

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE GEISINGER SYSTEM
SERVICES AND EVANGELICAL
COMMUNITY HOSPITAL
HEALTHCARE WORKERS
ANTITRUST LITIGATION

No. 4:21-cv-00196

Chief Judge Matthew W. Brann

**PLAINTIFFS' MOTION FOR CERTIFICATION OF THE SETTLEMENT
CLASS, PRELIMINARY APPROVAL OF THE SETTLEMENTS,
PRELIMINARY APPROVAL OF THE PLAN OF ALLOCATION,
APPROVAL OF THE NOTICE PLAN, AND APPROVAL OF THE
PROPOSED SCHEDULE FOR COMPLETING
THE SETTLEMENT PROCESS**

Plaintiffs¹ in the action *In re Geisinger Sys. Servs. And Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litigation*, Case No. 4:21-cv-00196-MWB (M.D. Pa.) (the “Action”), hereby move for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure:

1. Granting preliminary approval under Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure of two settlements (“Settlements”) between the parties in the Action: (i) a \$19 million settlement with Defendant Geisinger System Services, Inc. (“Geisinger”);² and (ii) a \$9.5 million settlement with Defendant Evangelical Community Hospital (“Evangelical”). The terms and conditions of the Settlements, which include the release and dismissal of Plaintiffs’ claims against Defendants, are set forth in the parties’ respective Settlement Agreements dated June 9, 2025 (the “Evangelical Settlement Agreement”) and June 13, 2025 (the “Gesinger Settlement Agreement”) (collectively, the “Settlement Agreements” or “SA”), which are attached as Exhibits 1 and 2 to the accompanying Joint Declaration of Lead Counsel (referred to as the “Joint Decl.”).

2. Finding that the requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure are satisfied for the proposed Settlement Class, including for settlement and judgment purposes. The Settlement Class includes all natural

¹ The Plaintiffs are Nichole Leib and Kevin Brokenshire.

² The term “Geisinger” includes Geisinger Health, Geisinger Systems Services, Inc. and their parents, subsidiaries and affiliates.

persons who worked as Healthcare Workers³ at Geisinger's or Evangelical's facilities located in Union, Snyder, Northumberland, Montour, Lycoming and Columbia counties in the Commonwealth of Pennsylvania (the "Class Counties") from January 1, 2014 through August 5, 2020. Excluded from the Settlement Class are members of Defendants' boards of directors, Defendants' C-Suite Executives,⁴ and any and all judges assigned to hear or adjudicate any aspect of this litigation and their judicial staff.

3. Appointing Plaintiffs Nichole Leib and Kevin Brokenshire as the Class Representatives for the Settlement Class pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

³ The term "Healthcare Workers" is defined as nurses, physicians, advanced practitioners, medical support personnel, and Other Healthcare Professionals. SA ¶1(t). The term "Other Healthcare Professionals" refers to health technicians, therapists, healthcare managers, or other healthcare professionals who contribute to the healthcare system in various capacities. Examples of "Other Healthcare Professionals" can be found in the Settlement Agreements and in the expert report of Edward Leamer. *See* SA ¶1(x); *see* ECF No. 181-1.

Note, for ease of reference, and because the Settlement Agreements are similarly structured, citations to provisions in the Settlement Agreements will cite to a single agreement unless expressly identified otherwise.

⁴ The term "C-Suite Executives" refers to those executives responsible for day-to-day operation of either Geisinger or Evangelical with job titles including, but not limited to, "Chief," "Executive," "CMO," "CNO," and "President." Such personnel are identifiable via Defendants' wage data.

4. Appointing Berger Montague PC and Cotchett Pitre & McCarthy, LLP as Co-Lead Counsel for the Settlement Class pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

5. Approving the Notice Plan articulated in the accompanying Declaration of Brian Devery of A.B. Data In Support of Plaintiffs' Motion for Preliminary Approval and Administration of Settlement Class Notice ("Devery Decl.") and authorizing dissemination of notice of the Settlements to the Settlement Class.

6. Preliminarily approving the Plan of Allocation.

7. Appointing A.B. Data as the Claims Administrator for the Settlement Class.

8. Appointing The Huntington National Bank as the Escrow Agent.

9. Approving the Custodian/Escrow Agreement (the "Escrow Agreement"), attached as Exhibit 3 to the Joint Decl.

10. Approving the establishment of the Settlement Fund under the Settlement Agreements as a qualified settlement fund ("QSF") pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder and authorizing Co-Lead Counsel to withdraw funds from the QSF for the payment of reasonable costs of notice, payment of taxes, and settlement administration costs as set forth in the Settlement Agreements.

11. Staying litigation activity against Defendants on behalf of the Settlement Class pending final approval or termination of the Settlements.

12. Approving the proposed schedule for the Settlements, including setting a date for a final Fairness Hearing.

For the reasons set forth in the accompanying memorandum of law, supporting Joint Decl., the Devery Decl., and all exhibits filed in support of this motion, Plaintiffs respectfully request that the Court grant this motion and enter the Preliminary Approval Order filed herewith. Defendants support this motion.

Dated: October 3, 2025

Respectfully submitted,

/s/ Adam J. Zapala

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CERTIFICATE OF SERVICE

I, Adam J. Zapala, hereby certify that on October 3, 2025, I filed a true and correct copy of the foregoing Plaintiffs' Motion for Certification of a Settlement Class, Preliminary Approval of the Settlements, Preliminary Approval of the Plan of Allocation, Approval of the Notice Plan, and Approval of the Proposed Schedule for Completing the Settlement Process with the Court's Case Management/Electronic Case Filing System and thereby served upon all counsel of record in this matter.

/s/ Adam J. Zapala
Adam J. Zapala