

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
CIVIL DIVISION

PATRICIA WEBBER, individually and on
behalf of all those similarly situated,

Class Representation

Plaintiff,

Case No.: 12-CA-014375

v.

Division: G

BACTES IMAGING SOLUTIONS, INC.,

Defendant.

NOTICE OF PENDENCY OF CLASS ACTION

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ CAREFULLY.

TO: All persons who were patients of a physician or physician's practice licensed pursuant to Chapter 458, Florida Statutes, and who since March 9, 2009: (a) made a request through a legal representative to said physician or physician's practice to provide copies of the person's patient medical records; (b) were billed by the Defendant, whether billed directly to the patient or to the patient's legal representative, at charges that exceeded 25¢ per page after the first 25 pages; and (c) such charges were paid.

Your rights may be affected by a lawsuit pending in this Court. Patricia Webber (the "Plaintiff" or "Class Representative"), the individual bringing this lawsuit, alleges the Defendant violated the Florida Administrative Codes in charging certain fees for furnishing copies of patient medical records at the request of the patient or their representatives. The lawsuit asserts that under Florida law, Defendant owes restitution and interest to the Plaintiff and class members. Defendant denies the claims and allegations.

The Court has not ruled on the merits of Plaintiff's claims or on the denials, defenses and other claims raised by Defendant. Because you have been identified as possibly being one of the parties who paid for medical records from the Defendant, this notice is to advise you of these events and their potential effect on your legal rights. There will ultimately be a trial regarding the claims and defenses raised by Plaintiffs and Defendant in this lawsuit. The purpose of this notice is to inform you of this class action lawsuit and how it may potentially affect your legal rights.

CLASS ACTION RULING

The Court has ruled that this lawsuit may be maintained as a class action, meaning that the claims for restitution, declaratory and injunctive relief, and attorneys' fees and costs can be pursued not only by the Plaintiff, Patricia Webber, but also on behalf of a class consisting of certain other parties who paid for medical records from the Defendant. The Court has named Patricia Webber as representative of the whole class, and her attorneys, Clark and Martino, P.A., Jeeves Law Group, P.A., and de la Parte & Gilbert, P.A. as counsel for the class (collectively referred to as "Class Counsel"). **The class consists of all persons who were patients of a physician or physician's practice licensed pursuant to Chapter 458, Florida Statutes, and who since March 9, 2009: (a) made a request through a legal representative to said physician or physician's practice to provide copies of the person's patient medical records; (b) were billed by the Defendant, whether billed directly to the patient or to the patient's legal representative, at charges that exceeded 25¢ per page after the first 25 pages; and (c) such charges were paid.**

This ruling by the Court does not mean that any money or declaratory or injunctive relief will be obtained for class members who paid for medical records from the Defendant. These are still contested issues that have not been decided. Rather, the ruling means that the final outcome of this lawsuit—whether favorable to Plaintiffs or Defendant—will apply in a like manner

to every class member, that is, to patients who requested medical records from the Defendant, as described above, who do not timely elect to be excluded from the class (see below).

ELECTION BY CLASS MEMBERS

If you fit the above description of a class member, you have a choice of whether or not to remain a member of the class on whose behalf this suit is being maintained and litigated. Either choice will have its consequences, which you should fully understand before making your decision.

Option 1:

If you want to remain a member of the class, you should NOT file an “Exclusion Request” and are not required to do anything at this time. By remaining a class member, any claims against Defendant for damages and declaratory and injunctive relief under Florida law arising from the Defendant’s conduct, as alleged by Plaintiff, will be determined in this lawsuit and cannot be presented in any other lawsuit. If you do nothing by the date 60 days from the mailing of your notice (see <https://secureclaims.abdata.com/Bactes/> for this date based upon the notice ID from your postcard), it will be assumed that you are electing to remain a member of the class in accordance with this option.

Option 2:

You can exclude yourself from the class by sending a written “Request to Opt Out” to Webber v. Bactes Imaging, Class Action Administrator, EXCLUSIONS, c/o A.B. Data, Ltd., 3410 West Hopkins Street, PO Box 170500, Milwaukee, WI 53217-8091 by mail, postmarked no later than the date 60 days from the mailing of your notice (see <https://secureclaims.abdata.com/Bactes/> for this date based upon the notice ID from your postcard). Your written request must include:

- Your name, address, telephone number, and the statement that you want to opt out of the lawsuit;
- The case name and number: *Webber v. Bactes Imaging*, Case No. 12-014375
- A statement that you requested copies of medical records from the Defendant since March 9, 2009, and that you believe you paid charges that exceeded 25¢ per page after the first 25 pages; and
- Your signature.

Any questions you have concerning the matters contained in this notice, including any corrections or changes of name and/or address, should not be directed to the Court, but should be directed in writing to the Class Action Administrator, A.B. Data, Ltd., as identified in the “Additional Information” section below.

RIGHTS AND OBLIGATIONS OF CLASS MEMBERS

If you remain a member of this class:

1. The Plaintiff, Patricia Webber will act as your class representative for the presentation of the claims against Defendant. The law firms of Clark & Martino, P.A., Jeeves Law Group, P.A., and de la Parte & Gilbert, P.A will act as your legal counsel for the presentation of the class members’ claims against Defendant. If you desire, you may also appear with your own attorney, at your own expense. You may also seek to intervene individually, and may advise the Court if at any time you consider that you are not being fairly or adequately represented by Ms. Webber or her attorneys in relation to this lawsuit.

2. Your participation in any recovery that may be obtained from Defendant through trial or settlement will depend on the results of this lawsuit. If no recovery is obtained for the class, you will be bound by that result also.

3. You may be required as a condition to participating in any recovery through trial or settlement to present evidence regarding your payment of the specific charges at issue in this lawsuit. You should, therefore, gather and preserve invoices, check stubs, receipts, or other records reflecting such payments.

4. You will be entitled to notice of any ruling altering the size or definition of the class. You will also be entitled to notice and an opportunity to be heard regarding any proposed settlement or dismissal of the class claims. For this reason, as well as to participate in any recovery, you are requested to notify A.B. Data, Ltd., the Class Action Administrator, of any corrections or changes in your name and/or address.

FURTHER PROCEEDINGS

As noted, the essential claims and allegations against Defendant are denied by them. Because of the substantial discovery and other pre-trial proceedings that remain to be completed, trial of this lawsuit is not likely to occur before January 1, 2015. You may communicate with Class Counsel if you have evidence you believe would be helpful to establish the class claims, and you may be asked by any of the parties to provide information relevant to the case.

ADDITIONAL INFORMATION

Any questions you have concerning the matters contained in this notice, including any corrections or changes of name and/or address, should not be directed to the Court, but should be directed in writing to

**WEBBER V. BACTES IMAGING SOLUTIONS
CLASS ACTION ADMINISTRATOR
C/O A.B. DATA, LTD.
PO BOX 170500
MILWAUKEE, WI 53217-8091**

If you decide to remain a member of the class and wish to communicate with Class Counsel as your attorney in this lawsuit, you may do so by contacting

Scott R. Jeeves, Esquire
Jeeves Law Group, P.A.
954 1st Ave North
St. Petersburg, Florida 33705

J. Daniel Clark, Esquire
Clark & Martino, P.A.
3407 West Kennedy Blvd.
Tampa, Florida 33609

David M. Caldevilla, Esquire
de la Parte & Gilbert, P.A.
PO Box 2350
Tampa, Florida 33601

You may, of course, seek the advice and guidance of your own attorney, if you desire at your own expense. The pleadings and other records in this lawsuit may be examined and copied at any time during regular business hours at the Office of the Clerk: Clerk of Circuit Court, George E. Edgecomb Courthouse, 800 Twiggs Street, Tampa, FL 33602. **Please do not contact the Court or the Circuit Clerk's Office regarding the matters contained in this notice.**

REMINDER AS TO TIME LIMIT

If you wish to be excluded from the class on whose behalf this lawsuit is being maintained, return a completed exclusion request, following the instructions above to Webber v. Bactes Imaging Solutions, Class Action Administrator, EXCLUSIONS, c/o A.B. Data, Ltd., PO Box 170500, 3410 West Hopkins Street, Milwaukee, WI 53217-8091 by mail, postmarked on or before the date 60 days from the mailing of your notice (see <https://secureclaims.abdata.com/Bactes/> for your deadline based upon the notice ID from your postcard).

Dated: May 4, 2015