

Notice of Class Action Amended Settlement Agreement and Final Approval Hearing

Ahmed Moneim, D.D.S. et al. v. Delta Dental of California,
San Francisco County Superior Court, No. CGC-18-565581

If You Were a Delta Dental of California Provider from April 6, 2014 to March 10, 2023 You May Be Eligible for Benefits from a Class Action Lawsuit

A Proposed Settlement has been reached in a class action lawsuit brought on behalf of Delta Dental of California participating dentists against Delta Dental of California (“Delta Dental”) who had claims submitted, approved, and paid by Delta Dental more than 365 days before Delta Dental sent an initial written request or demand for reimbursement of alleged overpayment of such claims form four years prior to the date of the filing of the initial complaint (April 6, 2014) up to March 10, 2023. The lawsuit claims that Delta Dental issued reimbursement requests or demands to providers in connection with claims paid more than 365 days earlier without expressly alleging that the provider committed fraud or made misrepresentations to Delta Dental in alleged violation of 28 C.C.R. § 1371.1(b)(5). Delta Dental denies all wrongdoing.

Who are the Class Representatives?

The lawsuit was brought by the following class representatives: Ahmed Moneim, D.D.S., Charina Bailon, D.D.S. and Joyce Tse, D.D.S. Each of the individual representatives is a member of the Class.

Am I included in the Proposed Settlement?

If you were a Delta Dental of California participating dentist and between April 6, 2014 and March 10, 2023 and you received an initial written request or demand for reimbursement of alleged overpayment of claims for claims submitted, approved and paid by Delta Dental more than 365 days before the initial request or demand, you are a member of the Class. The lawsuit does not involve, and the Class does not include patients who are or were enrollees in dental plans offered by Delta Dental of California.

What does the Proposed Settlement provide?

In connection with future written reimbursement request or demand letters to providers, if Delta Dental seeks reimbursement of claims initially paid more than 365 days earlier, the Proposed Settlement requires Delta Dental to clearly indicate that the provider allegedly committed fraud or made misrepresentations. In addition, Delta Dental would be required to inform providers how to access Delta Dental’s dispute resolution mechanism, provide notice of the right to dispute a request within 30 working days and inform providers that interest shall accrue on uncontested overpayments.

As part of the settlement, Delta Dental will also relinquish its right to collect, and shall not collect or attempt to collect, any and all amounts from Settlement Class Members that (a) it has not yet collected, (b) were first sought in connection with a written reimbursement request or demand issued more than 365 days after the initial claim(s) was/were paid and (c) were not

expressly alleged to be the result of provider fraud or misrepresentation in the initial reimbursement request or demand up to the date of preliminary approval. Delta Dental will not use the fact that a request for reimbursement had been made to any of the Settlement Class Members in order to deny, hinder or alter any of the membership rights of any of the Settlement Class Members including the right to recredentialing as a Delta Dental Member. Notwithstanding the preceding sentence, Delta Dental shall have the right, in connection with any membership or recredentialing decisions, to take into account the facts or alleged facts underlying any reimbursement request. Class members who did not make payment to Delta Dental, or who did not pay the full amount demanded by Delta Dental pursuant to a demand or demands issued by Delta Dental for reimbursement of an allegedly overpaid claim shall have all such debt cancelled which amounts to approximately \$8,445,213.

In addition, Delta Dental will pay a total of \$2,800,000 (the "Settlement Amount"). Assuming the Court approves Class Counsel's request for attorney's fees and expenses of \$1,000,579.00 and approves the Class Representative service awards of \$3,5000 each, a balance of \$1,788,921 would remain for distribution to Settlement Class Members.

How will the Settlement Amount be allocated among Class Members?

In general, the amount allocated to each Class Member will be a share of the Settlement Amount that is proportionate to the reimbursement amount(s) made by the Class Member, based on determinations using available data, when compared to the total reimbursement amounts paid by Class. Once determined, the allocations will be deemed final and not subject to legal challenge.

Based on current calculations and available data, it is currently estimated that approximately 448 Class Members will be allocated the \$1,788,921 portion of the Settlement Amount. Assuming that Class Counsel's request for attorney's fees and expenses of \$1,000,579.00 is approved and that the Court approves the Class Representative service awards of \$3,500 each, these amounts are estimated to range from \$5 to approximately \$49,497. The average allocation from the Settlement Amount is currently estimated to be approximately \$4.016. Recipients of distributions from the Settlement Amount will be sent a Form 1099-MISC. Class Members who did not make reimbursements during this period will not receive any portion of the Settlement Amount.

Allocations not relating to a group practice's reimbursement to Delta Dental will be distributed directly to the Settlement Class Member. In connection with allocations relating to a group practice's reimbursement for a Settlement Class Member, the Settlement Class Member and the group practice will receive a notice informing them that unless either party objects the distribution will be made to the group practice. If either party objects, the payment will be held until the disagreement is resolved by agreement or a court order. Once the allocations and distributions have been determined, they will be deemed final and not subject to legal challenge.

Distributions from the Settlement Amount will be made within 120 calendar days from the date that the Proposed Settlement receives final approval. Any distributions from the Settlement Amount that remain outstanding (*e.g.*, checks that are uncashed) for more than 90

days after being mailed will be paid to La Clinica de La Raza, www.laclinica.org, for the provision of dental services.

Delta Dental will bear the costs of administering the Settlement Amount. However, under certain circumstances, Delta Dental will establish a Qualified Settlement Fund (“QSF”) as provided in the Proposed Settlement, into which the Settlement Amount, or a portion of it shall be deposited. Costs and expenses for the operation and administration of the QSF, if one is established, including but not limited to fees and expenses for any claims administrator fees and expenses relating to the distribution of the Settlement Amount, which are currently estimated to be less than \$50,000, will be paid out of the QSF.

How do I get benefits?

You do **not** need to file a claim to participate in the Proposed Settlement. The Settlement Amount will be allocated and distributed in the manner described above, using the information that is available in Delta Dental’s records.

What are my other rights?

Remain in the Proposed Settlement: If you do nothing, you will remain in the Proposed Settlement and will remain a Settlement Class Member. You will be bound by the terms of the Proposed Settlement and give up your right to sue Delta Dental about the claims in this case. You may be eligible to receive a distribution or benefits as described in this Notice.

Object to the Proposed Settlement: If you stay in the Proposed Settlement but still wish to object to it, you must submit a written objection to the Class Administrator at the address below by May 31, 2023. The Court will consider only written objections.

Opt Out of the Proposed Settlement: If you do not want to be legally bound by the Proposed Settlement and want to retain your right to sue, you must exclude yourself by May 31, 2023 by sending an opt-out request to the Class Administrator at the address below. If you opt out, you will not receive any distribution from the Settlement Amount and will not be represented by Class Counsel. However, your status as a Delta Dental Premier Dentist will not be affected.

Attend the Hearing: The Court will hold a hearing on August 4, 2023 at 9:30 a.m. to determine whether to grant final approval to the Proposed Settlement. The Court will also consider the application for attorney’s fees and service awards at this hearing. Anyone can attend this hearing and any Class Member who has not opted out may address the Court at the Final Approval Hearing. Substantive objections must be submitted in writing to the Class Administrator by May 31, 2023.

The complete Proposed Amended Settlement Agreement, long-form Class Notice, and other documents pertinent to the Proposed Settlement can be accessed at deltadentalins.com/dentists or by contacting the Class Administrator, Delta Dental, at:

Attn: Litigation

**Delta Dental of California
560 Mission Street, Suite 1300
San Francisco, CA 94105
1-888-742-4131**

**Re: *Ahmed Moneim, D.D.S. et al. v. Delta Dental of California,*
San Francisco County Superior Court, No. CGC-18-565581**

The Court's docket may be accessed at www.sfsuperiorcourt.org. Click Online Services, then Case Query and fill in the case number CGC-18-565581.