

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: NORTSHORE UNIVERSITY  
HEALTHSYSTEM ANTITRUST  
LITIGATION

No. 07-cv-04446

Judge Edmond E. Chang

**PLAN OF ALLOCATION**

**I. Amount Payable To A Claimant**

1. If a person or entity ("Claimant") submitting a Claim Form is not a member of the Class or requested exclusion from the Class, then that Claimant shall not be entitled to any distribution from the Settlement. If a Claimant is a member of the Class, then that Claimant's eligibility to participate in this Plan of Allocation and the amount of payment the Claimant shall receive (if any), is described below. The settlement funds shall be distributed to Eligible Claimants as follows:

**II. Definitions**

1. "Allocation Pool" shall mean the Net Settlement Amount paid by the Defendant (defined in the Notice).

2. "Consumer Pool" means 8.31% of the Net Settlement Fund, which shall be distributed to members of the Class who are individual consumers.

3. "Third-Party Payor Pool" means 91.69% of the Net Settlement Fund, which shall be distributed to members of the Class who are third-party payor entities, not individual consumers.

4. "Qualifying Claim" shall mean All persons or entities in the United States of America and Puerto Rico, who purchased or paid for inpatient hospital services directly from

NorthShore University Healthcare (formerly known as Evanston Northwestern Healthcare), its wholly-owned hospitals, predecessors, subsidiaries, or affiliates other than those acquired as a result of the merger with Rush North Shore Medical Center (the "Class") from February 10, 2000 to December 31, 2015 (the "Class Period").

5. "Eligible Claimant" shall mean any member of the Class that submits a timely and valid Claim Form for the Allocation Pool in which it is a member of the Class.

6. "Net Settlement Amount" shall mean the Settlement Fund, less Court- approved attorneys' fees, reimbursement of costs and expenses, incentive awards, and fees and costs associated with issuing notice and claims administration.

7. "Notice" shall mean the legal notice authorized by the Court in *In re Northshore University HealthSystem Antitrust Litigation*, 07 C 74446, pending in the United States District Court for the Northern District of Illinois, Eastern Division, to be disseminated to the Class.

8. "Consumer Payor Claim Form" shall mean the document titled "Consumer Payor Claim Form," which is available for download at [www.NorthShoreAntitrustLitigation.com](http://www.NorthShoreAntitrustLitigation.com), or by calling 1-800-302-7323. The timeliness and validity of a Claimant's Consumer Payor Claim Form shall be determined by the Notice and Claims Administrator.

9. "Third-Party Payor Claim Form" shall mean the document titled "Third- Party Payor Claim Form," which is available for download at [www.NorthShoreAntitrustLitigation.com](http://www.NorthShoreAntitrustLitigation.com), or by calling 1-800-302-7323. The timeliness and validity of a Claimant's Third-Party Payor Claim Form shall be determined by the Notice and Claims Administrator.

### **III. Distribution Among Eligible Claimants**

1. No Eligible Claimant shall be permitted to recover unless that Claimant submits a timely Claim Form.

2. Each Allocation Pool shall be distributed to Eligible Claimants *pro rata* of Qualifying Claims not to exceed 100% of recoverable damages.

3. To determine each Eligible Claimant's *pro rata* share of the applicable Allocation Pool, the Notice and Claims Administrator shall multiply the total value of the applicable Allocation pool by a fraction, for which (a) the numerator is the applicable Qualifying Claim for that Eligible Claimant, and (b) the denominator is the sum total of all applicable Qualifying Claims by all Eligible Claimants for the applicable Allocation Pool.

4. If the total amount set aside for Consumer Pool is not fully distributed to Eligible Claimants for that Consumer Pool, then the excess amount shall pour over into the Third-Party Payor Pool and shall be used to pay Qualifying Claims made against that Pool. Claimants shall be paid only out of the Allocation Pool for which they are eligible.

5. If the total amount set aside for Third-Party Payor Pool is not fully distributed to Eligible Claimants for that Third-Party Payor Pool, then the excess amount shall pour over into the Consumer Pool and shall be used to pay Qualifying Claims made against that Pool. Claimants shall be paid only out of the Allocation Pool for which they are eligible.

6. Claimants who have opted out of the Class shall not receive any of the settlement funds.

### **IV. Administration**

1. All determinations under this Plan of Allocation shall be made by the Notice and Claims Administrator, subject to review by Class Counsel and approval by the Court.

2. If an Eligible Claimant's payment amount calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to that Eligible Claimant.

3. Any funds not distributed pursuant to the terms of this Plan of Allocation shall be paid to a *cy pres* beneficiary, *e.g.*, Ann & Robert H. Lurie Children's Hospital of Chicago, if approved by the Court.

**V. Amendments to the Plan of Allocation**

This Plan of Allocation may be amended. To obtain the most up-to-date information regarding the Plan of Allocation, please visit [www.NorthShoreAntitrustLitigation.com](http://www.NorthShoreAntitrustLitigation.com), or by call 1-800-952-3716.