

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2018 DEC 11 AM 9:27

STATE OF HAWAII

N. ANAYA
CLERK

IN RE:)
 HEPATITIS A CASES) CIVIL NO. 17-1-HEP (JHA)
 This Document Applies To:) (Product Liability)
 BRYAN CUEHLO) **ORDER APPROVING STIPULATION TO**
 STANLEY SATO) **AMEND PROPOSED NOTICE PLAN,**
 D'ANN RAMOS) **RELATED DEADLINES, FOR A HIPAA**
) **QUALIFIED ORDER AND APPOINTING**
) **A THIRD-PARTY ADMINISTRATOR**
) **No Trial Date Set**
)
) Hon. Judge James H. Ashford
)
) CIVIL NO.
) 16-1-1612
) 16-1-1641
) 16-1-1702

ORDER APPROVING STIPULATION TO AMEND PROPOSED NOTICE PLAN, RELATED DEADLINES, FOR A HIPAA QUALIFIED ORDER AND APPOINTING A THIRD-PARTY ADMINISTRATOR

The Court, having reviewed the parties' Stipulation for Order to Amend Proposed Notice Plan and Related Deadlines ("Stipulation"), finds and approves the following amendments to the Proposed Notice Plan and hereby amends the Order Certifying Class and For Preliminary Approval of Class Settlement signed and entered in this matter on October 12, 2018 to allow for the following:

1. Amendment of the forms of notice of settlement to potential class members to be substantially in the forms as attached to the parties' Stipulation;
2. Amendment of the form of claims form to be submitted by potential class members to be substantially in the form as attached to the parties' Stipulation;

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1ST JUDICIAL CIRCUIT
STATE OF HAWAII
10TH DIVISION

3. Amendment to the manner of notice to potential class members to include emailing and mailing of notices to those potential class members insured by Kaiser, HMSA, UHA and HMAA and as to whom their records show that Kaiser, HMSA, UHA and HMAA paid for an HAV vaccine or IG shot received between July 15, 2016 and October 25, 2016.
4. Amendment to February 15, 2019 of the time for filing timely claims, to timely opt out of the class action, or to timely object to the parties' settlement, and to March 6, 2019 at 8:30 a.m. for the hearing on final approval of the class action settlement.

The Court finds that the related records maintained by the Kaiser, HMSA, UHA and HMAA are the best available source for the information necessary to provide notice to as many potential class members as possible. The Court further finds that notice provided through use of those records is reasonably calculated under the circumstances to apprise members of the Class of the pendency of the lawsuit and of their right to object or to exclude themselves from the Class. The Court, having appointed The Notice Company, Inc. as the Class Administrator, now orders as follows:

1. For the purpose of providing direct email and/or mail notice to the potential Class Members, the designated Claims Administrator, The Notice Company, Inc., is authorized to obtain from Kaiser, HMSA, UHA and HMAA, and Kaiser, HMSA, UHA and HMAA are directed to provide, the names and last known addresses and email addresses of all individuals who were potentially exposed to the Hepatitis A virus ("HAV") and who received immune globulin ("IG") immunization shots or HAV vaccinations paid for or provided by Kaiser, HMSA, UHA and HMAA between July 15, 2016 and October 25, 2016.

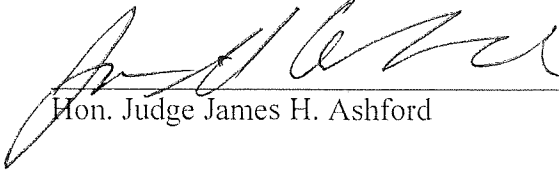
2. The designated Class Administrator, The Notice Company, Inc., shall provide notice by email, substantially in the forms approved by the Court, to all individuals who were potentially exposed to HAV and who received IG immunization shots or HAV vaccinations paid for or provided by Kaiser, HMSA, UHA and HMAA between July 15, 2016 and October 25, 2016, and for whom an email address is available, provided that if Kaiser elects to provide notice by email to its members itself, Kaiser shall (a) inform the designated Class Administrator that such notice has been provided; and (b) disclose to the designated Class Administrator, The Notice Company, Inc., electronic files containing the names and last known addresses of all individuals who were potentially exposed to HAV and who received IG immunization shots or HAV vaccinations paid for or provided by Kaiser between July 15, 2016 and October 25, 2016, and for whom Kaiser does not have a deliverable email address, where not having a “deliverable email address” means that either an email address is not available or that an email “bounced” after being sent to such email address pursuant to the preceding subsection (a).
3. This Order directs Kaiser, HMSA, UHA and HMAA to disclose the name, address and email address information referenced above, which may be deemed Protected Health Information under the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). 45 C.F.R. § 164.512(e)(1)(i). This information may only be used to contact putative class members to notify them of their rights as such, and thus does not infringe upon the class members’ right to privacy under article 1, section 6 of the Hawai’i Constitution. Kaiser, HMSA, UHA and

HMAA are hereby directed to provide such information to The Notice Company, Inc., with such information to be provided in electronic format if available.

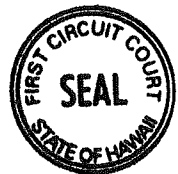
4. The parties to this action and The Notice Company, Inc. are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action. Further, The Notice Company, Inc. is ordered to destroy all protected health information received from Kaiser, HMSA, UHA and HMAA (including all copies made) within ten (10) days following the conclusion of this action. *See* 45 C.F. R. 164.512(e)(1)(v).

Dated this 11 day of December 2018


APPROVED AND SO ORDERED:



Hon. Judge James H. Ashford



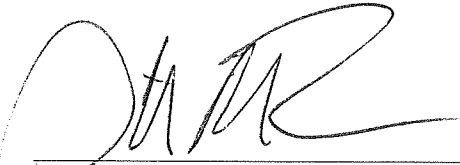
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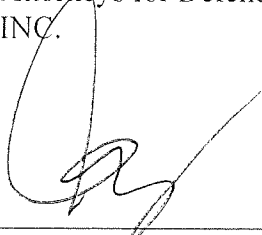
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