

Additional information is available at:
www.virginiamasonprivacyclassaction.com

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