

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WIT, *et al.*, Plaintiffs

v.

UNITED BEHAVIORAL HEALTH
(operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS), Defendant

Civil Action No. 3:14-cv-02346-JCS

NOTICE OF NON-CLASS MEMBERSHIP

TO: Any member of a fully-insured health benefit plan governed by both the Employee Retirement Income Security Act (“ERISA”) and the state law of Texas who previously received a Notice of Pendency in the above-captioned action and whose request for coverage of residential treatment services for a substance use disorder was denied by United Behavioral Health (“UBH”) based solely on the medical-necessity criteria mandated by the Texas Department of Insurance, and not based, in whole or in part, on UBH’s Level of Care Guidelines or UBH’s Coverage Determination Guidelines.

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

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY

1. Purpose of this Notice

The Court has ordered this Notice be sent to you to let you know that, although you previously received a Notice of Pendency of this Action, you are not a member of the Class as defined by the Court. This Notice may affect your legal rights.

2. About the Lawsuit

This is a civil lawsuit filed in the United States District Court for the Northern District of California, alleging that defendant United Behavioral Health, or “UBH” (operating as OptumHealth Behavioral Solutions), violated ERISA and certain state laws by developing and applying internal guidelines that were inconsistent with the terms of the class members’ health insurance plans.

On September 19, 2016, the Court ruled that the case should be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure and certified two Classes, including the *Wit* State Mandate Class. Following a trial in October 2017, the Court ruled in Plaintiffs’ favor on March 5, 2019. The Court’s merits ruling, as amended on November 3, 2020, defined the *Wit* State Mandate Class as follows:

Any member of a fully-insured health benefit plan governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island, or Texas, whose request for coverage of residential treatment services for a substance use disorder was denied by UBH, in whole or in part, within the Class period, based upon UBH’s Level of Care Guidelines or UBH’s Coverage Determination Guidelines, and not upon the level-of-care criteria mandated by the applicable state law. With respect to plans governed by Texas law, the *Wit* State Mandate Class includes only denials of requests for coverage of substance use disorder services that were sought or received in Texas. The Class period for the *Wit* State Mandate Class includes denials governed by Texas law that occurred between May 22, 2011 and June 1, 2017, denials governed by Illinois law that occurred between August 18, 2011 and January 1, 2016, denials governed by Connecticut law that occurred between October 1, 2013 and June 1, 2017, and denials governed by Rhode Island law that occurred between July 10, 2015 and June 1, 2017.

3. Why You are Receiving this Notice and How your Legal Rights Are Affected

In order to be a member of the Class as defined above based on a violation of Texas state law, among other things, a person must have been denied coverage based, in whole or in part, on UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines. UBH's records show that you did not receive such a denial. Therefore, notwithstanding the Notice of Pendency you received, you are not, in fact, a class member in this lawsuit and your individual rights and claims are not being addressed or represented in this lawsuit.

Nothing in this Notice is an expression by the Court as to the merits of any claim(s) you may assert. This Notice is intended merely to advise affected individuals that they are ineligible for Class membership.

If you believe that UBH violated the law in connection with its determination of your benefit claim, you may still be able to file an individual claim or lawsuit against United Behavioral Health on your own. You should be aware that any such claim may be subject to a statute of limitations.

4. Additional Information and Inquiries

Additional information about the Action, including copies of the Court's merits ruling and decertification order, is available on the internet at: www.UBHGuidelinesClassAction.com.

The pleadings and other papers filed in the lawsuit are also available for inspection during business hours at the United States District Court, 450 Golden Gate Ave., 16th Floor, San Francisco, CA 94102.

Any questions you have concerning the matters contained in this Notice should be directed to Plaintiffs' Counsel or the Notice Administrator. **DO NOT CALL THE COURT OR UNITED BEHAVIORAL HEALTH.**

Plaintiffs' Counsel:

Caroline E. Reynolds
D. Brian Hufford
Jason S. Cowart
ZUCKERMAN SPAEDER LLP
1800 M Street, NW, Suite 1000
Washington, DC 20036
Tel: (202) 778-1800

Meiram Bendat
PSYCH-APPEAL, INC.
8560 West Sunset Boulevard, Suite 500
West Hollywood, CA 90069
Tel: (310) 598-3690

Class Administrator:

UBH Guideline Class Litigation
c/o A.B. DATA, LTD.
P.O. Box 173116
Milwaukee, WI 53217
Tel: (877) 884-3642