

ELKHART COUNTY INDIANA SUPERIOR COURT 2

If you were a patient who received a letter from Goshen Hospital regarding a procedure you had there using a lumened instrument between April 2019 and September 2019, or if you are or were a spouse of such a patient, a class action lawsuit may affect your rights.

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

- In November 2019, 1,182 patients who underwent surgery at Goshen Hospital using lumened instruments, between April 2019 and September 2019, were sent letters informing them that a surgical technician had not completed a step in the multi-step sterilization process of certain surgical instruments. The letter further advised that while the instruments were treated with the normal chemical sterilization and machine sterilization processes, the instruments may or may not have been sterile and the technician’s failures may have exposed these patients “to infections such as the hepatitis C virus, the hepatitis B virus and human immunodeficiency virus (HIV).”
- Linda Gierek, a patient of Goshen Hospital who received one of these letters, along with her husband, Stephen Gierek, have sued Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC (collectively referred to as “Goshen Hospital”), alleging that the failures in sterilization and resulting warnings negligently inflicted emotional distress upon them and others similarly situated.
- The Court has allowed the lawsuit to proceed as a class action to resolve certain aspects of legal claims against Goshen Hospital. Individual determinations of monetary damages may be necessary at a later stage of these proceedings.
- There are two classes certified in this action:
 1. The first class—i.e., the “Patients Class”—includes all patients of Goshen Hospital to whom Goshen Hospital sent a letter, identical or substantially similar to the letter it sent to Linda Gierek, informing them that, between April and September 2019, one or more employees of Goshen Hospital did not complete all steps in the surgical instrument sterilization process and notifying them that they may have been exposed to infections such as the hepatitis C virus, hepatitis B virus, and human immunodeficiency virus (HIV).
 2. The second class—i.e., the “Spouses Class”—includes all persons who were married to a patient included in the definition of the Patients Class at any time between the date on which the patient underwent surgery from Goshen Hospital (for which a letter was sent) and the date on which the letter was sent to the patient.
- The Court has not decided whether Goshen Hospital did anything wrong or if they are liable to anyone. 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:

QUESTIONS? VISIT WWW.GOSHENHOSPITALCLASSACTION.COM, OR CALL TOLL-FREE AT 1-800-279-7104

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 trial or settlement. But, you give up any rights to sue Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC 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 your rights to sue Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC separately about the same legal claims in this lawsuit. If you choose to be excluded, your time to file a lawsuit is limited and you should immediately consult a lawyer to be advised of your rights and any deadlines.

- Your options are explained in this Notice. To ask to be excluded, you must act before July 13, 2026.
- If money is obtained from Goshen Hospital through settlement, trial, or otherwise, you will be notified about how to ask for a share. At some point later in these proceedings, with the assistance of Class Counsel, it may be necessary for you to provide evidence or to testify regarding the impacts that Goshen Hospital's alleged failures have had on you.
- Any questions? Read on and visit www.GoshenHospitalClassAction.com, or call toll-free at 1-800-279-7104.

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BASIC INFORMATION

1. Why did I get this Notice?

Goshen Hospital's records show that you were or your then-spouse was a surgical patient who underwent a procedure using a lumened instrument at Goshen Hospital between April 2019 and September 2019 and that a letter was sent to you or your spouse stating that a sterilization technician had not completed a step in the multi-step sterilization process with certain surgical instruments. The letter further advised that the technician's failure may have exposed patients to infections such as the hepatitis C virus, the hepatitis B virus and human immunodeficiency virus (HIV).

This Notice explains that the Court has allowed, or "certified," a class action lawsuit to resolve certain aspects of legal claims against Goshen Hospital, which may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide specific issues of legal claims against Goshen Hospital. Specifically, the issues that may be decided in this class action are: what duty of care was owed to you and your fellow patients/spouses, whether Goshen Hospital breached that duty of care, whether any such breaches were the foreseeable cause of emotional distress to the Patients and their Spouses, whether any such breaches could generally cause emotional distress to persons such as the Patients and their Spouses; and the amount of damages to which Patients and their Spouses are legally entitled.

Judge Andrew M. Hicks of the Elkhart County, Indiana, Superior Court 2 is overseeing this class action. The lawsuit is known as *Gierek et al v. Anonymous 1 et al.*, Cause No. 20D02-1911-CT-243.

2. What is this lawsuit about?

This lawsuit is about whether Goshen Hospital may be held legally responsible for the alleged negligent infliction of emotional distress to Patients and their Spouses caused by sending a letter that informed Patients of a potential exposure of the Patients and thereby their Spouses to infections such as the hepatitis C virus, the hepatitis B virus and human immunodeficiency virus (HIV) as a result of the failure to properly sterilize certain surgical instruments.

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 Linda Gierek and Stephen Gierek) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." Mrs. Gierek and Mr. Gierek—and all the Class Members like them—are called the Plaintiffs. The companies they sued are called the Defendants (in this case Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC). One court resolves the issues for everyone in the two Classes—except for those people who choose to exclude themselves from the Classes.

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 Indiana Trial Rule 23, which governs class actions in Indiana state courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's November 19, 2025 *Order Granting Giereks' Motions for Class Certification*, which is available at www.GoshenHospitalClassAction.com.

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THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, Linda Gierek and Stephen Gierek allege that Goshen Hospital negligently inflicted emotional distress on its Patients and their Spouses by sending them a letter that explained that the instruments used in a medical procedure may or may not have been sterile and may have exposed the Patients and thereby their Spouses to infections as a result of the failure to properly sterilize certain surgical instruments.

You can read the Plaintiffs' *First Amended Class Action Complaint* at www.GoshenHospitalClassAction.com.

6. How does Goshen Hospital answer?

Goshen Hospital denies that it is legally liable to Patients, such as Linda Gierek, and their Spouses, such as Stephen Gierek. However, Goshen Hospital admits that the standard of care for sterilization of medical instruments was breached, which resulted in the sending of a notification letter to 1,182 patients. Goshen Hospital denies that its breaches caused legally compensable damages to the Patients and their Spouses.

Goshen Hospital's *Answer to the First Amended Complaint* is also available at www.GoshenHospitalClassAction.com.

7. Has the Court decided who is right?

The Court hasn't decided whether Defendants or the Plaintiffs are correct. By certifying the Class and directing the issuance of this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs still must prove their claims before Goshen Hospital will be required to pay any damages.

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for the Court and ultimately a jury to decide whether Goshen Hospital: (i) owed a duty of care to the Patients and to their Spouses; (ii) if so, whether they breached the duty of care; (iii) whether emotional distress was foreseeably caused by the breaches of the duty of care; (iv) whether their breaches of the duty of care could cause emotional distress in the Patients and their Spouses; and (v) the amount of damages to which Patients and Spouses are legally entitled.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Goshen Hospital 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. At some point later in these proceedings, with the assistance of Class Counsel, it may be necessary for you to provide evidence or to testify regarding the impacts that Goshen Hospital's alleged failures have had on you.

WHO IS IN THE CLASS

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

10. Am I part of the Classes?

There are two certified classes. You are part of these classes if you meet the definition of either of the

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following class definitions specified in the *Order Granting Giereks' Motions for Class Certification*:

The Patients Class

All patients of Goshen Hospital to whom Goshen Hospital sent a letter, identical or substantially similar to the letter it sent to Linda Gierek, informing them that, between April and September 2019, one or more employees of Goshen Hospital did not complete all steps in the surgical instrument sterilization process and notifying them that they may have been exposed to infections such as the hepatitis C virus, hepatitis B virus, and human immunodeficiency virus (HIV).

The Spouses Class

All persons who were married to a member of Proposed Class 1 at any time between (i) the date on which the corresponding Proposed Class 1 member underwent surgery from Goshen Hospital for which a letter was sent regarding possible inadequate sterilization of instruments and potential exposure to infection and (ii) the date on which the letter was sent to the corresponding Proposed Class 1 member spouse.

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

If you are still not sure whether you are included, you can get additional information at www.GoshenHospitalClassAction.com, or by calling, emailing, or writing to the lawyers in this case, at the phone number or address listed below.

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.

12. 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 to which you belong. 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). At some point later in these proceedings, with the assistance of Class Counsel, it may be necessary for you to provide evidence or to testify regarding the damages you claim were caused by Goshen Hospital. 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 Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

13. What happens if I ask to be excluded from the Class?

If you exclude yourself from the Class to which you belong—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 Goshen Hospital and the Plaintiffs. However, you may then be able to sue Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC for claims arising otherwise presented in this lawsuit.

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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 Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC 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 Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC, you should talk to your own lawyer soon, as the time to file a lawsuit is limited by a statute of limitations.

14. 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 *Gierek v. Anonymous 1*. Be sure to include your name and address, and sign the letter.

You must mail your Exclusion Request postmarked by July 13, 2026 to:

Gierek v. Anonymous 1 Exclusions
c/o PAVLACK LAW, LLC
50 East 91st Street, Suite 305
Indianapolis, IN 46240

You may also get an Exclusion Request form at the website, www.GoshenHospitalClassAction.com.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that Eric S. Pavlack and Colin E. Flora of PAVLACK LAW, LLC, along with Walter J. Alvarez, Brock Alvarado, and Steven J. Alvarez of ALVAREZ LAW, are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar cases. More information about these law firms, their practices, and their lawyers’ experience is available at www.PavlackLawFirm.com and www.GoWithAlvarez.com.

16. 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.

17. How will the lawyers be paid?

If Class Counsel obtain money or benefits for the Classes, they will ask the Court for fees and expenses from the money or benefits obtained. If Class Counsel do not obtain money or benefits for the Classes, you will have no obligation to pay any fees or expenses.

You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Classes or paid separately by Goshen Health System, Inc. d/b/a Goshen Health, Goshen Hospital Association, Inc. d/b/a Goshen Hospital, and Goshen Health Surgery Center, LLC.

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THE TRIAL

The Court has not yet scheduled a trial to decide who is right in this case.

18. 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. There is no trial currently set. Any trial will take place in the Elkhart Superior Court 2, 1905 Reliance Road, Goshen, Indiana 46526.

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 Defendants 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.

19. Do I have to come to the trial?

There may be multiple phases of trial or trials in this case. Depending on what phase of the trial or trials occurs, you may or may not need to attend the trial. At all phases, Class Counsel will represent you and present the case for you and the other members of the Classes, and Goshen Hospital present its defenses. At any phase in which you are not required to attend, you or your own lawyer are welcome to come at your own expense.

20. 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. At some point later in these proceedings, with the assistance of Class Counsel, it may be necessary for you to provide evidence or to testify regarding the impacts that Goshen Hospital's alleged failures have had on you.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website, www.GoshenHospitalClassAction.com, where you will find the Court's *Order Granting Giereks' Motions for Class Certification*, the *First Amended Class Action Complaint*, Goshen Hospital's *Answer to the First Amended Complaint*, as well as an Exclusion Request form.

You may also email, write, or speak to one of the lawyers representing the Class:

Eric Pavlack
PAVLACK LAW, LLC
50 East 91st Street, Suite 305
Indianapolis, IN 46240
(317) 251-1100
Email: Eric@PavlackLawFirm.com

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