

**If You Treated an Illinois Workers' Compensation Patient and Your Bill Was Reduced by a PPO Discount, You May Be Entitled To Benefits Under This Settlement. Please Read This Notice Carefully, As It Affects Your Legal Rights**

*The Circuit Court of the Third Judicial District, Madison County, Illinois, authorized this notice.  
This is not a solicitation from a lawyer.*

- This Settlement concerns a lawsuit alleging that The Cincinnati Insurance Company and Cincinnati Casualty Company (Defendants), improperly discounted the bills of licensed healthcare providers who treated Illinois workers compensation claimants by taking PPO discounts. The Defendants deny all allegations of wrongdoing and maintain that their actions complied at all times with Illinois law.
- Under the terms of the Settlement, class members may obtain a cash payment as compensation for the PPO discounts taken by Defendants.
- Your legal rights are affected whether you act or don't act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>Do NOTHING</b>	If you do nothing and the Court grants final approval of the Settlement, you will automatically be included in the Settlement Class. This means you are bound by the Court's orders in the case and give up your right to be part of any other lawsuit concerning the claims in this case. You will <b>not</b> be eligible to receive monetary relief unless you submit a Request Form.
<b>PARTICIPATE IN THE SETTLEMENT</b>	If you wish to participate in the proposed Settlement, you need to complete and return the accompanying Request Form, postmarked no later than <b>November 23, 2009</b> .
<b>EXCLUDE YOURSELF</b>	You will not be entitled to participate in the Settlement if you choose this option.
<b>OBJECT OR COMMENT WHILE REMAINING IN THE CLASS</b>	Write the Court about why you do, or do not, like the Settlement. You must remain in the class and Settlement to object or comment.
<b>ATTEND THE HEARING</b>	Ask to speak to the Court about the fairness of the Settlement.

- These rights and obligations – and the **deadlines** to exercise them – are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. The ability to potentially receive monetary payment will be available only if the Court approves the Settlement and after any appeals are resolved. Please be patient.

**1. THE LITIGATION:** The lawsuit (*Frank C. Bemis & Associates d/b/a Bemis Chiropractic v. The Cincinnati Insurance Company and Cincinnati Casualty Company*, No. 05-L-178, Circuit Court, Third Judicial Circuit, Madison County, Illinois), was filed on February 15, 2005, and concerns PPO discounts taken by Defendants on the class members' bills during the class period.

The lawsuit alleges that Defendants wrongfully reduced payments to preferred providers who treated Illinois workers' compensation claimants by taking PPO discounts without providing steerage of patients to providers.

- 2. DEFENDANTS' POSITION:** Defendants have denied and continue to deny all charges of wrongdoing or liability against them arising out of the allegations and claims asserted in the lawsuit. Defendants contend that the lawsuit lacks merit and that their actions at all times complied with Illinois law.
- 3. PURPOSE OF THIS NOTICE:** This notice is designed to inform members of the class defined below of the pendency of this litigation and of the proposed Settlement and to describe class members' rights and options.

- 4. SETTLEMENT CLASS:** The Court has certified for settlement purposes a class (hereinafter, the "Class") consisting of: All licensed healthcare providers in Illinois whose reimbursement for medical services relating to the treatment of an Illinois workers compensation claimant was reduced by or on behalf of The Cincinnati Insurance Company or Cincinnati Casualty Company through use of a PPO discount from February 15, 2000 through June 3, 2009.

To represent the above Class for purposes of the Settlement, the Court has appointed the named plaintiff in this lawsuit as the class representative and has appointed the following attorneys to serve as Class Counsel: LakinChapman, LLC, 300 Evans Avenue, P.O. Box 229, Wood River, Illinois 62095 (Lead Class Counsel); Campbell & McGrady, 3017 Godfrey Road, P.O. Box 505, Godfrey, Illinois 62035 (Additional Counsel).

- 5. SETTLEMENT BENEFITS.** The following description of the settlement benefits is qualified in its entirety by reference to the Class Action Settlement Agreement, a copy of which is on file with the Court.

**(a) CASH PAYMENTS.** Under the proposed Settlement, Defendants will make payments to class members who submit valid request forms and documentation. If you are a class member and wish to make a claim, you must fill out and submit the accompanying Request Form, along with any required documentation, **postmarked no later than November 23, 2009, to Bemis v. Cincinnati PPO Class Action, P.O. Box 2207, Faribault, MN 55021-1607.**

Verification. All claims are subject to verification. If it is determined that you previously received payment for the medical services involved from any source in addition to payment by Defendants, your claim payment will be reduced by that amount. If you have been fully reimbursed, you will not receive a claim payment.

- 6. ATTORNEYS' FEES AND EXPENSES:** From the filing of the litigation in 2005 to the present, Class Counsel have not received any payment for their services in prosecuting the case, nor have they been reimbursed for any out-of-pocket costs. If the Court approves the proposed Settlement, Class Counsel will apply to the Court for an award of attorneys' fees and reimbursement of expenses in an amount not to exceed \$770,000.00. Class Counsel will also apply for an incentive award of \$5,000.00 to the named plaintiff in this lawsuit for his initiative and effort in pursuing the litigation on behalf of the class. Any award of attorneys' fees and expenses and any incentive award will be paid by Defendants, separately from and without reducing the Settlement payments to class members. Under no circumstances will you be personally liable for Class Counsel's attorneys' fees or expenses or any incentive award.
- 7. RESULT IF COURT APPROVES SETTLEMENT:** If you fall within the Class definition and remain in the Class, and the Settlement is approved, the Court will enter a judgment dismissing the lawsuit with prejudice, and releasing any and all claims that you may have against Defendants, whether known or unknown, arising from PPO discounts taken by Defendants.
- 8. YOUR OPTIONS:** If you are a member of the Class, you have the following options.

**(a) PARTICIPATE IN THE SETTLEMENT – MAKE A CLAIM:** If you wish to participate in the proposed Settlement, you must complete and submit the accompanying Request Form, along with any required documentation, **postmarked no later than November 23, 2009, to Bemis v. Cincinnati PPO Class Action, P.O. Box 2207, Faribault, MN 55021-1607.** If you fail to submit the Request Form by the deadline, you will not be entitled to any Settlement payment but will still be bound by the Settlement and the judgment, including the release of your claims. If you wish to comment in favor of the Settlement, you may send your comment to Robert W. Schmieder II of LakinChapman, LLC, 300 Evans Avenue, P.O. Box 229, Wood River, Illinois 62095 (Lead Class Counsel). At the start of your comment, please include a reference to *Bemis v. Cincinnati*, Case No. 05-L-178.

**(b) REQUEST TO BE EXCLUDED:** If you do not want to stay in the Class, then you must send a written notice to Settlement Administrator of your request to exclude yourself from the Class, so that it is received no later than **August 4, 2009.** Your exclusion request must include (i) your full name, address, and telephone number; (ii) a statement that you request exclusion from the Class and Settlement in *Bemis v. Cincinnati*, Case No. 05-L-178; and (iii) your signature. If you validly and timely request exclusion from the Class, (1) you will be excluded from the Class; (2) you will not be entitled to a Settlement payment; (3) you will not be bound by the terms of the Settlement, the judgment dismissing the lawsuit, or the release of claims provided by the Settlement; and (4) you will not be entitled to comment on the proposed Settlement or be heard at the fairness hearing described in Paragraph 9 below.

**(c) OBJECT OR COMMENT:** If you are a member of the Class and you do not request to be excluded, you may object to or offer comment in favor of the terms of the Settlement or Class Counsel's request for attorneys' fees and expenses. You may, but need not, enter an appearance through counsel of your choice. If you do, you will be responsible for your own attorneys' fees and costs.

If you object to the Settlement, you must, on or before **August 4, 2009**: (1) file with the Clerk of the Circuit Court, Third Judicial Circuit, Madison County, Illinois, located at the Madison County Courthouse, 155 North Main Street, Edwardsville, Illinois 62025, and (2) serve on Robert W. Schmieder II of LakinChapman, LLC, 300 Evans Avenue, P.O. Box 229, Wood River, Illinois 62095-1127 (Lead Class Counsel); and Daniel Litchfield, LITCHFIELD CAVO LLP, 303 West Madison Street, Suite 300, Chicago, Illinois 60606 (Counsel for Defendants), a written objection, which includes: (a) the objector's name, address and telephone number; (b) the name of the case and the case number; (c) a statement of each objection; and (d) a written brief detailing the specific reasons, if any, for each objection, including any legal and factual support the objector wishes to bring to the Court's attention and any evidence the objector wishes to introduce in support of the objection must also include: (i) the identity and number of Class Members represented by objector's counsel; (ii) the number of such represented Class Members who have opted out of the settlement; (iii) the number of such represented Class Members who have remained in the settlement and have not objected; (iv) the date the objector's counsel assumed representation for the objector; and (v) a list of the names of all classes where the objector's counsel has objected to a class action settlement in the last three years. Objecting Class Members who intend to testify in support of their objection either in person or by affidavit must also make themselves available for deposition by Class Counsel or Defendants' counsel in their county of residence, between the time the objection is filed and fourteen (14) days before the date of the Fairness Hearing. Any Class Member who files and serves a written objection may appear at the Fairness Hearing, either in person or through personal counsel hired at the Class Member's expense, but must deliver a Notice of Intention to Appear to Class Counsel and Defendants' counsel, and have it file-stamped by the Court no later than August 4, 2009. The Notice of Intention to Appear must: (1) state how much time the Class Member and/or their attorney anticipates needing to present the objection; (2) identify, by name, address, telephone number and detailed summary of testimony any witnesses the Class Member and/or their attorney intends to present any testimony from; and (3) identify all exhibits the class member and/or their attorney intends to offer in support of the objection and attach complete copies of all such exhibits. Class members who do not timely make their objections in this manner will be deemed to have waived all objections and shall not be heard at the fairness hearing or have the right to appeal from approval of the Settlement.

- 9. FAIRNESS HEARING:** On September 3, 2009, at 11:00 a.m., in the courtroom of the Honorable Barbara Crowder, Circuit Judge of the Circuit Court, Third Judicial Circuit, Madison County, Illinois, located at the Madison County Courthouse, 155 North Main Street, Edwardsville, Illinois 62025, Judge Crowder will hold a fairness hearing for the purpose of deciding (a) whether the Settlement should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting approval of the Settlement and dismissing the lawsuit with prejudice should be entered; and (c) whether Class Counsel's application for attorneys' fees and expenses should be granted. The hearing may be postponed, adjourned, or rescheduled by the Court without further notice to the class. You do not need to attend this hearing to remain a class member or participate in the Settlement.
- 10. EXAMINATION OF PAPERS FILED IN THE CASE:** This Notice is a summary and does not describe all details of the Settlement. For full details of the matters discussed in this Notice, you may wish to review the Class Action Settlement Agreement dated May 29, 2009, available online at [www.pposettlements.com](http://www.pposettlements.com). A complete copy of the Class Action Settlement Agreement and all other pleadings and papers filed in the lawsuit are also available for inspection and copying during regular business hours at the Office of the Clerk of the Circuit Court, Third Judicial Circuit, Madison County, Illinois, located at the Madison County Courthouse, 155 North Main Street, Edwardsville, Illinois 62025.
- 11. ADDITIONAL INFORMATION:** You can view and print the Class Action Settlement Agreement, this Notice, and the Request Form at [www.pposettlements.com](http://www.pposettlements.com). You can also direct inquiries to Class Counsel at [ppo.classaction@lakinchapman.com](mailto:ppo.classaction@lakinchapman.com) or by mail 300 Evans Avenue, P.O. Box 229, Wood River, Illinois 62095. Please include the reference Frank C. Bemis & Associates d/b/a Bemis Chiropractic, Case No. 05-L-178. Answers to frequently asked questions are available at [www.pposettlements.com](http://www.pposettlements.com).

**PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS  
ABOUT THIS NOTICE.**

DATED: June 26, 2009

BY ORDER OF THE CIRCUIT COURT  
THIRD JUDICIAL DISTRICT  
MADISON COUNTY, ILLINOIS