

## **COURT AUTHORIZED NOTICE**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**You are receiving this notice because you are a current or former Walmart or Sam's Club associate who enrolled a same-sex spouse in a Walmart/Sam's Club health plan on or after January 1, 2014.**

*Please read this notice carefully*

### **NOTICE OF A PENDING LEGAL ACTION & REQUEST FOR AUTHORIZATION TO DISCLOSE CONTACT INFORMATION & OTHER HEALTH BENEFITS INFORMATION**

*This is a court authorized notice. This is not a solicitation from a lawyer.*

*Please read this entire notice carefully. Your rights may be affected.*

**PLEASE DO NOT CONTACT THE COURT**

- A Walmart associate, Jacqueline Cote, has filed a class action lawsuit claiming Walmart and Sam's Club discriminated against associates with same-sex spouses by failing to provide same-sex spousal health insurance benefits before January 1, 2014. Cote seeks damages for herself and other members of the Proposed Class. The Court has not yet decided the merits of the case, whether a class should be certified, or whether any damages will be awarded.
- The Lawsuit is known as *Cote v. Wal-Mart Stores, Inc.*, Case No. 15-cv-12945-WGY (United States District Court for the District of Massachusetts).

**Lawyers for the Plaintiff and the Proposed Class are investigating the claims, and would like to speak with you as part of their investigation; you can contact them at:**

Allison Wright Gay & Lesbian Advocates & Defenders (617) 426-1350 awright@glad.org	Peter Romer-Friedman Washington Lawyers' Committee for Civil Rights (202) 644-7080 prf@washlaw.org	Juno Turner Outten & Golden LLP (212) 245-1000 jturner@outtengolden.com
--	--	--

**Lawyers for the Plaintiff and the Proposed Class have asked Walmart/Sam's Club to provide them your contact information (name, address & phone number) and information regarding your health insurance plan. This notice describes how to authorize Walmart/Sam's Club to provide your information:**

**It is your choice whether or not to authorize Walmart/Sam's Club to provide your information or to speak with anyone about this case.** If you wish to authorize Walmart/Sam's Club to provide the lawyers for Ms. Cote and the Proposed Class with your information, please follow the instructions in this notice by completing the enclosed Authorization Form and returning it in the enclosed envelope. If you authorize your contact information to be provided, lawyers for the Plaintiff and the Proposed Class may contact you to discuss the case. If you do not wish for your information to be provided, do not do anything at this time.

## QUESTIONS AND ANSWERS

### **1. Why am I being asked whether or not to authorize my information to be given to lawyers for the Plaintiff and the Proposed Class?**

Lawyers for Ms. Cote and the Proposed Class are investigating issues relating to the Lawsuit and wish to obtain contact information for potential class members to assist in their investigation, including to determine which associates may be potential class members. They are also asking for information about which health plan associates were previously enrolled in. As this request implicates the provisions of the Health Insurance Portability and Accountability Act of 1996 (as amended) and its implementing regulations, the HIPAA Privacy and Security Rules (“HIPAA”), 45 C.F.R. §§ 164 and 165, *et seq.*, require that the parties make reasonable efforts to ensure you receive notice of this request for your information and provide you with an opportunity to consent to the release of this information.

### **2. How do I authorize my information to be provided?**

If you **AUTHORIZE your information to be provided** to lawyers for Ms. Cote and the Proposed Class to assist them in the Lawsuit, you **must complete and mail the enclosed authorization form to the Notice Administrator**, no later than March 25, 2016. (A return envelope is included in this mailing with pre-paid postage). You may also contact lawyers for Ms. Cote and the Proposed Class directly at the addresses/phone numbers listed below. If you **DO NOT WANT** your information to be provided to the lawyers, do **not** do anything now. If the Court decides that the case should proceed as a class action and that you are included within the definition of the class, you may receive a separate notice that describes your rights and options.

### **3. What will the lawyers for Ms. Cote and the Proposed Class do with my information?**

If you authorize Walmart/Sam’s Club to provide your information to the lawyers for Ms. Cote and the Proposed Class, they will keep that information confidential, will not share it with anyone else and will not use it for any purpose other than for this Lawsuit. They may use your contact information to contact you and ask you questions to assist them in their investigation.

### **4. Can Walmart/Sam’s Club retaliate against me?**

No. Walmart or Sam’s Club will not retaliate against you in any way for agreeing to provide your information, returning the authorization form, or for talking to a lawyer involved in this case, or for electing not to authorize Walmart to provide your information to Plaintiff’s attorneys.

### **5. Questions?**

If you have any questions, you may write, e-mail, or call the lawyers for Ms. Cote and the Proposed Class or visit their web sites that provide additional information on this pending legal action. You may also contact the Notice Administrator at the information below, or contact Walmart/Sam’s Club’s lawyers. Please do not contact the Court about this Notice.

- **Lawyers for Ms. Cote and the Proposed Class:**
  - **CONTACTS:** Allison Wright, Gay & Lesbian Advocates & Defenders, (617) 426-1350, [awright@glad.org](mailto:awright@glad.org); Peter Romer-Friedman, Washington Lawyers’ Committee for Civil Rights, (202) 644-7080, [prf@washlaw.org](mailto:prf@washlaw.org); Juno Turner, Outten & Golden LLP, (212) 245-1000, [jturner@outtengolden.com](mailto:jturner@outtengolden.com)
  - **WEB SITE INFO:** [www.glad.org/walmart](http://www.glad.org/walmart)      [www.washlaw.org/walmart](http://www.washlaw.org/walmart)
- **Notice Administrator:** Settlement Services, Inc., (855) 486-9814, [staff@settlementservicesinc.com](mailto:staff@settlementservicesinc.com)
- **Walmart/Sam’s Club’s Lawyers:** Terence P. McCourt, [mccourt@gtlaw.com](mailto:mccourt@gtlaw.com) and Paula J. DeGiacomo [degiacomop@gtlaw.com](mailto:degiacomop@gtlaw.com), Greenberg Traurig, LLP, (617) 310-6000

**Authorization to Disclose Protected Health Information**  
**(If you do not authorize your information to be provided, do not send in this form)**

**Individual Information (Your Information)**

Printed Individual Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Individual Current Address: \_\_\_\_\_

Individual Current Telephone Number: \_\_\_\_\_

1. I authorize **Wal-Mart/Sam's Club** to release the above-named Individual's contact information (name, address and phone number), the dates of your employment, and the health insurance plan(s) you enrolled in as an associate of Wal-Mart or Sam's Club to the following persons and law firms or organizations:

Allison Wright Gay & Lesbian Advocates & Defenders (617) 426-1350 awright@glad.org	Peter Romer-Friedman Washington Lawyers' Committee for Civil Rights (202) 644-7080 prf@washlaw.org	Juno Turner Outten & Golden LLP (212) 245-1000 jturner@outtengolden.com
--	--	--

2. This information is being disclosed for the following purpose: To provide the Persons and Law Firms/Organizations named above with information for investigating issues relating to the lawsuit: *Cote v. Wal-Mart Stores, Inc.*, Case No. 15-cv-12945 WGY, U.S. District Court (District of Massachusetts). I understand that these Persons and Law Firms/Organizations may contact the above-named Individual.
3. I understand that I have the right to revoke this authorization at any time. I understand that in order to revoke this authorization, I must do so in writing.
4. Unless otherwise revoked, this authorization will expire two years from the date this authorization is signed on behalf of the above-named Individual.
5. I understand that once the information is disclosed pursuant to this authorization, the recipient will treat this information as confidential and handle it pursuant to the protective order approved by the Court.

**Certification of Authorization**

**PRINTED Individual Name (your name)** \_\_\_\_\_

**SIGNATURE of Individual: (your signature)** \_\_\_\_\_ **Date** \_\_\_\_\_

**PRINTED Witness Name** \_\_\_\_\_

**SIGNATURE of Witness:** \_\_\_\_\_ **Date** \_\_\_\_\_

**SIGNATURE of Legal Representative (if you can't sign for yourself):** \_\_\_\_\_ **Date:** \_\_\_\_\_

\*\* State the Reason why the Individual cannot sign for himself or herself

\_\_\_\_\_