

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

MDL NO.: 1334 MASTER
FILE NO.: 00-1334-MD-MORENO

IN RE: MANAGED CARE LITIGATION

THIS DOCUMENT RELATES ONLY TO
PROVIDER TRACK CASES

NOTICE OF PROPOSED SETTLEMENT WITH PRUDENTIAL

IF YOU ARE A PHYSICIAN WHO PROVIDED COVERED SERVICES TO ANY INDIVIDUAL ENROLLED IN OR COVERED BY CERTAIN HEALTH CARE PLANS AT ANY TIME BETWEEN AUGUST 4, 1990 AND _____, 2005, OR A PHYSICIAN GROUP OR OTHER PHYSICIAN ORGANIZATION THAT INCLUDES SUCH PHYSICIANS, PLEASE READ THIS NOTICE CAREFULLY. THIS CLASS ACTION AND THE PROPOSED SETTLEMENT MAY AFFECT YOUR RIGHTS.

If you are or have been a physician who actively practiced in the United States since August 1990 or a physicians' group or organization that includes such physicians, your rights may be affected by a proposed settlement with The Prudential Insurance Company of America ("Prudential") in a class action lawsuit known as *Shane v. Humana, Inc., et al.*, Master File No. 00-1334-MD-MORENO (the "Action"), which is part of a federal multi-district litigation that is pending in the U.S. District Court for the Southern District of Florida (the "Court") called *In re Managed Care Litigation*, MDL Docket No. 1334 (Provider Track Cases). The class representatives and certain medical societies have agreed to settle all claims against Prudential in the Action in exchange for the establishment of a settlement fund. The Court has scheduled a hearing to consider the fairness, reasonableness and adequacy of the proposed settlement with Prudential, together with certain other matters, to be

held on _____, 2005, at _____:00 A.M./P.M., at the United States Courthouse, Courtroom IV, Tenth Floor, Federal Justice Building, 99 Northeast Fourth Street, Miami, Florida, 33132. You may be a member of the Class who therefore would be entitled to receive the benefits of the proposed settlement. As a member of the Class, however, you will also be bound by the release and other provisions of the settlement if it is approved by the Court. You may elect to opt-out of the Class and the settlement, as explained below. You also have a right to object to the settlement or to the applications for attorneys' fees and representative plaintiffs' fees that counsel for the Class intend to make to the Court, but only if you comply with the procedures described in this notice or the other resources it refers to.

WHAT IS THE LITIGATION ABOUT?

The Action has been brought by the representative plaintiffs, who are practicing physicians from around the United States, and certain medical societies, on behalf of physicians against the following health care insurance companies: Aetna, Anthem, Inc., Cigna, Coventry Health Care, Inc., Health Net, Inc., Humana Health Plan, Inc., Humana, Inc., PacifiCare Health Systems, Inc., Prudential Insurance Company of America, United Health Care, United Health Group and Wellpoint Health Networks, Inc. The complaint in the Action alleges that between 1990 and 2002, these companies engaged in a conspiracy to improperly deny, delay and/or reduce payment to physicians and other health care providers by engaging in several types of allegedly improper conduct. The complaint seeks relief on behalf of a purported nationwide class under various theories arising under federal and state statutory and common law.

WHO IS INVOLVED?

The proposed settlement, which is only with Prudential and not any of the other defendants in the Action, will be on behalf of a settlement class (the "Class") consisting of any and all physicians, physician groups and physician organizations who provided covered services to any individual enrolled in or covered by a plan offered or administered by Prudential, any other person named as a defendant in the complaint in the Action, or by any of the current or former subsidiaries or affiliates of any of the foregoing, during the period beginning on August 4, 1990 and ending on _____, 2005 (the date that the Court entered its order preliminarily approving the proposed settlement and directing that this notice be provided to you).

THE PROPOSED SETTLEMENT

Under the proposed settlement, Prudential has agreed to fund a settlement fund. The settlement fund shall be used to address issues relating to abuses of managed care, and in particular to assist Class Members by (a) monitoring and attempting to assure compliance with all settlements in this litigation and (b) identifying and addressing future health plan practices that burden the ability of Class Members to be paid fairly for their services.

This settlement consideration is described more fully in a longer notice that has been mailed directly to the members of the class. If you have not received the mailed notice, you can access it and other information about the settlement at www.hmocrisis.com, or use the resources described below.

Only claims against Prudential will be resolved in the Action if the settlement is approved. The other defendants are not parties to the settlement and even if the settlement is approved by the Court, the representative plaintiffs and the signatory medical societies who are parties to the Action intend to continue to prosecute their claims against the other defendants in the Action, who are not parties to this settlement or any other settlement.

YOUR RIGHTS

If you are a member of the class, you will be considered a participant in the proposed settlement and will be bound by all orders of the Court relating to the settlement, and if the settlement is approved, certain possible legal claims you may have against Prudential, will be resolved and forever released.

If you want to be excluded from the proposed settlement, you must submit a request for exclusion. This must be signed by you and must include: your name, business address and telephone

number and all federal tax identification numbers under which you have sought or received reimbursement from Prudential or any of the other health care insurance companies identified above. The completed request must be POSTMARKED NO LATER THAN [____], 2005, and mailed to:

The Court has scheduled a hearing to consider the proposed settlement and other matters, which will take place on _____, 2005, at _____:00 A.M./P.M., at the United States Courthouse, Courtroom IV, Tenth Floor, Federal Justice Building, 99 Northeast Fourth Street, Miami, Florida, 33132. At that hearing, the Court will determine, among other things, whether the proposed settlement with Prudential should be approved as fair, reasonable and adequate, whether the proposed settlement class should be certified, whether the Court should award attorneys' fees and expenses to plaintiffs' counsel or to the representative plaintiffs in the Action, and certain other matters. You may attend this hearing if you wish, but you do not have to attend in order to participate in the proposed settlement.

If you wish to appear at the settlement hearing or to object to the proposed settlement, you must submit a written objection and/or notice to appear in accordance with the procedures and deadlines that are described in the longer notice. If you have not received that notice, you should request it from one of the sources identified below. If these procedures and deadlines are not followed, you may lose significant legal rights, including, but not limited to, the right to have your objections considered by the Court.

For Complete Information and a Copy of the Full Notice:

Call: 1-800-368-[fill in]

Or Write to:

Archie C. Lamb, Jr.
Law Offices of Archie C. Lamb, L.L.C.
2017 Second Avenue North
Birmingham, AL 35203

Harley S. Tropin
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200 S. Biscayne Boulevard, Suite 2800
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Or Visit:

www.WhatlevDrake.com
www.ArchieLamb.com
www.milberg.com
www.kttlaw.com

Please do not contact the Court directly.