

ADDITIONAL INFORMATION

Dana Rolan filed this class action on January 26, 2010. She had been injured in an automobile collision which was not her fault. She incurred approximately \$100,000 in medical bills. She had health insurance through New West Health Insurance Services. New West, however, avoided paying her bills through practices illegal under Montana law.

The class action has proven to be extremely complicated. It is described by the Montana Supreme Court in two appeal cases which can be viewed by using the search engine located on the Montana Supreme Court website.

<https://searchcourts.mt.gov/>. (Simply enter case number DA 12-0622 to bring up the first appeal and enter case number DA 17-0009 to bring up the second appeal. You can also make a name search by entering the word “Rolan” followed by the words “New West”).

After the second appeal, this Court determined New West had acted illegally in avoiding payment of Ms. Rolan’s medical bills. Therefore, New West is legally required to pay Ms. Rolan thousands of dollars based upon the amount taken from her damage recovery to pay medical bills.

This Court’s ruling was based upon a law commonly referred to as the “Montana made-whole law.” Under it, the health insurer for the injured person is legally required to pay all medical bills when a person is injured by someone else’s fault. It is unlawful for the health insurer to pass that obligation onto the person at fault or that person’s insurance company, diminishing the amount available to the injured person for other damages and costs, such as loss of earnings, disabilities, pain and suffering and any legal costs. Only if the injured person is eventually fully compensated for all damages is the health insurance company allowed to share in the damage recovery. New West violated this law. Details about this law can be found in Montana Supreme Court decisions, including *Diaz v. State*, DA 12-0654, 2013 MT 331. To locate this case, use the Supreme Court’s website as explained above.

This Court has also determined all other persons who had lost part of their injury compensation because New West’s unlawfully required the wrongdoer to pay are entitled to money compensation as well. Hence, this notice to determine whether or not you or a family member might qualify.

Notice to possible class members has been accomplished by mailing postcard notice and claims form. If you believe you qualify, return the postage paid claims form **immediately**. People who wait, could lose their right to class membership and monetary damages.

If you did not receive a notice in the mail; have lost it or for some other reason have not been able to respond with a claim, a [claims form](#) can be found on this website for either printing and mailing or filling it out electronically.

HOW YOU CAN OBTAIN ADDITIONAL INFORMATION

There are several sources:

- You can visit the courthouse to review the court documents or write or call the Clerk of Court.

Clerk of Court
Lewis & Clark County Courthouse
228 Broadway Street
Helena, MT 59601
Tel: (406) 447-8216

- You can contact the attorney approved by this Court to litigate the class action:

Erik B. Thueson
P. O. Box 280
Helena, MT 59624-0280
Tel: (406) 449-8200
ethueson@gmail.com

- You can visit the class action website: NewWestHealthServicesSettlement.com
- You can contact the class administrator, Heffler Claims Group, through the following voice mail: 1-833-913-4212.
- You can hire your own attorney to assist you at your own expense.

SUMMARY

People who satisfy the two requirements on the notice form are either eligible for payment of damages or will be considered for payment.

In order to qualify, you must return the claim form within the next six months from August 26, 2020. Failure to fill out a claim notice within this time period will probably result in a loss of your right to monetary damages through this class action.