

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT**

EILENE McLARTY AND ERNESTINE  
JARAMILLO, on behalf of themselves and ALL  
OTHERS SIMILARLY SITUATED,

Plaintiffs,

v.

PRESBYTERIAN HEALTHCARE SERVICES, INC.,

Defendant.

No. D-101-CV-2020-01566

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

**TO: All parents and guardians who were billed for medical services related to their minor child's treatment by Dr. Guy Rosenschein at Presbyterian Healthcare Services ("Presbyterian")**

THIS IS A COURT-ORDERED NOTICE.  
THIS IS NOT A SOLICITATION FROM A LAWYER.

This Notice of Settlement and Final Approval Hearing is to inform you of a proposed settlement that has been reached in a class action lawsuit brought by Eilene McLarty and Ernestine Jaramillo ("Plaintiffs") on behalf of all parents or guardians who were billed for medical services related to their minor children's treatment by Dr. Guy Rosenschein while he was employed as a doctor or locum tenens (temporary doctor) by Presbyterian Healthcare Services (collectively, "Class Members"). The proposed settlement, if granted final approval by the Court, will result in the creation of a Settlement Fund of \$3,500,000 to pay Plaintiffs and Class Members, Plaintiffs' and Class Members' attorneys ("Class Counsel"), and certain administrative costs. **If you are a Class Member, you are eligible to receive a share of the Settlement payment.**

IF YOU RECEIVED A POSTCARD NOTICE IN THE MAIL, OR AN EMAIL, ABOUT THIS LAWSUIT, YOU HAVE BEEN IDENTIFIED AS A CLASS MEMBER.

As a Class Member, you have the right to know about this Settlement and how this Settlement may generally affect your legal rights. This Settlement Notice describes the lawsuit, the Settlement, the legal rights of all Class Members, and the applicable deadlines. Your options are explained in this Settlement Notice and summarized in the following chart:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT</b>	
<b>DO NOTHING AND PARTICIPATE IN THE SETTLEMENT</b>	You do not need to take any additional action to participate in the Settlement, and you will be sent a check for your share of the Settlement Fund to your last known address. You are not required to retain your own attorney, and you will not be required to pay any money for the services of Class Counsel. You will be bound by the Settlement and cannot sue Presbyterian for any claims described below.
<b>OBJECT</b>	You have the right to object to the proposed Settlement. To do so, you must submit a written objection to the Court, as described below. If the Court still approves the Settlement despite your objections, you will still be bound by the Settlement.

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## BASIC INFORMATION

### 1. Why did I get an email or a postcard notice in the mail about this lawsuit?

Plaintiffs and Presbyterian are asking the Court to approve a settlement in a class action lawsuit that affects Class Members. If you received an email or a postcard notice in the mail about this lawsuit, Presbyterian's records show that you are a parent or guardian of a child who received treatment from Dr. Guy Rosenschein while he was employed by Presbyterian between November 26, 2012, and November 9, 2016. This Settlement Notice explains that Plaintiffs and Presbyterian have presented a proposed settlement of the lawsuit to The Honorable Kathleen McGarry Ellenwood of the First Judicial District Court of the State of New Mexico, who is overseeing this class action. Judge McGarry Ellenwood has given preliminary approval of the Settlement.

### 2. What is this lawsuit about?

The lawsuit is known as *McLarty, et al. v. Presbyterian Healthcare Services, Inc.*, Case No. D-101-CV-2020-01566. The lawsuit alleges that Presbyterian misrepresented Dr. Rosenschein's qualifications and credentials while he was employed at Presbyterian. The class claims state that Presbyterian misrepresented Dr. Rosenschein as a qualified pediatric surgeon and urologist when he was not qualified or credentialed for such positions. The lawsuit seeks compensation for the direct and attendant charges for Dr. Rosenschein's services.

Presbyterian denies that it misrepresented Dr. Rosenschein's credentials, contends that Dr. Rosenschein was a qualified pediatric surgeon and urologist and appropriately credentialed, and denies that the Plaintiffs are owed anything. The Court has taken no position on the merits of the Plaintiffs' claims or Presbyterian's defenses and expresses no opinion one way or the other on the likely outcome of the Lawsuit.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." Eilene McLarty and Ernestine Jaramillo sued on behalf of the class and are also called the Plaintiffs. The entity they sued is Presbyterian. One court resolves the issues for everyone in the class. The class action approach avoids the need for numerous people to file similar individual lawsuits, and it allows the court system to resolve these claims in an efficient and economical way.

### 4. What has the Court decided?

The Court granted Plaintiffs' motion to certify their case as a class action. This means that the Court decided the Lawsuit met the requirements to proceed as a class action and that Class Counsel were qualified to represent the interests of the class. The Court denied both Plaintiffs' motion for summary judgment and Presbyterian's motion for summary judgment as to liability. The Court granted Presbyterian's summary judgment motion as to damages. This means that the Class could move forward to seek relief on all Plaintiffs' alleged claims at a trial, but that the only monetary relief available to Class Members would be the amount each Class Member paid out of pocket. The Court's decisions on the Parties' summary judgment motions do not amount to a determination of whether Presbyterian did or did not violate any law. Were this case to go to trial, all of Plaintiffs' claims would be tried. However, Presbyterian could win on all claims at trial, leaving Plaintiffs and Class Members with no monetary recovery at all. And even if Plaintiffs won at trial, Plaintiffs' and Class Members' damages would be significantly limited by the Court's ruling and, also, Presbyterian could file an appeal challenging the win.

## WHO IS IN THE CLASS?

### 5. Am I part of this class?

If you received an email or a postcard notice in the mail about this lawsuit, the records the Court ordered Presbyterian to produce in this case indicate that you are part of the class. Your contact and billing information has been ordered by the Court to be held strictly confidential and not be disclosed to any individual or entity other than the attorneys, staff, and Claims Administrator in this lawsuit. You are a member of the class unless you previously opted out or excluded yourself from participation.

## 6. Who are the Class Representatives?

The Class Representatives are Plaintiffs Eilene McLarty and Ernestine Jaramillo. The Court has determined that the Class Representatives fairly and adequately represent the interests of the Class.

## SUMMARY OF PROPOSED SETTLEMENT AGREEMENT

## 7. How much money will be paid to Class Members?

Under the proposed Settlement, Presbyterian will pay \$3,500,000 to settle the Class claims (“Settlement Fund”).

\$2,465,000 of the Settlement Fund is designated for payments to Class Members. Each Class Member is entitled to an equal share of the Settlement Fund. The allocations to the Class Members will be calculated by the Claims Administrator, who distributed the original Class Notice but otherwise has played no role in the litigation.

\$100,000 of the Settlement Fund is designated for payments of \$50,000 to each of the two Class Representatives in recognition of their significant efforts in bringing and prosecuting this action, including involvement in litigation strategy, provision of information to Class Counsel, sitting for depositions, and advancing the interests of the Class.

## 8. How will I be paid?

If the Court grants final approval of the Settlement, the Claims Administrator will mail a check for your share of the Settlement Fund to your last known address. If you would like to update your mailing address, please contact the Claims Administrator using the contact information below. Funds from checks that are not cashed by Class Members within 150 days of distribution will be equally reallocated to Class Members that cashed their checks.

## 9. How much money will be paid to Class Counsel?

\$875,000, or 25% of the Settlement Fund, is designated for payment to Class Counsel for attorneys’ fees and to reimburse costs paid by them. Class Counsel have been working on this case for over five years. During the time that this case has been pending, Class Counsel have not been paid anything for their work and have not been reimbursed for the significant expenses that they have incurred in investigating and prosecuting this case. The amount of expenses and value of time expended by Class Counsel is much greater than the \$875,000 they would be paid as part of the Settlement. In this type of litigation, it is customary for Class Counsel to be awarded a percentage of the Settlement Fund as their attorneys’ fees. The Court will ultimately decide whether to approve the amount of attorneys’ fees that Class Counsel has requested, but in no event will it be more than \$875,000.

## 10. How will the rest of the money be used?

\$60,000 of the Settlement Fund is designated to cover administrative costs related to administering the Settlement. This includes funds to pay for the Claims Administrator, who will process payments to Class Members, calculate allocations to Class Members, and notify Class Members about this Settlement. If money is left over after disbursing payments to Class Members, paying Class Counsel, and covering all Claims Administration Costs because some Class Members did not cash their checks, such money will be donated half to Equal Access to Justice, Inc. and half to Roadrunner Food Bank of New Mexico.

## YOUR RIGHTS AND OPTIONS

## 11. How does this Settlement impact my rights?

If the Court grants final approval of the proposed Settlement, then you will be bound by all the terms of the Settlement. This means that you will not be able to bring a separate lawsuit or other legal proceeding against Presbyterian for any claims arising in whole or in part from the facts that Plaintiffs have asserted in this lawsuit or related to Presbyterian’s alleged representations regarding Dr. Guy Rosenschein. Nor will you be able to challenge the Settlement Agreement after it has been finally approved by the Court.

By participating in the proposed Settlement—in other words, by cashing the check you receive—you are also agreeing to indemnify Presbyterian from any lien or subrogation claim arising out of the subject matter of this lawsuit. A subrogation claim occurs when a third party causes an individual an injury, a health insurance company pays for healthcare services to treat the injury, and then the health insurance seeks reimbursement of amounts paid from the third party. Because this is a misrepresentation lawsuit and not a personal injury lawsuit, Class Counsel believes that no insurance company has a valid subrogation claim. Nonetheless, as a Class Member under this Settlement, you agree that Presbyterian will not bear any responsibility for a subrogation claim brought by your insurance company.

## 12. What if I disagree with the terms of the Settlement?

If you disagree with the Settlement, you may file a written objection with the Court, as explained below. You were previously given an opportunity to opt out of this class action lawsuit and the opportunity to opt out of this class action has now passed. If you believe that you did previously opt out of this class action, please reach out to Class Counsel using the contact information below.

## HEARING ON PROPOSED SETTLEMENT AGREEMENT

### 13. What has to happen before the Settlement becomes final?

The Court, which has made a preliminary finding that the proposed Settlement is fair and just, has scheduled a hearing (the “Final Approval Hearing”) to determine whether it will grant final approval of the Settlement. The Court will hold this hearing on **July 13, 2026**, at **8:30 a.m.** for one hour via Google Meets at <http://meet.google.com/wof-cofz-tuq>. You may also call 1-563-503-5060 and enter the PIN #: 818 230 380#.

It is not necessary for you to appear at the Final Approval Hearing or to file anything with the Court before the hearing. If you fit within the Court’s definition of the Class, then your interests will be adequately represented at the hearing by Plaintiffs and Class Counsel.

However, subject to the following requirements, you may submit written comments on the proposed Settlement, and you may speak to the Court, either personally or through your own attorney, at the hearing on **July 13, 2026**.

### 14. Can I object to the Settlement?

If you wish to object to the proposed Settlement, you must send a letter that includes the following:

- Your name, address, and telephone number;
- The name and number of the case (*McLarty, et al. v. Presbyterian Healthcare Services, Inc.*, Case No. D-101-CV-2020-01566);
- The basis for your objection(s);
- Whether you wish to be heard in Court at the Final Approval Hearing;
- Copies of any documents that support your objections;
- Your signature.

Your objection, along with any supporting material you wish to submit, must be mailed and postmarked no later than April 25, 2026, to **all** the following three addresses:

Court	Class Counsel	Presbyterian’s Counsel
Judge Kathleen McGarry Ellenwood First Judicial District Court of the State of New Mexico 225 Montezuma Ave Santa Fe, NM 87501	Reed Colfax Relman Colfax PLLC 1225 19th St., NW #600 Washington, DC 20036	Jessica G. Scott Wheeler Trigg O’Donnell, LLP 370 17th Street, Suite 4500 Denver, CO 80202-5647

If the Court grants final approval of the Settlement and overrules your objection, you will remain bound by the Settlement.

## 15. Can I speak at the Final Approval Hearing?

If you wish to request permission to speak at the hearing, you must file with the Court a “Notice of Intent to Appear.” Your notice must include the following:

- Your name, address, and telephone number;
- The name of the case (*McLarty, et al. v. Presbyterian Healthcare Services, Inc.*, Case No. D-101-CV-2020-01566);
- The name, address, and telephone number of any attorney(s) who will be appearing on your behalf at the Final Approval Hearing; and
- Your signature.

You must mail your Notice of Intent to Appear, postmarked no later than **June 13, 2026**, to the Court, Class Counsel, **and** Presbyterian’s Counsel at each of the three addresses listed above. Your appearance at the hearing, as well as that of your attorney, will be at your own expense.

## CLASS COUNSEL

### 16. Do I have a lawyer in this case?

The Court decided that attorneys from the law firm Relman Colfax PLLC and the Hunt Law Firm are qualified to represent you and all Class Members and appointed them to be “Class Counsel.” Contact information for Class Counsel is as follows:

Relman Colfax PLLC  
Attn: Presbyterian Team  
1225 19th Street, NW  
Suite 600  
Washington, DC 20036

Hunt Law Firm  
Attn: Presbyterian Team  
518 Old Santa Fe Trail, #501  
Santa Fe, NM 87505

### 17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will have to make your own arrangements for the payment of that lawyer. For example, you can ask them to appear at the Final Approval Hearing for you if you want someone other than Class Counsel to speak for you.

## QUESTIONS

### 18. What if I have questions?

This Settlement Notice summarizes the proposed Settlement. The Settlement Agreement and Plaintiffs’ Motion for Preliminary Approval contain more details about the Settlement and the distribution of the Settlement Payment. You can access these documents at [www.McLartyClassAction.com](http://www.McLartyClassAction.com).

Any inquiries by Class Members concerning this Settlement Notice or the class action should be directed to the Claims Administrator at 1-877-759-3387.