

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

MARY ANN O'BRIEN, et. al., Plaintiffs,

Case No. 10-002528-CD

vs.

Hon. James M. Biernat, Jr.

ST. JOHN HEALTH, Defendant.

**1<sup>st</sup> AMENDED NOTICE OF CLASS ACTION  
SETTLEMENT AND APPROVAL HEARING**

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

**TO: CURRENT OR FORMER PROVIDENCE HOSPITAL EMPLOYEES OF ST. JOHN HEALTH ("THE HOSPITAL") WHO HAD EXCESS BANK HOURS CANCELLED EFFECTIVE DECEMBER 31, 2008 AND DID NOT PREVIOUSLY OPT-OUT OF THIS LAWSUIT.**

The Parties have reached a settlement, subject to Court approval, which may entitle you to benefits. The settlement includes a reinstatement of all cancelled Providence excess banks and is summarized as follows:

- **Current employees.** The Hospital will reinstate all current employees' cancelled excess bank hours. Current employees will be entitled to use the excess bank hours to supplement their pay for a medical leave of absence under the same terms and conditions that existed just before the cancellation. Current employees will also be entitled to a payout of any unused excess bank hours at their then-current pay rate if the employee has at least ten years of service, retires, and takes an immediate pension benefit.
- **Former employees.** The Hospital will make a cash payout of all former employees' cancelled excess banks at their last pay rate if the employee retired with at least ten years of service and took an immediate pension benefit. Former employees who do not so qualify shall nevertheless receive a \$1,000 cash payment if their employment ended (other than for misconduct) at age 54 or older with at least nine years of service. Former employees who do not qualify under either of these provisions will not receive a payment or benefit.
- **TouchPoint employees.** The Hospital will make a \$1,000 cash payment to employees whose employment was outsourced to TouchPoint in 2012 unless they qualify for a payment under the prior paragraph titled "Former employees."
- All class members waive their right to pursue any other type of claim relating to the cancellation of the excess banks.
- Each of the 22 named class representatives will receive additional payments ranging from \$3,000 to \$8,000 for their time and efforts with respect to the litigation. These funds will not be taken from amounts payable to the class. These named class representatives also will receive payment for their cancelled excess banks if they are no longer employed by the Hospital.
- The Hospital will pay Class Counsel an agreed-upon amount of attorney fees approved by the Court. These funds will not be taken from amounts payable to the class.

**OBJECTIONS TO SETTLEMENT**

An approval hearing on the proposed settlement has been re-scheduled to take place at 8:30 a.m. on Friday, January 18, 2013 (or such other time as scheduled by the Court), in the Macomb County Circuit Court, 40 N. Main St., Mt. Clemens, MI 48043, in the Courtroom of the Honorable James M. Biernat, Jr. As a Class Member, you have the right to object to the fairness and adequacy of the terms of the Settlement Agreement and its Amendments, which may be reviewed in the courtroom of the Hon. James M. Biernat, Jr. The terms of the Settlement Agreement and Amendments control over the terms of this Notice if there is a conflict.

For your objection to be heard at the approval hearing, you must have either already filed an objection or you may file a new objection (with the case caption) with the Clerk of the Court on or before Wednesday, January 16, 2013. You must also have sent a copy of your objection to the Parties' counsel as follows:

Class Counsel: Sterling Attorneys at Law, P.C.  
Attn: Raymond J. Sterling  
33 Bloomfield Hills Pkwy., Suite 250  
Bloomfield Hills, MI 48304

Defense Counsel: Hall, Render, Killian, Heath & Lyman, PLLC  
Attn: David A. French  
201 W. Big Beaver, Suite 1200  
Troy, MI 48084