

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: EVANSTON NORTHWESTERN HEALTHCARE CORPORATION ANTITRUST LITIGATION	)	No. 07-cv-04446
	)	
	)	Judge Edmond E. Chang
	)	

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
NOTICE OF PENDENCY OF CLASS ACTION**

**A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS. A court authorized this notice. You are *not* being sued.**

You could be affected by a class-action lawsuit involving the payment for healthcare services received at Evanston Northwestern Healthcare Corporation (“ENH”), which is now known as NorthShore University HealthSystem (“NorthShore”), after its merger with Highland Park Hospital.

**ARE YOU AFFECTED?**

If you paid for inpatient-hospital services or hospital-based outpatient services that you received directly from Evanston Northwestern Healthcare, now known as NorthShore University HealthSystem, from January 1, 2000 to the present, then you might be affected. A federal court has certified a lawsuit to proceed as a class action.

The case involves the price of hospital services after ENH’s merger with Highland Park Hospital, including services at Evanston Hospital, Highland Park Hospital, or Glenbrook Hospital. But the lawsuit does not include hospital services received at Rush North Shore Medical Center (now known as Skokie Hospital).

Certain persons or entities are excluded from being part of the class action:

- persons who paid only a fixed amount of insurance through co-pays;
- persons without insurance who did not pay their bill;
- Medicaid and Traditional Medicare patients;
- governmental entities;
- parents, predecessors, subsidiaries, and/or affiliates of ENH / NorthShore;
- persons who only received services at Skokie Hospital; and
- other providers of healthcare services.

Generally, hospital services classified as “inpatient services” are those that require an overnight hospital stay, and “hospital-based outpatient services” are those that do not require an overnight hospital stay.

**WHAT IS THE NAME OF THE LAWSUIT?**

The lawsuit is called *In re Evanston Northwestern Healthcare Corp. Antitrust Litigation*, Case No. 07-cv-04446, and is pending in the United States District Court for the Northern District of Illinois in Chicago. On December 10, 2013, the Court decided that this lawsuit could proceed as a class action on behalf of a group of people and entities (the “Class”) that might include you.

**NO DECISION ON MERITS OF CASE**

Nothing in this Notice, or in the Court’s order granting class certification, expresses any opinion by the Court as to the merits of the claims or defenses asserted by either party in the litigation. The sending of this Notice does not mean anything as to which side is right or wrong. Instead, the point of this notice is to provide the Class with important information so you can make an informed decision about your legal rights.

## WHAT IS THIS CASE ABOUT?

This lawsuit was brought as a class action on behalf of all persons and entities who paid for inpatient and hospital-based outpatient healthcare services directly from ENH / NorthShore after the merger with Highland Park Hospital from January 1, 2000 to the present. The lawsuit alleges that ENH / NorthShore caused purchasers to be overcharged for healthcare services. Generally, hospital services classified as “inpatient services” are those that require an overnight hospital stay, and “hospital-based outpatient services” are those that do not require an overnight hospital stay. ENH / NorthShore denies that it did anything wrong and argues, among other things, that the claims in the lawsuit have no merit. **The Court has not yet decided whether the Class Plaintiffs or ENH / NorthShore are correct.** If this case goes to trial, the lawyers for the Class will have to prove the claims.

**BACKGROUND OF LITIGATION.** The class-action complaint alleges that ENH / NorthShore raised its rates after ENH acquired Highland Park Hospital on January 1, 2000, and that it did so in a way that is illegal under the antitrust laws. ENH / NorthShore denies these claims. The parties have vigorously litigated the suit for seven years, including many motions and an appeal over whether to certify the lawsuit as a class action. More information can be obtained by examining the court files at the Clerk’s Offices of the United States District Court for the Northern District of Illinois and the United States Court of Appeals for the Seventh Circuit, or by contacting Class Counsel. To contact Class Counsel, see the section below under the heading, HOW DO I GET MORE INFORMATION?

## WHO IS A MEMBER OF THE CLASS?

The Class has been defined as:

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 or hospital-based outpatient 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 (the “Class”) from at least as early as January 1, 2000 to the present.

**PERSONS EXCLUDED FROM THE CLASS.** The following persons are excluded from participating in this class:

- persons who paid only a fixed amount of insurance through co-pays;
- persons without insurance who did not pay their bill;
- Medicaid and Traditional Medicare patients;
- governmental entities;
- parents, predecessors, subsidiaries, and/or affiliates of ENH / NorthShore;
- persons who only received services at Skokie Hospital; and
- other providers of healthcare services.

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

The Court has ordered that you be sent notice now because you have to decide whether to stay in the Class, or whether to remove yourself from the Class, and you have to decide this by **February 3, 2015**.

This notice summarizes your rights and options at this time. More information is available at the website listed below. If you are part of the Class, you will need to decide whether to (1) stay in the Class or (2) ask to be excluded from the Class.

To stay in the Class, you do not need to do anything at this time. If you do not want to participate in this lawsuit, you can opt out of the Class and request to exclude yourself.

### **POTENTIAL ARBITRATION LIMITATION**

ENH / NorthShore contends that some class members might be subject to arbitration clauses that ENH / NorthShore contends are part of some of the contracts between it and managed care organizations, and that those class members would be required to “arbitrate” their claims if they wished to pursue them, and thus cannot be part of the Class in this lawsuit. An arbitration is an out-of-court procedure that is used to resolve a dispute. Class Counsel do not agree that any class members would be required to arbitrate the claims asserted in the lawsuit, and Class Counsel intend to oppose any motion (that is, any request to the Court) to require those class members to arbitrate. The Court has not decided whether any class members are subject to arbitration provisions, and it will not make any decision about arbitration until after the time to opt out of the Class has expired.

### **OPTING OUT**

You have the legal right to opt out of this class action. If you choose to exercise your right to opt out of the Class, you will not be bound by any court orders, jury verdicts, or settlements approved by the Court, but you keep your right to sue or otherwise resolve your claims with ENH / NorthShore on your own. If you opt out, you cannot make a claim against any amounts that might be recovered by the class from ENH / NorthShore in a settlement or as a result of a judgment, if any. To opt out of the class, you must mail a letter or postcard that says you want to be excluded from the Class in *In re: Evanston Northwestern Healthcare Corp. Antitrust Litigation*, and include your name, address, telephone number and signature. You must mail the request to be excluded to ENH Antitrust Case, Exclusions, c/o A.B. Data, LTD., PO Box 170500, Milwaukee, WI 53217-8091, and it must be postmarked **no later than by February 3, 2015**.

### **STAYING IN THE CLASS**

To stay in the Class, you do not need to do anything at this time. But as noted above, remember that ENH / NorthShore might be asking the Court to require certain class members to arbitrate their claims rather than remain in the Class.

If you stay in the Class and do not opt out, you will give up the right to file your own lawsuit or seek any other form of resolution of claims you might have against ENH / NorthShore, and you will be legally bound by all court orders, judgments, or settlements approved by the Court. If money or benefits are obtained as a result of a settlement or judgment in the lawsuit, you might be entitled to some of the money or benefits. You will not be able to sue, or continue to sue ENH / NorthShore, as part of any other lawsuit for any alleged overcharges relating to inpatient and hospital-based outpatient healthcare services from January 1, 2000 to the present. If money or benefits are obtained in this class action, you will be notified about how to make a claim to participate and request a share of any money or benefits created for the Class. As noted above, your rights might be subject to contractual arbitration provisions.

### **WHO REPRESENTS YOU?**

The Court appointed Marvin A. Miller of Miller Law LLC, 115 S. LaSalle Street, Suite 2910, Chicago, IL 60603, and Mary Jane Fait, Law Offices of Mary Jane Fait, 115 S. LaSalle Street, Suite 2910, Chicago, IL 60603, as “Class Counsel” to represent you. To participate in the class action, you don’t have to pay Class Counsel or anyone else. Instead, if Class Counsel recovers money or benefits for the Class, they will ask the Court for an award of attorneys’ fees and costs, which might either be deducted from any money recovered for the Class or paid by ENH / NorthShore. You may hire your own lawyer to appear in Court for you, but if you do, you are responsible for paying that lawyer.

### **HOW CAN I GET MORE INFORMATION?**

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, go to [www.evanstonnorthwesternhealthcareantitrustcase.com](http://www.evanstonnorthwesternhealthcareantitrustcase.com) or call 800-952-3716.