

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Women who were seen for treatment by Dr. George Tyndall at USC’s Student Health Center may be eligible for benefits from a class action settlement.

- A Settlement has been reached with the University of Southern California and its Board of Trustees (together “USC”) and with Dr. George M. Tyndall, M.D. (“Dr. Tyndall”) (collectively “Defendants”) in a class action lawsuit. Plaintiffs allege in the lawsuit that Dr. Tyndall assaulted, abused, sexually harassed, committed medical malpractice related to a Women’s Health Issue against, or otherwise acted inappropriately towards, female patients while he was a gynecologist at the USC Student Health Center and that USC failed to respond appropriately.
- The Settlement provides a \$215,000,000 fund for the benefit of certain women who were seen for treatment by Dr. Tyndall at the USC Student Health Center between August 14, 1989 and June 21, 2016. As part of the Settlement, USC is implementing institutional changes to protect students and prevent future abuse, including policy and procedure changes at the Student Health Center; ensuring that its medical personnel act consistently with the best practice standards recognized by the SCOPE program of the American College of Obstetricians and Gynecologists; appointment of an Independent Women’s Health Advocate; and creation of a Task Force—including an independent expert in university best practices related to prevention and response to sexual assault and misconduct—to recommend university-wide changes to prevent sexual violence on campus. A complete description of the changes USC is implementing can be found on the Settlement website at www.USCTyndallSettlement.com. While no Settlement can ever undo what happened, it can provide a measure of resolution, as well as provide a punitive and deterrent effect on the Defendants.
- The Defendants deny all charges of wrongdoing and liability.
- This Notice contains information about the Settlement and the lawsuit. It is critical that you read this entire Notice carefully, because your legal rights are affected whether or not you act. That said, given the traumatic nature of the abuse you may have suffered, please take breaks as you read and seek support if you need it. While it may be difficult, please persevere in reading this entire Notice carefully so that you can arrive at a clear understanding of your legal rights.
- As described in more detail below, the Settlement has a three-tier structure based on your choice of how – and how much – you feel comfortable sharing with the Settlement program. To receive your Tier 1 guaranteed minimum payment check, simply fill out the enclosed Statement of Class Membership Form. You are also eligible to make a claim for Tier 2 (by filling out the enclosed Claim Form) or Tier 3 (by filling out the Claim Form and participating in an interview).
- All the specialists and experts who make up the team administering and evaluating the Settlement claims have been specially trained in communicating with victims of trauma and harassment. Should you choose to engage with the Settlement program by submitting a Tier 2 or Tier 3 claim, they will ensure your experience is as safe and compassionate as possible and that you will be heard.

QUESTIONS? CALL TOLL FREE 1-888-663-1718 (USA AND CANADA), +1-800-953-0227 (MEXICO), +800-666-64001 (INTERNATIONAL), 1-080-0140-2826 (CHINA MOBILE SOUTH), 1-080-0714-2807 (CHINA MOBILE NORTH), EMAIL INFO@USCTYNDALLSETTLEMENT.COM, OR VISIT WWW.USCTYNDALLSETTLEMENT.COM.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<u>ACTION</u>	<u>EXPLANATION</u>	<u>DUE DATE</u>
DO NOTHING	You are a potential member of the Settlement Class, but if you do nothing, you will not receive any payment and you will give up your right to sue the Defendants about the claims in this case.	
SUBMIT A CLAIM FORM	<p>In order to receive the guaranteed minimum \$2,500 Tier 1 payment under the Settlement, you must complete the Statement of Class Membership Form enclosed with this Notice (also available at www.USCTyndallSettlement.com).</p> <p>You can also choose to submit a Tier 2 or Tier 3 claim describing your experience as a patient of Dr. Tyndall. Depending on the information you provide and whether you are willing to be interviewed, you could receive as much as \$250,000.</p> <p>For more information about submitting a claim, see the answers to questions 8-10 below.</p> <p>The Court has appointed attorneys to represent Settlement Class Members, and those attorneys are available at no cost to you to help you make your claim. Call 1-888-663-1718 and select Option 8 or email ClassCounsel@USCTyndallSettlement.com to schedule an appointment with an attorney.</p> <p>If you submit a claim and receive a payment you give up your right to sue the Defendants about the claims in this case.</p>	November 8, 2019
EXCLUDE YOURSELF	If you choose to exclude yourself (opt-out), you will not be included in the Settlement. You will receive no benefits and you will keep any right you currently have to sue the Defendants about the claims in the case.	November 7, 2019
OBJECT	If you do not exclude yourself, and if you disagree with the Settlement, you can write to the Court to explain your objection.	October 9, 2019
GO TO A HEARING	Ask to speak in court about the fairness of the Settlement.	January 6, 2020 at 1:30 p.m.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still must decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I get this Notice?

If you are a woman who was seen for treatment by Dr. Tyndall at the USC Student Health Center during the period from August 14, 1989 to June 21, 2016, you have the right to know about a proposed Settlement of a class action lawsuit, and your options, before the Court decides whether to approve the Settlement.

This Notice is to inform you about the lawsuit, the proposed Settlement, and your legal rights. The women who sued are called “Plaintiffs.” The doctor and university they sued are called “Defendants.”

2. What is this lawsuit about?

Dr. Tyndall was a gynecologist at USC’s Student Health Center from August 14, 1989, until June 21, 2016. Plaintiffs allege that Dr. Tyndall committed medical malpractice related to a Women’s Health Issue and sexually assaulted, abused, and engaged in harassing and offensive behavior towards his female patients at USC. Plaintiffs further allege that USC supervisors and administrators were repeatedly informed of Dr. Tyndall’s misconduct but failed to take the necessary measures to protect his patients. Defendants deny plaintiffs’ allegations. The Court has not decided who is right.

3. Why is this a class action?

In a class action, one or more plaintiffs called “Class Representatives” sue on behalf of themselves and other people with similar claims. This group of people is called the “Class” and the people in the Class are called “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

This lawsuit is *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW (C.D. Cal.). The judge is Stephen V. Wilson of the United States District Court for the Central District of California. **DO NOT – UNDER ANY CIRCUMSTANCES – TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THE SETTLEMENT OR THE CLAIMS PROCESS.**

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides have agreed to a Settlement to avoid the costs and risks of trial and appeals. The Class Representatives and their attorneys think the Settlement is best for the Class.

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WHO IS IN THE SETTLEMENT?

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

The Class for the Settlement has been defined as all women who were seen for treatment by Dr. George M. Tyndall at the University of Southern California Student Health Center during the period from August 14, 1989, to June 21, 2016 (a) for Women’s Health Issues, or (b) whose treatment by Dr. George M. Tyndall included an examination by him of her breast or genital areas, or (c) whose treatment included the taking of photographs or videotapes of her unclothed or partially clothed body.

“Women’s Health Issues” includes but is not limited to any issue relating to breast, vaginal, urinary tract, bowel, gynecological, or sexual health, including contraception and fertility. A list of eligible Women’s Health Issues is available on the Settlement website at www.USCTyndallSettlement.com.

If you believe you are a Class Member based on the definition above, and want to participate in the Settlement, you must complete the Statement of Class Membership Form enclosed with this Notice (also available at www.USCTyndallSettlement.com).

6. What should I do if I am not sure if I am included in the Settlement?

If you are not sure whether you are in the Class, you can ask for free help and more information by calling the Settlement Administrator at 1-888-663-1718 (international numbers provided below) or sending an email to info@USCTyndallSettlement.com.

More details about the Class, its claims, and the Settlement can be found in the Amended Settlement Agreement and other documents available on the Settlement website, www.USCTyndallSettlement.com.

BENEFITS OF THE SETTLEMENT — WHAT YOU GET

7. What does the Settlement provide?

Monetary Benefits

Defendants will pay \$215,000,000 to settle the lawsuit. This fund will be used to pay Class Member claims (see the answers to questions 8-10 below) and expenses associated with notifying Class Members and with administering the Settlement, including compensating an impartial, three-member Panel who will decide how much individual Class Members receive. The fund will also be used to pay any Class Representative service award(s) awarded by the Court.

Institutional Changes at USC

In addition to monetary benefits, the Settlement requires USC to implement sweeping institutional reforms designed by experts to ensure that the sort of abuse at issue in this case can never happen again. These changes include implementation of university-wide policies to protect USC students and prevent abuse and sexual violence on campus, including policy and procedure changes at the USC Student Health Center. These policies include:

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- Increased scrutiny and monitoring of health center employees, including pre-hiring background checks, credential verification, and annual education and performance reviews;
- Improved health center patient practices, including updated sensitive exam practices and allowing students to select a physician based on gender;
- New methods for collecting information about potential misconduct, including through the solicitation of patient feedback and implementation of plain-language notice for recognizing and reporting sexual harassment and gender-based violence;
- Development of new training programs for all USC students and staff designed to prevent sexual misconduct and sexual assault;
- Appointment of an Independent Women’s Health Advocate. This independent (non-USC) individual, to be selected jointly by the parties and approved by the Court, will serve a three-year term. The Advocate will (a) receive complaints of improper sexual or racial conduct reported by any patient, student, and/or personnel at the Student Health Center; (b) confirm that all such complaints are investigated by either the USC’s Office of Professionalism and Ethics and/or the Office of Equity and Diversity and/or Title IX Officer; and (c) ensure USC compliance with changes required by the Settlement and to report, as appropriate, any failures of this process to USC’s Senior Vice President, Legal Affairs and Professionalism. If the Advocate believes the requirements and goals of the Settlement are not being sufficiently addressed by USC, she can raise those concerns to Class Counsel, the Special Master, and ultimately, the Court, for resolution;
- Appointment of an Independent Consultant, selected and compensated by Class Counsel, and having expertise in university best practices related to prevention and response to sexual assault and misconduct, who will be put on the USC Task Force responsible for conducting a wide-ranging climate survey of USC students as well as existing USC policies and procedures for the disclosure, reporting, and response to sexual violence on campus, and make recommendations of changes to implement in light of the survey results. The report and recommendations of the Task Force will be released publicly to the USC community. If the Independent Consultant believes the requirements and goals of the Settlement are not being sufficiently addressed by USC, she can raise those concerns to Class Counsel, the Special Master, and ultimately, the Court, for resolution.

More details about the changes the Settlement requires of USC and the status of those changes are available on the Settlement website at www.USCTyndallSettlement.com.

8. How much will my payment from the Settlement be?

How much you get from the Settlement will depend on whether you file a claim and, if you do, what type of claim you file. The details of the claim structure are as follows:

Tier 1 Payment: Every Settlement Class Member is eligible for a guaranteed minimum Tier 1 payment of \$2,500 (“Tier 1 payment”), subject to a *Pro Rata* Increase, simply by being a Settlement Class Member.

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- (i) Each Settlement Class Member who was pre-identified through USC's existing health center records (which cover the period from July 14, 1997, through June 21, 2016) has been pre-identified and assigned a Claimant ID Number and will be mailed a Tier 1 payment representing an initial amount for damages. This Tier 1 payment will be mailed even if you also submit a Tier 2 or Tier 3 Claim Form.
- (ii) Settlement Class Members who were not identified through USC's existing health center records who have completed online or returned by mail a qualifying Statement of Settlement Class Membership will be mailed a Tier 1 payment, representing an initial amount for damages. To qualify, Settlement Class Members must have their student status confirmed by records from USC registrar's office, or, if the Settlement Class Member is not a student, submit credible evidence of class membership. This Tier 1 payment will be mailed even if you also submit a Tier 2 or Tier 3 Claim Form.

Tier 2 Claim Award: Each Settlement Class Member can also choose to submit an online or written Claim Form describing your experience, the impact to you, and/or the emotional distress and/or bodily injury you suffered. Whether you choose to submit a Tier 2 Claim has no effect on your Tier 1 payment; in other words, you will receive your Tier 1 payment regardless. Each Claim Form will be reviewed by an impartial three-member Panel. If you submit a Claim Form, you may be asked to answer additional questions in writing. An attorney is available to help you with any questions about the Claim Form, at no cost to you. Settlement Class Members who make Tier 2 claims can call 1-888-663-1718 and select Option 8 or email ClassCounsel@USCTyndallSettlement.com to schedule an appointment with an attorney. to schedule an appointment with an attorney.

If the Panel determines that you are eligible for compensation based on your Claim Form, you may be awarded a Tier 2 Claim Award of between \$7,500 and \$20,000 as determined by the Panel. Any Tier 2 Claim Award includes your Tier 1 payment amount. This Tier 2 Claim Award is subject to *Pro Rata* Adjustment up or down as detailed below. If the Panel determines you are not eligible for a Tier 2 Claim Award, you will still keep your Tier 1 payment as a Settlement Class Member.

Tier 3 Claim Award: Each Settlement Class Member can also choose to participate in an interview describing your experience, the impact to you, and/or the emotional distress and/or bodily injury you suffered. Class Members who provide an interview along with a Claim Form will be eligible for a Tier 3 Claim Award of between \$7,500 to \$250,000, subject to *Pro Rata* Adjustment, up or down as detailed below.

In addition to a Claim Form describing your experience, the impact to you, and/or the emotional distress and/or bodily injury you suffered, you will be interviewed by a specialist trained in communicating with survivors with sensitivity and compassion, about your experience and its impact on you. Whether you choose to submit a Tier 3 Claim has no effect on your Tier 1 payment; in other words, you will receive your Tier 1 payment regardless.

Based on all information provided, the Panel will determine whether you are eligible for compensation and may award you a Tier 3 Claim Award between \$7,500 and \$250,000. Any Tier 3 Claim Award includes your Tier 1 payment. The Tier 3 Claim Award is subject to *Pro Rata* Adjustment up or down as detailed below. If the Panel determines that you are not eligible for a Tier 3 Claim Award, you will still keep your Tier 1 payment(s) as a Settlement Class Member.

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Pro Rata Adjustments. Under no circumstances will any of the \$215,000,000 Settlement Amount be returned to the Defendants. *Pro Rata* Adjustments will be used to ensure all of the Settlement Amount (less Administrative Expenses) goes to Class Members.

After the Panel has received and reviewed all Tier 2 and Tier 3 Claims and allocated Claim Award amounts, the *Pro Rata* Adjustment amount will be calculated by the Settlement Administrator by comparing the total sum of all Claim Awards with the total amount remaining in the Settlement Fund. (There will be less than \$215 million in the Fund because Administrative Expenses will have been paid out of the Fund prior to the *pro rata* calculation.)

If the sum of the Claim Awards *is less than* the amount remaining in the Settlement Fund, there will be a *Pro Rata* Increase applied to all Tier 1, Tier 2, and Tier 3 Claim Award amounts, which means those Claim Awards will all be increased by the same percentage. The percentage increase will be enough to make the sum of the Claim Awards equal the amount of money in the Settlement Fund, or to increase the Claim Award amounts by 50%, whichever comes first. Therefore, the maximum amount claimants could receive would be \$3,750 for Tier 1, \$30,000 for Tier 2, and \$375,000 for Tier 3.

If the sum of the Claim Awards *is more than* the amount remaining in the Settlement Fund, there will be a *Pro Rata* Reduction applied to all Tier 2 and Tier 3 Claim Award amounts, which means those Claim Awards will all be decreased by the same percentage. (There will be no decrease of the Tier 1 Claim Awards.) The percentage decrease will be enough to make the sum of the Claim Awards equal the amount of money in the Settlement Fund, or to decrease the Claim Award amounts by 25%, whichever comes first. Therefore, the lowest possible amount a claimant could receive under the Settlement would be \$2,500 for Tier 1 (i.e., no reduction) and \$5,625 for Tier 2 and Tier 3 (i.e., 25% reduction of lowest possible Tier 2 or 3 Claim Award).

The illustration below is provided to demonstrate the calculation of the *Pro Rata* Adjustment. For the purposes of the illustration, it is assumed that 15,000 Class Members will be eligible to receive the \$2,500 Tier 1 payment. Of those 15,000, it is assumed that 4,000 Class Members or approximately 25% will file either a Tier 2 or a Tier 3 claim; 3,000 of those will file Tier 2 claims and receive an average award of \$15,000 and 1,000 will file Tier 3 claims and receive an average award of \$125,000. These assumptions result in the following calculations:

Initial Calculation to Determine Total Aggregate Award Amount:

15,000 Tier 1 x \$2,500	\$37.5 million
3,000 Tier 2 x \$15,000	\$45 million
1,000 Tier 3 x \$125,000	\$125 million
Less Tier 1 Offset for 4,000 Tier 2 and 3 claimants who already received a \$2,500 Tier 1 payment	(\$10 million)
<u>Total Aggregate Award Amount:</u>	\$197.5 million

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Calculation to Determine *Pro Rata* Adjustment Amount:

Settlement Fund ¹	\$210 million
Aggregate Award Amount	\$197.5 million
Percentage Difference	6% Increase

Calculation to Apply *Pro Rata* Adjustment:

15,000 Tier 1 x (\$2,500 + 6% = \$2,650)	\$39.75 million
3,000 Tier 2 x (\$15,000 + 6% = \$ 15,900)	\$47.7 million
1,000 Tier 3 x (\$125,000 + 6% = \$ 132,500)	\$132.5 million
Less Tier 1 Offset for 4,000 Tier 2 and 3 claimants who already received a \$2,500 Tier 1 payment	(\$10 million)
<u>Total Aggregate Award Amount Plus 6% <i>Pro Rata</i> Increase:</u>	\$209.95 million

If fewer Class Members are eligible to receive the automatic Tier 1 payment, fewer Class Members file Tier 2 or 3 claims, and/or the average Tier 2 and 3 Claim Award amounts are smaller than what is assumed and estimated in the above example, the *Pro Rata* Increase to the Tier 1, 2 and 3 Claim Award amounts would be larger. Conversely, if more Class Members are eligible to receive the automatic Tier 1 payment, more Class Members file Tier 2 or 3 claims, and/or the average Tier 2 and 3 Claim Award amounts are larger than what is assumed and estimated in the above example, then the Tier 2 and 3 Claim Award amounts may receive a *Pro Rata* Reduction.

Liens. The amount of money you will receive also depends on any legally enforceable liens on the Claim Award. The amount paid to resolve any liens for Settlement Class Members will be paid out of such Settlement Class Member's Claim Award.

HOW YOU GET A PAYMENT

9. How can I get payment(s) from the Settlement?

Tier 1 Payments

To receive a Tier 1 payment you must submit a qualifying Statement of Settlement Class Membership Form. The Statement of Settlement Class Membership Form is available on the Settlement website at

¹ This represents the Settlement Fund as of the date of the *pro rata* calculation, by which point the Settlement Fund will have been reduced to pay for Administrative Expenses incurred up to that date per Sections 2.2, 2.34, and 2.35 of the Amended Settlement Agreement. Solely for the purposes of this example, we have reduced the Settlement Fund by \$5 million to account for Administrative Expenses.

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www.USCTyndallSettlement.com, and you may also request a Statement of Settlement Class Membership Form by email at info@USCTyndallSettlement.com or by phone at 1-888-663-1718 (international numbers provided below). Statement of Settlement Class Membership Forms can be completed and submitted to the Settlement Administrator online through the Settlement website, www.USCTyndallSettlement.com, or mailed to the Settlement Administrator at the address provided below:

USC Student Health Center Settlement
c/o JND Legal Administration
P.O. Box 91233
Seattle, WA 98111-9333

Tier 2 and Tier 3 Payments

All Class Members can choose to submit a Tier 2 or Tier 3 Claim. To do so, you must complete and submit a Claim Form and, for Tier 3, participate in an interview. The Claim Form is available on the Settlement website, www.USCTyndallSettlement.com, and you may also request a Claim Form by email at info@USCTyndallSettlement.com or by phone at 1-888-663-1718 (international numbers provided below). Claim Forms can be completed and submitted to the Settlement Administrator online through the Settlement Website at www.USCTyndallSettlement.com or mailed to the Settlement Administrator at the address provided above. You also can schedule your Tier 3 interview on the website or by calling the phone number above.

All claims and submissions in the Settlement will be kept strictly confidential by the Settlement Administrator and Panel. Settlement Class Counsel will seek an order from the Court, called a Qualified Protective Order that will authorize disclosure of information under the Health Insurance Portability and Accountability Act (“HIPAA”) for purposes of identifying and resolving any potential medical liens that may be asserted against Settlement Class Members’ Claim Awards. Certain information also is required to be provided to Defendants’ insurers, and the insurers will keep the information strictly confidential.

For your claim to be valid and timely, your Statement of Settlement Class Membership Form and/or your Claim Form **must be received by the Settlement Administrator through the Settlement website (www.USCTyndallSettlement.com) or postmarked by mail no later than November 8, 2019.**

10. When will I get my payment(s) from the Settlement?

Once the Court grants final approval of the Settlement and certifies the Settlement Class and any appeals are resolved in favor of the Settlement, you will be sent your Tier 1 payment if you have demonstrated your eligibility as a Class Member. If a *Pro Rata* Increase is applied, supplemental Tier 1 payments reflecting the *Pro Rata* Increase will go out after all Tier 2 and 3 claims are determined as indicated below.

Tier 2 and 3 Claim Award payments will not go out until all Tier 2 and Tier 3 Claims have been received and reviewed by the Panel and Claim Award amounts allocated by the Panel, and the *Pro Rata* Adjustment amount calculated and applied by the Settlement Administrator.

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Timing updates will be provided on the Settlement website, www.USCTyndallSettlement.com and can also be obtained by contacting the Settlement Administrator by email at info@USCTyndallSettlement.com or by phone toll-free at 1-888-663-1718 (international numbers provided below). Please do not contact the Court directly.

11. What am I giving up to get payment(s) and stay in the Settlement?

In exchange for receiving payment and benefits from the Settlement, you will give up your right to sue the Defendants on your own for the claims described in the Amended Settlement Agreement. You will also be bound by any decisions by the Court relating to the Settlement. If you do not wish to give up your right to sue the Defendants, you must exclude yourself from (opt out of) the Settlement.

In return for paying the Settlement Amount and providing certain non-monetary benefits, the Defendants will be released from claims relating to the conduct alleged in the lawsuit and identified in the Amended Settlement Agreement. The Amended Settlement Agreement describes the released claims in further detail. Please read that agreement carefully since those releases will be binding on you as a Class Member if the Court grants final approval of the Settlement. If you have any questions, you can talk with Class Counsel free of charge or you may talk with your own lawyer (at your own expense). The Amended Settlement Agreement and releases are available on the Settlement website at www.USCTyndallSettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement and you want to keep the right to sue or continue to sue the Defendants, then you must take action to exclude yourself from the Settlement Class. This is called "opting out" of the Settlement Class.

12. How do I opt out of the Settlement?

To exclude yourself from the Settlement, you must send a letter to the Settlement Administrator stating that you wish to be excluded from *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW (C.D. Cal.). Your written exclusion request must include the following:

- Your full name, address, and telephone number;
- The following statement:

I want to be excluded from *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW (C.D. Cal.), and understand that by excluding myself, I will not be able to get any money or benefits from the Settlement.

- Your signature.

You must mail your written exclusion request, **postmarked no later than November 7, 2019** to:

USC Student Health Center Settlement
c/o JND Legal Administration
P.O. Box 91235
Seattle, WA 98111-9335

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13. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue the Defendants for the claims being released in this Litigation (*In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW (C.D. Cal.), and *Jane Doe 1 v. University of Southern California et al.*, No. BC713383 (Cal. Super. Ct., L.A. County)).

If you have a pending lawsuit against any of the Defendants, speak to your lawyer as soon as possible; you may need to exclude yourself from this Settlement to continue your own lawsuit.

14. If I exclude myself, can I get money from the Settlement?

No. If you exclude yourself from the Settlement, you will not receive payment(s) from the Settlement, but you will keep your legal right to sue the Defendants on your own.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has appointed the following lawyers, known as Class Counsel, to represent the Class Members in connection with the Settlement:

Steve Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1201 Second Avenue, Suite 2000
Seattle, WA 98101
Phone: 206-623-7292
Email: USCsettlement@hbsslaw.com

Annika K. Martin
LIEFF CABRASER HEIMANN and
BERNSTEIN LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Phone: 415-956-1000
Email: akmartin@lchb.com

Elizabeth A. Kramer
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Phone: 415-981-4800
Email: ekramer@girardsharp.com

You will not be charged for contacting these lawyers, and they will help you with any questions about your claim at no cost to you. Call 1-888-663-1718 and select Option 8 or email ClassCounsel@USCTyndallSettlement.com to schedule an appointment with an attorney.

If you want to be represented by a lawyer other than Class Counsel, you may hire one at your own expense.

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16. How will the lawyers be paid?

After the Settlement has been approved, Class Counsel will ask the Court for payment of attorneys' fees and incurred expenses up to \$25 million to compensate them for their services in this Litigation. Any payment to the attorneys will be subject to Court approval, and the Court may award less than the amount requested. Any attorneys' fees and expenses that the Court approves will not come out of the Settlement Amount but will be paid separately by the Defendants.

When Class Counsel's motion for attorneys' fees and expenses is filed, it will be posted on the Settlement website at www.USCTyndallSettlement.com. Class Counsel expect to file their motion within 2 weeks after the final fairness hearing currently set for January 6, 2020. Please check the Settlement website regularly after the final fairness hearing if you wish to review Class Counsel's motion for attorneys' fees and expenses. You will have an opportunity to comment on this fee request. The deadline to object to Class Counsel's request for attorneys' fees and expenses will be 30 days after it is filed with the Court and posted to the Settlement website.

If you are represented by a lawyer other than Class Counsel, you are responsible for paying that lawyer's fees and/or costs.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I don't like the Settlement?

If you are a Settlement Class Member and you have objections to any aspect of the Settlement, you may express your views to the Court. You can object to the Settlement only if you do not exclude yourself from the Settlement Class.

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a larger settlement—the Court can only approve or deny the Settlement the parties have reached. If the Court denies approval of the Settlement, no payments from the Settlement Fund will be made and the Litigation will continue. If that is what you want to happen, you must object.

If you wish to object to the Settlement, you must do so in writing. You may also appear at the final fairness hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must: (a) list your name, address, and telephone number; (b) clearly identify the master case name and number (*In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW (C.D. Cal.)); (c) state whether the objection applies only to the objector, to a specific subset of the Class, or to the entire Class, and state with specificity the grounds for the objection; (d) state whether the Settlement Class Member intends to personally appear and/or testify at the final fairness hearing; (e) include the name and contact information of any and all attorneys representing, advising, or assisting the Settlement Class Member, including any counsel who may seek compensation for any reason related to the Settlement Class Member's objection or comment; (f) state whether any attorney will appear on the Settlement Class Member's behalf at the final fairness hearing, and if so, the identity of that attorney; (g) be submitted to the Court either by mailing to the Clerk, United States District Court for the Central District of California, First Street Courthouse, 350 W. 1st Street, Suite 4311, Los

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Angeles, CA 90012 or by filing them in person at any location of the United States District Court for the Central District of California; and (h) be **filed or postmarked on or before October 9, 2019**.

18. What's the difference between objecting and opting out?

By excluding yourself from the Settlement, you are telling the Court that you do not want to participate in the Settlement. For that reason, you will not be eligible to receive any benefits from the Settlement and you will not be able to object to it, as it will no longer apply to you or bind you.

By objecting to the Settlement, you are telling the Court you want to participate in the Settlement, but that there is something about it you do not like. If you object, you are still eligible to receive payment(s) from the Settlement (although you will not receive any payment until your objection is resolved).

THE COURT'S FAIRNESS HEARING

The Court will hold a fairness hearing to decide whether to approve the Settlement. You may attend the hearing, and you may ask to speak, if you wish to, but you are not required to do so.

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold its final fairness hearing on January 6, 2020 at 1:30 p.m. at the United States District Court, Central District of California, First Street Courthouse, 350 W. 1st Street, Courtroom 10A, 10th Floor, Los Angeles, CA 90012.

The hearing may be moved to a different date or time without additional direct notice to you. You can check the Court's PACER site, <https://ecf.cacd.uscourts.gov>, or contact the Settlement Administrator at www.USCTyndallSettlement.com or toll-free at 1-888-663-1718 (international numbers provided below) to confirm that the date has not changed.

At the fairness hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate under the rules governing such settlements. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. The Court will decide whether to approve the Settlement at or after the hearing.

20. Do I have to come to the fairness hearing?

No. Class Counsel will answer any questions the Court may have at the fairness hearing, but you may attend at your own expense if you wish to. If you send an objection or comment on the Settlement you do not have to come to the hearing to talk about it. As long as you filed or mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend the hearing on your behalf, but you are not required to do so.

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21. May I speak at the fairness hearing?

If you send an objection or comment on the Settlement, you may be able to speak at the fairness hearing, subject to the Court's discretion. You cannot speak at the fairness hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing and the Settlement is finally approved by the Court, you will not receive any payment from the Settlement and, if you are a Class Member, you will give up the right to sue Defendants about the claims in this case as you will be bound by the Court's final judgment and the release of claims detailed in the Amended Settlement Agreement.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the Settlement and your rights and options. More details are contained in the Amended Settlement Agreement. You can get copies of the Amended Settlement Agreement and more information about the Settlement on the Settlement website, www.USCTyndallSettlement.com. You also may also contact the Settlement Administrator by email at info@USCTyndallSettlement.com, by phone toll-free at 1-888-663-1718 (international numbers provided below), or by mail at USC Student Health Center Settlement, c/o JND Legal Administration, P.O. Box 91233 Seattle, WA 98111-9333.

For a more detailed statement of the matters involved in the Litigation or the Settlement, you may review the various documents on the Settlement website, www.USCTyndallSettlement.com, and/or the other documents filed in this case by visiting (during business hours) the clerk's office at the United States District Court for the Central District of California, First Street Courthouse, 350 W. 1st Street, Suite 4311, Los Angeles, CA 90012, File: *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW, or by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cacd.uscourts.gov>.

PLEASE DO NOT – UNDER ANY CIRCUMSTANCES – TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THE SETTLEMENT OR THE CLAIM PROCESS.

Dated: July 11, 2019

By Order of the Court
United States District Court
Central District of California

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