

TIMOTHY RAVE

Individually and on behalf of a class of others similarly situated,

Plaintiff,

v.

Case No.:19CV3073

Case Code: 30301

INFINITY HEALTHCARE PHYSICIANS, S.C.

Defendant.

NOTICE OF CLASS ACTION SETTLEMENT

The purpose of this Notice is to inform you that a settlement ("Settlement") in the above-captioned case ("Lawsuit") has been reached by the parties and has been granted preliminary approval by the Court supervising this Lawsuit. Please see below for a description of the Lawsuit, the terms of the Settlement, and a description of your rights and options in connection with the Settlement. If the Court grants final approval of the Settlement, it will resolve all claims in the Lawsuit as well as claims that could have been brought in the Lawsuit. A hearing on the Settlement will be held, and is currently scheduled for May 23, 2024 at 10:00 a.m., to determine whether the Settlement should be granted Final Approval by the Court. You do not need to attend that hearing to receive money in settlement.

YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOTHING. PLEASE READ THIS NOTICE CAREFULLY.

- A class action lawsuit is pending in the Milwaukee County Wisconsin Circuit Court ("the Court") against Infinity Healthcare Physicians, S.C.. ("INFINITY" or "Defendant"). The lawsuit alleges that Defendant charged Timothy Rave ("Plaintiff") and other similarly situated individuals were charged basic, retrieval, processing and/or certification fees contrary to Wis. Stat. § 146.83(3f)(b)(4)-(5) and contrary to Wisconsin common law. Defendant does not deny any wrongdoing.
- Plaintiff and Defendant have reached a Settlement and have proposed a Settlement Class to the Court consisting of the following persons:

All persons in Wisconsin:

- (i) who were a patient of Defendant and requested their own health care records or authorized another person in writing to obtain his or her health care records from one or both Defendant; and
- (ii) were charged a base, basic, retrieval, certification and/or other fee by Defendant for certification of copies and/or for a retrieval fee for all copies requested, in excess of \$1.00 per copy page;
- (iii) during the six (6) year period preceding the commencement of this action on April 18, 2019, through the date of final approval of the Settlement Class.

The Class specifically excludes the following persons or entities: (i) Defendant, any predecessor, subsidiary, sister and/or merged companies, and all of the present or past directors, officers, employees, principals, shareholders and/or agents of the Defendant; (ii) any and all Federal, State, County and/or Local Governments, including, but not limited to their departments, agencies, divisions, bureaus, boards, sections, groups, councils and/or any other subdivision, and any claim that such governmental entities may have, directly or indirectly; (iii) any currently-sitting Wisconsin state court Judge or Justice, or any federal court Judge currently sitting in Wisconsin, and the current spouse and all other persons within the third degree of consanguinity to such judge/justice or (iv) any law firm of record in these proceedings, including any attorney of record in these proceedings; (v) any person or entity who would otherwise belong to the class but who Defendant can identify as being charged a fee, either directly or indirectly through a person authorized in writing, but said fee was not collected or paid to Defendant by anyone.

- The proposed Settlement provides for the following relief to the Settlement Class: A Settlement Class member who submits a timely verified claim shall receive four times the amount of any basic, retrieval, processing and/or certification fees that class member was charged.
- An incentive payment of \$7,500 will be paid to Plaintiff for serving as the Class Representative.
- Defendant will make an additional payment of \$500,000 to cover Plaintiff/Class Counsel’s fees and costs for representing the Settlement Class.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT		DEADLINE
<i>Do Nothing</i>	If you do nothing, you will not receive payment and your claim will be extinguished by this Settlement. However, other than those consequences, there will be no other adverse consequences for your failure to respond to this Notice.	N/A
<i>Submit a Claim</i>	To be eligible to receive a payment as described above, you must complete and sign the attached claim form and submit it along with proof of payment of the basic, retrieval, processing and/or certification fees in the form of a duplicated payment draft or credit card receipt showing the identity of the payor by April 26, 2024. The Claim Form contains specific instructions on how to submit it.	April 26, 2024

<p><i>Ask to be Excluded</i></p>	<p>Receive no payment. Retain the right to sue separately.</p> <p>By opting out of the Settlement Class, you will be excluded from this settlement. You will not receive any payment, but you will retain the right to bring a separate lawsuit on your own (assuming such a lawsuit is viable to begin with). If you wish to opt out of this Settlement, you must submit a request to that effect in writing which includes (1) your contact information, (2) the information you would submit through the attached Claim Form to show that you belong to the Settlement Class, and (3) a statement that you wish to be excluded from this Settlement. Any such request must be submitted to the attorneys for the Parties and to the administrator of this Settlement—contact information for those individuals can be found on Pages 7 and 8 of this Notice.</p>	<p>April 26, 2024</p>
<p><i>Object</i></p>	<p>If you wish to object to the Settlement, you must submit such an objection in writing to the Court. To be effective, the objection must (1) reference the Lawsuit, (2) provide your contact information, (3) provide the information you would submit in the Claim Form to show that you belong to the Settlement Class, (4) provide a written explanation of the grounds for the objection, (5) indicate whether you intend to appear at the Final Approval hearing and (6) be signed by you, the class member. By objecting, you consent to a deposition by the attorneys for the Parties to determine whether you belong to the Settlement Class and determine the basis for your objection. If you do not object before the deadline, you waive the ability to do so.</p>	<p>April 26, 2024</p>

**THESE RIGHTS AND OPTIONS
- AND THE DEADLINES TO EXERCISE THEM -
ARE EXPLAINED IN THIS NOTICE**

Your legal rights are affected, and you have a choice to make now.

**DO NOT CONTACT THE COURT OR COURT CLERK
FOR INFORMATION OR ADVICE.**

- Your options are explained in this notice.
- **Any questions? Read on.**

www.infinityhealthcaresettlement.com

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BASIC INFORMATION

1. Why did I get this notice?

Records show that Defendant Infinity Healthcare Physicians, S.C. charged a basic, retrieval, processing and/or certification fee when you requested copies of your medical records or requested another individual's records pursuant to a written authorization. This Notice explains that the Court has preliminarily certified a Settlement Class in the Lawsuit filed by Plaintiff. This Settlement may affect you. The Lawsuit is known as *Timothy Rave v. Infinity Healthcare Physicians, S.C.*, Milwaukee County Circuit Court Case No. 2019-CV-3073, which is filed in and available at the Clerk's Office for the Milwaukee County Circuit Court, at 901 North 9th Street, Milwaukee, WI 53233.

2. What is the Lawsuit about?

This Lawsuit is about whether the basic, retrieval, processing and/or certification fees that Defendant charged Plaintiff were lawful.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called a "Class Representative" (in this case, Timothy Rave) sues one or more defendant (in this case, the Infinity Healthcare entity listed above) on behalf of other people who have similar claims. The people who have similar claims are collectively referred to as a "Class" or "Class Members." This case involves a Class of persons who were charged allegedly impermissible basic, retrieval, processing and/or certification fees by Defendant. The Settlement Class includes the Plaintiff, who represents all Class Members as the Class Representative. The purpose of this Notice is to let you know that there is a Settlement that has been preliminarily approved by the Court. If the Settlement is finally approved, your rights may be affected.

4. Why is the Lawsuit a class action?

The Court has preliminarily approved the Settlement proposed by Plaintiff and Defendant to settle this action on behalf of Timothy Rave and the Settlement Class as a class action. The Court found that the case met the requirements under Wisconsin law, which governs class actions before Wisconsin Courts. Because Plaintiff and Defendant have reached a Settlement, the Class is referred to as a "Settlement Class."

THE CLAIMS IN THE LAWSUIT

5. What does the Lawsuit complain about?

In the lawsuit, Plaintiff alleges that Defendant impermissibly charged him and the Settlement Class Members basic, retrieval, processing and/or certification fees to obtain copies of medical records contrary to Wis. Stat. § 146.83(3f)(b)(4)-(5) and Wisconsin common law.

6. How does Defendant answer?

Defendant denies any wrongdoing and assert that any basic, retrieval, processing and/or certification fees charged to Settlement Class Members to obtain copies of medical records were lawful. The Settlement does not mean that Defendant did anything wrong.

WHO IS IN THE CLASS?

7. Am I part of the Settlement Class?

Defendant has provided your name as someone who might meet the Settlement Class definition. If you are a patient who Defendant charged, directly or indirectly to you, a basic, retrieval, processing, and/or certification fee to obtain patient healthcare records from April 18, 2013, you are part of the Settlement Class.

YOUR OPTIONS

8. What do I do to receive a Settlement payment?

To be eligible to receive a Settlement payment, you must file a claim online or complete and sign the attached Claim Form and submit it by **April 26, 2024**. The Claim Form contains specific instructions on how to submit it.

9. What happens if I do nothing at all?

If you do nothing at all, you will not receive a payment, but you will still be included as a member of the Settlement Class and be bound by the terms of the Settlement, which means any claim you have against Defendant related to any basic, retrieval, processing and/or certification fees will be extinguished by this Settlement.

10. What if I do not want to be included in the Settlement Class?

If you do not want to be included in the Settlement Class, you may exclude yourself from the Settlement Class. If you exclude yourself from the Settlement Class, you will not be entitled to any payment and you will be free to independently pursue your own claims against Defendant on your own or as part of a different lawsuit, should your claims be viable, at your own expense.

To exclude yourself from the Settlement Class, you must submit a request to that effect in writing which includes (1) your contact information, (2) the information you would submit through the attached Claim Form to show that you belong to the Settlement Class, and (3) a statement that you wish to be excluded from this Settlement. Any such request must be submitted to the attorneys for the Parties and to the administrator of this Settlement:

Attorneys for Plaintiff:		
Robert J. Welcenbach Welcenbach Law Offices 933 North Mayfair Rd, Ste 311 Milwaukee, WI 53226 414-386-5152 robert@welcenbachlaw.com	J. Craig Jones Jones & Hill, LLC. 131 Highway 165 Oakdale, LA 71463 craig@joneshilllaw.com	Scott C. Borison Borison Firm, LLC. 1400 S Charles St. Baltimore, MD 21230 scott@borisonfirm.com

Attorneys for Defendant:	Settlement Administrator:
Michael D. Leffel Foley & Lardner LLP 150 East Gilman St, Ste 5000 Madison, WI 53703-1482 mleffel@foley.com	Rave v Infinity Healthcare PO Box 23489 Jacksonville, FL 32241 InfinityHealthcareSettlement.com info@InfinityHealthcareSettlement.com

11. What if I want to object to the Settlement?

If you wish to object to the Settlement, you must submit such an objection in writing to the Court. To be effective, the objection must (1) reference the Lawsuit, (2) provide your contact information, (3) provide the information you would submit in the Claim Form to show that you belong to the Settlement Class, (4) provide a written explanation of the grounds for the objection, (5) indicate whether you intend to attend the Final Approval hearing and (6) be signed by you, the class member. By objecting, you consent to a deposition by the attorneys for the Parties to determine whether you belong to the Settlement Class as well as the basis for your objection. If you do not object before the deadline — **April 26, 2024** — you waive the ability to do so.

12. Will there be a hearing regarding the Settlement?

The Court has preliminarily approved the Settlement. The Court will hold a Final Approval hearing on May 23, 2024 at 10:00 am at the Milwaukee County Courthouse 901 North 9th Street, Room 413, Milwaukee, WI 53233. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check in with Plaintiff's Counsel or to consult the Court's website: <https://wcca.wicourts.gov>. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement. We do not know long the Court will take to reach its decision.

You do not need to attend the hearing. Class Counsel will answer questions the Court may have. However, you or your own lawyer may attend the hearing at your own expense. If you send an objection, you do not need to come to the Court to talk about it. As long as you have filed your written objection on time, the Court will consider it. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include that request in your objection.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this Lawsuit?

Yes. The Court decided that Robert Welcenbach, J. Craig Jones, and Scott C. Borison are qualified to represent the Settlement Class Members. They are called "Class Counsel." Class Counsel can be reached through Robert Welcenbach, Welcenbach Law Offices, S.C., 933 N. Mayfair Rd., Suite 311, Milwaukee, WI 53226 or robert@welcenbachlaw.com. The Court found that Class Counsel is experienced in handling similar cases on behalf of consumers.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, if you want your own lawyer, you may hire one at your own expense. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

15. How will Class Counsel be paid?

Class Counsel will be paid by Defendant as set forth above.