

NOTICE OF CLASS SETTLEMENT

If you underwent orthopedic or spinal surgery at Porter Adventist Hospital between July 21, 2016, and April 5, 2018, you may be part of a class action settlement.

A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

- This notice is to inform you of a proposed settlement of a class action lawsuit in the District Court, City and County of Denver, State of Colorado (“the Court”) against Portercare Adventist Health System, d/b/a Centura Health-Porter Adventist Hospital and Centura Health Corporation (“Defendants”).

YOUR RIGHTS* AND OPTIONS IN THIS SETTLEMENT**	
Provide Proof of Blood Testing by July 7, 2023 to Participate in the Settlement	<p>Participate in the Settlement. Share in possible benefits. Give up certain rights.</p> <p>If you provide proof that you underwent appropriate blood testing within a reasonable timeframe after learning of the alleged sterilization issues (as discussed in more detail below), you may be entitled to become a member of the Class and receive a benefit under the terms of the Settlement Agreement (the “Settlement Agreement” or “Settlement”), but you will give up any rights you may currently have to sue the Defendants in a separate lawsuit for the claims at issue in this Class Action lawsuit. In addition, you will be bound by past and any future court rulings on the claims against the Defendants.</p>
Ask to Be Excluded by July 7, 2023	<p>Get out of this class action lawsuit. Get no benefits. Keep your rights.</p> <p>If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will not be entitled to any recovery that may result from this class action, but you will not be bound by any past or future rulings against Defendants. You keep any rights you may currently have to sue Defendants on your own over the claims in this case.</p>
Do Nothing	<p>Get no benefits. Give up certain rights.</p> <p>By doing nothing, you will not receive any benefits under the Settlement. If you meet the class definition, you will give up any rights you may currently have to sue the Defendants in a separate lawsuit for the claims at issue in this class action lawsuit and you will be bound by past and any future court rulings on the claims against the Defendants.</p>
Comment or Object by July 7, 2023	<p>Write to the Court about why you do or do not like the proposed Settlement.</p>
Attend a Hearing on September 14, 2023	<p>Ask to speak to the Court about the fairness of the Settlement if you file a request to do so by July 7, 2023.</p> <p>The date and time of the Final Approval Hearing is subject to change by Court Order and without further notice to the Class.</p>

* These rights, options, and deadlines to exercise them are summarized in this Notice.

** The Court overseeing this case still has to decide whether to approve the proposed Settlement.

For more information, go to <https://www.sternervporterhealth.com>.

BASIC INFORMATION ABOUT THE LAWSUIT

1. Why did I get this Notice?

Records indicate that you may have been a patient who underwent orthopedic or spinal surgery at Porter between July 21, 2016, and April 5, 2018 and that you received a letter informing you of a potential increased risk of infection. If you subsequently underwent blood testing for bloodborne pathogens, within a reasonable timeframe after learning of the sterilization issues, for which the results were negative, you may qualify to be in the Class and share in the proposed Settlement. Persons who suffered a physical injury, such as a surgical site infection, are excluded from this Class.

This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you and that that Court has preliminarily approved the proposed Settlement. You have legal rights and options that you may exercise. Judge J. Eric Elliff of the District Court, City and County of Denver, State of Colorado is overseeing this Class Action. The case is known as *Sternier, et al. v. Portercare Adventist Health System, et al.*, Case No. 18-cv-34766 (the “Action”).

2. What is the lawsuit about?

In summary, the lawsuit alleges that Defendants failed to adequately sterilize surgical instruments, failed to inform the public and medical professionals of this sterilization problem, and unjustly profited from the surgeries it provided during this period of time. Defendants have denied each and every allegation.

3. What has happened in the lawsuit?

Plaintiffs filed a lawsuit against the Defendants on behalf of themselves and other similarly situated patients alleging that Defendants had failed to adequately sterilize surgical instruments.

On July 17, 2020, the Court held a hearing on Plaintiffs’ motion for class certification. On July 23, 2020, the Court certified the class as to the unjust enrichment and disgorgement of profits claim. The Court decided that this lawsuit should proceed as a class action on behalf of a “Class,” or a group of people that could include you. The Class consists of all patients who underwent orthopedic or spinal surgery at Porter Adventist Hospital (“Porter”) between July 21, 2016, and April 5, 2018, and either received a written notice from Porter dated April 4, 2018, or April 6, 2018, or otherwise learned of the sterilization problems at Porter and subsequently underwent blood testing for bloodborne pathogens for which the results were negative (the “Class”).

On March 14, 2023, the Court granted Plaintiffs’ Motion for Preliminary Approval of Class Settlement.

A Fairness Hearing is set for September 14, 2023, in Courtroom 215, Denver District Court, 1437 Bannock Street, Denver, Colorado 80202.

4. Why is there a Settlement?

The Court has not decided in favor of either side in this case. Defendants deny all allegations of wrongdoing. The Defendants are settling in order to avoid the substantial expense, inconvenience, and distraction of further protracted litigation, including trial and appeal. Plaintiffs and their attorneys believe that the Settlement is in the best interests of the Settlement Class because it provides a fair and reasonable recovery for Settlement Class Members now while avoiding the risk, expense, and delay associated with pursuing the case through trial and any appeals.

5. What does the Settlement provide for?

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at <https://www.sternervportercarehealth.com> or by contacting Class Counsel (see below).

PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THE SETTLEMENT PROCESS

Pursuant to the Settlement Agreement, Defendants will pay \$6,500,000.00 into a Common Fund to settle this class action for approximately 3,000 Class Members. These funds will be used to pay the costs incurred to prosecute the lawsuit, attorneys’ fees, service awards to the named-plaintiffs, and then to the Class Members. Because the certified claims in this lawsuit did not claim that any individual member of the class was physically injured, the remaining Fund will be distributed equally, on a pro-rata basis, to each Class Member. It is estimated that each Class Member will receive approximately \$1,250.00.

For more information, go to <https://www.sternervportercarehealth.com>.

YOUR OPTIONS AS A CLASS MEMBER

6. What are my options?

You must decide whether to participate in the Settlement, opt out of the Class, or do nothing.

7. What happens if I choose to participate in the Settlement?

If you stay in the Class and meet the qualification criteria, you will be permitted to share in the recovery, if any, that may occur in this Class Action. But you give up any rights to sue the Defendants separately about the same legal claims in this lawsuit. You also will be legally bound by all of the orders the Court issues and judgments the Court makes in this Class Action, even if there is no recovery.

8. How do I participate in the Settlement?

If you meet qualification criteria and wish to participate in the Settlement, **you must send** the information below in writing to the Settlement Administrator so it is sent no later than July 7, 2023. You must include:

- Your name, address, and telephone number;
- A copy of your medical records, or other qualifying evidence, showing that between April 5, 2018, and October 5, 2018, you underwent blood testing for bloodborne pathogens (e.g., Hepatitis B, Hepatitis C, and HIV) and that the test results were negative; and
- The case name and number “*Sterner, et al. v. Portercare Adventist Health System, et al.*, Case No. 2018-cv-34766”.

This information may be sent to one of the following addresses:

Via email:

info@sternervportercarehealth.com

Via mail:

Sterner v Portercare Adventist Health System

Settlement Administrator

P.O. Box 6635

Portland, OR 97228-6635

9. What happens if I opt out of the Class?

To opt out of the Class, you must state in writing that you do not want to be included in the Class, and this must be sent to one of the following addresses above by July 7, 2023. If you opt out of the Class, you will give up the right to receive a benefit under the terms of the Settlement Agreement. However, you will keep any rights you may currently have to sue Defendants regarding the legal claims at issue in this lawsuit. You also will not be bound by the orders the Court issues and judgments the Court makes in this Class Action.

10. What happens if I do not do anything?

If you do nothing and meet the class definition, you will stay in the Class but will not receive a benefit under the Settlement Agreement. You will give up any rights you may currently have to sue the Defendants in a separate lawsuit for the claims at issue in this Class Action lawsuit and you will be bound by past and any future court rulings on the claims against the Defendants.

YOUR OPTIONS REGARDING THE PROPOSED SETTLEMENT

If you would like to participate in the Settlement, please provide the information discussed above to confirm you underwent the required blood testing. Once we have received this information to confirm you meet the qualification criteria, you do not have to do anything further if you are satisfied with the proposed Settlement.

If you are not satisfied with the proposed Settlement, you may object to the Settlement or Class Counsels' request for fees by submitting your objection in writing to the Court. Specifically, you can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the proposed Settlement. If the Court denies approval, this lawsuit will continue. Even if you are not satisfied with the Settlement, you no longer have the right to opt-out of the Settlement.

Only qualifying members of the Class may file an objection. Any objection to the proposed Settlement must be in writing. All written objections and supporting papers must (a) clearly identify the case name and number (*Sterner, et al. v. Portercare Adventist Health System, et al.*, Case No. 18-cv-34766), (b) include the Class

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Member's name, (c) include the Class Member's current address and phone number or the name, address, and telephone number of the Class Member's legal representative, (d) include an explanation why the Class Member objects to the Proposed Settlement, including the grounds therefore, any supporting documentation, and the reasons, if any, for requesting the opportunity to appeal and be heard at the Final Approval Hearing. All written objections and supporting papers must then be submitted to the Court either by mailing them to the Court Clerk, Room 256, 1437 Bannock Street, Denver, Colorado 80202, or by filing them in person at the Denver District Court, 1437 Bannock Street, Denver, Colorado 80202. All written objections must be filed or postmarked on or before July 7, 2023. Note: Failure to comply with all requirements of this section shall constitute grounds for striking an objection or denying a request to be heard, if applicable.

If you file a timely written objection that complies with the above-mentioned requirements, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. The Final Approval Hearing is scheduled for September 14, 2023, at 8:30 a.m. in Courtroom 215, Denver District Court, 1437 Bannock Street, Denver, Colorado 80202 to determine if the Settlement is fair, reasonable, and adequate, and to consider the request by Class Counsel for attorneys' fees, reimbursement of costs, and service awards for the named plaintiffs. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

If, after the hearing, the Court rejects the proposed Settlement Agreement, the Parties will continue to litigate this dispute in front of the Court. If that happens, there is no guarantee that: (1) the Court will rule in favor of the Class Members; (2) a favorable Court decision, if any, would be as favorable to the Class Members as this Settlement; or (3) any favorable Court decision would be upheld if the Defendants filed an appeal.

11. What is the effect of final settlement approval?

If the Court grants final approval of the Settlement, Class Members agree that they release the Defendants from any and all claims related to their surgeries that were the subject of the Settlement Agreement. For details of the release, please see the Settlement Agreement available at <https://www.sternervporterhealth.com> or by contacting Class Counsel (see below).

12. When and where will the Court hold a hearing on the fairness of the Settlement?

The Final Approval Hearing is scheduled for September 14, 2023, at 8:30 a.m. in Courtroom 215, Denver District Court, 1437 Bannock Street, Denver, Colorado 80202 to determine if the Settlement is fair, reasonable, and adequate, and to consider the request by Class Counsel for attorneys' fees, reimbursement of costs, and the service awards for the named plaintiffs. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys' fees and expenses. If you have filed an objection to the proposed Settlement, the Court has the right to require your attendance at the Final Approval Hearing. You will be contacted by the Court or by Class Counsel if the Court requires your appearance. If you intend to appear at the Final Approval Hearing through your own attorney, your attorney will need to file a notice of intent to appear with the Court. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

THE LAWYERS REPRESENTING YOU

13. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

<p>Daniel A. Sloane, Esq. David S. Woodruff, Esq. Megan K. Matthews, Esq. Wahlberg, Woodruff, Nimmo & Sloane, LLP 4601 DTC Boulevard, Suite 950 Denver, CO 80237 Telephone: 303-571-5302 www.denvertriallawyers.com</p>	<p>Joseph Zonies, Esq. Greg Bentley, Esq. Zonies Law LLC 1700 Lincoln Street, Suite 2400 Denver, CO 80203 Telephone: 720-464-5300 www.zonieslaw.com</p>
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For more information, go to <https://www.sternervporterhealth.com>.

14. How will the lawyers be compensated?

If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys' fees and expenses. If approved, these fees and expenses will either be paid from the recovery obtained for the Class.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

GETTING MORE INFORMATION

16. Where do I get more information?

This Notice contains a summary of your legal rights and the Settlement. If you have questions or would like more information, including how to "opt in" to the Class, you should visit <https://www.sternervportercarehealth.com> or call 1-855-349-6398 (Toll-Free) between 6 a.m. and 6 p.m. PDT, Monday through Friday except for holidays or contact Class Counsel.

Please do not contact the Court or Judge Elliff. They cannot answer any questions or discuss the Action.

DATED: May 22, 2023

BY ORDER OF THE DISTRICT COURT, CITY AND
COUNTY OF DENVER, STATE OF COLORADO

For more information, go to <https://www.sternervportercarehealth.com>.