

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE**

VELMA WALKER, individually and as a class representative;
JAMES STUTZ, individually and as a class representative;
KARL WALTHALL, individually and as a class representative;
GINA CICHON, individually and as a class representative, and;
MELANIE SMALLWOOD, individually and as class
representative,

Plaintiffs,

vs.

HUNTER DONALDSON, LLC, a California limited liability
company; MULTICARE HEALTH SYSTEM, a Washington
nonprofit corporation; MT. RAINIER EMERGENCY
PHYSICIANS, a Washington for-profit corporation; REBECCA
A. ROHLKE, individually, on behalf of the marital community
and as agent of Hunter Donaldson; JOHN DOE ROHLKE, on
behalf of the marital community; RALPH WADSWORTH,
individually, on behalf of the marital community, and as agent of
Hunter Donaldson, and; JANE DOE WADSWORTH, on behalf
of the marital community.

Defendants.

CLASS ACTION

NO. 13-2-08746-0

**NOTICE OF PROPOSED CLASS ACTION
SETTLEMENT**

IMPORTANT LEGAL NOTICE

This Notice may affect your legal rights. Please read carefully.

I. YOU MAY BE ELIGIBLE TO RECEIVE A SHARE OF CASH BENEFITS FROM A PROPOSED SETTLEMENT

You may be a member of the class listed below in a lawsuit against MultiCare Health System; Hunter Donaldson, LLC; Hunter Donaldson's owner, Ralph Wadsworth; and a Hunter Donaldson employee, Rebecca Rohlke (collectively referred to with Hunter Donaldson and Ralph Wadsworth as "Hunter Donaldson" unless stated otherwise). If you are a class member, you may be entitled to benefits from a \$7.5 million class action settlement ("Settlement") reached in this lawsuit.

A. Summary of Class Membership

The Court has ruled that the following people are members of the proposed Settlement class:

Persons (1) on whose accounts MultiCare received a payment as the result of a medical services lien notarized by Rebecca Rohlke or (2) whose personal injury settlement funds were held in trust by their attorneys in order to satisfy a medical services lien notarized by Rebecca Rohlke but no payment was received by MultiCare.

B. Purpose of the Notice

The purpose of the Notice is to inform you of:

- The status of the lawsuit;
- The essential terms of a proposed settlement with MultiCare, including the requirements that govern payment of the proposed net proceeds of the Settlement to class members;
- Your right to exclude yourself from this action;
- The hearing to be held by the Court to consider final approval of that proposed Settlement and Plan of Distribution;
- Your rights and obligations as a result of this lawsuit, settlement, and what steps you may take in relation to the Settlement and this class action litigation; and
- Requirement of filing a claim form in order to share in the Settlement funds.

C. Summary of Options and Deadlines

As a class member, you may choose to:

- Receive a portion of cash benefits of the proposed Settlement. (To share in the benefits of the proposed Settlement, you must mail a Claim Form by March 2, 2015).
- Object to the proposed Settlement. (To object, you must mail an objection by January 15, 2015). You may both object and file a Claim Form to share in the benefits of the proposed Settlement if the settlement is approved.

- Exclude yourself from the action. To exclude yourself from the Settlement you must mail a statement indicating your desire to exclude yourself from this action by January 15, 2015.
- Do nothing in which you will be bound by the terms of the Settlement, including releasing all claims you currently have against MultiCare and Hunter Donaldson, and yet receive no cash benefits.
- You also have the right to remain in this action through representation of attorneys other than Class Counsel. You will be responsible for retaining and paying these other attorneys.

II. STATUS OF THE LAWSUIT

The named Plaintiffs in the above described case filed this case as a proposed class action. The proposed class action lawsuit asserts claims against MultiCare alleging that MultiCare and Hunter Donaldson recorded medical services liens that were fraudulently notarized by Rebecca Rohlke against class members with the Pierce and King County Auditor's Offices. The proposed class action lawsuit also alleges that, in some instances, MultiCare and Hunter Donaldson unlawfully recorded these liens instead of billing class members' commercial or government health insurance.

Plaintiffs and MultiCare have reached a proposed Settlement in the lawsuit. **To receive a share of the Settlement benefits, you must mail the attached Claim Form, postmarked on or before March 2, 2015, to the Settlement Administrator.**

On November 21, 2014, Judge Costello preliminarily approved the proposed Settlement with MultiCare and provisionally certified the above described case as a class action and designated the Class described above. The Court will hold a hearing (the "Fairness Hearing") in the Courtroom of Judge Costello, Superior Court of Pierce County, in Tacoma, Washington, at 9:00 am on January 30, 2015, to determine whether the Court should finally approve the proposed Settlement.

III. TERMS OF SETTLEMENT

A proposed Settlement has been reached in the litigation between Plaintiffs and MultiCare. Class Counsel believe that this settlement is fair, adequate, reasonable, and in the best interest of the class. The Court has preliminarily approved the Settlement. The terms of the Settlement are summarized below. Please note that this Notice contains only a summary of the Settlement. The entire Settlement Agreement is available at the following web address, www.multicaresettlement.com, as well as by sending a written request to the Settlement Administrator at the address listed below in Section VI.

A. Establishment of Common Fund

MultiCare will pay \$7.5 million into a fund, which will be available for payments to Class Members, Class Counsel, and Plaintiff Class Representatives.

B. Payments to Class Members

If, before the date of this class action settlement, MultiCare received a payment on a class member's account as a result of a Rohlke-notarized medical services lien, the class member will receive: (1) 45 percent of the payment MultiCare received if the class member has no health insurance, either commercial or through the government; (2) 65 percent of the payment MultiCare received if the class member had government-sponsored insurance (such as Medicare and Medicaid) at the time of treatment; (3) 150 percent of the payment MultiCare received if the class member had commercial health insurance through an insurer that had a contract with MultiCare at the time of treatment, and if MultiCare's records at the time of treatment indicated such insurance, plus nine percent interest; (4) 100 percent of the payment received by MultiCare if the class member had commercial health insurance through an insurer with whom MultiCare had a contract at the time of treatment, but MultiCare's records at the time of treatment did not indicate such insurance, plus nine percent interest; and (5) where total medical service lien payments exceeded 25 percent of the class member's total settlement amount or award received for their personal injuries, 150 percent of the amount by which payment to MultiCare exceeded the 25% limit, plus nine percent interest.

If, before the Settlement Date, a class member's payment for their injuries was held in a trust account by his or her attorney in order to pay a Rohlke-notarized lien but no payment was received by MultiCare, the class member will receive a payment of 10 percent of the amount held in the bank account (in addition to the amount in the bank account).

Payments to class members will be reduced by any amounts owed to MultiCare for medical treatment for which MultiCare did not file a Rohlke-notarized lien. MultiCare will not reopen a class member's closed account to seek further payment because a class member receives payment under this Settlement.

C. Release of Claims Against MultiCare and Assignment of Claims Against Hunter Donaldson

Upon final Court approval of the Settlement and entry of the final court order dismissing claims against MultiCare, you and each other class member will be releasing all claims you may have for acts or omissions of MultiCare concerning the Rohlke-notarized medical services liens filed on MultiCare's behalf. You and each other class member will also be assigning all claims you may have for acts and omissions of Hunter Donaldson regarding the Rohlke-notarized medical services liens filed on MultiCare's behalf to MultiCare. The case against Mount Rainier Emergency Physicians will proceed, however.

D. Attorney Fees and Costs

To date, Class Counsel have not received any payment for their services in conducting this litigation on behalf of Plaintiffs and the Class Members, nor have Class Counsel been reimbursed for their out-of-pocket expenses. Class Counsel have been representing the named Plaintiffs on a 1/3 contingency fee basis—that is, Class Counsel would be paid 1/3 of any recovery achieved for the Plaintiffs and the class, and would receive no payment if no recovery was achieved. Class Counsel intend to seek court approval of a fee equal to one third of \$7,581,000, as well as reimbursement for their out-of-pocket litigation costs. The fee requested by Class Counsel will compensate them for their efforts in achieving a Settlement for the benefit of the class, and for their risk in undertaking this representation on a contingency basis. The actual amount awarded Class Counsel for fees and costs will be determined by the Court. No funds will be distributed to Class Counsel at this time.

E. Conditions of Settlement

The Settlement is conditioned upon the Court's final approval, which will be determined at the Fairness Hearing on January 30, 2015. If the Court does not grant final approval of the Settlement, the Settlement agreement might be terminated, and, if terminated, will become null and void, and the parties to the Settlement agreement will be restored to the respective positions they held before the Settlement agreement.

IV. OPTIONS FOR CLASS MEMBERS

A. Option #1: Agree to Proposed Settlement

In order to receive a share of the cash benefits of the settlement, you must complete and deliver to Gilardi & Co, LLC, the **Settlement Administrator**, a Claim Form on or before March 2, 2015. A blank Claim Form is attached to this notice for your use. Any class member who fails to properly complete a Claim Form and deliver it to the **Settlement Administrator** by the deadline will not receive any share of the cash benefits of the Settlement but will still be bound by the Settlement agreement.

Class members who support the proposed Settlement do not need to appear at the Court's Fairness Hearing on the Settlement.

B. Option # 2: Object to Proposed Settlement

Objections by class members to the proposed Settlement will be considered by the Court, but only if the person raising such objections files with the Clerk for the Superior Court for Pierce County, Washington, and serves on Class Counsel and counsel for MultiCare, no later than Thursday, January 15, 2015, at the address set forth in Section VI, below, a written statement of his or her objections and the legal and/or factual bases for those objections. The written statement of objections must: (1) bear the case name and cause number (*Walker v. Hunter Donaldson, LLC*, Cause Number 13-2-08746-0); (2) captioned as an "OBJECTION TO PROPOSED SETTLEMENT"; and (3) contain the name, address, and telephone number of the objecting party and his or her attorneys, if any. Any person who properly delivers a written statement of objection as specified herein may appear at the Fairness Hearing in person or through counsel to show cause why the proposed Settlement with MultiCare should not be approved as fair, adequate, and within the realm of reasonableness. As long as an objection is properly delivered as set forth above, the Court will consider it even if the objecting party is not present at the Fairness Hearing. An objecting party must also file a Claim Form to share in the Settlement proceeds if the settlement is approved.

No objection, and no pleadings or papers relating to any objection, shall be heard or considered by the Court unless the objecting party has fully complied with the requirements of the paragraph above. Any class member who does not properly deliver a written statement of objections in the manner specified herein shall be deemed to have waived any and all objections for all purposes. Attendance at the Fairness Hearing is not necessary; however, class members wishing to be heard orally in opposition to the proposed Settlement and/or the Plan of Distribution should indicate their wish to be heard orally in their written objection their intention to appear at the Fairness Hearing.

C. Option # 3: Exclude Yourself from the Settlement Class

You may exclude yourself from the Settlement class, in which case you will not receive a portion of the settlement funds. If you exclude yourself, you are not bound by the determination in this case. To exclude yourself, you must submit a statement indicating your desire to exclude yourself to the Settlement Administrator at the address shown in Section VI below by January 15, 2015.

V. PAYMENTS TO CLASS MEMBERS

The proposed Settlement with MultiCare provides that the net settlement funds (the total amount of funds received from MultiCare after deduction of Court-approved litigation costs, attorney fees, and incentive payments of \$15,000.00 to each of the five remaining named plaintiffs) will be distributed by the Settlement Administrator, Gilardi & Co, LLC. Each class member who files a valid Claim Form by March 2, 2015 may be entitled to receive payment from the common fund based on criteria described above in Section III(B).

The responsibilities of the Settlement Administrator shall expressly include without limitation: (1) the determination of the eligibility of any class member to receive payment from the common fund and the amount of payment to be made to each class member; (2) the receipt and processing of all Claim Forms; (3) the administration of an appropriate procedure for adjudication of disputes that may arise with respect to the eligibility of a class member to receive payment from the common fund; (4) the compliance with any applicable law; and (5) any other duties assigned to the Settlement Administrator by order of the Court. The costs of the Settlement Administrator shall be paid by MultiCare.

VI. ADDITIONAL INFORMATION

Any questions you have concerning the matters contained in this notice (and any corrections or changes of name or address) should NOT be directed to the Court but should be directed to the Settlement Administrator at the below address and/or telephone number.

Claim Forms and/or requests to be excluded from the settlement class should be mailed to the Settlement Administrator at the following address:

Walker v MultiCare Settlement Administrator
c/o Gilardi & Co. LLC
P.O. Box 8060
San Rafael, CA 94912-8060
1-888-285-9184

Objections to the proposed Settlement Agreement must be filed with the Clerk of the Pierce County Superior Court and mailed to Class Counsel and counsel for MultiCare at the following addresses:

Clerk of the Pierce County Superior Court	Plaintiff Counsel	Defense Counsel
930 Tacoma Ave S #110 Tacoma, WA 98402	Darrell Cochran, Esq. PFAU COCHRAN VERTETIS AMALA 911 Pacific Avenue, Suite 200 Tacoma, WA 98402	Michael Madden, Esq. BENNETT BIGELOW & LEEDOM 601 Union Street, Suite 1500 Seattle, WA 98101

The pleadings, the Settlement Agreement, and other records in this litigation may be examined and copied at any time during regular office hours at the office of the Clerk, Superior Court of the State of Washington, Pierce County. You may also obtain these documents from the Settlement Administrator at the address listed above.

VII. REMINDER AS TO TIME DEADLINE

1. In order to participate in the Settlement, you must complete and send a Claim Form to the Settlement Administrator at the address above by mail postmarked on or before March 2, 2015.

If you wish to object to the proposed Settlement Agreement, you must send an objection to the Clerk of the Superior Court for Pierce County, Washington, Class Counsel, and counsel for MultiCare in the manner described above, by mail postmarked on or before January 15, 2015. Even if you do object, you should also timely file a Claim Form or you will not be able to receive any payments under the Settlement agreement approved by the Court after consideration of any objections.

If you wish to exclude yourself from this Settlement, you must send a statement, in writing to the Settlement Administrator in the manner described above, by mail postmarked on or before January 15, 2015.

2. The Court will hold a hearing (the “Fairness Hearing”) in the Courtroom of Judge Costello, Superior Court of Pierce County, in Tacoma, Washington, at 9:00 am on January 30, 2015, to determine whether the Court should finally approve the proposed Settlement.

PLEASE DO NOT CONTACT THE COURT

DATED this 1st day of December, 2014.
SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR PIERCE COUNTY
By: Clerk of the Court