

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**KATHY DYER and MICHAEL
YELAPI, individuals,**

Plaintiffs,

vs.

**ST. PETERSBURG SURGERY
CENTER, LTD., et al.,**

Defendants.

**Case No. 8:01-CV-787-T-MAP
CLASS ACTION**

NOTICE OF PROPOSED SETTLEMENT AND HEARING

TO: All persons in the United States with disabilities as that term is defined by the Americans with Disabilities Act (42 U.S.C. § 12102(2)) and the Rehabilitation Act (29 U.S.C. § 706(8)(b)) who have been and who were, prior to the filing of the above-captioned Class Action Complaint and through the pendency of the action, entitled to the full and equal enjoyment of, or participation in, the goods, services, programs, benefits, activities, facilities, privileges, advantages, or accommodations at Defendants' facilities located in the states of Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and the Commonwealth of Puerto Rico (the "Facilities").

This notice is given pursuant to Fed. R. Civ. P. 23 and the Court's order of February 25, 2016. A hearing on the matters hereinafter set forth is scheduled before the **Honorable Mark A. Pizzo, United States District Magistrate Judge, on the 11th day of July 2016, at 11:00 AM in Courtroom 11B**, in the Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida 33602, (813) 301-5400. You may be a member of the class of persons defined above and

covered by a proposed plan to make certain modifications to the Facilities in order to settle certain legal claims. This notice describes your legal rights in connection with the hearing and this lawsuit. All settlement members who do not timely object will be bound by the resulting orders.

PLEASE READ THIS NOTICE CAREFULLY

The following does not constitute findings or determinations of the Court.

Description of the Litigation. This lawsuit is to require the Defendants to bring the Facilities into compliance with the Americans with Disabilities Act (42 U.S.C. §§ 12181 et seq.) (the “ADA”) and/or the Rehabilitation Act of 1973 (29 U.S.C. § 794) (the “Rehab Act”). No monetary damages of any sort are being sought in this action.

Description of the Consent Decree. The parties to this lawsuit have entered into a Second Amended and Restated Class Settlement Procedure Agreement and Consent Decree, effective February 12, 2009 (the “Consent Decree”), under which the Facilities were inspected in order to devise a plan by which Defendants will modify the Facilities and their policies and practices in order to enhance their accessibility to qualified individuals with disabilities. These proposed modifications are set forth in a document called an Accessibility Compliance Report (“ACR”). ACRs for the Facilities have been prepared and submitted to the Court for approval. The Consent Decree permits the Plaintiffs to inspect the Facilities’ modifications upon completion and resolve any disputes that might arise with respect to whether the modifications conform to the ACRs. Class counsel’s fees and costs will be paid by Defendants, not by class members. The Plaintiffs have agreed that they will not, now or in the future, seek further modifications of the facilities. If the Court approves the proposed ACRs, you will be forever barred from contesting the fairness, reasonableness, or adequacy of these proposed modifications, or from pursuing the claims against Defendants. Counsel for the Plaintiffs believes that the proposed modifications set forth in the ACR are fair, reasonable, and adequate.

The Hearing. The hearing will relate to the following Facilities:

HealthSouth Rehabilitation Hospital of North Alabama, 107 Governors Drive, Huntsville, AL 35801

HealthSouth Valley of the Sun Rehabilitation Hospital, 13460 North 67th Avenue, Glendale (Peoria), AZ 85304

HealthSouth Scottsdale Rehabilitation Hospital, 9630 East Shea Boulevard,
Scottsdale, AZ 85260

HealthSouth Rehabilitation Hospital of Southern Arizona, 1921 West
Hospital Drive, Tucson, AZ 85704

Yuma Rehabilitation Hospital, a Partnership of HealthSouth & YRMC, 901
West 24th Street, Yuma, AZ 85364

HealthSouth Bakersfield Rehabilitation Hospital, 5001 Commerce Drive,
Bakersfield, CA 93309

HealthSouth Tustin Rehabilitation Hospital, 14851 Yorba Street, Tustin, CA
92780

HealthSouth Rehabilitation Hospital of Colorado Springs, 325 Parkside
Drive, Colorado Springs, CO 80910

HealthSouth Rehabilitation Hospital of Spring Hill, 12440 Cortez
Boulevard, Brooksville (Spring Hill), FL 34613

HealthSouth Rehabilitation Hospital of Largo, 901 Clearwater Largo Road
North, Largo, FL 33770

HealthSouth Sea Pines Rehabilitation Hospital, 101 East Florida Avenue,
Melbourne, FL 32901

HealthSouth Rehabilitation Hospital of Miami, 20601 Old Cutler Road,
Miami, FL 33189

HealthSouth Emerald Coast Rehabilitation Hospital, 1847 Florida Avenue,
Panama City, FL 32405

HealthSouth Sunrise Rehabilitation Hospital, 4399 Nob Hill Road, Sunrise
(Ft. Lauderdale), FL 33351

HealthSouth Rehabilitation Hospital of Tallahassee, 1675 Riggins Road,
Tallahassee, FL 32308

HealthSouth Treasure Coast Rehabilitation Hospital, 1600 37th Street, Vero Beach, FL 32960

Van Matre HealthSouth Rehabilitation Hospital, 950 South Mulford Road, Rockford, IL 61108

HealthSouth Deaconess Rehabilitation Hospital, 4100 Covert Avenue, Evansville, IN 47714

MidAmerica Rehabilitation Hospital, 5701 West 110th Street, Overland Park, KS 66211

Kansas Rehabilitation Hospital, 1504 SW 8th Avenue, Topeka, KS 66606

Wesley Rehabilitation Hospital, An Affiliate of HealthSouth, 8338 West 13th Street, Wichita, KS 67212

HealthSouth Northern Kentucky Rehabilitation Hospital, 201 Medical Village Drive, Edgewood, KY 41017

HealthSouth Lakeview Rehabilitation Hospital of Central Kentucky, 134 Heartland Drive, Elizabethtown, KY 42701

HealthSouth Rehabilitation Hospital of Alexandria, 104 North Third Street, Alexandria, LA 71301

Fairlawn Rehabilitation Hospital, 189 May Street, Worcester, MA 01602

Rusk Rehabilitation Center, a Joint Venture of HealthSouth and the University of Missouri-Columbia, 315 Business Loop 70 West, Columbia, MO 65203

The Rehabilitation Institute of St. Louis, 4455 Duncan Avenue, St. Louis, MO 63110

The Rehabilitation Institute of St. Louis Milliken Hand Therapy, a Partnership of BJC HealthCare and HealthSouth, 4921 Parkview Place, Suite 6, St. Louis, MO 63110

HealthSouth Rehabilitation Hospital of Tinton Falls, 2 Centre Plaza, Tinton

Falls, NJ 07724

HealthSouth Rehabilitation Hospital of Toms River, 14 Hospital Drive,
Toms River, NJ 08755

HealthSouth Rehabilitation Hospital of Henderson, 10301 Jeffreys Street,
Henderson, NV 89052

HealthSouth Rehabilitation Hospital of Las Vegas, 1250 South Valley View
Boulevard, Las Vegas, NV 89102

HealthSouth Rehabilitation Hospital of Altoona, 2005 Valley View
Boulevard, Altoona, PA 16602

HealthSouth Rehabilitation Center-Regency Square, 2900 Plank Road, Suite
2, Altoona, PA 16601

HealthSouth Rehabilitation Center-Bedford, 5 Corporate Drive, Suite 103,
Bedford, PA 15522

Geisinger HealthSouth Rehabilitation Center of Berwick, 2202 West Front
Street, Berwick, PA 18603

HealthSouth Rehabilitation Center of Lewistown, 105 First Avenue,
Burnham, PA 17009

Geisinger HealthSouth Rehabilitation Hospital, 2 Rehab Lane, Danville, PA
17821

HealthSouth Rehabilitation Center-Meadowbrook Plaza, 177 Meadowbrook
Lane, Duncansville (Altoona), PA 16635

HealthSouth Rehabilitation Hospital of Erie, 143 East Second Street, Erie,
PA 16507

HealthSouth Rehabilitation Hospital of Mechanicsburg, 175 Lancaster
Boulevard, Mechanicsburg, PA 17055

Geisinger HealthSouth Rehabilitation Center of Milton, 155 South Arch
Street, Milton, PA 17847

HealthSouth Harmorville Rehabilitation Hospital, 320 Guys Run Road,

Pittsburgh (Harmarville), PA 15238

HealthSouth Nittany Valley Rehabilitation Hospital, 550 West College Avenue, Pleasant Gap, PA 16823

HealthSouth Reading Rehabilitation Hospital, 1623 Morgantown Road, Reading, PA 19607

HealthSouth Rehabilitation Hospital of Sewickley, 303 Camp Meeting Road, Sewickley (Pittsburgh), PA 15143

HealthSouth Rehabilitation Center-Tyrone, 1225 - 1227 Pennsylvania Avenue, Tyrone, PA 16686

HealthSouth Rehabilitation Hospital of York, 1850 Normandie Drive, York, PA 17408

HealthSouth Rehabilitation Hospital of San Juan, CMMS #340, P.O. Box 70344, Rio Piedras (San Juan), PR 00936

AnMed Health Rehabilitation Hospital, an affiliate entity of AnMed Health and HealthSouth Corporation, 1 Spring Back Way, Anderson, SC 29621

HealthSouth Rehabilitation Hospital of Charleston, 9181 Medcom Street, Charleston, SC 29406

HealthSouth Rehabilitation Hospital of Columbia, 2935 Colonial Drive, Columbia, SC 29203

HealthSouth Rehabilitation Hospital of Florence, 900 East Cheves Street, Florence, SC 29506

HealthSouth Rehabilitation Hospital of Rock Hill, 1795 Dr. Frank Gaston Boulevard, Rock Hill, SC 29732

HealthSouth Chattanooga Rehabilitation Hospital, 2412 McCallie Avenue, Chattanooga, TN 37404

HealthSouth Rehabilitation Hospital of Arlington, 3200 Matlock Road, Arlington, TX 76015

HealthSouth Rehabilitation Hospital of Austin, 1215 Red River Street,

Austin, TX 78701

HealthSouth Rehabilitation Hospital of Beaumont, 3340 Plaza 10 Boulevard,
Beaumont, TX 77707

HealthSouth Rehabilitation Hospital The Woodlands, 18550 I-45 South,
Conroe (Shenandoah), TX 77384

HealthSouth Rehabilitation Hospital of Fort Worth, 1212 West Lancaster
Avenue, Fort Worth, TX 76102

HealthSouth City View Rehabilitation Hospital, 6701 Oakmont Boulevard,
Fort Worth, TX 76132

HealthSouth Rehabilitation Hospital of Humble, 19002 McKay Drive,
Humble, TX 77338

HealthSouth Rehabilitation Hospital of Midland/Odessa, 1800 Heritage
Boulevard, Midland, TX 79707

HealthSouth Plano Rehabilitation Hospital, 2800 West 15th Street, Plano, TX
75075

HealthSouth Rehabilitation Institute of San Antonio (RIOSAs), 9119
Cinnamon Hill, San Antonio, TX 78240

HealthSouth Rehabilitation Hospital of Texarkana, 515 West 12th Street,
Texarkana, TX 75501

Trinity Mother Frances Rehabilitation Hospital, Affiliated with HealthSouth,
3131 Troup Highway, Tyler, TX 75701

HealthSouth Rehabilitation Hospital of Wichita Falls, 3901 Armory Road,
Wichita Falls, TX 76302

HealthSouth Rehabilitation Hospital of Utah, 8074 South 1300 East, Sandy,
UT 84094

HealthSouth Rehabilitation Hospital of Huntington, 6900 West Country
Club Drive, Huntington, WV 25705

HealthSouth Mountain View Regional Rehabilitation Hospital, 1160 Van

Voorhis Road, Morgantown, WV 26505

HealthSouth Western Hills Regional Rehabilitation Hospital, 3 Western Hills Drive, Parkersburg, WV 26105

HealthSouth Southern Hills Rehabilitation Hospital, 120 Twelfth Street, Princeton, WV 24740

HealthSouth Rehabilitation Hospital, 1736 East Main Street, Dothan, AL 36301

HealthSouth Rehabilitation Hospital of Gadsden, 801 Goodyear Avenue, Gadsden, AL 35903

Regional Rehabilitation Hospital, 3715 Highway 280/431 North, Phenix City, AL 36867

HealthSouth Rehabilitation Hospital, a Partner with Washington Regional, 153 East Monte Painter Drive, Fayetteville, AR 72703

HealthSouth Rehabilitation Hospital of Fort Smith, 1401 South J Street, Fort Smith, AR 72901

HealthSouth Rehabilitation Hospital of Jonesboro, 1201 Fleming Avenue, Jonesboro, AR 72401

HealthSouth Cane Creek Rehabilitation Hospital, 180 Mount Pelia Road, Martin, TN 38237

At the Hearing, the Court will address, as for each Facility: (1) the merits of any objection to an ACR; (2) whether to approve the ACRs as fair and reasonable, adequate and in the best interest of the class members; and (3) determine such other matters as may be appropriate. Any class member wishing to object to an ACR shall, not later than thirty (30) days prior to the date of the hearing, file with the Court and serve parties' counsel: (a) a written notice of intention to appear; (b) a written statement of such person's specific objections to the ACR; and (c) the grounds therefore or the reasons for such person's desire to appear and to be heard, together with all papers, briefs or other documents that such person desires the Court to consider. Counsel to be served:

Settlement Class Counsel:

Counsel for Defendants:

Kip Roth
Kip Roth, P.A.
8713 Whitehawk Hill Rd.
Waxhaw, NC 28173

M. Jefferson Starling, III
Balch & Bingham LLP
P.O. Box 306
Birmingham, Alabama 35201

ANY PERSON WHO FAILS TO OBJECT IN THE MANNER PRESCRIBED MAY BE DEEMED BY THE COURT TO HAVE WAIVED SUCH OBJECTION, AND MAY, IN THE COURT'S DISCRETION, BE PROHIBITED FROM RAISING OBJECTIONS AT THE FAIRNESS HEARING. IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU NEED NOT APPEAR, OR FILE ANYTHING IN WRITING.

More Information. This Notice is only a summary. The full Settlement Agreement, pleadings, and other documents in the case may be inspected and copied at the Clerk's Office, United States District Court for the Middle District of Florida, Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida 33602, or at <http://www.hscsettlement.com>.