

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

If you were subjected to a pre-employment medical examination at a U.S. Healthworks facility in California, a class action lawsuit may affect your rights.

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

- A job applicant for a paid position who was required to submit to a post-offer, pre-placement medical examination (“PPE”) at a U.S. Healthworks (“USHW”) facility in California has sued USHW. The job applicant alleges that USHW’s medical examination violated California’s Fair Employment and Housing Act (“FEHA”) because the medical inquiries were not job-related and consistent with business necessity.
- The Court has allowed the lawsuit to be a class action on behalf of **every applicant for a paid position who underwent a post-offer, pre-placement medical examination and was subjected to USHW’s health history questionnaire at a USHW facility in California between October 23, 2017, and December 31, 2018.**
- The Court has not decided whether USHW did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

Your Legal Rights And Options in this Lawsuit	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue USHW separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue USHW separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **April 9, 2025**.
- Lawyers must prove the claims against USHW at a trial set to start **February 9, 2026 at 9:00 a.m.** If money or benefits are obtained from USHW, you will be notified about how to ask for a share.
- **Any questions? Read on and visit www.ushealthworksclassaction.com.**

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BASIC INFORMATION

1. Why did I get notice?

USHW's records show that you underwent a post-offer, pre-employment medical exam ("PPE") at the behest of your prospective employer at a USHW facility in California between October 23, 2017, and December 31, 2018 (the "Class Period"). This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against USHW and its successors or related entities (collectively "USHW"), on your behalf, are correct. Judge Dana Sabraw of the United States District Court for the Southern District of California is overseeing this class action. The lawsuit is known as *Raines, et al. v. U.S. Healthworks Medical Group, et al.*, Civil Action No. 19-cv-1539.

2. What is this lawsuit about?

This lawsuit is about whether USHW violated FEHA by asking job applicants for paid positions medical inquiries that are not job-related and consistent with business necessity.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Kristina Raines) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The woman who sued—and all the Class Members like her—are called the Plaintiffs. The company they sued (in this case USHW) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 245,000 job applicants who were subjected to a PPE in California during the Class Period;
- There are legal questions and facts that are common to each of them;
- Kristina Raines's claims are typical of the claims of the rest of the Class;
- Ms. Raines and the lawyers representing the Class will fairly and adequately represent the Class's interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying the Class, which is available at www.ushealthworksclassaction.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiff alleges she and hundreds of thousands like her in California were subjected to highly offensive and irrelevant medical questions on a standardized health history questionnaire ("HHQ") used by USHW, an occupational health provider that acted on behalf of employers who made job offers to applicants like Plaintiff conditioned on their passing a pre-placement medical exam ("PPE" or "PPEs"). The health questionnaire was part of USHW's PPE to determine if the applicant could perform the essential functions of the job they had been conditionally offered.

Plaintiff alleges that California's Fair Employment and Housing Act ("FEHA"), Cal. Gov't. Code § 12900, *et seq.*, permits an employer to condition an employment offer upon the job applicant passing a PPE, but only if the "examination or inquiry is job related and consistent with business necessity." Plaintiff alleges USHW violated the FEHA by giving the *same* standardized HHQ with more than 150 questions to *every* referred applicant regardless of the essential functions of their job, that the questionnaire included questions that were irrelevant and unrelated to *any* job offered by *any* referring employer, and that the questions were untailed to the essential functions of the job.

You can read the Plaintiff's Class Action Complaint at www.ushealthworksclassaction.com.

6. How does USHW answer?

USHW denies that it did anything wrong. USHW's Answer to the Complaint is also at the website.

7. Has the Court decided who is right?

The Court hasn't decided whether USHW or the Plaintiffs are correct. By establishing the Class and issuing this notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial starting **February 9, 2026 at 9:00 a.m.** (See "The Trial" below on page 5.)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for nominal and punitive money damages and attorneys' fees and costs.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether USHW did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Sabraw decided that the following individuals are Class Members: Every applicant for a paid position who underwent a post-offer, pre-placement examination and was subjected to USHW's health history questionnaire at a USHW facility in California between October 23, 2017, and December 31, 2018.

11. Are any job applicants not included in the Class?

First, only job applicants who underwent PPEs for *paid positions* are included in the Class. If you underwent a PPE for an unpaid or volunteer position, you are NOT a Class Member.

Second, job applicants for positions with *religious associations* and *non-profit organizations* are NOT included in the Class. If you underwent a PPE for a job with a religious association or non-profit, you are NOT a Class Member.

12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.ushealthworksclassaction.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in question 22.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

13. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, USHW—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may only be able to sue for the FEHA violation at issue that occurred *before* October 23, 2017 or occurred *after* December 31, 2018 only. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

14. Why would I ask to be excluded?

If you already have your own lawsuit for FEHA violations against USHW and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class—you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between USHW and the Plaintiffs. However, you may then be able to sue or continue to sue USHW for FEHA violations that occurred or occurs at any time. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against USHW after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against USHW, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

Note that if you exclude yourself from this lawsuit, any changes made to USHW's PPE policies would still apply to you.

15. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Raines v. U.S. Healthworks*. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by **April 9, 2025**, to: *Raines v. U.S. Healthworks Medical Group*, Class Action Administrator, P.O. Box 301130, Los Angeles, CA 90030-1130. You may also get an Exclusion Request Form at the website, www.ushealthworksclassaction.com.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that lawyers at the law firm of Phillips, Erlewine, Given & Carlin LLP, of San Francisco, CA are qualified to represent you and all Class Members. Together, these lawyers are called “Class Counsel.” They are experienced in handling similar class action cases. More information about this law firm, its practice, and its lawyers’ experience is available at www.phillaw.com.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsels’ request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by USHW.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

19. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims at a trial. The trial is set to start on February 9, 2026 at 9:00 a.m., in the United States District Court for the Southern District of California, located at James M. Carter and Judith N. Keep United States Courthouse, 333 West Broadway, San Diego, CA 92101, in Courtroom 13A. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and USHW will present the defenses. You or your own lawyer are welcome to come at your own expense.

21. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

22. Are more details available?

Visit the website, www.ushealthworksclassaction.com, where you will find the Court’s Order Certifying the Class, the Complaint that the Plaintiffs submitted, the Defendant’s Answer to the Complaint, as well as an Exclusion Request Form. You may also speak to one of the lawyers by calling (415) 398-0900, or by writing to: R. Scott Erlewine, Phillips, Erlewine, Given & Carlin LLP, 39 Mesa Street, Suite 201, The Presidio, San Francisco, CA 94129.