

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WIT, *et al.*, Plaintiffs

v.

UNITED BEHAVIORAL HEALTH
(operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS), Defendant

Civil Action No. 3:14-cv-02346-JCS

NOTICE OF PARTIAL DECERTIFICATION OF CLASS ACTION

TO: Any member of a fully-insured health benefit plan governed by both the Employee Retirement Income Security Act (“ERISA”) and the state law of Illinois who previously received a Notice of Pendency in the above-captioned action and whose request for coverage of residential treatment services for a substance use disorder was denied by United Behavioral Health (“UBH”), on or after January 2, 2016.

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

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY

1. Purpose of this Notice

The Court has ordered this Notice be sent to you to let you know about a recent change in the definition of a Class certified in the above-captioned lawsuit, which may affect your legal rights.

2. About the Lawsuit

This is a civil lawsuit filed in the United States District Court for the Northern District of California, alleging that defendant United Behavioral Health, or “UBH” (operating as OptumHealth Behavioral Solutions), violated ERISA and certain state laws by developing and applying internal guidelines that were inconsistent with the terms of the class members’ health insurance plans.

On September 19, 2016, the Court ruled that the case should be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure and certified two Classes, including the *Wit* State Mandate Class. Following a trial in October 2017, the Court ruled in Plaintiffs’ favor on February 28, 2019. The Court’s merits ruling defined the *Wit* State Mandate Class as follows:

Any member of a fully-insured health benefit plan governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island, or Texas, whose request for coverage of residential treatment services for a substance use disorder was denied by UBH, in whole or in part, within the Class period, based upon UBH’s Level of Care Guidelines or UBH’s Coverage Determination Guidelines, and not upon the level-of-care criteria mandated by the applicable state law. With respect to plans governed by Texas law, the *Wit* State Mandate Class includes only denials of requests for coverage of substance use disorder services that were sought or received in Texas. The Class period for the *Wit* State Mandate Class includes denials governed by Texas law that occurred between May 22, 2011 and June 1, 2017, denials governed by Illinois law that occurred between August 18, 2011 and June 1, 2017, denials governed by Connecticut law that occurred between October 1, 2013 and June 1, 2017, and denials governed by Rhode Island law that occurred between July 10, 2015 and June 1, 2017.

3. Partial Decertification of the Class and How your Legal Rights Are Affected

On November 3, 2020, the Court amended the definition of the *Wit* State Mandate Class by changing the end of the class period applicable to members of plans governed by Illinois law from June 1, 2017 to January 1, 2016. As a result of

that ruling, the Court decertified the *Wit* State Mandate Class as to members of Illinois plans whose requests for coverage were denied after January 1, 2016 (the “Post-January 1, 2016 Exclusion”). Therefore, members to whom the Post-January 1, 2016 Exclusion applies are no longer parties to this lawsuit and their individual rights and claims are no longer being addressed or represented in this lawsuit.

Nothing in this Notice is an expression by the Court as to the merits of any claim(s) which a member to whom the Post-January 1, 2016 Exclusion applies may assert. This notice is intended merely to advise you of the partial decertification of the Class and status of the case.

If the Post-January 1, 2016 Exclusion applies to you, and you believe that your request for coverage of residential treatment services for a substance use disorder was denied by UBH, in whole or in part, based upon UBH’s Level of Care Guidelines or UBH’s Coverage Determination Guidelines, and not upon the level-of-care criteria mandated by Illinois law, you may still file an individual claim or lawsuit against United Behavioral Health on your own. If you wish to bring such a claim, you should be aware that you may have a limited amount of time in which to do so before the statute of limitations bars your claim.

The Court stayed its decertification ruling until **120 days** after this Notice is sent. This means that, 120 days after this Notice is mailed, the statute of limitations as to your individual claim(s), if any, will begin to run.

4. Additional Information and Inquiries

Additional information about the Action, including copies of the Court’s merits ruling and decertification order, is available on the internet at: www.UBHGuidelinesClassAction.com.

The pleadings and other papers filed in the lawsuit are also available for inspection during business hours at the United States District Court, 450 Golden Gate Ave., 16th Floor, San Francisco, CA 94102.

Any questions you have concerning the matters contained in this Notice should be directed to Plaintiffs’ Counsel or the Notice Administrator. **DO NOT CALL THE COURT OR UNITED BEHAVIORAL HEALTH.**

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