

Chapin v. Los Robles
c/o GCG
P.O. Box 35100
Seattle, WA 98124-1100
Toll-Free: 1 (866) 825-1423

**Notice of Settlement
And Hearing Date for Court Approval**

**Chapin v. Los Robles Regional Medical Center, Civil Case No. 56-2014-00454001-CU-NP-VTA
Superior Court of the State of California, County of Ventura**

THIS NOTICE MAY AFFECT YOUR RIGHTS -- PLEASE READ IT CAREFULLY.

You May be Entitled to Receive Compensation Under this Proposed Class Action Settlement.

- A Settlement has been reached between Los Robles Regional Medical Center (“Defendant” or “Los Robles”) and Plaintiff Leah Chapin (“Class Representative” or “Plaintiff”), individually and on behalf of the Settlement Class. The underlying lawsuit, entitled *Chapin v. Los Robles Regional Medical Center*, Civil Case No. 56-2014-00454001-CU-NP-VTA, is presently pending in the Superior Court of the State of California, County of Ventura.
- Los Robles denies Plaintiff’s allegations and denies any liability, and the Court has not decided that Los Robles did anything wrong. The Court has, however, preliminarily approved the settlement which affects your legal rights, and you have a choice to make now.
- To qualify as a class member, you must have received medical treatment at Los Robles in February or March of 2014 and have received written notice in March 2014 from Los Robles about the potential unauthorized access to, or theft of, your medical records.
- The Settlement will provide a fund of \$300,000.00 to pay claims for class members, attorneys’ fees and the costs of administration. Individual class members whose medical records were stolen during transport (“Eligible Claimant Group A”) shall receive up to \$1,000.00, and individual class members whose medical records arrived at the destination (“Eligible Claimant Group B”) shall receive up to \$100.00. If the amount of Net Settlement Fund is insufficient to pay these respective awards, the payment shall be reduced in a proportionate or *pro rata* basis.
- The Court in charge of this case still has to decide whether to provide final approval of the Settlement. Class members whose claims have been approved will receive a check for a share of the Net Settlement Fund only if the Court approves the Settlement and after the time for appeals has ended and any appeals are resolved. Please be patient.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully. These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

SUBMIT A CLAIM BY MARCH 18, 2016	The only way to get a payment in this settlement is by submitting a timely and valid Claim Form, online at www.MedicalRecordSettlement.com or by U.S. mail to the Claims Administrator, you will receive your eligible share of the Net Settlement Fund, but you will be giving up any rights you may have to separately sue the Released Parties for the legal claims released by this Settlement.
DO NOTHING	If you do nothing, you will not get any benefits and you will give up your rights to be part of any other lawsuit against the Released Parties (as defined below on page 5) about the legal claims released by this Settlement. By doing nothing, you will not receive any compensation under the Settlement Agreement. In addition, you will be giving up certain rights that you may have to separately sue the Released Parties for legal claims released by this Settlement.
EXCLUDE YOURSELF BY MARCH 18, 2016	This is the only option that allows you to be part of any other lawsuit against the Released Parties for legal claims released by this Settlement. See Question 14 Below.
OBJECT BY MARCH 18, 2016	You can write to the Court about why you don't agree with any aspect of the Proposed Settlement. See Question 17 below.
GO TO A HEARING SCHEDULED FOR FRIDAY, MAY 20, 2016 AT 8:30 A.M.	Ask to speak in Court about the Settlement. See Question 19 below.

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BASIC INFORMATION

1. WHY WAS THIS NOTICE ISSUED?

This lawsuit, entitled *Chapin v. Los Robles Regional Medical Center*, Civil Case No. 56-2014-00454001-CU-NP-VTA, was filed on June 10, 2014 and is presently pending in the Superior Court of the State of California, County of Ventura (“the Lawsuit”). This Notice was issued to explain the Lawsuit, the Settlement, and your legal rights.

This notice explains that the Court has allowed this Lawsuit to go forward and be settled as a class action. The Court authorized this Notice because you have a right to know about the proposed Settlement in this Class Action lawsuit, and about all of your options, before the Court decides whether to give “final approval” to the Settlement.

2. WHAT IS THE LAWSUIT ABOUT?

The Class Representative contends that Los Robles Regional Medical Center violated the Confidentiality of Medical Information Act, California Civil Code section 56, *et seq.* by “negligently releasing and disclosing confidential medical information” and/or by “negligently maintaining confidential medical information” that was contained in medical records which were transported from Los Robles to Los Robles’ business office by outside courier in late February and/or late March 2014. A copy of the Class Representatives’ actual claims can be found here: www.MedicalRecordSettlement.com.

Los Robles denies the allegations of the Lawsuit, denies all allegations of wrongdoing and of liability, and denies any causation of harm or damage to the Settlement Class. There has been no finding of any violation or wrongdoing by Released Parties by any court.

3. WHY IS THIS A CLASS ACTION?

In a class action, one or more people called “Class Representatives” (in this case, Leah Chapin) sue on behalf of people who have similar claims. All of these people or entities are a “Class” or are “Class members.” One court resolves the issues for all Class members, except for those who exclude themselves from the Class.

4. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of the Plaintiff or Defendant. Instead, the Contributing Parties agreed to the Settlement. That way, they avoid the cost and risk of further litigation and the people claimed to be affected will get compensation. The Class Representatives and their attorneys believe that a class wide settlement is in the best interests of the class.

WHO IS IN THE SETTLEMENT?

To see if you are affected or if you can receive benefits, you first have to determine whether you are a Class member.

5. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

If you received a letter from Los Robles Regional Medical Center notifying you that your medical records may have been accessed and/or lost during transport in February or March 2014, you are a part of the Settlement, and you should file a claim or exclude yourself from the Settlement. The process to file a claim or exclude yourself from the settlement is also explained below.

6. ARE THERE EXCEPTIONS TO BEING INCLUDED?

Yes. The Class does not include persons who opt-out or exclude themselves from the Settlement in a timely and correct manner by submitting a written request for exclusion. This Class also excludes the judge presiding over this matter from participation.

7. I'M STILL NOT SURE IF I'M INCLUDED IN THE SETTLEMENT.

If you are not sure whether you are included in the Class, call the Claims Administrator at the toll free number designated for this Settlement (866) 825-1423 or go to www.MedicalRecordSettlement.com.

THE SETTLEMENT BENEFITS—WHAT DO I GET?

8. WHAT DOES THE SETTLEMENT PROVIDE?

Settlement Fund. Contributing Parties will establish a Settlement Fund totaling Three Hundred Thousand Dollars (\$300,000.00).

Payment to Class Members. The Settlement Fund will provide payment for the following: (a) the benefits to the Class Members whose claims are approved by the Claims Administrator, (b) the costs of administration incurred by the Claims Administrator, including, but not limited to, the costs of providing notice to the Class of this Settlement Agreement; (c) the attorneys' fees and costs awarded to Class Counsel (Class Counsel intends to make an application for \$90,000.00 in fees and costs) and (d) any enhancement payments awarded to the Class Representative (Class Representative intends to make an application for a \$1,000 enhancement payment to the Class Representative). Any unclaimed portions of the Settlement Fund after one year will be revert to Defendant.

The Claims Administrator will calculate the eligible share of the Net Settlement Fund owed to each class member by the following:

- a) First, each class member who wants to receive a share of the Net Settlement Fund will be required to fill out a claim form within sixty (60) days of this Notice being sent out and verify that he or she received treatment at Los Robles Regional Medical Center in February or March 2014.
- b) Second, the Class Administrator shall determine whether the class member belongs to Eligible Claimant Group A or Eligible Claimant Group B. Eligible Claimant Group A comprises of those class members whose medical records were never delivered to Los Robles' business office following their transport. Eligible Claimant Group B comprises of those class members whose medical records were transported to Los Robles' business office.
- c) Third, the Class Administrator shall calculate the amount of the Net Settlement Fund (subtracting out from the Settlement Fund the costs of administration, the attorneys' fees, costs and incentive awards approved by the Court).
- c) Fourth, the Class Administrator shall determine the pro rata award of each class member after determining which claimant group the class member belongs.

9. WHAT AM I GIVING UP IN EXCHANGE FOR THE SETTLEMENT BENEFITS?

Unless you exclude yourself from the Settlement, you can't sue the Released Parties or be part of any other lawsuit against the Released Parties about the issues in this case. Unless you exclude yourself, all of the decisions by the Court will bind you. This settlement agreement, called the "Stipulation of Class Action Settlement," is available at www.MedicalRecordSettlement.com and describes the claims that you give up if you remain in the Settlement.

By staying in the Class, you become a Class Member and you will automatically release the Released Parties from any claims set forth below and will give up your rights to pursue or continue any action against the Released Parties relating to the Covered Emails and the claims at issue in this lawsuit. **A word-for-word copy of the Release sections from the Stipulation of Class Action Settlement is copied below.** Although definitions for material terms are included below, you may obtain additional details on undefined terms in the Settlement Agreement available at www.MedicalRecordSettlement.com. Because Class Members will release a wide range of claims, **please carefully read** the following:

Upon the date of Final Court Approval, the Class Representative, her counsel, and each and every Class Member who has not timely and validly opted out of the Settlement, on behalf of themselves, their successors, heirs, executors, administrators, predecessors, assigns, present and former agents and attorneys, and anyone acting on their behalf (“Plaintiffs’ Releasing Parties”) shall, and hereby do, fully, finally, and forever release, relinquish and discharge Los Robles and all of its current and former officers, directors, trustees, employees, agents, representatives, parent entities, subsidiaries, divisions, companies, corporations, shareholders, affiliates, limited liability companies and limited partnerships, related and affiliated companies and entities (including, but not limited to HSS Systems, LLC and Parallon Health Information Solutions, LLC), predecessors, successors, insurers, assigns, and any of their attorneys and/or legal representatives — and the predecessors, heirs, executors, administrators, successors and assigns of each of the foregoing — and all Persons or entities acting with, by, through or in concert with any of them, as well as any and all courier companies that were (or may have been) involved in any way with the transportation of the Class Members’ medical records during February and March 2014, including but not limited to, Courier Express Holdings, Inc., Courier Express/Atlanta, Inc., Courier Express Charlotte, Inc., Courier Express US, Inc., Express Messenger Systems, Inc. d/b/a On-Trac, Southwest Courier, Inc., and Top Priority Couriers, Inc. (collectively, “Courier Companies”), and the Courier Companies’ current and former officers, directors, trustees, employees, agents, representatives, parent entities, subsidiaries, divisions, companies, corporations, affiliates, limited liability companies and limited partnerships, predecessors, successors, insurers, assigns and legal representatives — and the predecessors, heirs, executors, administrators, successors and assigns of each of the foregoing — (all of the foregoing are collectively referred to herein as “Plaintiffs’ Released Parties”) from any and all claims (including assigned claims), causes of action, debts, liabilities, covenants, promises, contracts, agreements, and/or obligations — whether known or unknown, asserted or unasserted, latent or patent — that are, have been, could reasonably have been or in the future might be asserted by any of Plaintiffs’ Releasing Parties against Plaintiffs’ Released Parties, either in this Lawsuit or in any other action or proceeding in this Court, or any other Court or forum, which to any extent, or in any way, were made — or which could or should have been made (known or unknown) — arising out of, resulting from, and/or related to, in whole or in part, (i) the alleged release, disclosure or negligent maintenance or handling of Class Members’ medical health records, confidential medical information and/or confidential personally identifiable information in February or March 2014, or (ii) the facts, conduct, alleged omissions, transactions, occurrences, or matters that were (or could have been) alleged in the Lawsuit, including, without limitation: (a) any claim or cause of action under the CMIA, the Information Practices Act of 1977 (California Civil Code § 1798 et seq.), the California Unfair Competition Law (California Business & Professions Code § 17200 et seq.) and any/all federal or state statutes in effect in the United States; (b) any claim or cause of action based on any constitutional right to privacy under the Federal constitution, California constitution, and/or constitution of any other state; (c) any claim or cause of action based on the common law right of privacy, negligence, breach of contract, breach of fiduciary duty and/or unfair competition; and (d) any other type of claim whether based on statute, common law, or in equity, including, without limitation, any claim for attorneys’ fees or expenses of any type (hereafter, “Plaintiffs’ Released Claims”). In addition, Plaintiffs’ Releasing Parties shall, and hereby do, covenant not to sue Plaintiffs’ Released Parties based on any Plaintiffs’ Released Claims.

The Parties also agree and understand that, as a condition of the Settlement, if approved by the Court, Plaintiff and all Class Members (save those Class Members who timely and validly opt out) are waiving any and all claims for (i) actual damages; (ii) punitive damages; (iii) prejudgment interest; and (iv) injunctive relief, except as may be set forth in the Settlement Agreement.

HOW TO GET A PAYMENT—SUBMITTING A CLAIM FORM

10. HOW CAN I RECEIVE A PAYMENT FROM THE NET SETTLEMENT FUND?

To qualify for payment, you must complete and submit the attached claim form. If one was not already sent to you with this Notice, you can get a claim form at www.MedicalRecordSettlement.com. Please read the instructions carefully, fill out the claim form, and either submit it online at www.MedicalRecordSettlement.com by March 18, 2016 or mail it postmarked no later than March 18, 2016 to:

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P.O. Box 35100
Seattle, WA 98124-1100
www.MedicalRecordSettlement.com

11. WHEN WILL I GET MY PAYMENT?

Checks will be mailed to Class members who submit valid claims forms on time, after the Court grants “final approval” of the Settlement, and after the time for appeals has ended and any appeals have been resolved. Even if the judge approves the Settlement after a hearing on **May 20, 2016** (see the section “The Court’s Fairness Hearing” below), there may be appeals. Resolving these appeals can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue over the legal issues in this case, you must take steps to get out of the Settlement. This is called asking to be excluded from—sometimes called “opting out” of—the Class.

12. IF I EXCLUDE MYSELF, CAN I GET ANYTHING FROM THE SETTLEMENT?

No. If you exclude yourself now you will not get anything from the Settlement. If you ask to be excluded, you will not receive a payment, and you cannot object to the Settlement. But you may sue, continue to sue, or be part of a different lawsuit against the Released Parties in the future. Your right to sue as an individual will not be affected by this lawsuit if you “opt out” of the Settlement.

13. IF I DON’T EXCLUDE MYSELF, CAN I SUE LATER?

No. Unless you exclude yourself by the exclusion deadline, which is March 18, 2016, you give up the right to sue Released Parties for the claims that this Settlement resolves. Indeed, you must exclude yourself from *this* Class to start or continue your own lawsuit.

14. HOW DO I GET OUT OF THE SETTLEMENT?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *Chapin v. Los Robles Regional Medical Center*, Civil Case No. 56-2014-00454001-CU-NP-VTA, in the Ventura County Superior Court. The letter must: 1) be signed by you; 2) include your full name, address and telephone number, and; 3) must include the following statement: “*I request to be excluded from the settlement in the Chapin v. Los Robles Regional Medical Center litigation.*” You do not need to give any explanation for your decision to be excluded from the Settlement. You must mail your exclusion request postmarked no later than March 18, 2016 to:

Chapin v. Los Robles
c/o GCG
P.O. Box 35100
Seattle, WA 98124-1100

Requests for Exclusion may also be submitted online by no later than March 18, 2016 via the settlement website at www.MedicalRecordSettlement.com.

Requests for Exclusion that do not include all required information and/or that are not submitted on a timely basis will be deemed null, void, and ineffective. If you submitted a timely yet insufficient request for exclusion, the Claims Administrator will contact you. We ask that you cooperate with the Claims Administrator to achieve your desired result in connection with this Settlement. Settlement Class Members who fail to submit a valid and timely Request for Exclusion on or before the Exclusion Deadline, March 18, 2016, shall be bound by all terms of the Settlement and any Final Judgment entered in this Litigation if the Settlement is approved by the Court, regardless of whether they ineffectively or untimely requested exclusion from the Settlement. The final judgment will be posted on www.MedicalRecordSettlement.com.

**DO NOT SUBMIT BOTH A CLAIM FORM AND A REQUEST FOR EXCLUSION.
IF BOTH ARE SUBMITTED THE REQUEST FOR EXCLUSION WILL BE DISREGARDED.**

YOU CAN'T EXCLUDE YOURSELF BY PHONE OR EMAIL.

THE LAWYERS REPRESENTING YOU

15. DO I HAVE A LAWYER IN THE CASE?

The Court has designated the law firms of Kabateck Brown Kellner LLP and The Trial Law Offices of Bradley I. Kramer to represent you as "Class Counsel". You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. HOW WILL THE COSTS OF THE LAWSUIT AND SETTLEMENT BE PAID?

Class Counsel will make a Fee and Cost Application to be heard at the Final Approval Hearing seeking an award of attorneys' fees and reimbursement of expenses in a combined amount not to exceed \$90,000.00 for their efforts on prosecuting this action, and Class Counsel will also make an application to be heard at the Final Approval Hearing for the enhancement award to be paid to the Class Representative in the amount of \$1,000 each. The Class Counsel fees as approved by the court shall be paid out of the Settlement Fund.

OBJECTING TO THE SETTLEMENT

You can tell the Court if you don't agree with the Settlement or some part of it.

17. HOW DO I TELL THE COURT IF I DON'T AGREE WITH THE SETTLEMENT?

If you are a Class Member, you can object to the Settlement if you don't agree with any part of it and don't think the Settlement should be approved. You must give reasons why you think the Court should not approve it. To object, you must provide a written objection to the Settlement, stating that you object to the settlement in *Chapin v. Los Robles Regional Medical Center*, Civil Case No. 56-2014-00454001-CU-NP-VTA, Ventura County Superior Court of the State of California. You must also include: (a) your name, address, and telephone number and signature; (b) documents sufficient to allow the Settling Parties to confirm that you are a member of the Settlement Class; (c) a detailed statement of your specific objections and (d) state the grounds for such objections, as well as identify all documents which you desire the Court to consider. In order to assert a valid objection, it **MUST BE** postmarked no later than March 18, 2016 and mailed, emailed or electronically submitted to the Class Administrator on or before March 18, 2016.

ADMINISTRATOR

Chapin v. Los Robles
c/o GCG
P.O. Box 35100
Seattle, WA 98124-1100
www.MedicalRecordSettlement.com

18. WHAT'S THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?

Objecting is simply explaining to the Court that you don't agree with something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. If you have filed an objection on time then you may attend and you may ask to speak, but you are not required to do so.

19. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Fairness Hearing at **8:30 a.m.** (PST) on **May 20, 2016**, at Superior Court, Ventura County, Department 20, 800 South Victoria Avenue, Ventura, CA 93009. The hearing may be moved to a different date or time without additional Notice, so it is a good idea to check www.MedicalRecordSettlement.com. At this hearing the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The judge will only listen to people who have asked to speak at the hearing (see Question 21). The Court will also decide how much to pay the lawyers representing Class members. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

20. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer any questions the judge may have. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to the hearing to talk about it. As long as you mailed your written objection on time, it will be considered by the Court. You may also pay another attorney to attend, but it is not required.

21. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Fairness Hearing, but to do so you must file with the Court a document titled "Notice of Intent to Appear in *Chapin v. Los Robles Regional Medical Center*, Civil Case No. 56-2014-00454001-CU-NP-VTA, Ventura County Superior Court of the State of California." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intent to Appear also must be sent to the address of the Claim Administrator listed in Question 17 and must be postmarked no later than March 18, 2016. You cannot speak at the hearing if you excluded yourself from the Class.

IF YOU DO NOTHING

22. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you are a Class member and do nothing, you will **not** receive a payment from this Settlement. And, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the claims in this case.

GETTING MORE INFORMATION

23. HOW DO I GET MORE INFORMATION?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement, download a Claim Form and review additional case information at www.MedicalRecordSettlement.com.

Any questions regarding this Notice should be directed to the Claims Administrator, at Chapin v. Los Robles, c/o GCG, P.O. Box 35100, Seattle, WA 98124-1100 or Info@MedicalRecordSettlement.com.

PLEASE DO NOT CONTACT THE COURT WITH ANY QUESTIONS.