

If You Received Cancer Treatment from Florida Cancer Specialists & Research Institute, LLC, or 21st Century Oncology LLC in Southwest Florida between January 1, 2010 and June 5, 2019, You Could Receive Money from a Settlement Totaling up to \$7.1875 Million

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

- Please read this Notice and the Settlement Agreement available at www.FCSCClassAction.com carefully. Your legal rights may be affected whether you act or don't act. This Notice is a summary, and is not intended to, and does not, include all the specific details of the Settlement Agreement. To obtain more specific details concerning the Settlement, please read the Settlement Agreement.
- A lawsuit claiming that Florida Cancer Specialists & Research Institute, LLC, formerly known as Florida Cancer Specialists, P.L., and Dr. William N. Harwin (collectively, "FCS" or the "Settling Defendants") entered into agreements with 21st Century Oncology LLC and Dr. Daniel Dosoretz (collectively, "21st Century") that unlawfully raised the prices for cancer diagnosis and treatment ("Oncology Services") in certain Florida counties has been settled. FCS denies that it engaged in any wrongdoing, but has agreed to settle. This Notice will give you details of the proposed Settlement Agreement and your rights in this lawsuit.
- Generally, you may be included in the Settlement Class if, at any time between January 1, 2010 and June 5, 2019, you paid directly for any portion of the cost of Oncology Services in Charlotte, Collier, Lee, Manatee, or Sarasota Counties, Florida (collectively, "Southwest Florida") to either FCS or 21st Century, or any of their current or former subsidiaries or affiliates. To find out if you qualify (or anyone to whom you are directed by the Court to provide this Notice qualifies (see Question 9 below)), go to www.FCSCClassAction.com or call 1-888-509-2623.
- As more fully described in Question 8 below, the Settling Defendants have agreed to pay up to \$7,187,500 to be made available to persons and entities who paid directly for any part of the cost of Oncology Services in Southwest Florida during the relevant period.

YOUR LEGAL RIGHTS AND OPTIONS		
Exclude Yourself	You will not be included in the Settlement Class if you exclude yourself. You will receive no benefits from the Settlement, but you will keep any rights you currently have to sue these Settling Defendants about the claims in the Settlement Class from which you exclude yourself.	September 20, 2019
Object to the Settlements and Plan of Allocation	If you do not exclude yourself, you can write to the Court explaining why you disagree with the Settlement or the Plan of Allocation.	September 30, 2019
Go to the Hearing	If you submit a written objection, you may ask to speak in Court about your opinion of the Settlement.	October 29, 2019

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to finally approve the Settlement. Payments will only be made if the Court approves the Settlement and a Plan of Allocation, and after any appeals are resolved.

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Questions? Call 1-888-509-2623 or visit www.FCSClassAction.com

BASIC INFORMATION

1. Why Is There a Notice?

This Notice is to inform you about the Settlement reached in this litigation, before the Court decides whether to finally approve the Settlement.

The Court in charge is the United States District Court for the Middle District of Florida. This litigation is known as *County of Monmouth v. Florida Cancer Specialists, P.L., et al.*, Case No. 2:18-CV-201 (M.D. Fla.). The entity that sued is called the “Plaintiff.” The entities they sued are called the “Defendants.”

This Notice explains the lawsuit, the proposed Settlement, and your legal rights, including the ability to receive a payment.

2. What Is This Lawsuit About?

This lawsuit claims that FCS had an agreement with 21st Century that allegedly unlawfully raised the price of Oncology Services in Southwest Florida. “Oncology Services” refers to the medical diagnosis and treatment of cancer using medicine (“Medical Oncology”) or radiation (“Radiation Oncology”). “Medical Oncology” refers to the diagnosis and treatment of cancer with medicine, including chemotherapy, hormonal therapy, biological therapy, and targeted therapy. “Radiation Oncology” refers to the treatment of cancer with therapeutic radiation. “Southwest Florida” refers to the counties of Charlotte, Collier, Lee, Manatee, and Sarasota in the State of Florida.

Plaintiff alleges that, as a result of the alleged agreement between FCS and 21st Century, patients, insurers, and other entities that paid directly for any part of the cost of Oncology Services in Southwest Florida between January 1, 2010 and June 5, 2019 paid more than they should have. Although the Settling Defendants have agreed to settle, they do not agree that they engaged in any wrongdoing or are liable or owe any money or benefits to Plaintiff or the Settlement Class.

3. Who Are the Settling Defendants?

The Settling Defendants are Florida Cancer Specialists & Research Institute, LLC, formerly known as Florida Cancer Specialists, P.L., and Dr. William N. Harwin (collectively, “FCS”).

4. Are There Non-Settling Defendants?

No. 21st Century Oncology LLC and Dr. Daniel Dosoretz (collectively, “21st Century”) are no longer named as Defendants in this lawsuit.

5. Why Is This a Class Action?

In class actions, one or more individuals or entities called the “class representative(s)” sue on behalf of themselves and other people or entities with similar claims in the specific class action. All of these individuals or entities together are the “Class” or “Class members.” In this lawsuit, there is only one class representative: the County of Monmouth, New Jersey, which paid FCS and 21st Century for Oncology Services provided to qualified members of its employee health benefits plan, and sued FCS on behalf of the entire Class. In a class action, one court may resolve the issues for all Class members, except for those who exclude themselves from the Class.

WHO IS INCLUDED IN THE CLASS

6. How Do I Know If I May Be Included in the Settlement Class?

Generally, you may be included in the Settlement Class if, at any time between January 1, 2010 and June 5, 2019, you paid directly for any part of the cost of Oncology Services (*i.e.*, diagnosis or treatment for cancer using either medicine or radiation) provided by FCS or 21st Century in Southwest Florida (*i.e.*, Charlotte, Collier, Lee, Manatee, or Sarasota Counties).

The Settlement Agreement and the related Complaint are both accessible on the website www.FCSCClassAction.com or can be obtained by calling 1-888-509-2623. You will also be able to obtain additional information to learn whether you are a member of the Settlement Class by visiting the website www.FCSCClassAction.com and providing details regarding your payment for Oncology Services provided by FCS or 21st Century in Southwest Florida, or by calling 1-888-509-2623.

Payments to members of the Settlement Class will only be made if the Court approves the Settlement and after any appeals from such approval are resolved and in accordance with a Plan of Allocation to distribute the Net Settlement Funds (*see* Questions 8, 11, and 20). The final distribution will be subject to the Court's approval.

7. Who Is Not Included in the Settlement Class?

The Settlement Class does not include:

- Any of the Defendants, their officers, directors, employees, parent companies, subsidiaries, and affiliates;
- The legal representatives and heirs or assigns of any Defendant;
- Federal governmental entities and instrumentalities, including Medicare and Medicaid; and
- States and their subdivisions, agencies, and instrumentalities, including Medicaid.

THE SETTLEMENT'S BENEFITS

8. What Does the Settlement Provide?

The Settlement provides a cash payment to Settlement Class members of up to \$7,187,500. After deduction of attorneys' fees, notice and settlement administration costs, an incentive award to the class representative (the County of Monmouth), and litigation expenses, as approved by the Court, the Net Settlement Funds will be available for distribution to members of the Settlement Class. The distribution will be *pro rata*; that is, each Class member's share in the Settlement Fund will be proportional to the amount he, she, or it paid to FCS or 21st Century for Oncology Services during the class period. Because some individual Class members' claims may be for very small amounts, a minimum of \$5 will be paid to each Class member (subject to certain exceptions in the very unlikely event that the Net Settlement Fund is insufficient to allow such a minimum payment to each claimant).

Any interest earned will be added to the Settlement Fund. More details about the Settlement are provided in the Settlement Agreement, available at www.FCSCClassAction.com.

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com

HOW TO GET BENEFITS

9. How Do I Receive My Payment?

You may be entitled to a portion of the Settlement Fund when a distribution is made to members of the Settlement Class. If you exclude yourself from the Settlement Class, you will not receive a payment from those funds.

You do not need to do anything to receive your share, if any, of the Settlement Fund. Each Class member's share of the Settlement Fund will be calculated in accordance with the Plan of Allocation. Checks will be mailed by the Administrator to each Class member that is entitled to a share of the Settlement Fund using the most recent address information available in Defendants' databases as well as other available sources of information. However, if you are no longer a patient of the Defendants and have moved, or you otherwise believe that the address Defendants have on file for you is not accurate, please contact the Administrator at www.FCSCClassAction.com or 1-888-509-2623.

If there is anyone whose funds you transmitted to FCS or 21st Century for Oncology Services in Southwest Florida between January 1, 2010 and June 5, 2019 (but you did not transmit your funds along with such funds), you are directed by the Court to provide this Notice to that paying person or entity and confirm to the Administrator that you have given such Notice. Any disputes regarding ownership of a payment from the Settlement pertaining to such funds must be resolved between you and the person or entity to whom you are directed to provide this Notice, and neither the Settlement Class, nor the Settling Defendants, nor either Party's lawyers may be sued or brought into any such dispute, regardless of whether you properly provided this Notice or not.

10. How Much Money Can I Get?

At this time, it is unknown how much each Class member will receive. Payments will be based on a number of factors, including at least the total dollar value of payments you made for Oncology Services provided by FCS or 21st Century in Southwest Florida between January 1, 2010 and June 5, 2019 and the total dollar value of such payments by other Class members.

The total amount of the Settlement Fund available for distribution to the Settlement Class may also vary depending on whether some potential Class members exclude themselves, but this cannot be predicted at this time. The Settlement provides that if potential Class members whose payments to FCS and 21st Century exceed a certain threshold amount opt out, the Settlement Fund may be reduced proportionately. On the other hand, if Class members whose total payments are less than the threshold amount opt out, there will be no reduction in the amount of the Settlement Fund, but there may be fewer Class members to share in that amount.

In addition (as noted above), attorneys' fees and litigation expenses, notice and settlement administration costs, and any incentive award to the class representative, as approved by the Court, will be deducted before the Net Settlement Fund is distributed to the Settlement Class. The total amount of these fees and expenses is not yet known, but attorneys' fees will not exceed 30 percent of the amount of the Settlement Fund and litigation expenses will not exceed \$100,000. The class representative incentive award, if approved by the Court, will not exceed \$2,500.

No money will be returned to the Settling Defendants after the Court finally approves the Settlement.

11. When Will I Get a Payment?

Payments may be distributed to members of the Settlement Class after the Court grants final approval to the Settlement and any appeals from such approval is resolved. Appeals can take several years to

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com

conclude. If final approval is granted and no one appeals before the deadline to do so, Plaintiff will ask the Court to approve the distribution of checks to members of the Settlement Class.

12. What Happens If I Remain in the Settlement Class?

If the Settlement becomes final, you will give up your right to sue these Settling Defendants on your own for the claims described in the Settlement Agreement, unless you exclude yourself from the Settlement Class.

In return for paying the Settlement amount, the Settling Defendants will be released from claims relating to the alleged conduct involving the cancer diagnosis and treatment services identified in the Settlement Agreement. The Settlement Agreement describes the released claims in detail, so read them carefully since those releases will be binding on you if the Court approves this Settlement. If you have any questions, you can talk to Settlement Class Counsel listed in Question 16 for free, or you can, of course, talk to your own lawyer (at your own expense). The Settlement Agreement and the specific releases are available at www.FCSCClassAction.com.

EXCLUDING YOURSELF FROM THE CLASS

13. How Do I Get Out of the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter by mail stating that you want to be excluded from the Settlement Class in *County of Monmouth v. Florida Cancer Specialists, P.L., et al.*, Case No. 2:18-CV-201 (M.D. Fla.).

Your letter must also include:

- Your name, address, and telephone number;
- Documents reflecting your payment of any part of the cost of Oncology Services provided by FCS or 21st Century in Southwest Florida between January 1, 2010 and June 5, 2019; and
- Your signature.

Any request for exclusion must be mailed to the address immediately below, and must be **received** no later than **September 20, 2019**:

Florida Cancer Specialists Antitrust Settlement Administrator
P.O. Box 3207
Portland, OR 97208-3207

14. If I Don't Exclude Myself, Can I Sue for the Same Thing Later?

No. Unless you exclude yourself, you give up any right to sue the Settling Defendants for the claims being released in this litigation.

15. If I Exclude Myself, Can I Still Get Money Benefits?

No. If you exclude yourself from the Settlement Class, you will not get any money as a result of the Settlement in this case.

THE LAWYERS REPRESENTING YOU

16. Do I Have a Lawyer Representing Me?

Yes. Settlement Class Counsel represents you and all other members of the Settlement Class:

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com

Eamon O’Kelly
Robins Kaplan LLP
399 Park Avenue
Suite 3600
New York, NY 10022

You will not be charged for contacting Robins Kaplan LLP. If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How Will the Lawyers Be Paid?

At the upcoming final fairness hearing, Settlement Class Counsel may ask the Court (a) to reimburse them for certain costs and expenses and (b) for attorneys’ fees based on their services in this litigation. Any payment to the attorneys will be subject to Court approval, and the Court may award less than the requested amount. The attorneys’ fees, costs, and litigation expenses that the Court orders, plus the costs to administer the Settlement, will come out of the Settlement Funds. A request that the Court approve an incentive award to the class representative for prosecuting this lawsuit on behalf of the Class may be made at the same time.

When Settlement Class Counsel’s motion for fees, costs, and expenses is filed, it will be available at www.FCSCClassAction.com. The motion will be posted on the website at least 30 days before the Court holds a hearing to consider the request.

Register at the website or call 1-888-509-2623 to receive notice when the motion is filed.

OBJECTING TO THE SETTLEMENT

18. How Do I Object to or Comment on the Settlement?

If you have objections to or comments about any aspect of (a) the Settlement, (b) the Plan of Allocation, or (c) the motions by Settlement Class Counsel for attorneys’ fees or a class representative incentive award, then you may express your views to the Court. You can only object to or comment on these matters if you do not exclude yourself from the Settlement Class.

To object to or comment on the Settlement, the Plan of Allocation, or the motion for attorneys’ fees, you must do so in writing. Your letter must include the following:

- Your name, address, and telephone number;
- Documents reflecting your payment of any part of the cost of Oncology Services provided by FCS or 21st Century in Southwest Florida between January 1, 2010 and June 5, 2019;
- The reasons you object to the Settlement, Plan of Allocation, or motion for attorneys’ fees, along with any supporting materials; and
- Your signature.

Any comment or objection must be in writing, mailed to **both** of the addresses listed immediately below, and must be **received** by both the Clerk of the Court and the Administrator, no later than **September 30, 2019**. The addresses are:

Court	Administrator
U.S. District Court for the Middle District of Florida, Fort Myers Division Clerk of the Court 2110 First Street Fort Myers, FL 33901	Florida Cancer Specialists Antitrust Settlement Administrator P.O. Box 3207 Portland, OR 97208-3207

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com

19. What Is the Difference Between Excluding Myself from the Settlement Class and Objecting to the Settlement?

If you exclude yourself from the Settlement Class, you are telling the Court that you do not want to participate in the Settlement. Therefore, you will not be eligible to receive any payment from that Settlement, and you will not be able to object to it. Objecting to the Settlement simply means telling the Court that you do not like something about the Settlement. Objecting does not make you ineligible to receive a payment.

THE FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests by Settlement Class Counsel for fees, costs, a class representative incentive award, and expenses. You may attend and you may ask to speak, but you do not have to do so.

20. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a Final Fairness Hearing at 9:30 a.m., on October 29, 2019, at the United States Courthouse, 2110 First Street, Fort Myers, FL 33901, Courtroom 5C. The hearing may be moved to a different date or time without additional notice, so check www.FCSCClassAction.com or call 1-888-509-2623 for current information. At this hearing, the Court will consider whether the Settlement and the Plan of Allocation are fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Settlement Class Counsel. At or after the hearing, the Court will decide whether to approve the Settlement.

21. Do I Have to Attend the Hearing?

No. Settlement Class Counsel will answer any questions the Court may have. But you are welcome to attend at your expense. If you send an objection or comment, you do not have to come to the Court to talk about it. As long as you mailed your complete and valid written objection on time, as described above in Question 18, the Court will consider it. You may also hire your own lawyer at your own expense to attend on your behalf, but you are not required to do so.

GET MORE INFORMATION

22. How Do I Get More Information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement and more information about the Settlement at www.FCSCClassAction.com. In addition, the full Plan of Allocation will be available at the same website. You also may write with questions to Florida Cancer Specialists Antitrust Settlement Administrator, P.O. Box 3207, Portland, OR 97208-3207 or call the toll-free number, 1-888-509-2623. You should also register at the website to be directly notified of any future settlements and other information concerning this case.

Questions? Call 1-888-509-2623 or visit www.FCSCClassAction.com