

**KING COUNTY SUPERIOR COURT**  
**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*John Doe v. Virginia Mason Medical Center, et al.*  
King County Case No. 19-2-26674-1 SEA

**IF YOU ARE A WASHINGTON RESIDENT WHO IS, OR WAS, A PATIENT OF DEFENDANTS VIRGINIA MASON MEDICAL CENTER OR VIRGINIA MASON HEALTH SYSTEM OR ONE OF THEIR AFFILIATES AND YOU LOGGED INTO THE MYVIRGINIAMASON PATIENT PORTAL OR USED VIRGINIA MASON’S PUBLIC WEBSITE, WWW.VIRGINIAMASON.ORG, BETWEEN OCTOBER 10, 2015 AND MAY 18, 2023, YOU MAY BE ENTITLED TO BENEFITS IN A CLASS ACTION SETTLEMENT.**

*A Court authorized this Notice. This is not a solicitation from a lawyer.*

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.  
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

**YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING.**

**PLEASE READ THIS NOTICE CAREFULLY.**

- A settlement has been proposed to end a class action lawsuit against Virginia Mason Medical Center and Virginia Mason Health System (collectively, “Virginia Mason” or “Defendants”). The lawsuit alleges that computer source code on Virginia Mason’s website and patient portal transmitted certain data provided by patients to third parties, including Facebook and Google.
- The parties in the lawsuit have agreed to settle the lawsuit to resolve the claims of a Settlement Class defined as follows:

All Washington residents who are, or were, patients of Virginia Mason Medical Center or Virginia Mason Health System or any of their affiliates between October 10, 2015 and May 18, 2023, and who exchanged communications at [www.virginiamason.org](http://www.virginiamason.org) or the MyVirginiaMason patient portal.

- The Court has scheduled a final approval hearing for May 23, 2025 at 11:00 A.M. If the settlement is approved and becomes final, you will receive a payment only if (1) you are a member of the Settlement Class; and (2) you submit a valid claim form before April 28, 2025. Even if you do not submit a claim form, your rights will be affected if you are a member of the Settlement Class and you do not exclude yourself from the settlement. Read below or call (844)-609-1124 for more information.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

**SUBMIT A CLAIM BY  
THE CLAIM DEADLINE  
OF April 28, 2025**

**This is the only option that allows you to get a payment.**

If you are a member of the Settlement Class, you may submit a claim form to share in the settlement proceeds paid by Virginia Mason to settle the lawsuit. You may submit a claim for one or both of the monetary benefits described below, if you qualify. You can complete and submit a claim form electronically on this website or you can print the claim form and submit it by mail.

	<p>If your claim form is approved and the settlement is approved by the Court and becomes final, you will give up your right to bring your own lawsuit about the issues in this case.</p> <p>Members of the Settlement Class who file a timely claim may be entitled to the following monetary benefits:</p> <p><b>Cash benefits for users of the MyVirginiaMason patient portal.</b> If you logged into the MyVirginiaMason patient portal, you may request compensation for claims associated with alleged web tracking of logins to the patient portal and activity within the patient portal. You may be entitled to a payment of \$90, subject to a possible pro rata adjustment depending on the total number of claims for benefits.</p> <p><b>Cash benefits for patients who used Virginia Mason’s public website.</b> If you used Virginia Mason’s public website, <a href="http://www.virginiamason.org">www.virginiamason.org</a>, you may request compensation for claims associated with alleged web tracking of viewing or searching for medical-related information on the website. You may be entitled to a payment of \$45, subject to a possible pro rata adjustment depending on the total number of claims for benefits.</p>
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Get no payment. Give up certain rights.</b></p> <p>By doing nothing, you will not get a payment from the settlement. But, you will give up any right to sue Virginia Mason separately about the same legal claims in this lawsuit.</p>
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT BY THE OPT-OUT DATE OF March 28, 2025</b>	<p><b>Get out of this lawsuit. Get no payment. Keep rights.</b></p> <p>If you ask to be excluded, you will receive no benefits, but you will retain any rights you may have to sue Virginia Mason separately about the same legal claims in this lawsuit.</p>
<b>OBJECT BY THE OBJECTION DATE OF March 28, 2025</b>	<p><b>Tell the Court why you disagree with the settlement.</b></p> <p>If you do not exclude yourself from the settlement, you may object to or comment about the settlement and Class Counsel’s request for attorneys’ fees, litigation expenses, and a service award for the Class Representative who brought this lawsuit. To object to the settlement, you must file a written Objection to the settlement with the Court explaining why you do not like the settlement, and serve copies of your Objection on the Settlement Administrator at the addresses listed in Response #14 below. You must remain in the Settlement Class to object to the settlement. If you want to get the settlement benefits described above, you also have to complete a claim form.</p>
<b>ATTEND THE FINAL APPROVAL HEARING ON May 23, 2025</b>	<p>If you do not exclude yourself from the settlement, you may ask to speak in Court about the fairness of the settlement. You do not need to attend the hearing to receive cash compensation.</p>

## **1. What is this Notice?**

This is a Court-authorized Notice of a proposed settlement of a class action, *John Doe v. Virginia Mason Medical Center, et al.*, Case No. 19-2-26674-1 SEA, filed in the Superior Court of Washington, County of King. The person who sued is called the “Plaintiff” or “Class Representative” and the companies he sued, Virginia Mason Medical Center and Virginia Mason Health System, are known as the “Defendants” in this case.

The Court has certified the Settlement Class (defined below in Response #6) and has granted preliminary approval of the Settlement Agreement. This Notice explains the nature of the class action lawsuit, the terms of the Settlement Agreement, and the legal rights and obligations of Settlement Class Members. Please read the instructions and explanations below carefully so that you can better understand your legal rights.

## **2. Why did I receive a Notice?**

You may have received a Notice because you were identified as a Washington resident who is or was a patient of Defendants Virginia Mason Medical Center or Virginia Mason Health System or their affiliates between October 10, 2015 and May 18, 2023.

## **3. What is this lawsuit about?**

Plaintiff alleges that Defendants installed computer code on their website, [www.virginiamason.org](http://www.virginiamason.org), and patient portal, MyVirginiaMason, that caused medical information to be disclosed to third parties, including Facebook and Google. Defendants deny any wrongdoing whatsoever.

## **4. Why is this a class action?**

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Settlement Class” or “Settlement Class Members.” When a class action is settled, the settlement, which must be approved by the Court, resolves the issues for all Settlement Class Members, except for those who exclude themselves from the settlement.

## **5. Why is there a settlement?**

To resolve this matter without the expense, delay, and uncertainties of protracted litigation, the Parties reached a settlement that resolves all claims brought on behalf of the Settlement Class. If finally approved by the Court, the Settlement Agreement requires Defendants to provide cash compensation to certain Settlement Class Members who submit valid and timely claim forms. The settlement is not an admission of wrongdoing by Defendants.

The Court overseeing this Litigation must give final approval to the Settlement Agreement before it can become effective. The Court has preliminarily approved the Settlement Agreement so that Settlement Class Members may

***QUESTIONS? VISIT [WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM](http://WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM)***

be given notice and the opportunity to exclude themselves from the Settlement Class or to voice their support for or opposition to final approval of the Settlement Agreement. If the Court does not finally approve the Settlement Agreement, or if it is terminated by the Parties, then the Settlement Agreement will be void, and the Litigation will proceed as if there had been no settlement.

## **6. How do I know if I am a part of the settlement?**

You are a Settlement Class Member if you are a Washington resident and you are or were a patient of Defendants Virginia Mason Medical Center or Virginia Mason Health System or their affiliates between October 10, 2015 and May 18, 2023, and you logged into the MyVirginiaMason patient portal or used Virginia Mason’s public website, [www.virginiamason.org](http://www.virginiamason.org), to view or search for medical-related information. Viewing or searching for “medical-related information” on [www.virginiamason.org](http://www.virginiamason.org) generally means that you browsed or searched on the website for medical symptoms, conditions, or treatment options related to your own healthcare.

Excluded from the Settlement Class are: (1) all persons who timely and validly request exclusion from the Settlement Class; (2) the Judge assigned to evaluate the fairness of this settlement.

## **YOUR BENEFITS UNDER THE SETTLEMENT**

### **7. What can I get from the settlement?**

The complete terms of the settlement are found in the Settlement Agreement, which is available on the Documents section of the Settlement Website, [www.virginiamasonprivacyclassaction.com](http://www.virginiamasonprivacyclassaction.com). This notice only provides a summary.

Defendants will pay \$3.5 million into a non-reversionary settlement fund for the exclusive purpose of paying cash benefits to Settlement Class Members who submit timely claims. Defendants will pay an additional amount up to \$3.25 million to the extent the initial \$3.5 million payment is not sufficient to cover the amount of claims that are made. The settlement funds will be distributed to Settlement Class Members who submit timely and valid claim forms as follows:

**Cash benefits for users of the MyVirginiaMason patient portal.** If you logged into the MyVirginiaMason patient portal, you may request compensation for claims associated with alleged web tracking of logins to the patient portal and activity within the patient portal. You may be entitled to a payment of \$90, subject to a possible pro rata adjustment depending on the total number of claims for benefits.

**Cash benefits for patients who used Virginia Mason’s public website.** If you used Virginia Mason’s public website, [www.virginiamason.org](http://www.virginiamason.org), you may request compensation for claims associated with alleged web tracking of viewing or searching for medical-related information on the website, such as medical symptoms, conditions, or treatment options related to your own healthcare. You may be entitled to a payment of \$45, subject to a possible pro rata adjustment depending on the total number of claims for benefits.

***QUESTIONS? VISIT [WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM](http://WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM)***

**To receive settlement benefits, you must submit a claim form.**

**Non-Monetary Benefits.** The settlement also provides for non-monetary relief. Virginia Mason will create and maintain a Web Governance Committee to assess the implementation and use of analytics and advertising technologies on Virginia Mason’s web properties and evaluate whether this use is consistent with Virginia Mason’s mission and applicable law. For two years following final approval of the settlement, Virginia Mason will not use Meta Pixel, Google Analytics, Google Ads, Google DoubleClick, TheTradeDesk, or Twitter/X Pixel source code on its web properties unless the Web Governance Committee makes the requisite determination under 45 C.F.R. § 164.514(b)(1) and Virginia Mason makes an affirmative disclosure on its web properties that the tools, identified by name, are being used.

### **8. How do I get a payment?**

Complete a claim form by April 28, 2025. This is the only way to get a payment from the settlement. Settlement Class Members who qualify for cash compensation may choose to receive electronic payments or paper checks.

Once completed, the claim form can be submitted electronically on the settlement website, [www.virginiamasonprivacyclassaction.com](http://www.virginiamasonprivacyclassaction.com), or printed and mailed to the following address:

Virginia Mason Settlement Administrator  
c/o Eisner Advisory Group LLC  
PO Box 2867  
Baton Rouge, LA 70821

Mailed claim forms must be postmarked by April 28, 2025. Each Settlement Class member is entitled to submit only one claim form. If you submit a claim form through the settlement website, please do not submit a duplicate claim form by mail, and vice versa. Duplicate claim forms will be rejected.

### **9. When will I receive the benefits?**

If you timely submit a valid claim form for monetary benefits and the settlement is finally approved, you will receive payment in the amount approved by the Settlement Administrator after the Settlement Administrator processes your claim form. You will receive any payment after the settlement is final and has become effective.

### **10. What am I giving up if I remain in the settlement?**

By staying in the Settlement Class, all the Court’s orders will apply to you and will bind you. You also give Defendants a “release,” which means you cannot sue or be part of any other lawsuit or other legal action against Defendants about or arising from the claims or issues in this lawsuit.

The precise terms of the release are in the Settlement Agreement, which is available in the Documents section of

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the Settlement Website. Unless you formally exclude yourself from this settlement, you will release your claims. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class or you are welcome to talk to any other lawyer of your choosing at your own expense.

### **11. What happens if I do nothing at all?**

By doing nothing you are staying in the Settlement Class but you are giving up the ability to get a payment from the settlement. To get a payment you must submit a claim form by April 28, 2025. By doing nothing or submitting a claim form, you are choosing to stay in the Settlement Class and, if the settlement becomes final, you give up any right to sue the Defendants separately about the same issues in this lawsuit. See Response #10.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want to remain in the settlement, but you want to preserve your legal claims against Defendants, then you must take steps to exclude yourself from this settlement.

### **12. How do I get out of the settlement?**

To exclude yourself from the settlement, you must send an opt-out request by mail stating that you want to be excluded from *John Doe v. Virginia Mason Medical Center, et al.*, Case No. 19-2-26674-1 SEA, to the Settlement Administrator. Your opt-out request must include: (1) your full name and address; (2) the case name and docket number (*John Doe v. Virginia Mason Medical Center, et al.*, Case No. 19-2-26674-1 SEA); (3) a written statement that you wish to be excluded from the settlement; and (4) your signature. You must mail your opt-out request, **postmarked no later than March 28, 2025** to:

Virginia Mason Settlement Administrator  
c/o Eisner Advisory Group LLC  
PO Box 2867  
Baton Rouge, LA, 70821

### **13. If I exclude myself, do I still receive benefits from this settlement?**

No, if you submit an opt-out request you will not receive any monetary benefits from the settlement, but you may sue Defendants over the claims raised in this case, either on your own or as a part of a different lawsuit. If you exclude yourself, the time you have to file your own lawsuit (called the “statute of limitations”) will begin to run again. You will have the same amount of time to file the suit that you had when this case was filed. If you file an Objection (see Response #14), you may still receive benefits if you timely file a claim.

## **OBJECTING TO THE SETTLEMENT**

### **14. How do I tell the Court that I do not like the settlement?**

If you are a Settlement Class Member and have not excluded yourself from the settlement, you can comment on or object to the settlement, Class Counsel’s request for attorneys’ fees and litigation expenses, and the request for a service award for the Class Representative, and the Court will consider your views. If you file an objection, you may still receive benefits so long as you timely submit a claim form.

To object to the settlement, you must file and serve a written objection (such as a letter or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. Your objection must:

- i. State your full name, current address, telephone number, and email address;
- ii. Include your original signature;
- iii. State the specific basis for your objection to the settlement and include copies of any documents you wish to submit in support of your objection;
- iv. Identify all lawyers representing you, if any, and provide their telephone number(s); and
- v. State whether you intend to appear at the Final Approval Hearing, with or without a lawyer.

Your objection must be filed by **March 28, 2025** to be considered by the Court. To be considered, your objection must include the information listed above and be filed with King County Superior Court, located at 516 Third Avenue, Seattle WA 98104 (see <https://kingcounty.gov/en/court/superior-court/about-superior-court/contact>), no later than **March 28, 2025**, and served on the Settlement Administrator at the address below:

Virginia Mason Settlement Administrator  
c/o Eisner Advisory Group LLC  
PO Box 2867  
Baton Rouge, LA, 70821

## **THE LAWYERS REPRESENTING THE CLASS**

### **15. Do I have a lawyer in this case?**

The Court has appointed Jason ‘Jay’ Barnes and Eric Johnson of Simmons Hanly Conroy LLC, Beth Terrell of Terrell Marshall Law Group PLLC, Steve Gorny of the Gorny Law Firm LLC, and Jeffrey Koncius of Kiesel Law LLP to represent the Settlement Class as Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense. If you hire your own lawyer to speak for you or to appear in Court, your lawyer should file a Notice of Appearance with the Court.

### **16. How will the lawyers for the Settlement Class be paid?**

Class Counsel will ask the Court to approve an attorneys’ fee award of no more than \$5,000,000 and reimbursement of litigation expenses not to exceed \$378,601. Class Counsel will also request a service award of \$10,000 for the Class Representative. Virginia Mason will pay the Court-approved attorneys’ fees, litigation expenses, and service award separately from the settlement benefits for the Settlement Class described above.

The motion for attorneys' fees, litigation expenses, and service award will be posted on the Settlement Website after it is filed.

## **THE FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to grant final approval of the settlement. You may attend if you wish, but you are not required to do so.

### **17. Where and when is the Final Approval Hearing?**

The Court has already preliminarily approved the Settlement Agreement. The Court will hold the Final Approval Hearing on **May 23, 2025, at 11:00 A.M. ET** in the courtroom of the Honorable Michael K. Ryan, Courtroom E746, which is located in the courthouse at 516 Third Avenue, Seattle WA 98104. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class, and to determine the appropriate amount of compensation for Class Counsel and the Class Representative. At that hearing, the Court may hear any objections and arguments concerning the fairness of the proposed settlement. The Court will then decide whether to approve the settlement.

YOU ARE **NOT** REQUIRED TO ATTEND THE FINAL APPROVAL HEARING TO RECEIVE BENEFITS FROM THIS SETTLEMENT. Please be aware that the hearing may be postponed to a later date without notice.

### **18. May I speak at the hearing?**

If you are a Settlement Class Member and have not opted out of the settlement, you may ask the Court for permission to speak at the Final Approval Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

## **GETTING MORE INFORMATION – CONTACT:**

*This Notice only provides a summary of the proposed settlement.* Complete details about the settlement can be found in the Settlement Agreement available on the Settlement Website.

**[www.virginiamasonprivacyclassaction.com](http://www.virginiamasonprivacyclassaction.com)**

If you have any questions or need to change your address, you can contact the Settlement Administrator online at [www.virginiamasonprivacyclassaction.com](http://www.virginiamasonprivacyclassaction.com) or by mail at:

Virginia Mason Settlement Administrator  
c/o Eisner Advisory Group  
PO Box 2867  
Baton Rouge, LA 70821

You may also contact Class Counsel with questions about the settlement by calling 1-206-518-6228 or by ***QUESTIONS? VISIT [WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM](http://WWW.VIRGINIAMASONPRIVACYCLASSACTION.COM)***



writing to:

Terrell Marshall Law Group PLLC  
936 N 34th Street, Suite 300  
Seattle, Washington 98103

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO  
THE CLERK OF COURT, THE JUDGE, OR DEFENDANTS' COUNSEL.**