

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TENNEIL SELNER, on her own behalf and on)
behalf of a class of those similarly situated,)

Plaintiff,)

v.)

No. 1:15-cv-01874-SEB-MPB

SECRETARY OF THE INDIANA FAMILY)
AND SOCIAL SERVICES ADMINISTRATION,)
in her official capacity,)

Defendant.)

**ORDER APPROVING MANNER AND FORM OF NOTICE
TO THE CLASS AND SETTING FAIRNESS HEARING**

The parties having filed their Joint Motion to Approve Manner and Form of Notice to the Class and to Set Fairness Hearing (“Motion”), and the Court having read and reviewed the same and being duly advised, the Court now **APPROVES** the proposed manner and form of providing notice to the class and **SETS** this matter for a fairness hearing pursuant to Rule 23(e) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that the class notice attached to the Motion as Exhibit 1 is hereby approved.

1. **IT IS FURTHER ORDERED** that notice shall be given in the following manner:
 - a. Counsel for the plaintiff shall cause it to be sent individually to every physician that has requested prior authorization on behalf of a patient for one or more of the direct-acting antiviral medications at issue in this litigation since October 1, 2014.
 - b. The defendant shall publish it in a conspicuous location on the website of the Indiana Family and Social Services Administration.

The individual notice sent to the physicians of class members shall be accompanied by a letter

prepared by class counsel explaining the nature of this litigation and requesting that the physicians provide a copy of the class notice to any of their patients that have been denied prior authorization for the direct-acting antiviral medications. In order to permit counsel for the plaintiff to send appropriate notice, the defendant shall, as soon as possible, provide counsel for the plaintiff with the names and addresses of all physicians that have requested prior authorization on behalf of a patient for one or more of the direct-acting antiviral medications at issue in this litigation since October 1, 2014.

IT IS FURTHER ORDERED that the defendant shall publish the following notice, providing the URL to the location that the class notice is published on the website of the Indiana Family and Social Services Administration, in the largest newspapers of general circulation in Indianapolis, Fort Wayne, Evansville, Gary, New Albany, and Richmond as a legal notice for at least three consecutive weeks:


To: all adult Medicaid recipients who have been denied coverage by the Indiana Family and Social Services Administration for prescribed direct acting antiviral medications to treat their Hepatitis C. A class action lawsuit was filed in federal court challenging restrictions imposed that limit many Medicaid recipients' ability to obtain medications prescribed by their doctors to cure their Hepatitis C. The parties have now proposed a settlement of this lawsuit that may result in your ability to obtain these medications, although that settlement cannot be approved until members of the class have an opportunity to comment on the settlement and the judge finds the settlement to be fair, reasonable, and adequate. The lawsuit does not request, and the settlement does not provide for, monetary damages. If you believe that you have been denied coverage for these medications, you might be a member of the class and this settlement might affect your rights. To learn more about the settlement and to express your opinions on the settlement, you may contact Gavin M. Rose, attorney for the class, at 317-635-4059, x106, or you may visit **(INSERT URL)**.

IT IS FURTHER ORDERED that a fairness hearing is hereby scheduled for the 5th day of February, 2019, at 2:00 p.m. in Room 216, the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana.

Class counsel shall file a report concerning any comments received from the class no later than seven days prior to the fairness hearing.

SO ORDERED.

11/26/2018
Date



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Cc: All ECF-registered counsel of record