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11 *Attorneys for Plaintiffs*

12
 13 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 14 **IN AND FOR THE COUNTY OF LOS ANGELES**

15 COORDINATION PROCEEDING
 16 SPECIAL TITLE [RULE 3.550]

Judicial Council Coordination
 Proceeding No.: 4805

17 **ANTHEM BLUE CROSS**
 18 **AFFORDABLE CARE ACT CASES**

CLASS ACTION

**DECLARATION OF ARI DYBNIS
 REGARDING PROPOSED CY PRES
 RECIPIENT IN SUPPORT OF JOINT
 MOTION FOR ENTRY OF ORDER
 PRELIMINARILY APPROVING
 SETTLEMENT AND DIRECTING
 DISSEMINATION OF CLASS NOTICE**

Date of Prel. Approval Hrg: March 15, 2016
 Time: 11:00 a.m.

Judge: Hon. Elihu M. Berle
 Dept.: 323

1 I, ARI DYBNIS, declare as follows:

2 1. I am an attorney admitted to practice in California and one of the attorneys of
3 record for the named Plaintiffs and the proposed Class (collectively referred to as “Plaintiffs” or
4 “Settlement Class Members”) in the above-captioned action (the “Action”).¹
5

6 2. I have personal knowledge of the matters set forth in this Declaration filed in
7 support of the Parties’ Joint Motion for Entry of the Order Preliminarily Approving Settlement
8 and Dissemination of Class Notice. If called to testify, I could and would competently testify to
9 the following facts.

10 3. As part of the proposed settlement, Defendants are required to mail checks to the
11 Settlement Class Members. Settlement checks that Settlement Class Members do not cash
12 within 120 days after mailing of the initial check (or 60 days after mailing of a replacement
13 check) will be void and a stop payment will be placed on the checks. The Settlement Funds
14 represented by those uncashed checks will also be paid to the *cy pres* recipient, pursuant to
15 sections III(F)(1)(e), III(F)(2)(b), III(F)(3)(b).
16

17 4. Pursuant to section III(J) of the Settlement Agreement, to the extent a Settlement
18 Class Member who validly opts out of the Settlement Class would otherwise have been entitled
19 to a settlement payment under section III(F)(1) of the Settlement Agreement, that payment will
20 also be made to the *cy pres* recipient as described in sections III(F)(1)(d)-(e) of the Settlement
21 Agreement.

22 5. The Parties have chosen St. Jude Children’s Research Hospital (“St. Jude”) as that
23 *cy pres* recipient. St. Jude Children's Research Hospital, founded in 1962, is a pediatric
24

25 ¹ Unless otherwise specified, all defined terms in this Declaration have the same meaning
26 as the meaning described in the Settlement Agreement, and those terms are incorporated here by
27 this reference.

1 treatment and research facility focused on children's catastrophic diseases. It is located in
2 Memphis, Tennessee, and is a nonprofit medical corporation chartered as a 501(c)(3) tax-exempt
3 organization under IRS regulations. Although, St. Jude is named after a religious figure, it is not
4 a Catholic hospital and not affiliated with any religious organization.

5
6 6. Discoveries at St. Jude have completely changed how doctors treat children with
7 cancer and other catastrophic illnesses. Since St. Jude was established, the survival rate for acute
8 lymphoblastic leukemia, the most common type of childhood cancer, has increased from 4
9 percent in 1962 to 94 percent today. During this time, the overall survival rate for childhood
10 cancers has risen from 20 percent to 80 percent. St. Jude has treated children from across the
11 United States and from more than 70 countries. Doctors across the world consult with St. Jude
12 on their toughest cases. Also, St. Jude has an International Outreach Program to improve the
13 survival rates of children with catastrophic illnesses worldwide through the transfer of
14 knowledge, technology and organizational skills.

15 7. St. Jude treats all medically eligible patients without regard to the family's ability
16 to pay. St. Jude is one of a few pediatric research organizations in the United States where
17 families never pay for treatments that insurance does not cover, and which never asks families
18 without insurance to pay. It never denies treatment to any child based on race, religion or a
19 family's ability to pay. In addition to providing medical services to eligible patients, St. Jude
20 also assists families with transportation, lodging, and meals.

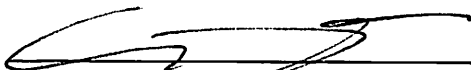
21 8. St. Jude is the second largest health care charity in America according to the
22 Chronicle of Philanthropy's Philanthropy 400 list, and the 11th largest charity on Forbes' list of
23 the 200 largest U.S. charities. During the past decade, St. Jude has consistently been in
24 compliance with the Council of Better Business Bureau's Wise Giving Alliance and has also
25 been rated favorably by the American Institute of Philanthropy, as well as financial rating
26 agencies Moody's and Fitch. More than seventy percent of all of St. Jude's total expenses are
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1 spent on its programs.¹ It also receives a B+ rating and a three star rating from nonprofit
2 independent charity watchdogs, Charity Watch and Charity Navigator respectively.

3
4 9. The Parties selected St. Jude as the *cy pres* recipient because its mission of
5 providing free access to healthcare services directly fulfills the purposes of this legal action and
6 because there is a driving nexus between the plaintiff class and the *cy pres* beneficiaries.
7 Plaintiffs allege that they and those similarly situated were unable to receive covered care and
8 treatment from doctors and other healthcare providers because of Anthem's unlawful business
9 practices and misrepresentations. St. Jude's work advances the interests of the Settlement Class
10 members as St. Jude provides care to children across the United States, including children from
11 California. Further, the Settlement Class members are people who seek relief because they were
12 unable to receive low-cost or no-cost healthcare services, which is exactly what St. Jude
13 provides. It is for these reasons that St. Jude is an appropriate *cy pres* recipient.

14 10. None of the attorneys representing the Parties nor any of the Parties themselves
15 have any interests or involvements in the governance or work of St. Jude.

16
17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed this 24th day of February 2016.

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21 

22 Ari Dybnis

23 Declarant

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26 ¹ See <http://www.csmonitor.com/Business/Guide-to-Giving/America-s-Top-50-charities-How-well-do-they-rate>

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PROOF OF SERVICE

State of California, City of Santa Monica, County of Los Angeles

I am employed in the City of Santa Monica and County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2701 Ocean Park Blvd., Suite #112, Santa Monica, California 90405, and I am employed in the city and county where this service is occurring.

On February 26, 2016 I caused service of true and correct copies of the documents entitled

DECLARATION OF ARI DYBNIS REGARDING PROPOSED CY PRES RECIPIENT IN SUPPORT OF JOINT MOTION FOR ENTRY OF ORDER PRELIMINARILY APPROVING SETTLEMENT AND DIRECTING DISSEMINATION OF CLASS NOTICE

upon the persons named in the attached service list, in the following manner:

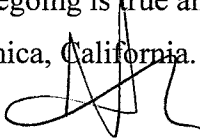
If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.

by electronic mail transmission this date to the email address stated or by electronic transmission to all parties appearing on electronic service list via **File & Serve Xpress**.

If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2016, at Santa Monica, California.



Maritza Arizaga

SERVICE LIST

Via File & Serve Xpress:

***Ramona Larramendy v. Blue Cross of California dba Anthem Blue Cross*
Sacramento Superior Court Case No. 34-2014-00164118**

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***Samantha Berryessa Cowart v. Blue Cross of California dba Anthem Blue Cross*
Los Angeles Superior Court Case No. BC549438**

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***Lesley Noble v. Blue Cross of California dba Anthem Blue Cross*
Monterey Superior Court Case No. M128428**

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***Betsy Felser, et al. v. Blue Cross of California dba Anthem Blue Cross*
Los Angeles Superior Court Case No. BC550739**

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Conrad v. Blue Cross of California d/b/a Anthem Blue Cross
Orange County Superior Court Case No. 30-2014-00734564-CU-IC-CXC

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Cynthia Ricketts Wasley v. Blue Cross of California dba Anthem Blue Cross
Los Angeles Superior Court Case No. BC552841

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Jonathan Brown, et al. v. Blue Cross of California dba Anthem Blue Cross
Los Angeles Superior Court Case No. BC554949

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Carlos Casanola v. Blue Cross of California dba Anthem Blue Cross
Riverside Superior Court Case No. RIC 1410091

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Lisa Kearney, et al. v. Blue Cross of California dba Anthem Blue Cross
Los Angeles Superior Court Case No. BC564049

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Corrine Hackbart, et al. v. Blue Cross of California dba Anthem Blue Cross
Los Angeles Superior Court Case No. BC570971

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