

If you were a physician employed by Banner Medical Group Colorado between January 1, 2016 and January 2, 2019, a class action lawsuit may affect your rights.

A Court authorized this Notice. This is not a solicitation from a lawyer.

READ THIS NOTICE CAREFULLY AS YOUR LEGAL RIGHTS MAY BE AFFECTED BY YOUR ACTIONS OR FAILURE TO ACT.

- A class action lawsuit has been filed against Banner Health (“Banner”) and Banner Medical Group Colorado (“BMGC”) (together “Defendants”) alleging inaccurate payment of physician work Relative Value Unit (“wRVU”) Productivity Bonus compensation.
- The Court has certified a class that consists of physicians employed by BMGC at any point between January 1, 2016 and January 2, 2019, who executed a Physician Employment Agreement (“PEA”) reflecting the ability to earn wRVU bonus compensation but did not receive payment in full for the wRVU bonus compensation to which they were entitled from the Defendants (the “Class”).
- The Court authorized mailing of this Notice to physicians employed by BMGC at any point between January 1, 2016 and January 2, 2019, who executed a PEA reflecting the ability to earn wRVU bonus compensation, regardless of whether they received less than their full bonus compensation. You have been identified as one such physician. The Court has authorized mailing of this Notice to you.
- Although the Court authorized mailing of this Notice to you, this does not guarantee that you will receive recovery.

<u>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</u>	
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 the Defendants separately about the same legal claims in this lawsuit.
EXCLUDE YOURSELF	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you will not receive any money or benefits. But you keep any right you may have to sue the Defendants separately about the same legal claims in this lawsuit.

- Your options are explained in this Notice. To ask to be excluded, you must act before **August 11, 2023**.
- Lawyers must prove the claims against Defendants at a trial. If you remain in the class action and do not opt out of this case and money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

BASIC INFORMATION

1. Why is there a Notice?

BMGC’s records show that you were employed by BMGC at some time between January 1, 2016 and January 2, 2019 and executed a PEA reflecting the ability to earn wRVU Productivity Bonus compensation. This Notice explains that the Court has allowed, or “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 against Defendants, on your behalf, are correct.

Judge Shannon D. Lyons of the District Court of Weld County, Colorado is overseeing this class action. The lawsuit is known as *Brown, et al. v. Banner Health, et al.*, Case No. 2020CV30620.

2. What is this lawsuit about?

The lawsuit claims that Defendants did not accurately pay physician class members some or all of the wRVU Productivity Bonus compensation owed to them under their respective PEAs due to alleged systemic problems and/or errors with Defendants' information technology systems, coding practices, change in corporate policy where wRVUs were credited to lower-level salaried employees instead of the physicians, billing, and wRVU Productivity Bonus compensation.

The Defendants deny all allegations made in the lawsuit. Defendants assert that all physicians employed between January 1, 2016 and January 2, 2019 were paid the full value of the bonus compensation they earned, consistent with the provisions in their respective PEAs. Defendants also assert that Plaintiffs have not presented, and are unable to present, a common theory of liability for all purported class members.

The Court has not decided whether the Defendants or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial.

More information about the lawsuit can be found at www.BannerWRVULawsuit.com.

3. Why is there a class action?

In a class action, one or more people called "Class Representatives" (in this case, Dr. Andrew S. Brown, D.O. and Dr. Bel Reid, M.D.) sue on behalf of themselves and other people who have similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a "Class."

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can proceed as a class action because it meets the requirements of Colorado Rule of Civil Procedure 23, which governs class actions in Colorado. Specifically, the Court found that:

- Approximately 200 physicians were employed by BMGC at some point between January 1, 2016 and January 2, 2019, who executed a PEA reflecting the ability to earn a wRVU Productivity Bonus compensation;
- There are questions of law and/or fact that are common to each member of the Class, and these questions predominate over questions that affect only individuals;
- The claims by Dr. Andrew Brown and Dr. Bel Reid are typical of the claims of the rest of the Class;
- Dr. Brown, Dr. Reid, and the lawyers representing the Class will fairly and adequately represent the interests of the Class; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Granting Plaintiffs' Motion to Certify Class and Denying Request to Certify Sub-Class, which is available at www.BannerWRVULawsuit.com.

WHO IS INCLUDED IN THE LAWSUIT?

5. How do I know if I am included in the Class?

The Class includes all physicians employed by BMGC within the relevant period, January 1, 2016 – January 2, 2019, who executed a PEA reflecting the ability to earn wRVU Productivity Bonus compensation but did not receive some or all wRVU Productivity Bonus compensation owed to them by the Defendants.

Your receipt of this Notice does not mean you are part of the Class. This Notice is being sent to all physicians employed by BMGC at any point between January 1, 2016 and January 2, 2019, who executed a PEA reflecting the ability to earn wRVU bonus compensation, regardless of whether they were properly compensated or not.

If you decide to remain in the lawsuit, but are currently employed by Defendants, you are represented by Class Counsel and may not be retaliated against for participating in this lawsuit. The law prohibits Defendants from retaliating against you or taking any adverse actions against persons because they exercise their rights to participate in this lawsuit.

6. What are the Plaintiffs trying to get from the lawsuit?

The Plaintiffs are asking for the wRVU Productivity Bonus compensation they were allegedly not paid by Defendants as a result of the alleged systemic problems and/or errors with Defendants' information technology systems, coding practices, change in policy regarding wRVU credit to lower-level salaried employees, billing, and wRVU Productivity Bonus compensation.

7. Is there any money available now?

No money or benefits are available now because the case has not yet been decided and the parties have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, and you do not opt out of this case, you will be notified about how to ask for a share.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

You do not have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you will be considered a potential class member. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to request your share. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue or continue to sue the Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action.

9. How do I exclude myself from the Class?

To exclude yourself from the Class, you must either send an email or mail a letter to the Administrator that includes the following information: (1) your name, address, and telephone number; (2) the name of the case (*Brown, et al. v. Banner, Health et al.*, Case No. 2020CV30620); (3) a statement indicating you want to be excluded from the Class; and, if responding via the mail, (4) your signature.

You must email or mail your exclusion request, postmarked no later than **Friday, August 11, 2023**, to:

BB9 Administrator
P.O. Box 990
Corte Madera, CA 94976-0990
info@BannerWRVULawsuit.com

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

Yes, Burg Simpson Eldredge Hersh & Jardine, P.C. has been appointed as “Class Counsel” to represent you and other members of the Class. You will not be personally charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

More information about this law firm, their practices, and their lawyers' experience is available at www.burgsimpson.com.

11. How will the lawyers be paid?

If Class Counsel obtains money or benefits for the Class through settlement, Class Counsel's fees and expenses will be paid out of any money recovered for the Class. If Class Counsel obtains money or benefits for the Class at trial, Class Counsel will ask the Court for attorneys' fees and costs, which, if the request is granted, would be paid by Defendants.

THE TRIAL

12. When will the Court decide who is right?

If the lawsuit is not resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is set to start on **Monday, September 9, 2024**, in the District Court of Weld County, Colorado, located at 915 10th Street, Greeley, Colorado 80634. During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit.

13. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will represent you and present the case for the Plaintiffs, and Defendants will present the defenses. If you retain your own lawyer, you may participate in the case, including trial, at your own expense.

GETTING MORE INFORMATION

14. How do I get more information?

This Notice summarizes the lawsuit. More details are available at www.BannerWRVULawsuit.com or call Toll-Free 1-888-802-7214.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANTS CONCERNING THIS CASE.