

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

The Depot, Union Club Bar and Trail Head, Inc. v. Caring for Montanans, Inc. and Health Care Service Corp.,
Cause No. DV-16-521

NOTICE OF PENDENCY OF CLASS ACTION LAWSUIT

On June 29, 2020, the Montana Fourth Judicial District Court certified a class action against Caring for Montanans, Inc. (CFM), formerly known as Blue Cross and Blue Shield of Montana, Inc., and Health Care Service Corp. (HCSC), now doing business in Montana as Blue Cross Blue Shield of Montana.

What is the case about? The case, *The Depot, Union Club Bar and Trail Head, Inc. v. Caring for Montanans, Inc. and Health Care Service Corp.*, alleges that CFM and HCSC Blue Cross and Blue Shield of Montana, negligently and in bad faith, added amounts to the premiums charged to employers for Chamber Choices health insurance in order to pay illegal kickbacks to the Montana Chamber of Commerce in return for its cooperation and help marketing this health insurance product. Plaintiffs seek to require CFM and HCSC to repay the overcharges to the Chamber Choices subscribers and also seek reasonable punitive damages. CFM and HCSC deny Plaintiffs' allegations and ask that Plaintiffs recover nothing. CFM and HCSC contend that the Montana Chamber of Commerce and the Montana Chamber Choices Trust disclosed to employers they were required to (a) purchase all coverages and services offered by the program and (b) pay an association fee as a condition to obtain Chamber Choices health insurance through the Chamber Choices program; CFM and HCSC also contend the Montana Chamber and/or the Trust — not CFM or HCSC — negotiated such additional coverages and premium amounts and determined the amount of the association fee; and, CFM and HCSC only invoiced, collected, and remitted these amounts at the direction of the Montana Chamber and the Trust to them.

Who's included? You may be a member of the Class if: (1) You purchased "Chamber Choices" insurance from the Montana Chamber Trust; (2) within the applicable statute of limitations; and (3) paid premiums for the Chamber Choices coverage.

What are my options? If you want to stay in the case, you do not need to do anything. If you do not want to participate in this case or want to file your own case, you must mail a letter to Depot v. CFM Case Administrator, c/o Dana Parker, 401 N. Last Chance Gulch Helena, MT 59601, stating that you want to be excluded from The Depot v. CFM and HCSC class action. Be sure to include your name and address and sign the letter. **Your request to be excluded must be postmarked by [45 days from date of mailing.]** If you do not exclude yourself from this case, you will be legally bound by the decisions of the Court and the final outcome of the lawsuit. If you exclude yourself, you will not participate in any favorable result from the litigation but will retain all rights relating to any claims you may have. Additional information concerning the lawsuit and an exclusion request form ('Opt-Out') are available at www.DepotClassAction.com. **Do I need to hire a lawyer?** The Court has appointed attorneys John Morrison of Morrison Sherwood Wilson Deola, PLLP (Helena, MT) and John Heenan of Heenan & Cook (Billings, MT) to represent the Class. You may, but are not required to, enter an appearance through an attorney in this case at your own expense.

John Morrison

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