

Did You Pay for Inpatient Hospital Services at NorthShore University HealthSystem (or Evanston Northwestern Healthcare)?

You Could Get Money from a Settlement.

A federal court authorized this Notice. You are not being sued.

- There is a Settlement in a class action lawsuit with NorthShore University HealthSystem (“NorthShore”), formerly Evanston Northwestern Healthcare Corporation (“ENH”). The lawsuit claims that NorthShore overcharged purchasers for inpatient healthcare services after it merged with Highland Park Hospital. NorthShore denies that it did anything wrong.
- Generally, you are included in the Settlement if you are in the United States or Puerto Rico and paid NorthShore **directly** for inpatient hospital services from February 10, 2000, to December 31, 2015. You may be able to get money from this Settlement.
- You may have seen a previous notice that stated purchasers of outpatient hospital services were included in that Class. That Class has changed to include only those who purchased inpatient hospital services. The Class Period has been revised, and the Court has made clear that some entities were not Current Class (described in Question 5 below) members because they did not directly pay NorthShore or because they were subject to arbitration agreements with NorthShore. As a result, some parties who were—or who were previously believed to be—members of the original class are not members of the Current Class. In addition, members of the original class who excluded themselves from that class are not members of the Current Class. Please review this Notice carefully to determine whether you are part of the Current Class and your rights.
- A \$55 million Settlement Fund (“Settlement Fund”) will pay (1) attorneys’ fees, costs, and expenses; (2) notice and administration costs; (3) an incentive award to the Class Representative¹; and (4) money to eligible members of the Current Class according to a Court-approved Plan of Allocation.
- **Your legal rights are affected even if you do nothing. Please read this Notice carefully.**

¹ All capitalized terms not otherwise defined herein shall have the meaning given to them in the Settlement Agreement dated as of December 13, 2023.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT IF YOU ARE A MEMBER OF THE CURRENT CLASS		DEADLINE
SUBMIT A CLAIM	To get a payment, you must submit a valid Claim Form (<i>see</i> Question 16). At this time, it is unknown how much each individual or entity who submits a valid claim will receive. The amount of your payment will depend on the amount you paid for inpatient hospital services and the amount of all claims that are filed.	April 4, 2024
EXCLUDE YOURSELF	Members of the Current Class (defined in Question 5) may ask to be excluded from the Current Class. If you do so, you will not receive any benefit from the Settlement, but you retain your right to sue the Defendant on your own. However, your claims might be barred by the applicable statute of limitations.	March 25, 2024
OBJECT	Write to the Court about why you don't like the Settlement.	March 25, 2024
GO TO A HEARING	Ask to speak in Court to give your opinion about fairness of the Settlement and requested relief.	March 25, 2024
DO NOTHING	Get no payment. If you do not do anything you will REMAIN a member of the Current Class and will be bound by all orders of the Court, but you will not participate in the Settlement Fund.	March 25, 2024

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.
- Payments will be made to those who qualify only if the Court approves the Settlement and after any appeals, if any, are resolved. Please be patient.

Basic Information

1. Why was this Notice issued?

The Court authorized this Notice because you have a right to know about a proposed Settlement, and your rights and options, before the Court decides whether to approve the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. Your legal rights are affected whether you act or not.

Judge Edmond E. Chang of the United States District Court for the Northern District of Illinois, Eastern Division, is overseeing this case. This lawsuit is currently known as *In re: NorthShore University HealthSystem Antitrust Litigation*, No. 1:07-cv-04446. It was previously called *In re: Evanston Northwestern Healthcare Corp. Antitrust Litigation*. The people who sued are called the “Plaintiffs.” NorthShore is the “Defendant.”

2. What is this lawsuit about?

The lawsuit claims NorthShore raised its rates after it acquired Highland Park Hospital, overcharging purchasers of inpatient hospital services, and it did so in a way that is alleged to be illegal under antitrust laws. The lawsuit claims that people and businesses paid more for these inpatient hospital services than they should have. NorthShore denies the claims in this lawsuit and that it did anything wrong.

This Notice is only a summary. More detail is provided in the Settlement Agreement, available at www.NorthShoreAntitrustLitigation.com.

3. Why is this a class action?

In a class action, one or more people called “class representatives” (in this case, David Freedman) sue on behalf of those who have similar claims. Together, all of these people and entities are a “class” or “class members.” One court and one case resolve the issues for all class members, except for those who exclude themselves from the class or have been excluded by the Court.

4. Why is there a Settlement?

The Court has not decided the merits of the case in favor of the Current Class or NorthShore. Instead, both sides have agreed to a Settlement. By agreeing to the Settlement, both sides avoid the costs and uncertainty of a trial, and members of the Current Class receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that NorthShore did anything wrong. The Lead Counsel believes that the Settlement is best for all members of the Class.

Who Is in the Settlement?

If you received a mailed Notice, then you may be a member of the Class. But even if you did not receive a mailed Notice, you may be a member of the Class, as described below.

5. Who is included in the Settlement?

You **are** included in the Current Class if you satisfy the following Class definition:

All persons or entities in the United States of America and Puerto Rico, except those who solely paid fixed amount co-pays, uninsureds who did not pay their bill, Medicaid and Traditional Medicare patients, governmental entities, defendant, other providers of healthcare services, and the present and former parents, predecessors, subsidiaries, and affiliates of defendant and other providers of healthcare services, who purchased or paid for inpatient hospital services directly from NorthShore University HealthSystem (formerly known as Evanston Northwestern Healthcare), its wholly-owned hospitals, predecessors, subsidiaries, or affiliates other than those acquired as a result of the merger with Rush North Shore Medical Center from February 10, 2000, to December 31, 2015.

As a result of the Court’s decisions subsequent to its initial class certification definition for which Notice and an opportunity to request exclusion was provided, the Current Class (above) includes only members of the Current Class who paid NorthShore directly (not persons or entities which contracted with a third-party claims administrator to pay NorthShore on their behalf) for inpatient hospital services on or after February 10, 2000.

Any entity or person which excluded itself from the original class is also excluded from the Current Class and will NOT have another chance to request exclusion from the Current Class.

6. Who is not included in the Class?

The Current Class does **not** include:

- Persons or entities who only paid for outpatient services;
- Persons who paid only a fixed amount to NorthShore through co-pays;
- Persons without insurance who did not pay their bill;
- Self-insured entities and businesses which paid NorthShore through third-party claims administrators acting on their behalf;
- Medicaid and Traditional Medicare patients;
- Government entities;
- NorthShore and its present and former parents, predecessors, subsidiaries, and affiliates;
- Other healthcare services providers and their present and former parents, predecessors, subsidiaries, and affiliates;
- Other healthcare service providers who purchased or paid for inpatient hospital services directly from NorthShore, its wholly-owned hospitals, predecessors, subsidiaries, or affiliates (other than those acquired from the merger with Rush North Shore Medical Center);
- Certain insurance companies required to arbitrate their claims;
- Present and former parents, predecessors, subsidiaries, and/or affiliates of NorthShore;
- Persons who only received services at Skokie Hospital (formerly known as Rush North Shore Medical Center); and
- Anyone that previously excluded themselves from the Class (*see* Questions 5 and 8).

QUESTIONS? CALL TOLL-FREE 1-800-952-3716 OR
VISIT WWW.NORTHSHOREANTITRUSTLITIGATION.COM.

7. What is the difference between inpatient and hospital-based outpatient services?

Inpatient services are those hospital services that require an overnight hospital stay. Hospital-based outpatient services are hospital services that do not require an overnight hospital stay. Staying overnight in the emergency room is not considered an inpatient stay.

8. What are my rights if I am no longer included in the Class?

If you were part of the original class, but the Court's changes mean you are no longer a member of the Current Class, or if you excluded yourself or opted out of the Class by February 3, 2015, you will not receive a payment from this Settlement. But, you keep any right to sue NorthShore for the claims in this lawsuit which you may have. The Court's decisions in this case will not bind you because they no longer affect you.

9. Can I still get out of the Class?

Yes. If you are a member of the Current Class and did not exclude yourself or "opt out" of the original class, you may be able to exclude yourself or "opt out" of the Current Class.

If you want to exclude yourself from the Current Class, you must submit a written request for exclusion to the Notice and Claims Administrator. Your request for exclusion must include: (1) your full name, current mailing address, and telephone number; (2) the name of this case, *In re: NorthShore University HealthSystem Antitrust Litigation*, No. 1:07-cv-04446; and (3) a statement that you are a member of the Class and wish to be excluded from the Class.

Exclusion requests must be mailed to the Notice and Claims Administrator at the address below and **POSTMARKED** no later than **March 25, 2024**.

In re: NorthShore University HealthSystem Antitrust Litigation
EXCLUSIONS
P.O. Box 173001
Milwaukee, WI 53217

A separate exclusion request must be submitted by each member of the Current Class electing exclusion. Any member of the Current Class who does not submit a valid request for exclusion providing all necessary information will be bound by the orders of the Court and outcome of the case.

If you exclude yourself, you will not be legally bound by the orders of the Court or Judgment. You may be able to sue NorthShore in the future, but your claim may be subject to certain defenses, such as whether it is timely under the applicable statute of limitations.

If you do not exclude yourself or opt out of the Current Class (*see* Question 5), you are still included; you will be legally bound by all Court orders in this case, good or bad; and you give up the right to sue NorthShore on your own about the claims in this lawsuit. However, you still may be able to get a payment from this Settlement.

The Settlement Agreement, available at www.NorthShoreAntitrustLitigation.com, describes in detail the specific claims you give up. **Please read it carefully.**

Any entity that wants to opt out a member of the Current Class that the entity represents (*e.g.*, welfare funds or employers for whom the entity acts as an Administrative Services Organization) must include for each such member of the Current Class all of the information noted in items 1-3 above. In addition, for each such member of the Current Class, the entity must provide a declaration from its authorized representative, substantially in the form noted below and executed specifically in connection with this litigation, attesting to the entity's authority to opt out the member of the Current Class's claims out of the Current Class. The entity must mail this information to the Notice and Claims Administrator at the address above and it must be **POSTMARKED** no later than **March 25, 2024**.

Date
Declarant Entity Name
Declarant Entity Address
Declarant Entity Telephone Number
Declarant Entity EIN

Dear Notice and Claims Administrator:

I am [Name and Title of Officer or Employee of Declarant member of the Current Class Requesting Exclusion]. [Declarant member of the Current Class] has authorized [Submitting Entity] to request exclusion from the Current Class on [Declarant member of the Current Class's] behalf in the case of *In re: NorthShore University HealthSystem Antitrust Litigation*.

[Declarant Entity] hereby acknowledges that, as a result of this authorization and opting out, [Declarant Entity] will not receive any proceeds from the Current Class case.

I do so declare under penalty of perjury.

Name/Title of Officer or Employee

Date Signed

If you have any questions, you can contact the lawyer listed in Question 17 or you can talk to your own lawyer if you have questions about what this means.

10. What if I'm still not sure if I'm included?

If you are not sure whether you are a member of the Current Class or have any other questions about the Settlement, visit the website, www.NorthShoreAntitrustLitigation.com, or call the toll-free number, 1-800-952-3716. You may also send questions to the Notice and Claims Administrator at NorthShore Antitrust Litigation, c/o A.B. Data, Ltd., P.O. Box 170990, Milwaukee, WI 53217.

The Settlement Benefits

11. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide money to the members of the Current Class. NorthShore will pay \$55 million into a Settlement Fund and if the Settlement is approved by the Court, the Settlement Fund will be used to pay:

- Attorneys' fees up to 1/3 of the Settlement Fund, plus costs and expenses incurred to prosecute the Class's claims;
- Notice and administration costs;
- An incentive award to the Class Representative; and
- Eligible claims according to a Court-approved Plan of Allocation.

The Settlement Agreement, available at www.NorthShoreAntitrustLitigation.com, has more information.

12. What can I get from the Settlement?

At this time, it is unknown how much each eligible member of the Current Class will receive. Pursuant to the proposed Settlement, NorthShore will provide a Settlement Fund. The Settlement Fund, less Court-approved attorneys' fees, reimbursement of expenses, notice and administration costs, and an incentive award for the Class Representative, will be paid to eligible members of the Current Class who have not requested exclusion and who have submitted a valid Claim Form. No money will be returned to NorthShore once the Court finally approves the Settlement, and no additional money will be paid by NorthShore to the Current Class. The payment to each eligible member of the Current Class will be made *pro rata*, according to a Plan of Allocation approved by the Court.

13. What happens if there are funds remaining after distribution?

If there are any funds remaining after all claims are processed, those funds will be distributed to an organization approved by the Court. No remaining funds will be returned to NorthShore or given to any related affiliates or foundations.

14. When will I get my payment?

The Court must approve the Settlement and any appeals must be resolved before any money is distributed to members of the Current Class. The Notice and Claims Administrator must also process all the Claim Forms and determine the amount to pay each member of the Current Class. This process can take several months. Please be patient.

15. If I excluded myself, can I still get a payment?

No. You will not get a payment if you excluded yourself from the initial Class or the Current Class.

How to Get a Payment

16. How can I get a payment?

If the Court approves the Settlement, Lead Counsel will ask the Court for an award of attorneys' fees of one-third (1/3) of the Settlement Fund (plus a proportionate share of the interest and any portion of the funds received from the common benefit fund to be created pursuant to Court Order), and reimbursement of litigation expenses in the sum of \$5,475,000 incurred prior to the Settlement. Counsel will also ask for a \$50,000 incentive award for the Class Representative to be paid from the Settlement Fund for his efforts to date on behalf of the Current Class. Lead Counsel may also request additional attorneys' fees and reimbursement of expenses in connection with the administration and preservation of the Settlement Fund. If the Court grants Lead Counsel's requests, these amounts would be deducted from the Settlement Fund. You will not have to pay these fees, expenses, and costs out of your own pocket. The administrative expenses for the Settlement will also be paid out of the Settlement Fund.

To apply for a payment from the Settlement, you must complete and submit a valid Claim Form. Claim Forms should be mailed to the address below and must be postmarked by **April 4, 2024**. You can get a Claim Form at www.NorthShoreAntitrustLitigation.com or by calling 1-800-952-3716 or writing to the address below and requesting a Claim Form.

NorthShore Antitrust Litigation
c/o A.B. Data, Ltd.
P.O. Box 170990
Milwaukee, WI 53217

You may also submit a Claim Form online at www.NorthShoreAntitrustLitigation.com. If you submit a Claim Form online, you must do so by **April 4, 2024**.

The Notice and Claims Administrator will seek to make the Settlement payments electronically, as this may be the easiest and quickest option for you to receive your money. If you received this Notice by email and would prefer to receive further information at a different address, please update your email address with a current, valid email address. If you received a hard copy of this Notice in the mail or by any other method, please go to www.NorthShoreAntitrustLitigation.com or contact the Notice and Claims Administrator at 1-800-952-3716 to provide a current, valid email address. When you receive the email notifying you of your Settlement payment, you will be provided with several digital payment options. You will also have the opportunity to request that a check be mailed to you by the Notice and Claims Administrator. This request can be made at www.NorthShoreAntitrustLitigation.com.

The Lawyers Representing You

17. Do I have a lawyer in the case?

Yes. The Court has appointed a lawyer to represent you and the other members of the Current Class called "Lead Counsel." You may contact Lead Counsel as follows:

QUESTIONS? CALL TOLL-FREE 1-800-952-3716 OR
VISIT WWW.NORTHSHOREANTITRUSTLITIGATION.COM.

LEAD COUNSEL

Marvin A. Miller
Miller Law LLC
53 W. Jackson Blvd.
Suite 1320
Chicago, IL 60604

You will not be charged for contacting this lawyer. If you want to be represented by another lawyer, you may hire one at your own expense.

18. How will the lawyer be paid?

Counsel for the Current Class have not been paid anything to date for their work on this case. Lead Counsel will ask the Court for attorneys’ fees of up to 1/3 of the Settlement Fund, plus costs and expenses. Lead Counsel will also ask the Court for an incentive award for the Class Representative for his work on behalf of the Current Class. Any attorneys’ fees, expenses, and costs, and an incentive award approved by the Court will be paid out of the Settlement Fund.

Objecting to the Settlement

19. How can I tell the Court if I do not like the Settlement?

You have the right to tell the Court that you do not agree with the Settlement or some part of it. The Court will consider your views.

To object, you must send a letter stating that you object to *In re: NorthShore University HealthSystem Antitrust Litigation*, No. 1:07-cv-04446. Your written objection must also include:

- Your name, address, telephone number;
- The unique ID code from your Notice (if you have one);
- A written statement describing your objection(s);
- Any documents and/or any supporting evidence;
- The name and contact information of your lawyer (if you have one);
- A statement of whether you (or your lawyer) intend to appear and speak at the Fairness Hearing; and
- Your (and, if applicable, your attorney’s) signature (you must personally sign the letter).

You must mail your objection to the following addresses, postmarked by **March 25, 2024**:

Court	Lead Class Counsel	Defense Counsel
Clerk United States District Court Northern District of Illinois Eastern Division Dirksen U.S. Courthouse 219 S. Dearborn Street Chicago, IL 60604	Marvin A. Miller Miller Law LLC 53 W. Jackson Blvd. Suite 1320 Chicago, IL 60604	Dan K. Webb Winston & Strawn LLP 35 W. Wacker Drive Chicago, IL 60601

20. If I object to the Settlement, can I still file a claim (or get a payment)?

Yes. You may file a claim even if you object to, or comment on, the Settlement. Whether or not you object, you must still file a claim by the deadline in Question 16 above to receive money from the Settlement.

The Fairness Hearing

The Court will hold a hearing (called a Fairness Hearing) to decide whether to approve the Settlement. You may attend and ask to speak, but you don’t have to.

21. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing on **May 6, 2024, at 9:30 a.m.** at the United States District Court for the Northern District of Illinois, Eastern Division, Everett McKinley Dirksen U.S. Courthouse, 219 S. Dearborn Street, Courtroom 2341, Chicago, IL 60604. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.NorthShoreAntitrustLitigation.com for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and may listen to people who have asked to speak at the hearing. The Court may also decide whether to award attorneys' fees, costs, and expenses, as well as an incentive award to the Class Representative. After the hearing, the Court will decide whether to approve the Settlement and financial requests herein. We do not know how long these decisions will take.

22. Do I have to come to the hearing?

No. Lead Counsel will answer questions the Court may have at the Fairness Hearing. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. So long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

23. May I speak at the fairness hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter stating that it is your "Notice of Intention to Appear in *In re: NorthShore University HealthSystem Antitrust Litigation*, No. 1:07-cv-04446." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **March 25, 2024**, and must be emailed or sent to the addresses listed in Question 19.

If You Do Nothing

24. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement and will remain in the Current Class. To receive a payment, you must complete and submit a Claim Form by **April 4, 2024** (see Question 16).

Getting More Information

25. How do I get more information?

This Notice is only a summary. More details are in the Settlement Agreement, available at www.NorthShoreAntitrustLitigation.com. You also may write with questions to the Notice and Claims Administrator at NorthShore Antitrust Litigation, c/o A.B. Data, Ltd., P.O. Box 170990, Milwaukee, WI 53217 or call the toll-free number at 1-800-952-3716. Complete copies of all public pleadings, Court rulings, and other filings are available for review by accessing the Court docket for this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.ilnd.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.

DATED: January 24, 2024

BY ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS