

NOTICE OF PROPOSED CLASS ACTION 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**	
Do Nothing	By doing nothing, you remain in the Class and benefit from the terms of the Settlement Agreement (the “Settlement Agreement” or “Settlement”). There are no rights to “opt out” or exclude yourself from the Settlement Agreement. The proposed Settlement Agreement will bind Class Members.
Comment or Object by May 13, 2023	Write to the Court about why you do or do not like the proposed Settlement.
Attend a hearing on June 7, 2023	Ask to speak to the Court about the fairness of the Settlement if you filed a request to do so by May 13, 2023. The date and time of the Final Approval Hearing is subject to change by Court Order and without further notice to the Class.

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

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

INFORMATION ABOUT THE SETTLEMENT

1. What is this Notice and why should I read it?

This notice is to inform you of a proposed Settlement of a class action lawsuit entitled *Sternerv Porter Adventist Health System, et al.*, Case No. 18-cv-34766 (the “Action”), pending in the District Court, City and County of Denver, State of Colorado. The Court has granted preliminary approval of the Settlement and has set a Final Approval Hearing to take place on June 7, 2023 at 9:00 a.m. MST in Courtroom 215, Denver District Court, 1437 Bannock Street, Denver, Colorado 80202, to determine if the Settlement is fair, reasonable, and adequate. **Note:** This date and time are subject to change by Court Order and may change without further notice to the Class.

This notice describes the proposed Settlement. Your rights and options—and the deadlines to exercise them—are explained in this notice. If you are a Settlement Class Member your legal rights are affected regardless of whether you act.

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. Before the Court made any decisions in this lawsuit regarding whether the Defendants did anything wrong, this Settlement was reached.

On July 17, 2020, the Court held a hearing on Plaintiffs’ motion for class certification. On July 23, 2020, the Court granted the motion for class certification in part and certified the class as to the unjust enrichment and disgorgement of profits claim. You were sent Notice of Class Certification, provided an opportunity to opt-out, and did not opt-out. Therefore, you are considered a Class Member.

3. 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

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

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.

4. 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 ("Total Settlement") for approximately 3000 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 damaged, 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.

YOUR OPTIONS AS A SETTLEMENT CLASS MEMBER

If you are satisfied with the proposed Settlement, you do not have to do anything.

If you are not satisfied with the proposed Settlement, you may object to the Settlement or Class Councils' 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.

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 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 appear 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 May 13, 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 June 7, 2023 at 9:00 a.m. MST 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.

5. 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.sternervportercarehealth.com> or by contacting Class Counsel (see below).

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

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

The Final Approval Hearing is scheduled for June 7, 2023 at 9:00 a.m. MST 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 THE CLASS

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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7. How will the lawyers be compensated?

From the beginning of the case in 2018 to the present, Class Counsel has not received any payment for their services in prosecuting the class action or obtaining the Settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. Class Counsel will request from the Court attorneys' fees of no more than 33% of the Total Settlement and reimbursement of their out-of-pocket expenses incurred. In addition, Class Counsel intends to request a service award up to \$20,000 for each of the three named plaintiffs who participated in the prosecution of the case, including providing personal medical information, attending multiple depositions, and responding to discovery.

8. 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

9. Where do I get more information?

This Notice contains a summary of your legal rights. If you have questions or would like more information, you should visit <https://www.sternervporterhealth.com> or call 1-855-349-6398 (Toll-Free) between 6 a.m. and 6 p.m. PST, 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: March 14, 2023

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

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