

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

DWIGHT L. QUINN, et al., )  
 ) Cause No. 22052-00821-01  
Plaintiffs, )  
 )  
v. )  
 )  
BJC HEALTH SYSTEM d/b/a BJC HEALTHCARE, )  
et al., )  
 )  
Defendants. )

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN  
OPPOSITION TO PROPOSED SETTLEMENT AGREEMENT

Community Catalyst, St. Louis Area Jobs With Justice and the Missouri Association for Social Welfare (Applicants) hereby request leave of Court to file a brief as amicus curiae in support of the objections filed by Micah Bagby, Vain Saeed, Asya Khalid and Khadija Barwari to the proposed class settlement. A brief in support of this Motion is conditionally filed herewith.

Nature of Applicants' Interest

Community Catalyst, Inc.

Community Catalyst, Inc. is a national non-profit advocacy organization, with principal offices in Boston, Massachusetts. Since 1997, Community Catalyst has provided leadership and support to consumer organizations working to change the health care system in 40 states, including Missouri. Offering technical assistance, policy analysis and legal expertise, Community Catalyst has helped these organizations achieve significant reforms, including enhanced hospital accountability for billing and collection practices with respect to the uninsured.

### St. Louis Area Jobs With Justice

St. Louis Area Jobs With Justice is a coalition of community, labor, student and religious groups committed to fighting for economic justice and to protecting the human rights of St. Louis residents, including the right to affordable, quality health care. Jobs With Justice supports workers and their families, addressing root causes of poverty while building an economic base that benefits the entire community. St. Louis Area Jobs With Justice is one in a national network of similar coalitions in more than 40 cities that are building the movement for economic justice. A list of the member organizations of St. Louis Area Jobs With Justice is available at <http://www.stljwj.org/whoware/member-organizations> (as of August 1, 2008).

### Missouri Association for Social Welfare

The Missouri Association for Social Welfare (MASW) is a citizen membership organization founded in 1901, which advocates for changes in public policy to improve social conditions. MASW's mission is to provide leadership, research, education and advocacy to improve public policies and programs impacting the health and welfare of all people in Missouri. Among its recent accomplishments, MASW led the coalition that created the Missouri Human Rights Commission and led efforts to pass a Children's Anti-Hunger Act. MASW works to make Missouri a more just society that assures every person's health, safety, security, independence, human rights, dignity and the opportunity to reach full potential.

### Issues Not Fairly or Adequately Resolved by the Proposed Settlement Agreement

Before approving a class settlement, the Court must determine that it is fair, reasonable, and adequate. See Mo. R. Civ. Proc. 52.08(e). The applicants contend that the proposed Settlement Agreement is not fair, reasonable or adequate for the following reasons:

1. The Self-Pay Discount maintains a large and unjustified disparity between uninsured patients and other payers.

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2. The Settlement Class is too narrowly defined.

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3. The scope of services covered by the Settlement Agreement is unduly restricted.

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4. Retrospective Self-Pay and Charity Care discounts should be automatically applied.

5. BJC should have to be more proactive in establishing patient eligibility for the Settlement.

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6. The Charity Care Policy is too limited in scope and uses unreasonable criteria.

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7. The Prompt Pay discount is negligible and provides too short a payment period.

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8. Provisions concerning ongoing notice of discount policies should be strengthened.

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9. Training of hospital staff on financial assistance policies should be expanded and enhanced.

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10. The provisions relating to collection actions must be substantially strengthened.

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11. The terms under which the Settlement may be modified are too deferential to BJC.

12. The Notification of Settlement Provisions are flawed.

13. The Court should order a *cy pres* distribution.

14. The Court should appoint an independent monitor to oversee implementation of the Settlement.

15. The proposed attorneys' fee bears no relation to BJC's liability.

#### REQUEST FOR LEAVE TO PRESENT ORAL ARGUMENT

A hearing on the proposed Settlement is scheduled for September 3, 2008. Applicants for amici curiae status, Community Catalyst, St. Louis Area Jobs With Justice and the Missouri Association for Social Welfare, request leave to present oral argument at the hearing. Amici have an informed and independent perspective on the issues raised by the proposed Settlement that will assist the court in reaching a determination on its fairness and adequacy.

Respectfully submitted,  
COMMUNITY CATALYST, INC.  
ST. LOUIS AREA JOBS WITH JUSTICE  
MISSOURI ASSOCIATION FOR SOCIAL WELFARE

By their attorney,

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