

**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

**ORDER PRELIMINARILY APPROVING THE SETTLEMENTS,
PRELIMINARILY CERTIFYING THE SETTLEMENT CLASS,
PRELIMINARILY APPROVING THE PLAN OF ALLOCATION,
APPROVING THE NOTICE PLAN, AND APPROVING THE PROPOSED
SCHEDULE FOR COMPLETING THE SETTLEMENT PROCESS**

WHEREAS, Plaintiffs¹ have moved for preliminary approval under Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure as to two settlements (the “Settlements”) reached between the parties in the action *In re Geisinger Sys. Servs. and Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litig.*, No. 4:21-cv-00196-MWB (M.D. Pa.) (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”).

WHEREAS, on June 9, 2025 (by Evangelical) and June 13, 2025 (by Geisinger), Plaintiffs, both individually and on behalf of the Settlement Class (defined below), and Defendants Geisinger and Evangelical entered into two separate settlement agreements that set forth the terms and conditions of the parties’ proposed Settlements and the release and dismissal with prejudice of the Plaintiffs’ claims against Defendants (collectively, the “Settlement Agreements”);

WHEREAS, on October 3, 2025, Plaintiffs filed a 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 (the “Motion”), requesting the entry of an Order: (i) granting preliminary approval of the Settlement

¹ The Plaintiffs are Nichole Leib and Kevin Brokenshire.

² The term “Geisinger” also includes Geisinger Health and all of Geisinger Health’s subsidiaries.

Agreements; (ii) preliminarily finding that the requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure are satisfied for the Settlement Class; (iii) appointing Plaintiffs as the Class Representatives for the Settlement Class under Rule 23(g) of the Federal Rules of Civil Procedure; (iv) appointing Berger Montague PC and Cotchett Pitre & McCarthy, LLP as Lead Counsel for the Settlement Class under Rule 23(g) of the Federal Rules of Civil Procedure; (v) authorizing dissemination of notice of the Settlements to the Settlement Class; (vi) preliminarily approving the proposed Plan of Allocation; (vii) appointing A.B. Data, Ltd. (“A.B. Data”) as the Claims Administrator; (viii) appointing The Huntington National Bank (“Huntington”) as the Escrow Agent and approving the Custodian/Escrow Agreement; and (ix) approving the proposed schedule for administering the Settlements, including setting a date for a final Fairness Hearing;

WHEREAS, Defendants support Plaintiffs’ Motion; and

WHEREAS, the Court is familiar with the record in this case, and having reviewed the Settlements and supporting documents, has found good cause for entering the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Jurisdiction

1. This Court has jurisdiction to enter this Order as it has jurisdiction over the subject matter of the above-captioned action and over Defendants and Plaintiffs,

including all members of the Settlement Class.

The Settlement Class

2. The Court finds that the requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure are satisfied for the below defined Settlement Class, including for settlement and judgment purposes.

3. The Settlement Class includes:

All natural 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 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 Expert Report of Professor Edward Leamer, Ph.D., at ¶¶ 21-24 & Exhibit 4 (dated January 16, 2024) (ECF Nos. 177, 178). *See* SA ¶1(x).

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. All members of the Settlement Class (“Class Members”) who do not timely request to be excluded shall be bound by all determinations and judgments in the Action concerning the Settlements.

5. The Court appoints 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.

6. The Court appoints 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.

Preliminary Approval of the Settlements

7. Pursuant to Rule 23(e)(1)(B) of the Federal Rules of Civil Procedure, based on “the parties’ showing that the Court will likely (i) approve the proposal[s] under Rule 23(e)(2); and (ii) certify the class for purposes of judgment on the proposal[s],” the Court hereby preliminarily approves the Settlements, as embodied in the Settlement Agreements.

8. Being familiar with the record, and having reviewed the settlement papers, the Court finds the Settlements were entered into after four and a half years of hard-fought litigation in the Action, including, *inter alia*, extensive and contested fact discovery, the exchange of expert reports and the depositions of all experts, class

certification briefing, and *Daubert* briefing. The Court finds further that the parties reached the Settlements only after extensive arm's-length negotiations. Accordingly, the Court preliminarily finds that the Settlements meet all factors under Rule 23(e)(2) and will likely be granted final approval by the Court, subject to further consideration at the Court's final Fairness Hearing. The Court finds that the Settlements encompassed by the Settlement Agreements are preliminarily determined to be fair, reasonable, and adequate; and in the best interests of the Settlement Class; raise no obvious reasons to doubt their fairness; and raise a reasonable basis for presuming that the Settlements and their terms satisfy the requirements of Rules 23(c)(2) and 23(e) of the Federal Rule of Civil Procedure and due process so that notice of the Settlements should be given to the Settlement Class.

9. The Court has reviewed the Plan of Allocation and hereby preliminarily approves it.

10. A.B. Data, Ltd. ("A.B. Data") is hereby appointed as the Claims Administrator for the Settlement Class.

11. The Huntington National Bank is hereby appointed as the Escrow Agent pursuant to the Settlements. The Court also hereby approves the Escrow Agreement.

12. The Court approves 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 retains continuing jurisdiction as to any issue that may arise in connection with the formation or administration of the QSF. In accordance with the Settlement Agreements, Lead Counsel are authorized to withdraw funds from the QSF for the payment of reasonable costs of notice, payment of taxes, and settlement administration costs.

13. Pending further Order of the Court, all litigation activity against Defendants on behalf of the Settlement Class is hereby stayed, and all hearings, deadlines, and other proceedings related to the Plaintiffs' claims against Defendants, other than those incident to the settlement process, are hereby taken off the Court's calendar until further order of the Court.

14. In the event that both Settlements fail to become effective in accordance with their terms, or if an Order granting final approval to the Settlements and dismissing Plaintiffs' claims against Defendants with prejudice is not entered or is reversed, vacated, or materially modified on appeal, this Order shall be null and void.

15. In the event either Settlement is terminated, not approved by the Court, or the Settlement does not become final pursuant to the terms of the Settlement, this litigation against the applicable Defendant(s) shall resume in a reasonable manner as approved by the Court upon an application of Plaintiffs or Defendant(s).

Approval of the Notice Plan

16. The Court approves in form and substance the Plaintiffs’ proposed notice plan, including the forms of notice attached to the 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 the Settlement website as described herein. The proposed notice plan specified by Plaintiffs and as supported by the Devery Decl. (hereinafter, the “Notice Plan”): (i) is the best notice practicable; (ii) is reasonably calculated, under the circumstances, to apprise members of the Settlement Class of the settlements in the Action (defined in the Settlement Agreements, at ¶1(e)) and of their right to participate in or object to the proposed Settlements; (iii) is reasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice of the Fairness Hearing; and (iv) fully satisfies the requirements of Rule 23(e)(1) of the Federal Rule of Civil Procedure and due process and is a reasonable manner of distributing settlement notice to Class Members who would be bound by the Settlements.

17. A.B. Data may modify the form or content of the targeted advertisements and banner notices as it deems necessary and appropriate to maximize their impact and reach, as long as those modifications substantially comport with the notices attached to the Devery Decl.

18. Defendants shall provide notice of the Settlements as required by 28

U.S.C. § 1715.

Approval of the Schedule

19. A.B. Data and the parties shall adhere to the following schedule:
 - a. No later than 30 days of the date of this Order, A.B. Data shall begin the process of providing notice to the Settlement Class in accordance with the Notice Plan.
 - b. No later than 60 days of the date of this Order, Lead Counsel shall file a motion for attorneys' fees, unreimbursed litigation costs and expenses, and service awards for the Class Representatives, pursuant to the terms of the Settlement Agreements.
 - c. No later than 90 days of the date of this Order, Class Members may submit a request to be excluded from the Settlement Class.
 - d. All requests to be excluded from the Settlement Class must be in writing and provided to the Claims Administrator, and include the following information: (1) the name of the case (*In re Geisinger Sys. Servs. and Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litig.*, No. 4:21-cv-00196-MWB (M.D. Pa.)); (2) the individual's name and address and if represented by counsel, the name, address, and telephone number of counsel; (3) proof of membership indicating that the individual is a member of the Settlement Class; and (4) a statement

that the Class Member requests to be excluded from the Settlement Class. Furthermore, all requests for exclusion from the Settlement Class must be signed by the Class Member.

- e. No later than 90 days of the date of this Order, Class Members may submit any objection to the proposed Settlements or to the proposed Plan of Allocation, or to the request for attorneys' fees, unreimbursed litigation costs and expenses, service awards to the Class Representatives, or any other aspect of the Settlements.
- f. All objections must be in writing and filed with the Court, with copies sent to the Claims Administrator, and include the following information: (1) the name of the case (*In re Geisinger Sys. Servs. and Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litig.*, No. 4:21-cv-00196-MWB (M.D. Pa.)); (2) the individual's name and address and if represented by counsel, the name, address, and telephone number of counsel; (3) proof of membership indicating that the individual is a member of the Settlement Class; (4) a statement detailing all objections to the Settlements; and (5) a statement of whether the individual will appear at the Fairness Hearing, either with or without counsel. Furthermore, all objections must be signed by the objecting member of the Settlement Class.

- g. No later than 21 days after the expiration of the deadline for Class Members to object to the proposed Settlements or attorneys' fees, expenses and service awards, or the Plan of Allocation, Lead Counsel shall file all briefs and materials in support of final approval of the Settlements.
- h. A hearing on final approval of the Settlements shall be held before this Court on **March 16, 2026, at 10:00 a.m.** in Williamsport - Courtroom 1 before Chief Judge Matthew W. Brann.

Dated: November 18, 2025

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge