

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

MDL NO.: 1334

IN RE: MANAGED CARE LITIGATION

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THIS DOCUMENT RELATES ONLY TO  
PROVIDER TRACK CASES

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NOTICE OF PROPOSED SETTLEMENT  
AMONG CIGNA HEALTHCARE AND PHYSICIANS

**IF YOU ARE A PHYSICIAN, PHYSICIAN GROUP OR PHYSICIAN ORGANIZATION (OR PERSON OR ENTITY CLAIMING BY OR THROUGH THEM), WHO OR WHICH PROVIDED COVERED SERVICES TO ANY INDIVIDUAL ENROLLED IN OR COVERED BY CIGNA HEALTHCARE OR CERTAIN OTHER HEALTH CARE PLANS AT ANY TIME BETWEEN AUGUST 4, 1990 AND \_\_\_\_\_, 2003, PLEASE READ THIS NOTICE CAREFULLY. THIS CLASS ACTION AND THE PROPOSED SETTLEMENT MAY AFFECT YOUR RIGHTS.**

If you are or have been a physician, physician group, or physician organization (or a person or entity claiming by or through them) who practiced in the United States since August 4, 1990, your rights may be affected by a proposed settlement with CIGNA Corporation, CIGNA HealthCare of St. Louis, Inc., and CIGNA HealthCare of Texas, Inc., (collectively, "CIGNA HealthCare Defendants") in the class action lawsuits known as *Shane, et al. v. Humana, Inc., et al.*, Master File No. 00-1334-MD-MORENO, which is part of a federal multi-district litigation that is pending in the U.S. District Court for the Southern District of Florida (the "Court") called *In re Managed Care Litigation*, MDL Docket No. 1334, and *Kaiser, et al. v. CIGNA Corporation, CIGNA HealthCare of St. Louis, Inc. and CIGNA HealthCare of Texas, Inc.*, transferred to the Court to become part of the multi-district litigation, (referred to collectively as the "Litigation"). The class representatives and certain medical societies have agreed to settle all claims against CIGNA HealthCare in the Litigation in exchange for CIGNA HealthCare's adoption of a number of commitments and initiatives regarding its business practices, the creation of a foundation and the establishment of alternate settlement funds against which individuals who are members of the Class (as defined below) can make claims for a settlement payment. The Court has scheduled a hearing to consider the fairness, reasonableness and adequacy of the proposed settlement with CIGNA HealthCare, together with certain other matters, to be held on \_\_\_\_\_, \_\_\_\_ at \_\_\_\_:00 A.M./P.M. at the United States Courthouse, Courtroom IV, Tenth Floor, Federal Justice Building, 99 Northeast 4<sup>th</sup> Street, Miami, Florida 33132 (the "Fairness Hearing"). You

may be a member of the Class who therefore would be entitled to receive the benefits of the proposed settlement. As a member of the Class, however, you will also be bound by the release and other provisions of the settlement if it is approved by the Court. You may elect to opt out of the Class and the settlement, as explained below. You also have a right to object to the settlement or to the applications for attorneys' fees and representative plaintiffs' incentive awards that counsel for the settlement Class intend to make to the Court, but only if you have not elected to exclude yourself from the Class and only if you comply with the procedures described in this notice or the other resources it refers to.

**WHAT IS THE LITIGATION ABOUT?**

The Litigation has been brought by the representative plaintiffs from around the United States, on behalf of a class of physicians who practiced at any time from and after August 4, 1990 through \_\_\_\_\_ [date of entry of preliminary approval order] (and other non-physician health care providers in *Kaiser*) against a number of managed care companies, including Aetna, Inc., Aetna-USHC, Inc., Anthem, Inc., CIGNA HealthCare Defendants, Coventry Health Care, Inc., Health Net, Inc., Humana Health Plan, Inc., Humana, Inc., PacifiCare Health Systems, Inc., Prudential Insurance Company of America, United Health Care, United Health Group and Wellpoint Health Networks, Inc. (collectively, "defendants"). The complaints in the Litigation allege that in various time periods from 1990 to the present, these companies engaged in a conspiracy to improperly deny, delay and/or reduce payment to physicians (and other non-physician health care providers in *Kaiser*) by engaging in several types of allegedly improper conduct. The complaints seek

**EXHIBIT 7**  
**[Exhibit B to Plan of Notice]**

relief on behalf of purported nationwide classes under various theories arising under federal and state statutory and common law.

#### **WHO IS INVOLVED?**

The proposed CIGNA HealthCare settlement, which is only with CIGNA HealthCare and not any of the other defendants in the Litigation, will be on behalf of a settlement class (the "Class") consisting of "any and all Physicians, Physician Groups and Physician Organizations (and all Persons claiming by or through them, such as Physicians' Assistants and Advanced Practice Registered Nurses), who or which provided Covered Services to any CIGNA HealthCare member or any individual enrolled in or covered by a plan offered or administered by any Person named as a defendant in the *Shane* complaint or by any of their respective current or former Subsidiaries from August 4, 1990 through the date of the entry of the Preliminary Approval Order; provided, however, that the Class shall not include any Physician who is or was an employee of a CIGNA HealthCare staff-model HMO at the time of providing such Covered Services."

#### **THE PROPOSED SETTLEMENT**

Under the proposed settlement, CIGNA HealthCare has agreed that it will make significant changes to certain business practices. In addition, CIGNA HealthCare will create and fund a foundation that will be dedicated to promoting high quality of healthcare and CIGNA HealthCare will pay two separate types of monetary compensation to members of the Class. This settlement consideration is described more fully in a longer notice that has been mailed directly to the members of the Class. If you have not received the mailed notice, you can access it and other information about the settlement at [fill in] or use the resources described below.

Only claims by members of the Class against CIGNA HealthCare will be resolved in the Litigation if the settlement is approved. The other defendants are not parties to the settlement and even if the settlement is approved by the Court, the representative plaintiffs and the signatory medical societies who are parties to the Litigation intend to continue to prosecute their claims against the other defendants, who are not parties to this or any other proposed settlement.

#### **YOUR RIGHTS**

- If you want to remain a member of the settlement Class and participate in the proposed settlement, you do not have to do anything at this time. If the Court approves the proposed settlement, you will receive another notice indicating when the period for submission of claims begins. The second notice will include detailed instructions on how to submit Proofs of Claim and on how to obtain copies of the Proofs of Claim Forms directly from the Settlement Administrator or from the Settlement Administrator's website.
- If you want to be excluded from the proposed settlement, you must submit a request for exclusion. This must be signed by you and must include: your

name, business address and telephone number and all federal tax identification numbers under which you have sought or received reimbursement from CIGNA HealthCare. The completed request must be **POSTMARKED NO LATER THAN** [ ], 2003, and mailed to:

#### **[insert settlement administrator info.]**

Notice of the pendency of the *Kaiser* lawsuit, originally filed in the Circuit Court of Madison County, Illinois, was previously provided to the members of the class certified by the Madison County Circuit Court in 2001. Members of the litigation class certified by that court had the opportunity to exclude themselves from that class. **You are a member of the settlement Class in this Litigation as defined by the settlement Class definition above even if you previously submitted a request for exclusion when the litigation class was certified in the Kaiser action by the Madison County Circuit Court. If you want to be excluded from this proposed settlement, you must submit a request for exclusion as set forth above.**

- The Court has scheduled a hearing to consider the proposed settlement and other matters, which will take place on \_\_\_\_\_, \_\_\_\_ at \_\_\_\_\_ a.m./p.m. at the United States Courthouse, Courtroom IV, Tenth Floor, Federal Justice Building, 99 Northeast 4<sup>th</sup> Street, Miami, Florida 33132 (the "Fairness Hearing"). At the hearing, the Court will determine, among other things, whether the proposed settlement with CIGNA HealthCare should be approved as fair, reasonable and adequate, whether the proposed settlement class should be certified, whether the Court should award attorneys' fees and expenses to Class Counsel or Kaiser Counsel or incentive awards to the representative plaintiffs in the Litigation, and certain other matters. You may attend this hearing if you wish, but you do not have to attend in order to participate in the proposed settlement.
- If you wish to appear at the settlement hearing or to object to the proposed settlement, you must submit a written objection and/or notice to appear in accordance with the procedures and deadlines that are described in the longer notice. If you have not received that notice, you should request it from one of the sources identified below. If these procedures and deadlines are not followed, you may lose significant legal rights, including, but not limited to, the right to have your objections considered by the Court.

#### **For Complete Information and a Copy of the Full Notice:**

**Call:** [fill in]

#### **Or Write to:**

Archie C. Lamb, Jr.  
Law Offices of Archie C. Lamb, I.L.C.  
2017 Second Avenue North  
Birmingham, AL 35203

Harley S. Tropin

Kozyak Tropin & Throckmorton, PA  
200 S. Biscayne Boulevard, Suite 2800  
Miami, FL 33131

**Or Visit:**

[www.WhatleyDrake.com](http://www.WhatleyDrake.com)  
[www.ArchieLamb.com](http://www.ArchieLamb.com)  
[www.milberg.com](http://www.milberg.com)  
[www.kttlaw.com](http://www.kttlaw.com)  
[www.GordonSilberman.com](http://www.GordonSilberman.com)

Edith M. Kallas  
Milberg Weiss Bershad Hynes &  
Lerach  
One Pennsylvania Plaza  
New York, NY 10119

Nicholas B. Roth  
Eyster Key Tubb Weaver & Roth, LLC  
402 East Moulton Street, SE  
Eyster Building  
Decatur, AL 35203

**Please do not contact the Court directly.**