This is a court-approved legal notice.
Sumerlin et al. v. MultiCare Health System et al., No. 23-2-01703-32 (Spokane County Superior Court)

MULTICARE DEACONESS AND VALLEY HOSPITAL CLASS ACTION SETTLEMENT

If you had spine surgery/surgeries performed by Dr. Jason Dreyer while under general anesthesia at either MultiCare Deaconess Hospital or MultiCare Valley Hospital in Spokane County between July 23, 2019 through March 10, 2021, you are eligible for a cash payment from a class action settlement.

A $55.5 million settlement has been reached in a class action lawsuit with MultiCare Health System, Inc. (also dba MultiCare Deaconess Hospital, MultiCare Valley Hospital, MultiCare Rockwood Clinic & MultiCare Rockwood Clinic Neurosurgery & Spine) as well as Jason A. Dreyer DO and Laura Dreyer (together, "Defendants"). The settlement was reached to avoid the costs, risks, and uncertainty of continued litigation. Plaintiffs allege Defendants' actions resulted in damages due to an alleged pattern of medically unnecessary or improper spine surgeries as performed by Dr. Jason Dreyer at the MultiCare Deaconess and Valley hospitals in Spokane County. Defendants deny those allegations and deny any liability. The Court has not determined that Defendants did anything wrong, and the Settlement is not an admission of liability by Defendants.

- The Class includes all persons whose medical records confirm that Dr. Jason Dreyer performed one or more Spine Surgeries on them while under general anesthesia at MultiCare Deaconess Hospital or MultiCare Valley Hospital in Spokane County between July 23, 2019 through March 10, 2021.
- As a Class Member, or as an authorized representative of an incapacitated Class Member or a deceased Class Member's estate, you can submit a Claim Form for the following cash payments:

  Tier 1: You may submit a Claim Form without documentation from you to receive a cash payment in the amount of $2,000 per Class Member.

  Tier 2: You may submit a Claim Form without documentation from you if you contend your spine surgery was unnecessary or negligently performed to receive a pro rata (a legal term meaning equal share) cash payment. The cost to review your Tier 2 Claim will be funded with your $2,000 Tier 1 cash payment.

  Tier 3: You may submit a Claim Form with documentation from you if you contend you suffered extreme and egregious harm to receive a pro rata cash payment up to $750,000 per Tier 3 Class Member. The cost to review your Tier 3 Claim will be funded from your Tier 2 payment. More information on what is considered to be extreme harm can be found below.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
SUBMIT A CLAIM FORM	The only way to get a cash payment is to submit a timely and valid Claim Form online.	Submitted by: **JANUARY 4, 2027**
EXCLUDE YOURSELF	Exclude yourself from the lawsuit (also known as "opting out") for any reason, including keeping any rights you may have against the Released Parties. If you opt out, you will not receive a cash payment.	Postmarked by: **JANUARY 4, 2027**
OBJECT TO THE SETTLEMENT	Stay in the Settlement but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it.	Filed by: **JANUARY 4, 2027**
DO NOTHING	Get no cash payment. Give up your legal rights.	

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court must decide whether to approve the Settlement, attorneys' fees, costs, and Service Awards. No cash payments will be provided unless the Court approves the Settlement.

BASIC INFORMATION AND OVERVIEW

1. What is this Notice?

The Court authorized this notice to tell you about how the proposed settlement may affect you. This notice describes the lawsuit, the general terms of the proposed settlement, and what it may mean for you. This notice also explains how to participate in, or exclude yourself from, the settlement.

The Honorable Julie M. McKay of the Spokane County Superior Court is overseeing this class action. The lawsuit is known as *Sumerlin et al. v. MultiCare Health System et al.,* Case No. 23-2-01703-32 ("lawsuit"). The individuals who filed this lawsuit are called the "Plaintiffs" and/or "Class Representatives" and the defendants sued (which are MultiCare Health System, Inc.; MultiCare Deaconess Hospital; MultiCare Valley Hospital; MultiCare Rockwood Clinic; and MultiCare Rockwood Clinic Neurosurgery & Spine, as well as Dr. Jason A Dreyer DO and Laura Dreyer), are called the "Defendants."

2. What is this lawsuit about?

Beginning July 23, 2019 through March 10, 2021, Dr. Jason Dreyer was a neurosurgeon at MultiCare and conducted spine surgeries at MultiCare Deaconess Hospital and MultiCare Valley Hospital. Both hospitals are located in Spokane County. MultiCare paid Dr. Dreyer via an uncapped compensation program, which is alleged to have encouraged unnecessary or other improper spine surgeries.

Plaintiffs filed this lawsuit on behalf of themselves and similarly situated patients alleging that this compensation program, along with actions by Defendants, resulted in an alleged pattern of medically unnecessary or improper spine surgeries performed under general anesthesia by Dr. Dreyer at Deaconess and Valley hospitals and that allegedly resulted in damages. Plaintiffs asserted legal claims for medical negligence, corporate negligence, unlawful profiteering, consumer protection act violations, and associated common law legal claims.

Defendants deny these allegations and deny any liability. The Court has not determined that Defendants did anything wrong or that any law has been violated, and the Settlement is not an admission of liability by Defendants. Instead, the Plaintiffs and Defendants have agreed to a settlement to avoid the risk, cost, and time of continuing the lawsuit.

3. What is a class action, and is this lawsuit one?

In a class action, one or more people called "class representatives" sue on behalf of themselves and other people with similar legal claims. All of these people together are the "class" or "class members." One court resolves all legal claims for all class members, except for those class members who exclude themselves (opt-out) from the class by timely notifying the court that they do not wish to participate.

The Court has decided to allow this lawsuit to proceed as a class action for settlement purposes. The class includes all persons whose medical records confirm that one or more spine surgeries were performed upon them under general anesthesia by Dr. Jason Dreyer at MultiCare Deaconess Hospital or MultiCare Valley Hospital in Spokane County between July 23, 2019 through March 10, 2021.

Records show that there are approximately 475 patients who had such surgeries by Dr. Dreyer at those locations while under general anesthesia.

4. Why is there a settlement?

The Court has not decided in favor of Plaintiffs or Defendants. Instead, Plaintiffs and Defendants have agreed to a settlement to avoid the costs, risks and uncertainty of continued litigation.

WHO IS PART OF THE SETTLEMENT

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

You are a Class Member if you received a spine surgery / surgeries, performed by Dr. Jason Dreyer while under general anesthesia at either MultiCare Deaconess Hospital or MultiCare Valley Hospital between July 23, 2019 through March 10, 2021.

Spine Surgeries includes surgical procedures to treat conditions of the spinal column in an operating room and under general anesthesia.

Defendant MultiCare's facilities include the MultiCare Deaconess and MultiCare Valley hospitals in Spokane County.

6. Are there exceptions to being included in the Class?

Yes. Excluded from the Class are: officers and directors of MultiCare; the presiding judge and any judicial staff involved in this lawsuit; and any class member who submits a timely request to opt out.

7. What if I am still not sure if I am part of the Settlement?

If you are still not sure whether you are a Class Member, you may go to www.MultiCareSpineSettlement.com or call toll-free 1-877-313-8724.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Defendants will pay $55,500,000 into a Settlement Fund. The Settlement Fund will be used to:

- Make payments to Class Members;
- Pay settlement administration expenses, including administering costs related to the designated panel of spine surgery experts;
- Pay Service Awards to the class representatives if, and as approved by the Court; and
- Pay attorneys' fees, costs, and expenses if and as approved by the Court.

9. What can I get from the Settlement?

If you are a Class Member, or if you are an authorized representative of an incapacitated Class Member or a deceased Class Member's estate, you can submit a Claim Form for the following cash payments:

Tier 1: You may submit a Claim Form without supporting documentation submitted by you to receive a cash payment in the amount of $2,000 per Class Member.

Tier 2: If you contend your spine surgery was unnecessary or negligently performed, you can submit a Claim Form requesting review for Tier 2, without supporting documentation submitted by you, to be eligible to receive a pro rata (a legal term meaning equal share) cash payment.

Tier 2 is for patients who underwent a spine surgery conducted by Dr. Dreyer at MultiCare Deaconess or MultiCare Valley Hospitals in Spokane County under general anesthesia between July 23, 2019 through March 10, 2021, which surgery was allegedly unnecessary or otherwise performed below the standard of care.

Tier 2 Claims will require review of your MultiCare medical records and imaging by a member of the designated panel of neurosurgery spine experts, who will have access to your MultiCare records for the purpose of this review. The cost of review will be funded by your Tier 1 cash payment, meaning that you will give up your right to your $2,000 Tier 1 cash payment to pay for the review costs. If you file a Tier 2 Claim Form, you will automatically give up the Tier 1 cash payment to cover costs associated with your medical records being reviewed.

If your request for Tier 2 treatment is denied, you may appeal to the Settlement Administrator. Any denial of this appeal will be the final determination of your Tier 2 claim. A full description of the appeal process with the Settlement Administrator can be found at paragraph 8 of the Plan of Allocation (Exhibit F of the Settlement Agreement).

Tier 2 payments will be determined based upon the number of Class Members in the Tier. The amount of the Settlement Fund allocated for Tier 2 will be split equally among all Class Members who qualify for Tier 2 based upon review by the neurosurgery spine experts.

Tier 3: If you contend you suffered extreme and egregious harm directly resulting from the surgery / surgeries conducted by Dr. Dreyer, you may submit a Claim Form, with supporting documentation submitted by you, to receive a pro rata cash payment up to $750,000 per Class Member.

For purposes of Settlement, qualification for extreme and egregious circumstances requires qualifying for Tier 2 status and would include: multiple surgeries or surgeries to revise and correct a qualifying surgery performed by Dr. Dreyer; paralysis; permanent disability such as loss of limb function; severe and unmanageable chronic pain; clinically documented severe and permanent emotional trauma caused by the qualifying spine surgery.

Pre-existing conditions will be closely scrutinized in the review to decide whether the harm claimed was caused by the treatment at issue and not by a pre-existing or collateral medical concern.

Tier 3 payments will be determined based upon the number of Class Members who qualify for Tier 3 after review. The amount of the Settlement Fund allocated for Tier 3 will be split equally among all Class Members who qualify for Tier 3 with a maximum award not to exceed $750,000 per Class Member. This is in addition to the Tier 2 recovery.

You will be responsible for providing all supporting non-MultiCare medical records and imaging studies to support your Tier 3 Claim Form. You may also submit MultiCare medical records to support your Claim Form if you believe they are pertinent and you want to ensure their specific review. If you do not qualify under Tier 2 criteria, you will not be considered for Tier 3. The cost of review for Tier 3 is estimated to be between $5,000 and $10,000. By filing a Tier 3 Claim Form, and if a Tier 3 review occurs, you agree to have that expense paid from your Tier 2 cash payment in addition to losing your Tier 1 cash payment.

If your request for Tier 3 treatment is denied, you may appeal to the Settlement Administrator. Any denial of this appeal will be the final determination of your Tier 3 claim. A full description of the appeal process with the Settlement Administrator can be found at paragraph 8 of the Plan of Allocation (Exhibit F of the Settlement Agreement).

A deceased Class Member's estate is eligible for Tier 1 or Tier 2 only.

Cash Payment for Valid Claims under Tier 2 and Tier 3 may be subject to a pro rata (a legal term meaning equal share) increase or decrease depending on the total value of all Valid Claims to be paid from the Settlement Fund.

Class Member Payments may be subject to liens, reimbursement claims, court ordered garnishments, judgments, or other legal obligations including claims by health care insurers for reimbursement of medical expenses paid by the insurer, including, but not limited to, Medicare, Medicare Advantage, Medicaid or other government sponsored plans. Class Members are individually responsible for resolving any such financial obligations that may apply. Each Class Member has an independent legal obligation under federal law, including, but not limited to, 42 C.F.R. § 411.24, to satisfy any Medicare claim, lien or interest, against that class member individually, which is each Class Member's sole and separate obligation. By not opting out of the Class, each individual Class Member acknowledges with regard to any lien or subrogation claims asserted against that individual class member's award that the individual Class Member will defend, indemnify, and hold harmless the Defendants from and against all private causes of action or lien and subrogation claims, including all costs and attorney's fees incurred in the defense of such claims, up to that Class Member's individual settlement recovery allocation minus subrogation amounts already paid. Cash payments on a claim will not be made by the Settlement Administrator until the lien or subrogation claim is resolved.

HOW TO GET SETTLEMENT BENEFITS

10. What do I need to do to get a cash payment?

You must submit a timely and valid Claim Form to receive a cash payment as described above. Your Claim Form must be submitted online at www.MultiCareSpineSettlement.com by **JANUARY 4, 2027**.

The IRS requires the Settlement Administrator to collect your Social Security number before you can receive a cash payment. Defendants are prohibited by health privacy laws from sharing your Social Security number with the Settlement Administrator.

To receive your cash payment, you will need to provide your Social Security number to the Settlement Administrator when filling out the Claim Form. Your Social Security number will be kept secure, will not be shared with anyone, and your data will be destroyed once the Settlement has been administered.

11. What happens if my contact information changes after I submit a Claim Form?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by writing to:

Sumerlin v. MultiCare Health System
Settlement Administrator
PO Box 2857
Portland, OR 97208-2857

12. When will I receive my cash payment?

If you file a timely and valid Claim Form, your cash payment will be provided after the Settlement is approved by the Court and becomes final and after tier determinations are finalized.

It may take time for the Settlement to be approved and become final. Please be patient and check www.MultiCareSpineSettlement.com for updates.

13. I do not want to receive my cash payment in the form of a check. Is there some other way I can be paid?

Yes. If you prefer, you can receive your payment electronically through Zelle, PayPal, ACH, or Venmo. To receive payment electronically, however, you must let the Settlement Administrator know that you want to be paid electronically, and you must give the Settlement Administrator the information it needs to know about your electronic payment account. For further information, you can go to www.MultiCareSpineSettlement.com and follow the instructions there.

YOUR RIGHTS AND OPTIONS

14. How do I exclude myself from the Settlement?

If you are a Class Member but do not want to remain in the Class, and want to keep any right you may have to sue or continue to sue the Released Parties on your own about the legal claims in this lawsuit or the Released Claims, then you may exclude yourself from the Class (also known as "opting out"). If you exclude yourself, you will lose any rights you have under the Settlement.

To opt out, you must mail a written request for exclusion which includes the following:

(1) The case name of this lawsuit - *Sumerlin et al. v. MultiCare Health System et al.*;
(2) Your name and current address;
(3) Your personal signature or the signature of your authorized representative; and
(4) A statement clearly indicating your intent to be excluded from the Class, such as "I hereby request to be excluded from the Class in *Sumerlin et al. v. MultiCare Health System et al*."

The exclusion request must be **mailed** to the Settlement Administrator at the following address, and be **postmarked** by **JANUARY 4, 2027**:

Sumerlin v. MultiCare Health System
Settlement Administrator
PO Box 2857
Portland, OR 97208-2857

You cannot opt-out (exclude yourself) by telephone or by email.

Please note per the United States Postal Service, mail may *not* be postmarked the day it is deposited in a mailbox or at a local post office. Postmarks occur when mail reaches a processing facility. To meet a postmark deadline, **mail at least a week prior to a postmark deadline**, get a manual postmark in-person at any post office, or send via Certified Mail.

15. If I opt out can I still get anything from the Settlement?

"Mass" or "class" requests for exclusion filed by third parties on behalf of a "mass" or "class" of Class Members or multiple Class Members where the opt-out has not been signed by each and every individual Class Member will not be allowed.

No. If you opt out, you will not be able to receive a cash payment, and you will not be bound by the Settlement or any judgments in this lawsuit. You can only get a cash payment if you stay in the Settlement and submit a timely and valid Claim Form.

No. Unless you opt out, you give up any right to sue any of the Released Parties for the legal claims this Settlement resolves and Releases, and you will be bound by all the terms of the Settlement,

16. If I do not opt out, can I sue the Defendants for the same thing later?

proceedings, orders, and judgments in the lawsuit. You must opt-out of this lawsuit to start or continue your own lawsuit or be part of any other lawsuit against the Released Parties about the Released Claims in this Settlement. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately.

17. How do I tell the Court I do not like the Settlement?

If you are a Class Member and do not opt out, you can tell the Court you do not agree with any aspect of the Settlement, including, without limitation: attorneys' fees, costs, and Service Awards, or specific language in the settlement agreement.

To object, you must file your timely written objection with the Court as provided below by **JANUARY 4, 2027**, and send a copy of the written objection by U.S. Mail to Class Counsel and to Defense Counsel for MultiCare, postmarked by **JANUARY 4, 2027**, stating you object to the Settlement in *Sumerlin et al. v. MultiCare Health System, Inc. et al.*, No. 23-2-01703-32.

To file an objection, you cannot exclude yourself from the Class. Your objection must include all of the following information:

1. The case name and number of this lawsuit - *Sumerlin et al. v. MultiCare Health System, Inc. et al.*, No. 23-2-01703-32;
2. Your full name, current mailing address, telephone number, and email address and, if represented by a lawyer, the name, address, telephone number, and email address of your lawyer;
3. A statement of whether the objection applies only to you as the objector, to a specific part of the Class, or to the Class as a whole;
4. The number of times in which you (and, where applicable, your lawyer) has objected to a class action settlement, along with the caption of each lawsuit in which you have made an objection;
5. A statement whether you have sold or otherwise transferred your right to recovery in this lawsuit to another person or entity, and, if so, the identity of that person or entity;
6. A statement of the specific grounds for the objection, including any legal and factual support and any evidence in support of the objection;
7. Provide any and all evidence and supporting papers to be considered by the Court;
8. A statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through your lawyer; and
9. Your signature.

To object, you must file your timely written objection with the Court by **JANUARY 4, 2027**, **and** send it by U.S. Mail to Class Counsel and to both Defense Counsel, for both MultiCare and the Dreyers, postmarked by **JANUARY 4, 2027**, at the following addresses:

Clerk of Court	**Class Counsel/Plaintiffs**

Clerk of Court Spokane County Superior Court 1116 West Broadway Room 300 Spokane, WA 99201	GILBERT LAW FIRM, PS 421 West Riverside Ave Suite 1400 Spokane, Washington 99201 For Plaintiffs
Defense Counsel/MultiCare	**Defense Counsel/Dreyer**
FAIN ANDERSON VANDERHOEF ROSENDAHL O'HALLORAN SPILLANE, PLLC (FAVROS) 3131 Elliott Avenue Suite 300 Seattle, Washington 98121 For MultiCare	WITHERSPOON BRAJCICH MCPHEE, PLLC 601 W. Main Avenue Suite 1400 Spokane, Washington 99201 For Jason and Laura Dreyer

Please note per the United States Postal Service, mail may *not* be postmarked the day it is deposited in a mailbox or at a local post office. Postmarks occur when mail reaches a processing facility. To meet a postmark deadline, **mail at least a week prior to a postmark deadline**, get a manual postmark in-person at any post office, or send via Certified Mail.

18. What is the difference between objecting and opting out?

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. Opting out is telling the Court that you do not want to be part of the Class. If you opt out, you cannot object because you are no longer part of the Settlement.

19. What am I giving up to receive a cash payment or stay in the Class?

Unless you exclude yourself (opt out), you will remain a member in the Class. If the Settlement is approved and becomes final, all Court orders and any judgments will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Released Parties about the legal claims made in this lawsuit. The specific rights you are giving up are called "Released Claims."

20. What are the Released Claims?

Paragraph 40 and 41 and Section IV of the Settlement Agreement describes the Releases, Released Claims, and Released Parties, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.MultiCareSpineSettlement.com. For questions regarding the Releases, Released Claims, or Released Parties and what the language in the Settlement Agreement means, you can also contact Class Counsel listed below for free, or you can talk to your own lawyer at your own expense.

THE LAWYERS REPRESENTING YOU

21. Do I have a lawyer in this lawsuit?

Yes. The Court appointed the following lawyers to represent you and other Class Members as "Class Counsel."

William Gilbert
Beth Bollinger
Ashley Richards
GILBERT LAW FIRM, PS
421 West Riverside Ave, Suite 1400
Spokane, WA 99201
(509) 321-0750

Terrance G. Reed
LANKFORD & REED PLLC
120 N St Asaph St
Alexandria, VA 22314
(703) 299-5000

You will not be charged by these lawyers for their work in the lawsuit, because any fees they receive must come from the settlement fund as approved by the Court. If you want to be represented by your own lawyer, you may hire one at your own expense.

22. How will Class Counsel be paid?

Class Counsel will ask the Court to award attorneys' fees of up to one-third (33%) of the settlement fund, plus reimbursement for expenses to be paid from the settlement fund. Any fees and expenses that Class Counsel receive must be approved by the Court. The Court may award less than this amount. You will not have to pay any portion of these fees and expenses yourself. Class Counsel's motion for fees and expenses will be filed by December 14, 2026 and will be available to view on the settlement website at www.MultiCareSpineSettlement.com.

23. Will the class representatives receive any additional money?

Class Counsel will ask the Court to award all class representatives Service Awards of $25,000 each for the time that they spent, and the risks that they undertook, in bringing this lawsuit on behalf of the Class. Any Service Awards that the class representatives receive must be approved by the Court. The Court may award less than this amount. Any amount approved by the Court will be paid from the settlement fund.

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **February 2, 2027, at 8:30 a.m.** before the Honorable Julie M. McKay at the Spokane County Superior Court 1116 West Broadway, Spokane, WA 99201. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's attorneys' fees, costs, and Service Awards.

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you (or your lawyer) ask to speak at the hearing, the Court may hear objections at the hearing.

Note: The date and time of the Final Approval Hearing **are subject to change without further notice to the Class**. The Court may also decide to hold the hearing via video conference or by telephone. You should check the Settlement Website www.MultiCareSpineSettlement.com to confirm the date and time of the Final Approval Hearing have not changed.

25. Do I have to attend the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome, however, to attend at your own expense. If you file an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

26. May I speak at the Final Approval Hearing?

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you (or your lawyer) ask to speak at the hearing, the Court may hear objections at the hearing.

GETTING MORE INFORMATION

27. Where can I get more information?

This Notice summarizes the Settlement. Complete details about the Settlement are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.MultiCareSpineSettlement.com. You may get additional information at www.MultiCareSpineSettlement.com, by calling toll-free 1-877-313-8724, or by writing to:

Sumerlin v. MultiCare Health System
Settlement Administrator
PO Box 2857
Portland, OR 97208-2857

If you wish to communicate directly with Class Counsel, you may contact them. You may also seek advice and guidance from your own private lawyer at your own expense, if you wish to do so.

This notice is only a summary of the lawsuit and the settlement. Other related documents can be accessed through the settlement website. If you have questions about the proposed settlement, or wish to receive a copy of the settlement agreement but can't download or access the copy online, you may contact the Settlement Administrator. The Court cannot respond to any questions regarding this notice, the lawsuit, or the proposed settlement.

Please do not contact the Court, its Clerks, MultiCare, or Defendants.