

# Louisiana healthcare providers who provided services to patients in Louisiana could get payments from a class action settlement.

*A state court authorized this legal Notice. This is not a solicitation from a lawyer.*

- A \$115 million settlement has been reached in a class action lawsuit regarding alleged below-market reimbursement of medical bills submitted by Louisiana healthcare providers to Blue Cross and Blue Shield of Louisiana (“BCBSLA”) since August 24, 2015. If you received this notice by mail, you have been identified as a Class Member. The settlement does not mean BCBSLA did anything wrong—and the Court did not decide that they did.
- A Class Settlement Fund has been established to make payments to eligible Louisiana healthcare providers, as well as to cover lawyers’ fees, costs and expenses.
- Your legal rights are affected whether you act or do not act, so please read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Receive a Payment and Other Benefits under the Settlement</b>	If you are eligible to receive a payment under this settlement, you will be sent a letter. There is no action to take now. The letter will contain instructions on how to receive a payment.
<b>Request Exclusion</b>	Request to be excluded from the Settlement and get no payment. This is the only option that allows you to be part of any other lawsuit about the legal claims resolved by this Settlement.
<b>Object</b>	Write to the Court about why you do not like the Settlement.
<b>Go to a Hearing</b>	Ask to speak in Court about the Settlement.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case has to decide whether to approve the Settlement. Payments will be provided only after the Court approves the Settlement and any appeals are resolved.

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Questions? Call 1-855-972-9142 or visit [www.LouisianaProviderPaymentAntitrust.com](http://www.LouisianaProviderPaymentAntitrust.com)

## BASIC INFORMATION

### 1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give “final approval” to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Honorable Judge Ledricka Thierry of the 27<sup>th</sup> Judicial District Court for the Parish of St. Landry, State of Louisiana, is overseeing this class action settlement. The case is known as *Opelousas General Hospital Authority. v. Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana*, Case No. 16-C-3647.

The entity who initiated the lawsuit, Opelousas General Hospital Authority, A Public Trust, d/b/a Opelousas General Health System (“Opelousas General”), is called the “Plaintiff” and Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana (“BCBSLA”) is called the “Defendant.”

### 2. What is the lawsuit about?

The lawsuit alleges that Louisiana healthcare providers under contract with BCBSLA were compelled to accept reimbursements at below market rates for their treatment of Blue Cross and/or Blue Shield members since August 24, 2015. The lawsuit alleges BCBSLA violated Louisiana antitrust law in connection with these reimbursements. BCBSLA denies the Plaintiff’s claims and that they did anything wrong or illegal.

### 3. What is the Blue Card Program?

The Blue Card Program involves provisions of the Class Member provider contracts in which Class Members agree to extend the reimbursement rates negotiated with BCBSLA for its Blue Cross Members to members of Blue Affiliates and those Blue Affiliates’ health benefit plans. The Blue Card Program also includes the submission by Class Members of their bills and claims for service to BCBSLA regardless of whether the Blue Member receiving treatment had coverage through BCBSLA or one of the Blue Affiliates.

### 4. Why is this a class action?

In a class action, one or more people and/or entity or entities called a “Class Representative” (in this case, Opelousas General) sue on behalf of those who have similar claims. All of these people and entities are a “Class.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### 5. Why is there a settlement?

Both sides agreed to a settlement to avoid the cost and risk of a trial, and so that Class Members can get benefits. The Settlement does not mean BCBSLA did anything wrong or that they violated any laws. The Class Representative and the lawyers representing the Class think the Settlement is best for all Class Members.

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## WHO IS IN THE SETTLEMENT

To see if your rights will be affected by this Settlement or if you can get anything from this Settlement, you first have to determine if you are a Class Member.

### 6. How do I know if I am part of the Settlement?

As described in the Settlement Agreement, the Class includes all Louisiana healthcare providers who, on or after the date of the filing of the instant petition [August 24, 2016] and including claims back to August 24, 2015, 1) are citizens of the state of Louisiana, 2) are contracted with Defendant Louisiana Blue Cross [BCBSLA], and 3) have had one or more medical bills reimbursed pursuant to such contract for any services rendered to a patient in the state of Louisiana.

If you received this Notice in the mail, you have been identified as a Class Member.

### 7. Who are Providers?

The term “Provider” means any provider as defined in La. R.S. 40:2202(6) and/or La. R.S. 22:1007(A)(5). Generally this covers any person or entity that offers health care services.

### 8. I am still not sure if I am included in the Settlement.

If you are not sure whether you are included in the Class, you may write to Class Counsel at 723 Broad Street, Lake Charles, LA 70601 or call 337-436-6611.

## THE SETTLEMENT BENEFITS

### 9. What does the Settlement provide for Class Members?

A \$115 million settlement fund has been established to make payments to Class Members after the payment of (1) lawyers’ fees and costs and (2) costs of notice and administration.

A reserve may be established to pay settlement or judgment amounts and/or litigation costs and expenses associated with litigating the claims of Class Members who decide they do not want to be part of the Settlement (*see* “Excluding Yourself from the Settlement,” below). Any funds remaining in such reserve after payment of settlement and judgment amounts and litigation costs/expenses will be returned to BCBSLA.

### 10. Who will oversee the Class Settlement Fund?

An independent “Special Master” will oversee the Class Settlement Fund. Patrick A. Juneau of the law firm Juneau David, APLC, has been appointed by the Court as Special Master. The Special Master will recommend to the Court how to allocate the money among Class Members if and when the Court gives final approval to the Settlement (*see* “The Court’s Fairness Hearing,” below).

### 11. What am I giving up to get benefits and stay in the Class?

If the Settlement becomes final, Class Members who do not exclude themselves (*see* “Excluding Yourself from the Settlement,” below) will release BCBSLA and the Released Parties from all of the claims described in the Settlement Agreement.

**Questions? Call 1-855-972-9142 or visit [www.LouisianaProviderPaymentAntitrust.com](http://www.LouisianaProviderPaymentAntitrust.com)**

The Settlement Agreement defines the “Released Parties” in Section 1.35 as BCBSLA and all Blue Affiliates and all of their respective customers, clients, members, insureds, beneficiaries, or any entity or person who contracts with BCBSLA or any Blue Affiliate for the administration and/or underwriting of health benefit or health insurance plans.

You can talk to the law firms representing the Class listed in the section “The Lawyers Representing You” for free or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Parties.

## HOW TO GET BENEFITS

### 12. How can I get benefits?

Class Members who are eligible to receive a payment do not have to do anything now to receive a payment. Eligible Class Members will be mailed a letter from the Special Master with instructions on how to receive a payment. These letters will be mailed after the Court grants final approval to the Settlement.

### 13. How much compensation will I get?

The Special Master will propose how much money to pay each eligible Class Member based on a plan of distribution that will be presented to the Court. The Court will then decide how much each eligible Class Member gets. The exact amount that you could receive from the Settlement cannot be determined at this time.

### 14. When will I get my benefits?

Payments will be mailed to eligible Class Members only after the Court grants “final approval” to the Settlement. However, even if the Honorable Judge Ledricka Thierry approves the Settlement after a hearing on **December 21, 2022** (see “The Court’s Fairness Hearing,” below), there may be appeals. These appeals must be resolved before any payments can be made and resolving these appeals can take time. Please be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue over the legal claims being resolved in this Settlement, then you must take steps to get out of this Settlement. This is called asking to be excluded from or “opting-out” of the Class.

### 15. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not get any benefits from the Settlement. Additionally, you cannot object to the Settlement if you exclude yourself. But you may sue, continue to sue, or be part of a different lawsuit related to the claims at issue in this case in the future. You will not be bound by anything that happens in this lawsuit.

### 16. If I do not exclude myself, can I sue later?

Unless you exclude yourself, you give up the right to sue with respect to all of the claims that this Settlement resolves. You must exclude yourself from the Class to start or continue your own lawsuit, or to be part of any different lawsuit, with respect to the claims that this Settlement resolves.

**Questions? Call 1-855-972-9142 or visit [www.LouisianaProviderPaymentAntitrust.com](http://www.LouisianaProviderPaymentAntitrust.com)**

## 17. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a duly authorized and signed letter by mail saying, "I hereby request that I be excluded from the proposed Class Settlement in the Opelousas General Class Action." You must include the name, address, and phone number of the person(s) seeking to opt-out. You cannot ask to be excluded at the website or by phone. You must mail your exclusion request and it must be **received** by no later than **December 15, 2022**, to:

Louisiana Provider Payment Antitrust Exclusions  
723 Broad Street  
Lake Charles, LA 70601

## THE LAWYERS REPRESENTING YOU

## 18. Do I have a lawyer in the case?

The Court has appointed Thomas A. Filo of Cox, Cox, Filo, Camel & Wilson, L.L.C. of Lake Charles, LA; Arthur M. Murray and Stephen B. Murray, Jr. of The Murray Law Firm of New Orleans, LA; and Patrick C. Morrow of Morrow, Morrow, Ryan, Bassett & Haik of Opelousas, LA to represent you and other Class Members as "Plaintiffs' Steering Committee" ("PSC"). If you have questions and would like to speak with the PSC please call the offices of Cox, Cox, Filo, Camel & Wilson, L.L.C. at 337-436-6611.

## 19. How will the lawyers be paid?

The Special Master has recommended a reserve of 35% of the Class Settlement Fund for the PSC's attorneys' fees for work in litigating the case and obtaining the Settlement. A payment may also be awarded to the Class Representative who helped the lawyers on behalf of the whole Class.

## OBJECTING TO THE SETTLEMENT

You can tell the Court if you do not agree with the Settlement or some part of it.

## 20. How do I tell the Court if I do not like the Settlement?

If you are a Class Member, you can object to the Settlement if you do not like any part of it. You must give reasons why you think the Court should not approve it. The Court will consider your views if you properly submit an objection on time. To object, you must send a letter saying that you object to the St. Landry Class Action and mention the case (*Opelousas General Hospital Authority v. Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana*, Case No. 16-C-3647). You must include: (1) your notice of intention to appear; (2) proof of membership in the Class; and (3) the specific reasons why you object to the Settlement, why you want to appear and be heard by the Court and any documents or writings that you want the Court to consider. The objection must be filed with the Court and mailed to the other address shown below received by no later than **December 15, 2022**:

COURT	PLAINTIFFS' STEERING COMMITTEE
Clerk of Court Parish of St. Landry 118 South Court Street Opelousas, LA 70570	Thomas A. Filo Cox, Cox, Filo, Camel & Wilson, L.L.C. 723 Broad Street Lake Charles, LA 70601

**Questions? Call 1-855-972-9142 or visit [www.LouisianaProviderPaymentAntitrust.com](http://www.LouisianaProviderPaymentAntitrust.com)**

## **21. What is the difference between objecting and excluding yourself?**

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you cannot object to the Settlement because the Settlement no longer affects you and you will not receive any benefits from the Settlement.

## **THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to consider whether to approve the Settlement.

## **22. When and where will the Court consider whether to approve the Settlement?**

The Court will hold a Fairness Hearing beginning at **9:00 a.m. on December 21, 2022**, in a Courtroom at the St. Landry Parish Courthouse, 118 South Court Street, Opelousas, Louisiana 70570. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement website shown below. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will consider whether to approve the Settlement and any proposed reserves, including reserves for attorneys' fees, expenses, and award for the Class Representative. If there are objections, the Court will consider them.

## **23. Do I have to come to the hearing?**

No. The PSC attorneys will answer any questions the Honorable Judge Ledricka Thierry may have. However, you are welcome to come at your own expense. If you submit a written objection, you do not have to come to the Fairness Hearing to talk about it. You may also pay your own lawyer to attend, but it is not required.

## **24. May I speak at the hearing?**

You may go to the Fairness Hearing and ask the Court for permission to speak only if you follow all the procedures for objecting listed in Question 20. The date and time of the Fairness Hearing are shown in Question 22. You cannot speak at the hearing if you excluded yourself from the Class.

## **IF YOU DO NOTHING**

## **25. What happens if I do nothing at all?**

You do not have to do anything now to get a payment. However, unless you exclude yourself, you will not be able to sue or continue to sue over the claims that this Settlement resolves.

## **GETTING MORE INFORMATION**

## **26. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. The Settlement Agreement may be viewed at the website shown below. You may write to the Plaintiffs' Steering Committee with questions at the offices of Cox, Cox, Filo, Camel & Wilson, L.L.C., 723 Broad Street, Lake Charles, LA 70601 or call 337-436-6611.

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