

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

LINDA M. TOUTANT,

Plaintiff,

v.

USC/KENNETH J. NORRIS JR. CANCER HOSPITAL, *et al.*,

Defendants.

CASE NO. BC317487

Hon. Victor Person

**NOTICE OF PROPOSED CLASS ACTION  
SETTLEMENT AND HEARING**

**TO PEOPLE WHO WERE MANAGED CARE PATIENTS OF USC NORRIS CANCER HOSPITAL**

**You are receiving this notice because you were a managed care patient of USC Norris Cancer Hospital and received a billing statement from February 1, 2003 through October 31, 2004. Accordingly, this Proposed Class Action Settlement may apply to you. Please read this carefully as it may affect your legal rights.**

**What is this Litigation about?**

A proposed Settlement of a class action lawsuit is pending in the Los Angeles County Superior Court, California. The lawsuit deals with managed care patients at USC Norris Cancer Hospital who received billing statements from February 1, 2003 through October 31, 2004 and who met their deductible or co-payments during that period. Plaintiffs contend that these billing statements may have contained requests for amounts which were not due and owing. During the class period, some incorrect billing statements resulting from an inadvertent computer systems error may have been sent to certain managed care patients of the hospital. USC Norris Cancer Hospital has issued refund checks to every person it determined was entitled to a credit refund. USC Norris Cancer Hospital and the other Defendants (collectively, "Defendants") deny any wrongdoing but are settling the case to avoid the time and cost of litigation.

**What is this Settlement about?**

The Settlement provides for a contribution by Defendants of Two Hundred Thousand Dollars (\$200,000) to The Wellness Community – Foothills Inc., a charity that provides psychological support for cancer patients and their caretakers. The Settlement also provides for a class representative award of Twenty Five Thousand Dollars (\$25,000) to Plaintiff Linda M. Toutant. **This is only a summary. If you would like to review the full settlement agreement, you can request that a copy be mailed to you by calling (213) 229-8919 or (323) 549-9100.**

**Who is in the Settlement Class?**

**You are part of the Settlement Class if:** you were a managed care patient at USC Norris Cancer Hospital and (1) had insurance with deductibles or out of pocket maximums, (2) received a billing statement from the time period February 1, 2003 through October 31, 2004, and (3) received multiple services from USC Norris Cancer Hospital between February 1, 2003 and October 31, 2004, such that you reached your insurance deductible or out of pocket expenses during that time period.

**What are the next steps and how am I affected?**

A hearing is scheduled on June 26, 2006, at 8:30 a.m., before the Honorable Victor E. Person at the Los Angeles County Superior Court, Central District, to decide whether the Settlement should be approved. You have the right to appear by counsel at the hearing. Class Members may object to the Settlement by filing a written objection with the Clerk of the Court, the Superior Court of the State of California, Los Angeles County, Central District, and serving it on (1) Kevin T. Barnes, Law Offices of Kevin T. Barnes, 5670 Wilshire Boulevard, Suite 1460, Los Angeles, California, 90036, or (2) Rod J. Stone, Gibson, Dunn & Crutcher LLP, 333 South Grand Ave., Suite 4600, Los Angeles, California 90071. Any objection must be filed no later than June 12, 2006, and must (a) state the name and number of this action; (b) give notice of the intention to object; and (c) state the factual basis and legal grounds of the objection.

Defendants have agreed to pay all administrative costs and Class Counsel's reasonable attorney fees in the amount of One Hundred Twenty-Seven Thousand Dollars (\$127,000). Participating in the settlement will be of no cost to class members and Class Members shall release and discharge Defendants from all Claims during the Class Period based upon or related to any billing, pricing or collection activity in connection with any treatment or services received at USC Norris Cancer Hospital.

**Can I exclude myself or object to the Settlement?**

If you exclude yourself, you will not participate in the Settlement. To be excluded, you must send a written request POSTMARKED on or before June 12, 2006, to (1) Kevin T. Barnes, Offices of Kevin T. Barnes, 5670 Wilshire Boulevard, Suite 1460, Los Angeles, California, 90036, or (2) Rod J. Stone, Gibson, Dunn & Crutcher LLP, 333 South Grand Ave., Suite 4600, Los Angeles, California 90071. You must file and serve any objection to the Settlement no later than June 12, 2006.

**This Notice is not an expression by the Court as to the fairness or adequacy of the Settlement.**

**NO INQUIRIES SHOULD BE DIRECTED TO THE COURT OR USC NORRIS CANCER HOSPITAL.**

By Order of the Court

Honorable Victor E. Person

Dated: May 1, 2006