

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

In re MedStar ERISA Litigation

Master File No: 1:20-cv-01984-JKB

NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT

IF YOU ARE OR WERE A PARTICIPANT IN THE MEDSTAR HEALTH, INC. RETIREMENT SAVINGS PLAN AT ANY TIME BETWEEN JULY 6, 2014 AND MARCH 8, 2024, YOU COULD RECEIVE A PAYMENT AND YOUR LEGAL RIGHTS WILL BE AFFECTED BY THIS CLASS ACTION SETTLEMENT.

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

This Notice advises you of the settlement (the “Settlement”) of a lawsuit against MedStar Health, Inc., the Board of Directors of MedStar Health, Inc., the MedStar Health, Inc. Retirement Savings Plan Committee, and Does. No. 1-20 (collectively, “Defendants”). In the lawsuit, Plaintiff Elsa Reed (“Plaintiff,” and with Defendants, the “Parties”), alleges that Defendants violated the Employee Retirement Income Security Act (“ERISA”) in the administration of the MedStar Health, Inc. Retirement Savings Plan (the “Plan”). Defendants deny the allegations and deny that they engaged in any improper conduct.

YOU SHOULD READ THIS ENTIRE NOTICE CAREFULLY BECAUSE YOUR LEGAL RIGHTS WILL BE AFFECTED, WHETHER YOU ACT OR NOT.

Your rights and options, and the deadline for you to object if you are opposed to the Settlement, are explained in this Notice.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why did I get this Notice? 1
2. What is this lawsuit about? 1
3. What is a class action lawsuit?..... 1
4. Why is there a settlement? 1
5. How do I get more information about the Settlement? 1
6. Who will administer the Settlement? 2

THE SETTLEMENT BENEFITS – WHAT THE SETTLEMENT PROVIDES

7. What does the Settlement provide?..... 2
8. How may I benefit from the Settlement? 2
9. How do I submit a claim for a Settlement Payment?..... 2
10. What is the Plaintiff receiving from the Settlement? 3

THE SETTLEMENT BENEFITS – WHAT YOU GIVE UP

11. What do I give up by participating in the Settlement?..... 3

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case? 3
13. How will the lawyers (Class Counsel) be paid?.....3

OPTING OUT OF THE SETTLEMENT

14. Can I exclude myself from the Class? 3

OBJECTING TO THE SETTLEMENT

15. What does it mean to object?..... 3
16. What is the procedure for objecting to the Settlement, including any objection to Class Counsel’s Motion for Attorneys’ Fees and Expenses or Case Contribution Awards? 3

THE COURT’S FAIRNESS HEARING

17. When/where will the Court decide whether to approve the Settlement? 5
18. Do I have to attend the Fairness Hearing? 5
19. May I speak at the Fairness Hearing? 5

IF YOU DO NOTHING

20. What happens if I do nothing at all? 5

BASIC INFORMATION

1. Why did I get this Notice?

Records indicate that you are or may be a Current Participant, Former Participant, Beneficiary or Alternate Payee of a Current Participant or Former Participant, of the Plan at any time on or after July 6, 2014, through and including March 8, 2024 (the “Class Period”).¹

You are receiving this Notice because you have a right to know about the proposed settlement of a class action lawsuit in which you are potentially a Class Member before the Court decides whether to approve the Settlement.

This Notice summarizes the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible to receive them, and how to get them.

The lawsuit is pending in the United States District Court for the District of Maryland (the “Court”). It is known as *In re MedStar ERISA Litigation*, No. 1:20-cv-01984-JKB (D. Md.) and is brought against Defendants.

2. What is this lawsuit about?

On July 6, 2020, Plaintiff filed an action against Defendants, alleging that their administration of the Plan violated ERISA. Since the filing of the action, the parties engaged in extensive litigation, including investigation of the claims and other developments, fact and expert discovery, briefing numerous motions, and preparing for trial. These efforts afforded the Parties a comprehensive understanding of the claims and defenses at issue. The Parties participated in a mediation and engaged in follow-up negotiations over the course of several months and were ultimately able to reach the terms of the Settlement explained in this Notice. Defendants have denied and continue to deny any wrongdoing or liability, and are settling the lawsuit solely to avoid the expense, inconvenience, and inherent risk and disruption of litigation. Defendants will continue to vigorously defend the lawsuit if the proposed Settlement is not approved.

3. What is a class action lawsuit?

In a class action lawsuit, one or more people called “class representatives” sue on their own behalf and on behalf of other people who they allege have similar claims. One court resolves all the issues for all class members in a single lawsuit. Plaintiff is the class representative in this lawsuit and is sometimes referred to in this Notice as the “Class Representative” or as “Plaintiff.”

4. Why is there a settlement?

The Parties have agreed to the Settlement after extensive negotiations. By agreeing to a settlement, the Parties avoid the costs and risks of further litigation, and Plaintiff and the other Class Members will receive compensation. Class Counsel have conducted an extensive review of the evidence in the case and the potential risks and benefits of continued litigation. Plaintiff and Class Counsel agree that the Settlement is in the best interest of the Settlement Class. The Court has not made any finding that Defendants have done anything wrong or violated any law or regulation.

5. How do I get more information about the Settlement?

This notice summarizes the proposed settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement, which is available at strategicclaims.net/medstar403b, by contacting Class Counsel (see answer to question 12 and 16 for contact information) or the Settlement Administrator (see answer to question 6 for contact information), or by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.mdd.uscourts.gov/>.

PLEASE DO NOT CONTACT THE COURT, THE COURT CLERK’S OFFICE, OR MEDSTAR HEALTH, INC. TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

¹ Capitalized terms not otherwise defined in this Notice shall have the same meaning as in the Settlement Agreement, which is available at strategicclaims.net/medstar403b.

6. Who will administer the Settlement?

The Settlement Administrator, Strategic Claims Services, will administer the Settlement, including the processing of the Former Participant Claim Form, if applicable, that you may need to fill out and send in to receive any settlement payment. You may contact the Settlement Administrator by: (a) sending a letter to MedStar 403(b) Settlement Administrator, c/o Strategic Claims Services, 600 N Jackson Street, Suite 205, Media, PA 19063; (b) sending an e-mail to info@strategicclaims.net; (c) visiting the Settlement website at strategicclaims.net/medstar403b; or (d) calling toll-free at (866) 274-4004.

THE SETTLEMENT BENEFITS – WHAT THE SETTLEMENT PROVIDES

7. What does the Settlement provide?

Defendants have agreed to pay a total of \$11,800,000.00 to Class Members (“Gross Settlement Amount”). Class Counsel intends to ask the Court to approve up to one-third of the Gross Settlement Amount (\$3,933,333.33) for attorneys’ fees, approve the reimbursement of reasonable and necessary litigation expenses actually incurred and carried by Class Counsel throughout the duration of the litigation, and approve a Case Contribution Award in the amount of \$15,000.00 to the Class Representative. The amount that will be available for distribution to Class Members (“Net Settlement Amount”) will be the Gross Settlement Amount *minus* the amounts used for other approved settlement purposes (Case Contribution Award, Court-approved Attorneys’ Fees and Litigation Expenses, Administrative Expenses, and certain taxes and tax-related costs).

8. How may I benefit from the Settlement?

You may be entitled to payment of a portion of the Net Settlement Amount. The amount paid to each Current Participant, Former Participant, Beneficiary, or Alternate Payee will be determined by a Plan of Allocation, which is available at strategicclaims.net/medstar403b.

As explained below, if you are a Current Participant or Beneficiary or Alternate Payee of a Current Participant and you have an Active Account in the Plan, you do not need to take any action to receive payment under the Settlement. Payments to Current Participants or Beneficiaries or Alternate Payees of Current Participants with Active Accounts in the Plan shall be made into these persons’ individual investment accounts in the Plan.

If you are a Former Participant, or a Beneficiary or Alternate Payee of a Former Participant, and you no longer have an Active Account in the Plan, you will need to submit a Former Participant Claim Form by the submission deadline to receive payment under the Settlement. Payments to Former Participants or Beneficiaries or Alternate Payees of Former Participants who do not have Active Accounts in the Plan may be made either by check or tax-qualified rollover to an individual retirement account or other eligible employer plan.

9. How do I submit a claim for a Settlement Payment?

If you are a Current Participant or a Beneficiary or Alternate Payee of a Current Participant with an Active Account in the Plan, you do not need to submit a claim to be eligible for a payment under the Settlement. You will receive any payment for which you are eligible automatically in your Plan account. If you are a Former Participant or a Beneficiary or an Alternate Payee of a Former Participant and you do not have an Active Account in the Plan, you must submit a Former Participant Claim Form by the submission deadline in order to be eligible for payment under the Settlement. “Former Participant” means a member of the Settlement Class who had a Plan account with a balance greater than \$0 during the Class Period but who does not have an Active Account (*i.e.*, a balance greater than \$0) as of March 8, 2024.

If you are a Former Participant or a Beneficiary or Alternate Payee of a Former Participant and you do not have an Active Account in the Plan, and you want to receive any monetary benefits from the Settlement, you must submit the Former Participant Claim Form by no later than July 8, 2024. You must mail the Former Participant Claim Form to the address shown on the Form.

A Former Participant Claim Form will be deemed submitted when it is actually received by the Settlement Administrator at the address listed in the Former Participant Claim Form.

Even if you do not submit a Former Participant Claim Form, you will be bound by the Settlement. (See

answer to question 14 below.)

10. What is the Plaintiff receiving from the Settlement?

Class Counsel intends to ask the Court to award a Class Representative Case Contribution Award of \$15,000.00 in recognition of the work and effort she expended on behalf of the Class.

THE SETTLEMENT BENEFITS – WHAT YOU GIVE UP

11. What do I give up by participating in the Settlement?

Each Class Member gives Defendants a “release.” A release means you give up your rights to sue Defendants or receive any benefits from any other lawsuit against Defendants if the lawsuit asserts similar claims or relates in any way to the practices or decisions at issue in this lawsuit.

For additional details about the scope of the release, consult the Settlement Agreement or contact Class Counsel. (See answer to question 5 for details.)

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

Yes. The Court has appointed the law firms of Miller Shah LLP and Capozzi Adler, P.C. as Class Counsel. You will not be charged for the work of these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense.

13. How will the lawyers (Class Counsel) be paid?

As described above, Class Counsel will ask the Court for an award of attorneys’ fees of up to one-third of the Settlement Amount based upon the value of the Settlement, the time they have devoted to this engagement, and the expenses they have advanced in prosecuting this matter.

OPTING OUT OF THE SETTLEMENT

14. Can I exclude myself from the Settlement Class?

No. The Settlement Class has been certified under Federal Rule of Civil Procedure 23(b)(1). Therefore, as a Class Member, you are bound by any judgments or orders entered in the lawsuit for all claims asserted in the lawsuit or otherwise included as Released Claims (as defined in the Settlement Agreement). If you wish to object to any part of the Settlement, you may write to the Court and counsel about why you object to the Settlement.

OBJECTING TO THE SETTLEMENT

15. What does it mean to object?

Objecting is simply telling the Court that you do not like something about the Settlement. Objecting will not have any bearing on your right to receive the benefits of the Settlement if it is approved by the Court.

16. What is the procedure for objecting to the Settlement, including any objection to Class Counsel’s Motion for Attorneys’ Fees and Litigation Expenses or Class Representative’s Case Contribution Award?

You can ask the Court to deny approval of the Settlement and/or the Motion for Attorneys’ Fees and Litigation Expenses of Class Counsel or the Case Contribution Award to be requested for the Class Representative by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you must object.

The Court, because of an objection or its own discretion, can award less than the amount requested by Class Counsel for attorneys' fees and expenses or the amount requested for the Case Contribution Award. While such a ruling could affect the timing and amount of settlement payments, any Court ordered reduction in Class Counsel's attorneys' fees and expenses or the Case Contribution Award to be paid to the Class Representative will not otherwise affect the finality of the Settlement.

Any objection to the proposed Settlement or Motion for Attorneys' Fees and Litigation Expenses or Case Contribution Award must be in writing in accordance with the requirements in the Preliminary Approval Order. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections and supporting papers must: (a) clearly identify the case name and number as *In re MedStar ERISA Litigation*, No. 1:20-cv-01984-JKB (D. Md.); (b) be submitted to the Court either by mailing them to the Clerk of the Court for the United States District Court for the District of Maryland, Edward A. Garmatz United States District Courthouse, 101 West Lombard Street, Baltimore, MD 21201, or by filing them in person at any location of the United States District Court for the District of Maryland; and (c) be filed or postmarked on or before July 8, 2024 .

Your objection must also include: (1) your full name, current address, and current telephone number, and, if represented by counsel, any of your counsel's names and contact information; (2) a written statement of your objection(s), specifying the reason(s) for each objection, including any supporting evidence, and whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class; (3) copies of any papers, brief, or other documents upon which the objection is based; (4) a list of all persons who will be called to testify in support of the objection; (5) a list of any other objections to any class action settlements you or anyone acting on your behalf has submitted in any court in the United States, whether state, federal, or otherwise, in the previous five years; and (6) your signature, even if you are represented by counsel.

Any party may file a response to an objection by a Class Member no later than fourteen calendar days before the Fairness Hearing.

ANY CLASS MEMBER WHO DOES NOT OBJECT IN THE MANNER DESCRIBED ABOVE SHALL BE DEEMED TO HAVE WAIVED ANY OBJECTION AND SHALL NOT HAVE ANY RIGHT TO OBJECT TO THE FAIRNESS OR ADEQUACY OF THE SETTLEMENT.

Clerk of the Court

U.S. District Court for the
District of Maryland
Clerk of Court
Edward A. Garmatz
United States Courthouse
101 West Lombard Street
Baltimore, 21201

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THE COURT'S FAIRNESS HEARING

17. When/where will the Court decide whether to approve the Settlement?

On August 6, 2024, at 10 a.m. in Courtroom 5A, in the Edward A. Garmatz United States District Courthouse, 101 West Lombard Street, Baltimore, MD 21201, the Court will hold a Fairness Hearing to determine whether the proposed Settlement is fair, reasonable, and adequate and whether it should be approved. The hearing may be continued from time to time by the Court without further notice, and may be held via teleconference or videoconference. Please check the website or contact Class Counsel if you wish to confirm that the hearing time has not been changed and to determine if the hearing is occurring in person or by video or teleconference.

18. Do I have to attend the Fairness Hearing?

No; however, you are welcome to attend at your own expense. If you file an objection to the Settlement, you do not have to go to Court to talk about it. As long as your objection is filed or postmarked by July 8, 2024 and you comply with the requirements in the answer to question 16 above, the Court will consider it. You may also send your own lawyer at your expense to attend the Fairness Hearing.

19. May I speak at the Fairness Hearing?

You may ask the Court for permission to speak at the hearing. Anyone wishing to appear must state in their written objection their intention to appear at the Fairness Hearing, at their own expense.

Objectors or their attorneys intending to participate at the Fairness Hearing must file a notice of intention to participate (and, if applicable, the name, address, and telephone number of the objector's attorney) with the Court no later than July 23, 2024. Any objectors, or their counsel, who do not timely file a notice of intention to participate in accordance with this Paragraph shall not be permitted to speak at the Fairness Hearing, except for good cause shown.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

IF YOU DO NOTHING AND THE COURT APPROVES OF THE SETTLEMENT, YOU AND ALL OTHER CLASS MEMBERS WILL BE BOUND BY THE JUDGMENT AND SETTLEMENT AGREEMENT, INCLUDING THE RELEASE OF CLAIMS. If you are a Current Participant or a Beneficiary or Alternate Payee of a Current Participant with an Active Account in the Plan, you do not need to take any action to be eligible to receive the Settlement benefits. If you are a Former Participant or a Beneficiary or Alternate Payee of a Former Participant and you do not have an Active Account in the Plan, you must submit a Former Participant Claim Form by the submission deadline or you will not receive any of the settlement payments described above in answer to questions 7 and 8.

DATED: April 5, 2024

**THIS NOTICE HAS BEEN SENT TO YOU BY ORDER OF
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MedStar 403(b) Settlement Administrator
c/o Strategic Claims Services
600 North Jackson Street, Suite 205
Media, PA 19063

IMPORTANT LEGAL NOTICE – PLEASE FORWARD

Mail ID
Name
Address
City, State, Zip