

May 13 2020 8:44 AM

Order approved and electronically signed May 13 2020 8:44 AM

Honorable Bryan Chushcoff
Pierce County Clerk

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SUPERIOR COURT OF WASHINGTON
IN AND FOR PIERCE COUNTY

M.N., A.B., G.T., and W.N., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

MULTICARE HEALTH SYSTEM, INC., a
Washington corporation,

Defendant.

No. 18-2-08055-5

**STIPULATION AND [PROPOSED]
ORDER TO APPROVE CLASS
NOTICES**

WHEREAS, Plaintiffs M.N., A.B., G.T., and W.N. (“Plaintiffs”) filed suit in the above-captioned matter on behalf of themselves and a proposed class of patients of MultiCare Health System, Inc.;

WHEREAS, Plaintiffs moved the Court to certify a proposed class on September 27, 2019;

WHEREAS, the Court certified two classes, Weberg Treatment Class and General Treatment Class, on January 22, 2020;

WHEREAS, Plaintiffs retained the services of CPT Group to administer the implementation of the class notification program;

1 WHEREAS, the parties have agreed to the forms of proposed Long Form Notice to the
2 Weberg Treatment Class (attached as Exhibit A) and General Treatment Class (attached as
3 Exhibit B) which will be sent by direct mail to the last known addresses of the Weberg
4 Treatment Class and General Treatment Class based on information provided by Defendant;
5

6 WHEREAS, the parties have agreed to the form of proposed Summary Notice (attached
7 as Exhibit C) which will provide a summary of the information in the Long Form Notice and
8 will be submitted to the following newspapers for publication: Puyallup Herald, Seattle Times,
9 Tacoma News Tribune;

10 WHEREAS, all forms of Notice will direct recipients to the website and toll-free number
11 maintained by CPT Group, where they can obtain additional information about the litigation,
12 download a copy of the Long Form Notice and Exclusion Form;

13 WHEREAS, the proposed forms of Notice are tailored to explain the effect of this
14 Court's class certification Order and provide the best notice practicable under the circumstance
15 including individual notice to all members of the Weberg Treatment Class and General
16 Treatment Class through reasonable effort;
17

18 WHEREAS, Plaintiffs intend that mailed direct notice to the Weberg Treatment Class
19 and General Treatment Class and publication of the Summary Notice will take place within 30
20 days of entry of this Order;

21 WHEREAS, members of the Weberg Treatment Class and General Treatment Class who
22 intend to opt out of the class will be required to mail an Exclusion Form, using an enclosed self-
23 address prepaid envelope, postmarked no later than 45 days after mailing of the Long Form
24 Notice;
25
26

1 COME NOW the parties hereto, by their counsel undersigned, and jointly stipulate to the
2 attached forms of notice subject to the Court's approval.

3
4 DATED this 12th day of May, 2020.

5 KELLER ROHRBACK L.L.P.

FAIN ANDERSON VANDERHOEF ROSENDAHL
O'HALLORAN SPILLANE, PLLC

6
7 s/ Cari Laufenberg

s/ Joseph v. Gardner (by permission)

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16 claufenberg@kellerrohrback.com
17 jcomstock@kellerrohrback.com

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Todd W. Reichert, WSBA #35557
Joseph V. Gardner, WSBA #53340
Attorneys for Defendant MultiCare Health
System, Inc.

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E-Mail: jgs@sstriallawyers.com
mds@sstriallawyers.com
jbk@sstriallawyers.com

Attorneys for Plaintiff

1 **ORDER**

2 After due consideration, IT IS HEREBY ORDERED that:

- 3
- 4 1. The proposed forms of Notice are tailored to explain the effect of this Court’s class
- 5 certification Order and provide the best notice practicable under the circumstance pursuant
- 6 to CR 23(c)(2), including individual notice to all members of the Weberg Treatment Class
- 7 and General Treatment Class through reasonable effort;
- 8 2. The Long Form Notice attached as Exhibit A satisfies CR 23(c)(2) and is approved for
- 9 submission to the Weberg Treatment Class;
- 10 3. The Long Form Notice attached as Exhibit B satisfies CR 23(c)(2) is approved for
- 11 submission to the General Treatment Class;
- 12 4. The form of Summary Notice attached as Exhibit C satisfies CR 23(c)(2) and is approved
- 13 for publication in the following publications: Puyallup Herald, Seattle Times, Tacoma
- 14 News Tribune;
- 15 5. Defendant will provide records containing the names and last known addresses of all
- 16 members of the Weberg Treatment Class and General Treatment Class within 7 days of
- 17 this Order;
- 18 6. CPT Group is appointed as the class notice administrator; and
- 19 7. Plaintiffs are directed to ensure that direct notice to members of the Weberg Treatment
- 20 Class and General Treatment Class and publication of the Summary Notice takes place
- 21 within 30 days of entry of this Order.

22 SO ORDERED this _____ day of _____, 2020.

23 _____

24 THE HONORABLE BRYAN CHUSHCOFF

Exhibit A

Washington State Superior Court
Pierce County Superior Court

**Did you receive a notice from MultiCare Health System, Inc. in April 2018 stating you should be tested for Hepatitis C and other diseases?
You could be a Class Member in a Class Action Lawsuit.**

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

- An emergency department nurse at MultiCare Good Samaritan Emergency Department in Puyallup, Washington, Cora Weberg, allegedly tampered with injectable pain medications. MultiCare Health System sent notice to 2,762 patients who had received injections of narcotic, antihistamine or sedatives in its Emergency Department between August 4, 2017, and March 23, 2018 to encourage those patients to be tested for Hepatitis B, Hepatitis C and HIV.
- Three patients sued MultiCare Health System, Inc. alleging negligence by MultiCare for failing to exercise a degree of care expected of a reasonably prudent hospital and a duty to safeguard patients' well-being.
- The Court overseeing the case has allowed the lawsuit to proceed as a Class Action on behalf of two Classes who received the Notice letter.
- The Court has not decided whether MultiCare Health System, Inc. did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

Your Legal Rights and Options in this Lawsuit	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue MultiCare Health System, Inc. separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of the lawsuit. Get no monetary benefits from it. Keep your rights. If you ask to be excluded and money or benefits are later awarded in this Class Action lawsuit, you will not share in those. But you keep any rights to sue MultiCare Health System, Inc. separately about the claims in this lawsuit, or

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

	about any legal claims that could have been, but were not, brought in this lawsuit.
--	---

Your options are explained in more detail below. To ask to be excluded from this litigation, you must act before [Month, ##, 2020], as explained below in Section 14.

The Plaintiffs must prove the claims against MultiCare Good Samaritan at a trial currently set to start **November 30, 2020**. If money or benefits are obtained from MultiCare, you will be notified about how to ask for a share.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION 5

- 2. **What is this lawsuit about?..... 5**
- 3. **What is a class action and who is involved? 5**
- 4. **Why is this lawsuit a class action?..... 5**

THE CLAIMS IN THE LAWSUIT..... 6

- 5. **What does the lawsuit complain about?..... 6**
- 6. **How does MultiCare Good Samaritan respond to the allegations? 6**
- 7. **Has the Court decided who is right? 6**
- 8. **What are the Plaintiffs asking for? 6**
- 9. **Is there any money available now?..... 6**

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- 10. **Am I a part of the Class? 7**
- 11. **Will I be required to participate in the litigation?..... 7**

YOUR RIGHTS AND OPTIONS..... 7

- 12. **What happens if I do nothing at all? 7**
- 13. **Why would I ask to be excluded? 7**
- 14. **How do I opt out/ask to be excluded from the Class?..... 8**

THE LAWYERS REPRESENTING YOU 8

- 15. **As a member of the Class, do I have a lawyer representing my interests in this Class Action? 8**
- 16. **Should I retain my own lawyer?..... 9**
- 17. **How will the lawyers be paid? 9**

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- 18. **How and when will the Court decide who is right? 9**
- 19. **Do I have to come to trial? 10**

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

20. Will I receive money after trial? 10

GETTING MORE INFORMATION 10

21. Are more details available? 10

BASIC INFORMATION

1. Why did I receive this notice?

Records show that in April 2018, MultiCare Health System, Inc. mailed you a letter stating you should be tested for Hepatitis C and other diseases because you were treated in the Good Samaritan Emergency Department in Puyallup, Washington, between August 7, 2017 and March 23, 2018 and may have contracted the disease while in the facility.

2. What is this lawsuit about?

This lawsuit is about MultiCare's alleged negligence in the hiring and monitoring of Nurse Weberg, which resulted in 208 patients that were in her care and 2,554 patients that were treated in the Good Samaritan Emergency Department while she was on duty receiving notices of potential infection. That came after some ER patients later tested positive for Hepatitis C, which was linked to her.

This notice explains that the Court has "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made on your behalf against MultiCare, are correct. Judge Bryan Chushcoff of the Superior Court of Washington in and for Pierce County is overseeing this Class Action. The lawsuit is known as *M.N., et al., v MultiCare Health System, Inc.*, No. 18-2-08055-5.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case M.N., A.B., and G.T.) sue on behalf of other people who have similar claims. These people together are a "Class" or "Class members." The people who sued on behalf of all the Class members like them are called Plaintiffs. The company they sued (in this case MultiCare Health System, Inc.) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of rule CR 23, specifically:

- Numerosity has been satisfied because the two Classes, consisting of 208 patients treated by Nurse Weberg and 2,554 patients who received care in the Emergency Department while Nurse Weberg was on duty but who did not receive direct care from her, makes joinder of all Class members impracticable;
- Each of the two Classes contains at least one issue common to all members of that particular Class, commonality in each Class has been met;
- Plaintiffs' claims rely on the same underlying facts and the Class Representatives' claims are typical of the other Class members in each of their respective Classes; and

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

- A.B., M.N., and G.T., fairly and adequately represents the two Classes, and Plaintiffs' counsel is qualified to represent both Classes.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

Plaintiffs allege that MultiCare negligently hired and inadequately supervised an emergency department nurse, Cora Weberg, who tampered with injectable pain medications thereby causing the need for 208 patients treated by Nurse Weberg, and 2,554 patients treated in the Emergency Department during her shift, to be notified and encouraged to be tested for bloodborne pathogens, such as Hepatitis B, Hepatitis C and HIV.

Plaintiffs claim MultiCare breached the standard of care in its hiring or supervision of Nurse Weberg, or its management of narcotic pain medications, thereby causing damages when it notified them of their possible exposure and need for testing.

6. How does MultiCare Good Samaritan respond to the allegations?

MultiCare denies that it acted in a negligent manner in both the hiring of Nurse Weberg, and in its management of narcotic pain medications, as MultiCare was not on notice that Nurse Weberg would engage in this unlawful behavior. MultiCare further asserts that the 2,554 patients who were not treated by Nurse Weberg were not at risk for contracting any bloodborne pathogen. Finally, in undertaking to notify all 2,762 patients, MultiCare asserts that it acted in consultation with, and at the direction of, the Centers for Disease Control and the Tacoma Pierce County Health Department.

7. Has the Court decided who is right?

The Court has not decided whether MultiCare or the Plaintiffs are correct. By establishing the class and issuing this notice, the Court is not suggesting that the Plaintiffs or MultiCare will win or lose this case. The Plaintiffs must prove their claims at a trial currently scheduled to start November 30, 2020. (See "Trial" below on page 9.)

8. What are the Plaintiffs asking for?

Plaintiffs seek monetary damages, injunctive relief, declaratory judgments, costs, attorneys' fees, and other relief as a result of MultiCare's breach of duty of care.

9. Is there any money available now?

No money or benefits are available now, as neither the Court, nor a jury has decided whether MultiCare did anything wrong, and the two sides have not settled the case. The trial has been scheduled to begin November 30, 2020. There is no guarantee the case will be successful. If the Class recovers money or benefits, you will be notified how to recover the money owed to you, if any.

WHO IS IN THE CLASS

10. Am I a part of the Class?

Records show that in April 2018, you received a letter from MultiCare. You have been identified as a member of the “Weberg Treatment Class” which consists of the following:

All persons who were treated at the MultiCare Good Samaritan Hospital in Puyallup, Washington, between August 4, 2017, and March 23, 2018, who received care from Cora Weberg, and received notification letters in April 2018 from MultiCare.

11. Will I be required to participate in the litigation?

Class members are generally not required to respond to requests for documents or other information, or to sit for depositions. You may, however, be required to participate if the Court orders you to do so.

YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing at all?

If you do nothing, you will automatically remain in the Class. If you remain in the Class and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to challenge or ask to be excluded from any settlement).

If you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, MultiCare – as part of any other lawsuit – about the same legal claims that are the subject of this lawsuit.

If you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you may also not be able to sue MultiCare as part of any other lawsuit *about claims not being asserted in this Class Action, but that could have been asserted based on the same underlying allegations of this lawsuit*. For example, if you later sought to pursue claims for personal injury allegedly caused by MultiCare’s negligence, those claims may be barred even though they are not part of this Class Action.

If you are a member of the Class and do not take action to exclude yourself, you will be legally bound by all the Orders the Court issues and judgements the Court makes in this Class litigation.

13. Why would I ask to be excluded?

If you already have a separate lawsuit against MultiCare based on allegations of MultiCare’s negligence in the hiring and monitoring of Nurse Weberg, you need to ask to be excluded from the Class.

If you exclude yourself from the Class – which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class – you won’t get any money or benefits from

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between MultiCare and Plaintiffs. However, you may then be able to sue or continue to sue MultiCare independently. If you exclude yourself, you will not be legally bound by the Court's Judgement in this Class Action.

If you wish to pursue personal injury or other claims that are not part of this Class Action, excluding yourself or opting out of this lawsuit is the only way to be sure that those claims will not be barred in any future lawsuit.

If you start your own lawsuit against MultiCare after you exclude yourself, you will have to hire and potentially pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against MultiCare, you should talk to your lawyer soon, because your claims may be subject to a statute of limitations.

14. How do I opt out/ask to be excluded from the Class?

To be excluded from the Class, you must complete and return the "Exclusion Request Form" provided with this notice and return it to [NOTICE ADMINISTRATOR NAME AND ADDRESS]. You may also obtain an Exclusion Request Form at the website, [ADMIN WEBSITE]. Please return the Exclusion Request Form using the enclosed self-addressed, prepaid envelope.

To be valid, the Exclusion Request Form must be filled out, signed, and postmarked no later than [DATE], 2020. Exclusion Request Forms postmarked after this date may be rejected.

If you do not wish to be excluded, do not complete an Exclusion Request Form.

OR

To be excluded from the Class, you may send a letter that includes the following:

- Your name, address, and telephone number,
- The name of the case (M.N., et al., v MultiCare Health System, Inc., No. 18-2-08055-5),
- A statement that you want to be excluded from this Class Action, and
- Your signature and date.

Mail your exclusion request postmarked no later than [DATE] to:

MultiCare Health System, In. Class Action

[ADDRESS]

THE LAWYERS REPRESENTING YOU

15. As a member of the Class, do I have a lawyer representing my interests in this Class Action?

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

Yes. The Court has appointed Keller Rohrback L.L.P. to represent you and other Class members. These lawyers are called Class Counsel. They are experienced in handling similar cases. You will not be personally charged for the services of Class Counsel. They will ask the Court to approve and award attorneys' fees, expenses and incentive rewards paid to the Class Representatives that would either be deducted from any money obtained for the Class or paid separately by Defendant. The following lawyers represent the Class:

Keller Rohrback L.L.P.
1201 Third Ave., Suite 3200
Seattle, WA 98101
(###) ###-####

More information about Keller Rohrback L.L.P. and the lawyers' experience is available at the firm's website www.krcomplexlit.com or on materials that can be found at [CLASS ADMIN PAGE].

Associated counsel is:

Sauder Schelkopf LLC
1109 Lancaster Avenue
Berwyn, PA 19312

More information about Sauder Schelkopf LLC is available at the firm's website <https://www.sauderschelkopf.com/>.

16. Should I retain my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on behalf of the Class. If you hire a lawyer to speak for you or appear in Court, your lawyer must file a Notice of Appearance. If you hire your own lawyer, you will have to pay for that lawyer on your own.

17. How will the lawyers be paid?

Attorneys' fees in the class action lawsuit will be decided by the Court. Typically, lawyers are paid a percentage of the recovery obtained on behalf of the Class or that amount may be separately negotiated by the parties and reimbursed for the expenses of litigation that they have advanced. The Court must approve of any request for attorneys' fees and expense reimbursement by Class Counsel in the case. No matter what happens, you will not have to pay any attorneys' fees or expenses out of pocket to Class Counsel.

TRIAL

18. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial will start November 30, 2020 in the Superior Court of Washington in and for Pierce County. During the trial, a Jury or the Judge will hear the evidence and decide who wins the case. There is no guarantee that the Plaintiffs will win, or that they will get any money or other benefits for the Class.

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

19. Do I have to come to trial?

You do not need to attend the trial. Class Counsel and the Class Representatives will present the case for the Plaintiffs, and MultiCare will present its defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I receive money after trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

If you have any questions or want to review documents that have been filed in this case, you may visit [WEBSITE]. All dates are subject to change, and current dates are available on the website.

You can get more information at [WEBSITE], by calling toll free at (###) ###-####, writing an email to [EMAIL], or writing to [ADDRESS].

Please **do not contact** the Judge, the Clerk of Court, MultiCare Health System, Inc. or their attorneys, with questions.

Exhibit B

Washington State Superior Court
Pierce County Superior Court

**Did you receive a notice from MultiCare Health System, Inc. in April 2018 stating you should be tested for Hepatitis C and other diseases?
You could be a Class Member in a Class Action Lawsuit.**

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

- An emergency department nurse at MultiCare Good Samaritan Emergency Department in Puyallup, Washington, Cora Weberg, allegedly tampered with injectable pain medications. MultiCare Health System sent notice to 2,762 patients who had received injections of narcotic, antihistamine or sedatives in its Emergency Department between August 4, 2017, and March 23, 2018 to encourage those patients to be tested for Hepatitis B, Hepatitis C and HIV.
- Three patients sued MultiCare Health System, Inc. alleging negligence by MultiCare for failing to exercise a degree of care expected of a reasonably prudent hospital and a duty to safeguard patients' well-being.
- The Court overseeing the case has allowed the lawsuit to proceed as a Class Action on behalf of two Classes who received the Notice letter.
- The Court has not decided whether MultiCare Health System, Inc. did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

Your Legal Rights and Options in this Lawsuit	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue MultiCare Health System, Inc. separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of the lawsuit. Get no monetary benefits from it. Keep your rights. If you ask to be excluded and money or benefits are later awarded in this Class Action lawsuit, you will not share in those. But you keep any rights to sue MultiCare Health System, Inc. separately about the claims in this lawsuit, or

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	about any legal claims that could have been, but were not, brought in this lawsuit.
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Your options are explained in more detail below. To ask to be excluded from this litigation, you must act before [Month, ##, 2020], as explained below in Section 14.

The Plaintiffs must prove the claims against MultiCare Good Samaritan at a trial currently set to start **November 30, 2020**. If money or benefits are obtained from MultiCare, you will be notified about how to ask for a share.

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BASIC INFORMATION

1. Why did I receive this notice?

Records show that in April 2018, MultiCare Health System, Inc. mailed you a letter stating you should be tested for Hepatitis C and other diseases because you were treated in the Good Samaritan Emergency Department in Puyallup, Washington, between August 7, 2017 and March 23, 2018 and may have contracted the disease while in the facility.

2. What is this lawsuit about?

This lawsuit is about MultiCare's alleged negligence in the hiring and monitoring of Nurse Weberg, which resulted in 208 patients that were in her care and 2,554 patients that were treated in the Good Samaritan Emergency Department while she was on duty receiving notices of potential infection. That came after some ER patients later tested positive for Hepatitis C, which was linked to her.

This notice explains that the Court has "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made on your behalf against MultiCare, are correct. Judge Bryan Chushcoff of the Superior Court of Washington in and for Pierce County is overseeing this Class Action. The lawsuit is known as *M.N., et al., v MultiCare Health System, Inc.*, No. 18-2-08055-5.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case M.N., A.B., and G.T.) sue on behalf of other people who have similar claims. These people together are a "Class" or "Class members." The people who sued on behalf of all the Class members like them are called Plaintiffs. The company they sued (in this case MultiCare Health System, Inc.) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of rule CR 23, specifically:

- Numerosity has been satisfied because the two Classes, consisting of 208 patients treated by Nurse Weberg and 2,554 patients who received care in the Emergency Department while Nurse Weberg was on duty but who did not receive direct care from her, makes joinder of all Class members impracticable;
- Each of the two Classes contains at least one issue common to all members of that particular Class, commonality in each Class has been met;
- Plaintiffs' claims rely on the same underlying facts and the Class Representatives' claims are typical of the other Class members in each of their respective Classes; and

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

- A.B., M.N., and G.T., fairly and adequately represents the two Classes, and Plaintiffs' counsel is qualified to represent both Classes.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

Plaintiffs allege that MultiCare negligently hired and inadequately supervised an emergency department nurse, Cora Weberg, who tampered with injectable pain medications thereby causing the need for 208 patients treated by Nurse Weberg, and 2,554 patients treated in the Emergency Department during her shift, to be notified and encouraged to be tested for bloodborne pathogens, such as Hepatitis B, Hepatitis C and HIV.

Plaintiffs claim MultiCare breached the standard of care in its hiring or supervision of Nurse Weberg, or its management of narcotic pain medications, thereby causing damages when it notified them of their possible exposure and need for testing.

6. How does MultiCare Good Samaritan respond to the allegations?

MultiCare denies that it acted in a negligent manner in both the hiring of hiring Nurse Weberg, and in its management of narcotic pain medications, as MultiCare was not on notice that Nurse Weberg would engage in this unlawful behavior. MultiCare further asserts that the 2,554 patients who were not treated by Nurse Weberg were not at risk for contracting any bloodborne pathogen. Finally, in undertaking to notify all 2,762 patients, MultiCare asserts that it acted in consultation with, and at the direction of, the Centers for Disease Control and the Tacoma Pierce County Health Department.

7. Has the Court decided who is right?

The Court has not decided whether MultiCare or the Plaintiffs are correct. By establishing the class and issuing this notice, the Court is not suggesting that the Plaintiffs or MultiCare will win or lose this case. The Plaintiffs must prove their claims at a trial currently scheduled to start November 30, 2020. (See "Trial" below on page 9.)

8. What are the Plaintiffs asking for?

Plaintiffs seek monetary damages, injunctive relief, declaratory judgements, costs, attorneys' fees, and other relief as a result of MultiCare's breach of duty of care.

9. Is there any money available now?

No money or benefits are available now, as neither the Court, nor a jury has decided whether MultiCare did anything wrong, and the two sides have not settled the case. The trial has been scheduled to begin November 30, 2020. There is no guarantee the case will be successful. If the Class recovers money or benefits, you will be notified how to recover the money owed to you, if any.

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

WHO IS IN THE CLASS

10. Am I a part of the Class?

Records show that in April 2018, you received a letter from MultiCare. You have been identified as a member of the “General Treatment Class” which consists of the following:

All persons who were treated at the MultiCare Good Samaritan Hospital in Puyallup, Washington, between August 4, 2017, and March 23, 2018, and received notification letters in April 2018 from MultiCare, but did not receive direct care from Cora Weberg.

11. Will I be required to participate in the litigation?

Class members are generally not required to respond to requests for documents or other information, or to sit for depositions. You may, however, be required to participate if the Court orders you to do so.

YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing at all?

If you do nothing, you will automatically remain in the Class. If you remain in the Class and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to challenge or ask to be excluded from any settlement).

If you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, MultiCare – as part of any other lawsuit – about the same legal claims that are the subject of this lawsuit.

If you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you may also not be able to sue MultiCare as part of any other lawsuit *about claims not being asserted in this Class Action, but that could have been asserted based on the same underlying allegations of this lawsuit*. For example, if you later sought to pursue claims for personal injury allegedly caused by MultiCare’s negligence, those claims may be barred even though they are not part of this Class Action.

If you are a member of the Class and do not take action to exclude yourself, you will be legally bound by all the Orders the Court issues and judgements the Court makes in this Class litigation.

13. Why would I ask to be excluded?

If you already have a separate lawsuit against MultiCare based on allegations of MultiCare’s negligence in the hiring and monitoring of Nurse Weberg, you need to ask to be excluded from the Class.

If you exclude yourself from the Class – which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class – you won’t get any money or benefits from

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between MultiCare and Plaintiffs. However, you may then be able to sue or continue to sue MultiCare independently. If you exclude yourself, you will not be legally bound by the Court's Judgment in this Class Action.

If you wish to pursue personal injury or other claims that are not part of this Class Action, excluding yourself or opting out of this lawsuit is the only way to be sure that those claims will not be barred in any future lawsuit.

If you start your own lawsuit against MultiCare after you exclude yourself, you will have to hire and potentially pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against MultiCare, you should talk to your lawyer soon, because your claims may be subject to a statute of limitations.

14. How do I opt out/ask to be excluded from the Class?

To be excluded from the Class, you must complete and return the "Exclusion Request Form" provided with this notice and return it to [NOTICE ADMINISTRATOR NAME AND ADDRESS]. You may also obtain an Exclusion Request Form at the website, [ADMIN WEBSITE]. Please return the Exclusion Request Form using the enclosed self-addressed, prepaid envelope.

To be valid, the Exclusion Request Form must be filled out, signed, and postmarked no later than [DATE], 2020. Exclusion Request Forms postmarked after this date may be rejected.

If you do not wish to be excluded, do not complete an Exclusion Request Form.

OR

To be excluded from the Class, you may send a letter that includes the following:

- Your name, address, and telephone number,
- The name of the case (M.N., et al., v MultiCare Health System, Inc., No. 18-2-08055-5),
- A statement that you want to be excluded from this Class Action, and
- Your signature and date.

Mail your exclusion request postmarked no later than [DATE] to:

MultiCare Health System, In. Class Action

[ADDRESS]

THE LAWYERS REPRESENTING YOU

15. As a member of the Class, do I have a lawyer representing my interests in this Class Action?

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

Yes. The Court has appointed Keller Rohrback L.L.P. to represent you and other Class members. These lawyers are called Class Counsel. They are experienced in handling similar cases. You will not be personally charged for the services of Class Counsel. They will ask the Court to approve and award attorneys' fees, expenses and incentive rewards paid to the Class Representatives that would either be deducted from any money obtained for the Class or paid separately by Defendant. The following lawyers represent the Class:

Keller Rohrback L.L.P.
1201 Third Ave., Suite 3200
Seattle, WA 98101
(###) ###-####

More information about Keller Rohrback L.L.P. and the lawyers' experience is available at the firm's website www.krcomplexlit.com or on materials that can be found at [CLASS ADMIN PAGE].

Associated counsel is:

Sauder Schelkopf LLC
1109 Lancaster Avenue
Berwyn, PA 19312

More information about Sauder Schelkopf LLC is available at the firm's website <https://www.sauderschelkopf.com/>.

16. Should I retain my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on behalf of the Class. If you hire a lawyer to speak for you or appear in Court, your lawyer must file a Notice of Appearance. If you hire your own lawyer, you will have to pay for that lawyer on your own.

17. How will the lawyers be paid?

Attorneys' fees in the class action lawsuit will be decided by the Court. Typically, lawyers are paid a percentage of the recovery obtained on behalf of the Class or that amount may be separately negotiated by the parties and reimbursed for the expenses of litigation that they have advanced. The Court must approve of any request for attorneys' fees and expense reimbursement by Class Counsel in the case. No matter what happens, you will not have to pay any attorneys' fees or expenses out of pocket to Class Counsel.

TRIAL

18. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial will start November 30, 2020 in the Superior Court of Washington in and for Pierce County. During the trial, a Jury or the Judge will hear the evidence and decide who wins the case. There is no guarantee that the Plaintiffs will win, or that they will get any money or other benefits for the Class.

QUESTIONS? CALL TOLL-FREE (###) ###-#### OR VISIT [ADMIN WEBSITE]

19. Do I have to come to trial?

You do not need to attend the trial. Class Counsel and the Class Representatives will present the case for the Plaintiffs, and MultiCare will present its defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I receive money after trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

If you have any questions or want to review documents that have been filed in this case, you may visit [WEBSITE]. All dates are subject to change, and current dates are available on the website.

You can get more information at [WEBSITE], by calling toll free at (###) ###-####, writing an email to [EMAIL], or writing to [ADDRESS].

Please **do not contact** the Judge, the Clerk of Court, MultiCare Health System, Inc. or their attorneys, with questions.

Exhibit C

Washington State Superior Court
Pierce County Superior Court

**Did you receive a notice from MultiCare Health System, Inc. in April 2018 stating you should be tested for Hepatitis C and other diseases?
You could be a Class Member in a Class Action Lawsuit.**

A court authorized this notice. This is not a solicitation from a lawyer.

What is this notice about?

An emergency department nurse at MultiCare Good Samaritan Emergency Department in Puyallup, Washington, Cora Weberg, allegedly tampered with injectable pain medications. MultiCare Health System sent notice to 2,762 patients who had received injections of narcotic, antihistamine or sedatives in its Emergency Department between August 4, 2017, and March 23, 2018 to encourage those patients to be tested for Hepatitis B, Hepatitis C and HIV.

Three patients sued MultiCare Health System, Inc. alleging negligence by MultiCare for failing to exercise a degree of care expected of a reasonably prudent hospital and a duty to safeguard patients' well-being.

The Court overseeing the case has allowed the lawsuit to proceed as a Class Action on behalf of two Classes who received the Notice letter. The Court has not decided whether MultiCare Health System, Inc. did anything wrong. There is no money available now, and no guarantee there will be.

Who is included in the Class Action?

If you were treated at the MultiCare Good Samaritan Hospital in Puyallup, Washington, between August 4, 2017, and March 23, 2018, and received a notification letter in April 2018 from MultiCare, you may be a Class Member.

What happens if I do nothing at all?

If you do nothing, you will automatically remain in the Class. If you remain in the Class and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to challenge or ask to be excluded from any settlement).

If you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, MultiCare – as part of any other lawsuit – about the same legal claims that are the subject of this lawsuit.

How do I opt out/ask to be excluded from the Class?

To be excluded from the Class, you must complete and return the "Exclusion Request Form" available at the website [ADMIN WEBSITE] to [NOTICE ADMINISTRATOR NAME AND ADDRESS].

To be valid, the Exclusion Request Form must be filled out, signed, and postmarked no later than [DATE], 2020. Exclusion Request Forms postmarked after this date may be rejected.

**FOR MORE INFORMATION VISIT [ADMIN WEBSITE] OR CALL TOLL-FREE (###)
###-####**

Case: M N VS. MULTICARE HEALTH SYSTEMS INC
Cause Number: 18-2-08055-5
Filing ID: 54693683
Signed: May 13 2020 08:44 AM

This order has been reviewed, approved, and electronically signed.



A handwritten signature in black ink, appearing to read "Bryan Chushcoff".

BRYAN CHUSHCOFF, Pierce County Judge