

THE HONORABLE MICHAEL K. RYAN
Department 37
JUDGE
COURT
CLERK
OFFICE

THE HONORABLE MICHAEL K. RYAN
Department 37

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

JOHN DOE, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

VIRGINIA MASON MEDICAL CENTER, and
VIRGINIA MASON HEALTH SYSTEM.,

Defendants.

No. 19-2-26674-1 SEA

**DECLARATION OF SETTLEMENT
ADMINISTRATOR IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF SETTLEMENT**

I, Blake Ross, declare and verify as follows:

Personal Information

1. I am an Associate Director for Eisner Advisory Group LLC ("EAG"). EAG was retained as the Settlement Administrator in this case, and, as the project manager over this Settlement, I am personally familiar with the facts set forth in this declaration.

The Capacity and Basis of this Declaration and Verification

2. I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge, information received from the parties in this proceeding, and information provided by my colleagues at EAG and our partners.

1 I. **BACKGROUND**

2 **Preliminary Approval**

3 3. On December 24, 2024, the Court entered its order preliminarily approving the
4 Settlement Agreement and appointing EAG as the Settlement Administrator. After the Court's
5 preliminary approval of the Settlement, EAG began to implement and coordinate the Notice
6 Program.

7 **The Purpose of this Declaration and Verification**

8 4. I submit this Declaration to evidence EAG's compliance with the terms of the
9 Preliminary Approval Order, to detail EAG's execution of its role as the Settlement
10 Administrator, and to verify compliance with the Notice requirements set forth in Section IV of
11 the Settlement Agreement and the Court's Preliminary Approval Order.

12 II. **CLASS SETTLEMENT NOTICE PROGRAM EXECUTION**

13 **Notice Database**

14 5. EAG maintains a database of 763,471 Class Members, which was used to
15 effectuate the Notice Program as outlined in the Settlement Agreement ("Class List"). In
16 September 2023, EAG effectuated the Notice Program as ordered by the Court. As part of that
17 Notice Program, Defendant provided data in a single Excel file containing the names, email
18 addresses, and mailing addresses, where available, for a total of 763,601 records. Through
19 execution of the class certification notice program, collecting contact information updates from
20 Class Members, and removing class members who requested exclusions, EAG determined that
21 a total of 763,471 unique records exist in the Class List, with 328,233 records containing an email
22 address available to attempt notice and 762,197 containing a mailing address.

23 **Email Notice**

24 6. Beginning on January 27, 2025, EAG caused Email Notice to be sent to the
25 328,233 email addresses. Ultimately, the Email Notice was successfully delivered to 323,699
26 email addresses, or 98.62% deliverability. A sample copy of the Email Notice sent is attached as

27 **Exhibit A.**

Mail Notice

7. In the instance where an email was returned undeliverable, or only a mailing address was available, EAG mailed a Postcard Notice by United States Postal Service (“USPS”). Prior to mailing, EAG processed the mailing addresses through the NCOA database maintained by the USPS to help ensure address information is up-to-date and accurately formatted for mailing, in addition to certifying the mailing addresses via the Coding Accuracy Support System (CASS) to ensure the quality of the zip code and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses. EAG executed Postcard Notice mailings to 437,459 (57.30%) Class Members and supplemental mailings to 25,099 (3.29%) Class Members whose initial Notices were not deliverable but for whom we were able to obtain an alternative mailing address through (1) forwarding addresses provided by the USPS, (2) via skip trace searches using the LexisNexis third party vendor database, or (3) requests received directly from Class Members. Mail notice delivery statistics are detailed below. A sample copy of the Postcard Notice that was mailed is attached as **Exhibit B**.

8. A summary of the direct notice dissemination statistics is included in the table below:

Notice Dissemination Statistics		
Description	Volume	Percentage of the Class
Email Notice		
Total Email Notices Sent	328,229	42.99%
Total Email Notices Delivered	323,699	42.40%
Total Email Notices Bounced/Undeliverable	4,535	0.59%
Mail Notice		
Total Postcard Notices Mailed	437,459	57.30%
Total Postcard Notices Returned as Undeliverable	55,428	7.26%
Mail Notice Re-Mail		
Total Unique Postcards Remailed	25,099	3.29%
Total Remaining Undeliverable Postcard Notices	4,452	0.58%

Notice Reach Statistics		
Description	Volume	Percentage of the Class
Settlement Class Members	763,471	100.00%
Received Email Notice	323,699	42.40%
Received Postcard Notice	402,678	52.75%
Received Direct Notice	726,377	95.15%

9. Through the execution of the Notice Program 726,377 Class Members received direct notice, or 95.15% Notice Reach. The Notice Program reach is well above the 75-90% FJC guidance as set forth in the *Judges Class Action Notice and Claims Process Checklist and Plain Language Guide*.

Reminder Email Notice

10. In addition to the notice procedures outlined above, EAG attempted a reminder email notice to 272,908 class members whose initial Email Notice was delivered and who had not filed a claim. The reminder notice was successfully delivered to 271,640 Settlement Class Members, or 99.54% deliverability. A true and correct copy of the reminder notice is attached as **Exhibit C**.

Settlement Website

11. EAG established the website www.virginiamasonprivacyclassaction.com for class certification notice and we have maintained the website throughout the litigation. EAG updated the website for the settlement and published the updated website on January 27, 2025. Visitors to the Settlement Website can download the Long Form Notice, the Short Form Notice, the Claim Form, as well as Court Documents, such as the Settlement Agreement, Orders of the Court, and other relevant documents. EAG posted the Motion for Attorneys' Fees, Litigation Costs and Service Award, along with Class Counsel's declarations in support, to the website on February 27, 2025. Visitors were also able to submit claims electronically or download a Claim Form to submit by mail, and can find answers to frequently asked questions (FAQs), important

1 dates and deadlines, and contact information for the Settlement Administrator. As of May 9,
2 2025, the Settlement Website has received 535,908 page views from 142,924 unique visitors.

3 **Post Office Box**

4 12. A dedicated Post Office Box ("P.O. Box") was also established:
5 Virginia Mason Settlement Administrator
6 PO Box 2867
7 Baton Rouge, LA 70821

8 13. This P.O. Box serves as a location for the USPS to return undeliverable program
9 mail to EAG and for Settlement Class Members to submit claim forms, exclusion requests, and
10 other settlement-related correspondence. The P.O. Box address appears prominently in all Class
11 Notices and in multiple locations on the Settlement Website. EAG monitors the P.O. Box daily
12 and uses a dedicated mail intake team to process each item received.

12 **Contact Support**

13 14. EAG established the dedicated toll-free informational hotline when it distributed
14 class certification notice, and continues to maintain the number. The toll-free hotline is
15 accessible 24 hours per day, seven days per week and utilizes an interactive voice response
16 ("IVR") system where Class Members can obtain essential information regarding the case and
17 hear answers to frequently asked questions. Class Members are able to speak with a live
18 representative during normal business hours and may also leave a voicemail to receive a call
19 back from the Settlement Administrator outside of operating hours. The toll-free hotline
20 appeared in the Website Notice, Email Notice, Mailed Notice, and in multiple locations on the
21 Case Website. We also established the email address,
22 info@virginiamasonprivacyclassaction.com, to provide email support to Class Members. The
23 email address is included in the Website Notice and displayed on the Case Website.

24 15. As of May 9, 2025, the toll-free hotline has received a total of 2,924 calls. Of
25 these, 1,058 calls were directed to a live operator, another 1,360 calls were directed to the IVR
26 system, and 506 calls resulted in voicemails. The info@virginiamasonprivacyclassaction.com
27 email inbox received 4,643 emails.

III. CLAIM ACTIVITY

Claim Intake and Processing

16. The online claim submission feature was available beginning January 27, 2025. As of May 9, 2025, EAG received a total of 64,290 timely claims. Of these, EAG has determined that 63,866 are valid complete claims from Class Members, 26 claims were identified as duplicates, and 398 were identified as deficient. Deficient claims consist of 380 claims that could not be tied to the Class List and 18 claims where the claimant did not make a claim category selection. Additionally, EAG has received 9 late claims with 3 claims from Class Members that would otherwise be valid.

17. Deficient claims will receive a notice, to be sent by May 13, 2025, explaining the deficiency and providing the claimant 30 days to cure. Claimants that could not be tied to the Class List will be asked to provide documentation to demonstrate that they were a patient of Virginia Mason during the class period. Claimants that did not make a claim category selection will be asked to make a claim category selection in a format substantially similar to the Settlement Claim Form.

18. The table below provides summary statistics of valid, non-duplicative claim submissions.

Claims Submitted by Type	
Claim Form Category	Claimed
MyVirginiaMason Patient Portal Subclass Claims	6,599
Public Website User Subclass Claims	2,671
Combined Patient Portal Subclass + Public Website User Subclass Claims	54,596
Total Submitted Claims	63,866

19. As of May 9, 2025, EAG estimates Patient Portal Subclass Claims will receive \$75.14, Public Website User Subclass Claims will receive \$37.57, and Combined Portal + Public Website Subclass Claims will receive \$112.71. These amounts may change slightly depending on how many deficient claims are timely corrected, and whether Virginia Mason chooses to contest

any of the Patient Portal Subclass claims per section 2.2(i) of the Settlement Agreement, and the outcome of that process.

IV. EXCLUSIONS AND OBJECTIONS

Exclusions (Opt-Outs) Received

20. The deadline to submit a request for exclusion was March 28, 2025. As of May 7, 2025, EAG has received forty-one (41) timely exclusion requests from Settlement Class Members and three (3) exclusion requests postmarked after the March 28, 2025 deadline.

Settlement Objections

21. The Court's Preliminary Approval Order required objections to be filed with the Clerk of Court and mailed to the Settlement Administrator by no later than March 28, 2025. As of May 9, 2025, EAG has received one (1) objection and one (1) request to appear at the hearing.

V. CERTIFICATION

I, Blake Ross, declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed on this 12th day of May 2025 in Baton Rouge, Louisiana.



Blake Ross

Exhibit A: EMAIL NOTICE

Notice of Class Action Settlement

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

Settlement Claim ID:

IF YOU RECEIVED THIS NOTICE, YOU HAVE BEEN IDENTIFIED AS A WASHINGTON STATE RESIDENT WHO IS OR WAS A PATIENT OF VIRGINIA MASON MEDICAL CENTER OR VIRGINIA MASON HEALTH SYSTEM WHO LOGGED INTO THE MYVIRGINIAMASON PATIENT PORTAL OR USED VIRGINIA MASON'S PUBLIC WEBSITE, WWW.VIRGINIAMASON.ORG BETWEEN OCTOBER 10, 2015 AND MAY 18, 2023.

This is not a solicitation from a lawyer or an advertisement. You are a member of a class action, your legal rights are affected regardless of whether you do or do not act. You must file a Claim Form to Receive Payment.

What Is This Lawsuit About? This lawsuit is known as *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. Plaintiff alleges that Defendants installed computer code on their website, 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.

Who Is A Settlement Class Member? You are a Settlement Class Member if you are a Washington resident, you are or were a patient of Virginia Mason Medical Center or Virginia Mason Health System or one of 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, to view or search for medical information. The Settlement Class excludes: (i) all persons who timely and validly request exclusion from the Settlement Class; and (ii) the Judge assigned to evaluate the fairness of this settlement.

What Are The Settlement Class Member Benefits? Defendants have agreed to 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. Patient portal users are eligible to claim a payment of \$90. All Settlement Class Members are eligible to make a claim for \$45 upon attestation they used the public website to view or search for medical information. Defendants will pay Court-approved costs of administration, attorneys' fees, litigation costs, and a service award for the Class Representative separately and in addition to the amounts made available for claims.

How To Make A Claim? To receive a payment from the Settlement, you must file a Claim Form online at www.virginiamasonprivacyclassaction.com by **April 28, 2025**, or by mail postmarked by April 28, 2025, and mailed to the Settlement Administrator's address below.

What Are My Other Rights? If you do not want to be legally bound by the settlement, you must exclude yourself by **March 28, 2025**. If you do not exclude yourself, you will release any claims you may have against Defendants and the Related Parties, as more fully described in the Settlement Agreement, available at www.virginiamasonprivacyclassaction.com. If you do not exclude yourself, you may object to the settlement by **March 28, 2025**. Visit www.virginiamasonprivacyclassaction.com for complete information on how to exclude yourself from or object to the settlement.

Do I Have A Lawyer? Yes, 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 you and the Settlement Class. Class Counsel will request Court approval of an attorneys' fee award of \$5,000,000, reimbursement of litigation costs up to \$378,601, and a service award of \$10,000 for the Class Representative, to be paid separately by Defendants from the amounts paid to Settlement Class Members. The Final Approval Hearing: The Court has scheduled a hearing for May 23, 2025 at 11:00 A.M in Courtroom E746, located at 516 Third Ave, Seattle WA 98104, to consider whether to approve the settlement, the requested attorneys' fees and litigation costs, and the service award, and to consider any objections. You or your attorney may request to appear at the hearing, but you are not required to appear. The date or time of the hearing may change, please check www.virginiamasonprivacyclassaction.com for updates.

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This notice is only a summary. For additional information, visit www.virginiamasonprivacyclassaction.com, call Toll-Free 1-844-609-1124, or write to Virginia Mason Settlement Administration: P.O. Box 2867 Baton Rouge, LA 70821.

Exhibit B: POSTCARD NOTICE

Notice Administrator
P.O. Box 2867
Baton Rouge, LA 70821

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
FPI

Notice of Class Action

A court authorized this notice.

This is not a solicitation from a lawyer
or an advertisement. You are a member
of a class action, your legal rights are
affected regardless of whether you do
or do not act.

Please read this notice carefully.

Postal Service: Do Not Mark
or Cover Barcode



ELECTRONIC SERVICE REQUESTED



SETTLEMENT CLAIM ID: [claim Id]
[FIRST NAME] [LAST NAME]
[ADDRESS1]
[ADDRESS2]
[CITY] [STATE] [ZIP]

CM43

*To update your mailing address, please fill out and mail back to the Notice Administrator.

THIS IS NOT A CLAIM FORM

Notice Administrator Address



Your Updated Information

If you received this notice, you have been identified as a Washington state resident who is or was a patient of Virginia Mason Medical Center or Virginia Mason Health System who logged into the MyVirginiaMason patient portal or used Virginia Mason's public website, www.virginiamason.org between October 10, 2015 and May 18, 2023.

This is not a solicitation from a lawyer.

This is NOT a Claim Form.

For more information about the settlement and how to file a Claim Form visit or call:

www.virginiamasonprivacyclassaction.com

(844) 609-1124

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Do I Have A Lawyer? Yes, 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 you and the Settlement Class. Class Counsel will request Court approval of an attorneys' fee award of \$5,000,000, reimbursement of litigation costs up to \$378,601, and a service award of \$10,000 for the Class Representative, to be paid separately by Defendants from the amounts paid to Settlement Class Members.

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This Notice is only a summary.

For Additional Information or to Update Your Address & Contact Information

Visit www.virginiamasonprivacyclassaction.com or contact the Settlement Administrator:

Virginia Mason Settlement Administrator

P.O. Box 2867

Baton Rouge, LA 70821

Toll-Free: (844) 609-1124

1-844-609-1124

www.virginiamasonprivacyclassaction.com

Exhibit C: REMINDER EMAIL NOTICE

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