

If you underwent open heart surgery at WellSpan York Hospital between October 1, 2011 and July 24, 2015 or Penn State Milton S. Hershey Medical Center between November 5, 2011 and November 5, 2015

--and--

You have not been diagnosed with and do not have any current symptoms of non-tuberculous mycobacterium (NTM) infection

A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS

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

- A class action lawsuit (“the Lawsuit”) was filed on behalf of all individuals who underwent open heart surgery at WellSpan York Hospital between October 1, 2011 and July 24, 2015 or Penn State Milton S. Hershey Medical Center between November 5, 2011 and November 5, 2015 who have not been diagnosed with and do not have any current symptoms of non-tuberculous mycobacterium (NTM) infection. This Notice refers to this group as the “Class”.
- The Lawsuit is titled *Baker, et al. v. Sorin Group Deutschland GmbH, et al.*, No. 1:16-cv-00260. The Lawsuit is pending in the United States District Court for the Middle District of Pennsylvania.
- The Lawsuit was filed by Edward Baker and Jack Miller (“Plaintiffs”). Both Plaintiffs had open heart surgery at WellSpan York Hospital. Mr. Baker’s surgery took place on March 18, 2015, and Mr. Miller’s surgery took place on March 27, 2015.
- The Lawsuit was filed against Sorin Group Deutschland GmbH and Sorin Group USA, Inc. (“the Defendants”).
- The Lawsuit does not seek any monetary damages, which means there is no possibility that you will be awarded money. The Lawsuit seeks to compel the Defendants to finance a court-supervised medical monitoring fund which would allow you to obtain free screening and medical tests to detect NTM infections. The Lawsuit also seeks a court declaration that the Defendants’ Sorin 3T Heater Cooler, which may have been used to heat and cool your blood during open heart surgery, is defective under Pennsylvania law.
- The Court has certified a “Litigation Class”, which means the Lawsuit may proceed on a class-wide basis to determine whether the Defendants are liable to the Class.

- The Court designated Mr. Baker and Mr. Miller to represent the interests of the Class in the litigation.
- The Court has not yet decided whether the Defendants did anything wrong or whether the Plaintiffs and Class are entitled to medical monitoring for NTM infection. The lawyers for the Class must prove the Defendants' wrongdoing and the Class's entitlement to medical monitoring at a future trial.
- There is no guarantee that the Lawsuit will be successful. That means that you may or may not be able to benefit from medical monitoring paid for by the Defendants in the future. You are not responsible for the payment of attorneys' fees or costs. Those fees and costs will be paid by the Defendants only if the Court decides the Defendants did something wrong and approves the payment of those fees and costs. You are receiving this Notice because your legal rights may be affected by the Lawsuit.

BASIC INFORMATION

What is a class action and who is involved?

In a class action, class representatives sue on behalf of a group of other people who have the same or similar claims. The people with similar claims are called the "class" or "class members." One court resolves the claims and issues for all class members instead of evaluating each class members' claim separately. A class action is an effective way of dealing with lawsuits that affect a large number of people. One of the benefits of a class action is that it can resolve a big case more quickly by deciding the legal issues once for all class members.

You will be in the Litigation Class if you fit into the definition of the Litigation Class described below.

Why is this lawsuit a class action?

The lawyers who filed the Lawsuit asked the Court to certify it as a class action. The Court decided that the Lawsuit met the requirements of the rules that govern class actions in federal courts, including Federal Rule of Civil Procedure 23(a) and (b)(2). You can learn more about why the Court allowed the Lawsuit to be a class action in the Court's October 23, 2017 Order granting the Motion for Class Certification, which is available at www.anapolweiss.com/ntm-class-action.

Why did I get this Notice?

You are receiving this notice because records from WellSpan York Hospital and Penn State Milton S. Hershey Medical Center provided to the lawyers for the Class indicate that you may be a member of the Litigation Class. Your private medical records were not released by the hospitals to make this determination. Because you may be a member of the Litigation Class, your legal rights may be affected. You should read this Notice carefully.

Am I a member of the Litigation Class?

You are a member of the Litigation Class if you fit into the following Litigation Class definition:

All individuals who underwent open heart surgery at WellSpan York Hospital between October 1, 2011 and July 24, 2015 or Penn State Milton S. Hershey Medical Center between November 5, 2011 and November 5, 2015 who have not been diagnosed with and do not have any current symptoms of non-tuberculous mycobacterium (NTM) infection.

What is NTM and what are the symptoms of NTM infection?

As stated in the letters sent to you by WellSpan York Hospital and Penn State Milton S. Hershey Medical Center in October and November 2015, NTM is a bacteria commonly found in soil and water that grows slowly and is not usually harmful. Some NTM infections following open heart surgery have been attributed to heater cooler devices. Symptoms of NTM infection may appear several months to years after your open heart surgery, and may include unexplained fever, redness, heat or pus around a surgical incision, night sweats, joint or muscle pain and fatigue. NTM infections are not contagious, meaning they cannot be spread from person to person.

What is this case about?

The Lawsuit is about whether the Defendants' Sorin 3T Heater Cooler caused you to be exposed to NTM during your open heart surgery and whether you are entitled to medical monitoring under Pennsylvania law. To establish a right to medical monitoring, the lawyers for the Class must show actual exposure to NTM, significantly increased risk of NTM infection, that the Defendants' negligence caused the exposure and increased risk, and that the requested medical

monitoring is reasonably necessary and different from that normally recommended absent exposure. The Lawsuit also seeks a court declaration that the Sorin 3T Heater Cooler is defective and alleges that the device has design, manufacturing and warnings defects.

The lawyers who filed the Lawsuit seek to establish the Defendants' liability regarding these claims. The Defendants dispute that they are liable.

Who are the Defendants in this case?

The lawsuit was filed against Sorin Group Deutschland GmbH, the company that designed and is the registered manufacturer of the Sorin 3T Heater Cooler and Sorin Group USA, Inc., the company that and sold the Sorin 3T Heater Cooler in the United States.

How did the Defendants answer the lawsuit?

The Defendants have denied all the allegations in the Lawsuit.

Has the Court decided who is right?

The Court has not yet decided whether the Class Members or the Defendants are right. By certifying the Class and ordering that this Notice be provided, the Court is not suggesting that the Litigation Class will win or lose this case. The lawyers must prove their case at a future trial.

Will I get any money from this Lawsuit?

No. There is no possibility that you will be awarded money damages from this Lawsuit. The goal of this lawsuit is to compel the Defendants to finance a court-supervised medical monitoring fund which would allow you to obtain free screening and medical tests to detect NTM infections and to obtain a court order declaring that the Defendants' heater cooler is defective under Pennsylvania law.

YOUR LEGAL RIGHTS

How does this Lawsuit affect my legal rights?

If you are a member of the Litigation Class, you will be legally bound by all orders and judgments of the Court, and you will not be able to sue the Defendants, or continue to sue as part of any other lawsuit involving the legal claims in this case. However, if you are diagnosed with an NTM infection in the future, this Lawsuit does not affect you or your loved one's right to bring a personal injury or wrongful death claim against the Defendants.

If any benefits become available as a result of this Lawsuit, another Notice with additional information will be mailed to your last known address.

THE LAWYERS REPRESENTING YOU

Who represents me?

The Court appointed attorneys Sol H. Weiss and David S. Senoff of Anapol Weiss and William M. Audet of Audet & Partners, LLP to represent the Class. These attorneys are "Class Counsel". If Class Counsel obtains benefits for the Litigation Class, Class Counsel may ask the Court for attorney fees and expenses. You don't have to pay these attorney fees and expenses. You may hire your own attorney, but you will have to pay that attorney at your own expense.

QUESTIONS

If you have questions, call 1-888-868-4936.