

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 IN PART
AND DENYING IN PART WITHOUT
PREJUDICE PLAINTIFFS' EMERGENCY
MOTION FOR CORRECTIVE NOTICE TO
CURE VIRGINIA MASON'S INACCURATE
DESCRIPTIONS VIA EX PARTE
COMMUNICATIONS ON THE VIRGINIA
MASON WEB-PROPERTY**

THIS MATTER came before the Court on Plaintiffs' Emergency Motion for Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte Communications on the Virginia Mason Web-Property. Prior to ruling, the Court considered the following:

1. Plaintiffs' Emergency Motion for Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte Communications on the Virginia Mason Web-Property;
2. Declaration of Eric Johnson in Support of Plaintiffs' Emergency Motion for Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte Communications on the Virginia Mason Web-Property;
3. Declaration of Richard Smith in Support of Plaintiffs' Emergency Motion for Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte

**[PROPOSED] ORDER GRANTING IN PART AND DENYING IN
PART WITHOUT PREJUDICE PLAINTIFFS' EMERGENCY MOTION
FOR CORRECTIVE NOTICE TO CURE VIRGINIA MASON'S
INACCURATE DESCRIPTIONS VIA EX PARTE
COMMUNICATIONS ON THE VIRGINIA MASON WEB-
PROPERTY - 1**

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1 Communications on the Virginia Mason Web-Property;

2 4. Defendants' Opposition to Plaintiffs' Emergency Motion for Corrective Notice;

3 5. Declaration of Kelly Campbell in Support of the Virginia Mason Defendants'
4 Opposition to Plaintiffs' Motion for Corrective Notice;

5 6. Plaintiffs' Reply in Support of Plaintiffs' Emergency Motion for Corrective Notice
6 to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte Communications on the Virginia
7 Mason Web-Property;

8 7. Declaration of Benjamin M. Drachler in Support of Plaintiffs' Emergency Motion
9 for Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte
10 Communications on the Virginia Mason Web-Property; and

11 8. The argument of counsel at the September 22, 2023 hearing.

12 Based on the foregoing, IT IS HEREBY ORDERED THAT Plaintiffs' Emergency Motion for
13 Corrective Notice to Cure Virginia Mason's Inaccurate Descriptions Via Ex Parte
14 Communications on the Virginia Mason Web-Property is GRANTED in part and DENIED in part
15 without prejudice.

16 1. The opt-out deadline shall be extended by 30 days, from October 30, 2023, to
17 November 29, 2023.

18 2. Defendants shall produce the following within fourteen (14) days of the date of
19 this order:

20 a. The names of all potential class members who communicated with or
21 received communications from Virginia Mason regarding this case from September 12, 2023, to
22 September 22, 2023;

23 b. All communications with or received from potential class members
24 regarding this case, the allegations, claims or defenses in this case, or the notice Defendants
25 posted on www.vmfh.org, including all written communications, call recordings, and any other
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1 records reflecting communications with potential class members, from September 12, 2023, to
2 September 22, 2023;

3 c. Any scripts, templates, or other form documents provided to employees,
4 contractors, or other persons acting on Defendants' behalf related to communicating with
5 potential class members regarding this case; and

6 d. All internal communications and communications with agents,
7 contractors or other persons acting on Defendants' behalf or at Defendants' request related to
8 the banner and/or the linked notice Defendants placed on www.vmfh.org, including
9 communications relating to (1) the decision to place the banner and notice on vmfh.org; (2)
10 drafting, selecting, revising, coding, or otherwise developing the banner and/or linked notice on
11 www.vmfh.org; and (3) Defendants' communications with potential class members regarding
12 this lawsuit.

13 3. If Defendants intend to withhold materials subject to this order on the basis of
14 any privilege, they must produce a privilege log no later than twenty-one (21) days after the
15 date of this Order.

16 4. The parties may agree to extend the deadlines in this order by up to fourteen
17 (14) days without further order from the Court.

18 5. The Court has not issued any order limiting future public statements by
19 Defendants, but the parties have agreed to meet and confer about the possibility of an
20 agreement regarding any future public statements within fourteen (14) days of the date of this
21 order.

22 6. Except as set forth above, Plaintiffs' motion is DENIED without prejudice.

23 IT IS SO ORDERED.

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1 DATED this 27th day of September, 2023

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4 
THE HONORABLE MICHAEL K. RYAN

5 Presented by:

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