

**IN THE UNITED STATES DISTRICT COURT, DISTRICT OF ARIZONA**

**If you purchased Theranos blood testing services, including at a Walgreens store, a class action lawsuit may affect your rights. Please read on.**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

**Register at [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com) to receive updates.**

*Para una notificación en español, visite [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com).*

- There is a class action lawsuit in the U.S. District Court for the District of Arizona against Defendants Theranos, Inc., Walgreens Boots Alliance, Inc. and Walgreen Arizona Drug Company (together called “Walgreens”), Elizabeth Holmes, and Ramesh Balwani (collectively, “Defendants”). The lawsuit is called *In re Arizona Theranos, Inc., Litigation*, Case No. 2:16-cv-2138-DGC.
- The lawsuit arises out of Theranos blood testing services that were marketed to consumers, including in Walgreens retail stores, in Arizona and California. The Plaintiffs in this lawsuit are all individuals who purchased Theranos blood testing services and allege that the Theranos blood testing services were not market-ready and not capable of producing reliable results, and that Defendants concealed these facts. Plaintiffs also claim that Theranos’s “tiny” blood technology (blood drawn by fingerpricks) was still in development and that Walgreens committed battery on customers whose blood was drawn by Walgreens employees with fingerpricks because those customers consented under false pretenses. The Defendants deny these allegations.
- On behalf of themselves and other consumers who purchased Theranos blood testing services, the Plaintiffs seek monetary relief, including refunds for the Theranos testing services (subject to any refunds Defendants have already paid you), punitive damages for fraud, and (against Walgreens only) damages for the dignitary harm incurred by the customers whose blood was drawn by Walgreens employees with fingerpricks.
- **Important Note:** This lawsuit does not seek damages or other relief for personal injury, emotional distress, retesting costs, or medical care costs. If you wish to pursue any of that relief, you would need to exclude yourself from this case (“opt out”) and proceed with separate litigation on your own behalf.
- The Court has found that this lawsuit can proceed as a class action on behalf of a Class and three “Subclasses,” which are three subgroups within the Class. Explanations of who is in the Class and Subclasses are below at Question 4. If you received this notice directly by mail or email, Theranos’s records indicate that you may be in the Class and/or one or more of the Subclasses. See Questions 5-7 for details about the legal claims that the Class and Subclasses are asserting and the relief they are seeking.
- The Court has not decided whether the Defendants have done anything wrong. That will not happen until the trial. This notice does not imply that there has been any violation of law or wrongdoing by Defendants or that there will be recovery after trial. Defendants contend that they did not do anything wrong, and they are not liable for any harm alleged by the Plaintiffs. There is no money available now, and there is no guarantee that there will be. And even if money does become available, you will not be allowed to recover for any amounts that Defendants have already paid you. However, your legal rights are affected, and you have a choice to make now. For what those choices are, see the table immediately below.

## YOUR LEGAL RIGHTS AND OPTIONS

<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Share in possible benefits. Give up your rights to sue on your own.</b></p> <p>If you do nothing, you remain a member of the Class and/or Subclasses, and are therefore bound by the outcome of the lawsuit regardless of who wins.</p> <p>If Defendants are found liable, you may get money or benefits that may come from the lawsuit.</p> <p>If Defendants are not found liable, you will receive no benefits, you give up any right to sue Defendants on your own about the same legal claims in this lawsuit, and will be bound by the result of this lawsuit.</p>
<b>EXCLUDE YOURSELF (“OPT OUT”)</b>	<p><b>Get out of this lawsuit. Get no benefits, even if this lawsuit results in a recovery. Keep your right to sue on your own.</b></p> <p>If you ask to be excluded from this lawsuit, and money or benefits are later awarded, you will not share in the money or benefits. If you ask to be excluded, you will keep your right to hire your own lawyer to sue Defendants on your own about the same legal claims in this lawsuit.</p> <p>If you ask to be excluded, you will not be bound by the results of any trial of the Class Action, and also not entitled to any damages (money or benefits), if any, that are later awarded. <b>The deadline to request exclusion is SEPTEMBER 12, 2022.</b> See Questions 10-12, below.</p>

- Your options and rights are explained further in this notice.
- Plaintiffs must prove the claims against Defendants at a trial. The date for the trial has not yet been set, but the trial is currently expected to occur in 2023. If money or benefits become available as a result of this lawsuit, including following the trial or through a settlement, further notice will be provided regarding how class members who have not opted out can receive those money or benefits.
- **For more information, to update your contact information, or to register for case updates, visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com).**

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## **BASIC INFORMATION**

### **1. Why should I read this notice?**

You may be part of this class action lawsuit if you purchased Theranos blood testing services, including at a Walgreens store in California or Arizona. This notice explains that the Court has allowed (or “certified”) a class action lawsuit that may affect you. You have legal rights and options you may exercise before the Court holds a trial. The Court has not yet scheduled the trial that will decide whether the allegations against Defendants on your behalf (as a member of a certified class) are proven to be true. The trial is currently expected to occur in 2023. The trial will be held in the United States District Court for the District of Arizona. The lawsuit is known as *In re Arizona Theranos, Inc., Litigation*, Case No. 2:16-cv-2138-DGC.

### **2. What is a class action and who is involved?**

In a class action, one or more people, called plaintiffs, ask to act as class representatives to sue on behalf of others who have similar claims. All these people together are a class or class members. The individuals or companies the plaintiffs sue are called the defendants. One court resolves the issues for all class members, except those who have excluded themselves from the class (“opted out”).

### **3. Why is this lawsuit a class action?**

The Court decided that a single or class trial can be used to determine certain claims in this lawsuit because they meet the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The Court has appointed seven named plaintiffs, who were customers of Theranos testing services, to serve as class representatives.

## **WHO IS IN THE CLASS?**

### **4. Am I part of the Class?**

The Court has certified a Class and three Subclasses. If you received this notice directly by mail or email, Theranos’s records indicate that you may be in the Class and/or one or more of the Subclasses. You are in the Class and/or the Subclasses if you fit within the definition(s) below:

- **Class**: All purchasers of Theranos testing services, including consumers who paid out-of-pocket, through health insurance, or through any other source between November 2013 and June 2016.
- **Arizona Subclass**: All purchasers of Theranos testing services in Arizona between November 2013 and June 2016.
- **California Subclass**: All purchasers of Theranos testing services in California between September 2013 and June 2016.
- **Walgreens Edison Subclass**: All purchasers of Theranos testing services who were subjected to “tiny” blood draws (fingerpricks) by a Walgreens employee between November 2013 and March 2015.

The Court also previously certified a fourth subclass to pursue battery claims against Theranos, Inc., called the “Theranos Edison Subclass,” but that subclass has been “decertified” by the Court. See [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com) for more details.

## THE CLAIMS IN THE LAWSUIT

### 5. What is this lawsuit about?

The claims in the lawsuit arise out of Theranos blood testing services offered in Walgreens and Theranos stores. The lawsuit claims, among other things, that these blood testing services were not capable of producing reliable results, that the Defendants concealed the blood testing services' unreliability, that Walgreens knew that the blood testing services were unreliable and not market-ready, that the Defendants conspired to commit fraud on consumers, that Theranos's "tiny" blood testing technology (blood drawn with fingerpricks) was still in development, and that the customers who were subject to "tiny" Theranos blood draws by Walgreens employees gave their consent to those blood draws under false pretenses.

The Defendants deny these claims. Walgreens maintains it did not know that Theranos's blood testing services "were unreliable and not market-ready," and that it therefore did not conspire to commit fraud on consumers. Walgreens further maintains that it was, in fact, a victim of Theranos's fraud. Holmes and Balwani, on the other hand, contend that Theranos's blood testing results were generally accurate and reliable, and that consumers were neither deceived nor injured. Defendants also assert that most class members have already been fully reimbursed for amounts paid for the tests through the Arizona Attorney General Consent Decree or otherwise, so no other recovery is necessary or available to those class members.

Plaintiffs claim that some class members have not been refunded or fully refunded for the tests and that other damages, beyond refunds for the tests, are due to class members.

The Court has certified the following claims to go forward, against the following Defendants, on behalf of the Class and Subclasses (the definitions of the Class and Subclass are listed at Question 4).

Claims	Defendants	Class/Subclass
Racketeer Influenced and Corrupt Organizations Act	Theranos, Walgreens, Holmes, Balwani	Class
Arizona Consumer Fraud Act	Theranos, Walgreens, Holmes, Balwani	Arizona Subclass
California Unfair Competition Law and False Advertising Law	Theranos, Walgreens, Holmes, Balwani	California Subclass
Battery and Medical Battery	Walgreens	Walgreens Edison Subclass

Plaintiffs seek money damages for these claims, for the Class and Subclasses as described in further detail in this notice (See Question 7).

**Important Note:** This lawsuit does not seek damages or other relief for personal injury, emotional distress, retesting costs, or medical care costs. If you wish to pursue any of that relief, you need to exclude yourself ("opt out") from this lawsuit.

More information about the claims in this case can be found in the operative Second Amended Complaint and in other key case documents which may be viewed at [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com).

### 6. Has the Court decided who is right?

No. The Court has not decided whether the Plaintiffs or Defendants are correct. By certifying the Class and Subclasses and authorizing this notice, the Court is not suggesting that the Plaintiffs will win or lose this case.

Questions? Call 1-866-615-0978 or visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com)

## 7. What are the Plaintiffs asking for?

Plaintiffs in this lawsuit are pursuing money damages for the Class and Subclasses. Specifically, Plaintiffs are seeking the following relief, on behalf of the Class and Subclasses (the definitions of the Class and Subclass are listed at Question 4).

Claims	Defendants	Class/Subclass	Relief Sought
Racketeer Influenced and Corrupt Organizations Act	Theranos, Walgreens, Holmes, Balwani	Class	Refunds of amounts paid for Theranos testing services; “treble” damages
Arizona Consumer Fraud Act	Theranos, Walgreens, Holmes, Balwani	Arizona Subclass	Refunds of amounts paid for Theranos testing services; punitive damages
California Unfair Competition Law and False Advertising Law	Theranos, Walgreens, Holmes, Balwani	California Subclass	Refunds of amounts paid for Theranos testing services
Battery and Medical Battery	Walgreens	Walgreens Edison Subclass	Dignitary harm damages, punitive damages

Plaintiffs are also asking for the Court to award pre- and post-judgment interest, costs, and attorneys’ fees.

You will not be able to recover any amounts that any of the Defendants have already paid to you, whether through the Arizona Attorney General Consent Decree or otherwise.

**Note:** This lawsuit does not seek damages or other relief for personal injury, emotional distress, retesting costs, or medical care costs. If you wish to pursue any of that relief, you would need to exclude yourself (“opt out”) of this case. See Question 12 for more details.

## 8. Is there money available now?

No money or benefits are available now. The Court has not yet decided whether Defendants did anything wrong or whether the Class and Subclass members are entitled to money or other benefits. There is no guarantee that money or benefits will be obtained. If they are, further notice will be provided about how class members who did not opt out can receive such money or benefits.

## 9. Does Theranos still exist?

Defendant Theranos, Inc. (“Theranos”) has been dissolved and its remaining assets were assigned for distribution to its creditors. Theranos remains a Defendant in this lawsuit, along with the other Defendants Walgreens, Elizabeth Holmes, and Ramesh Balwani.

### **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in this lawsuit or exclude yourself (“opt out”).

## 10. What happens if I do nothing at all?

By doing nothing, you are staying in this lawsuit and will be bound by the outcome of the lawsuit regardless of who wins. If Defendants win, you will be bound by that decision and will not be able to bring an individual action. If Plaintiffs win and are awarded relief, or the parties reach a settlement, you may be entitled to benefits. You will also be legally bound by the orders the Court issues and judgments the Court makes in this class action.

Questions? Call 1-866-615-0978 or visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com)

**11. Why would I ask to be excluded?**

You can ask to be excluded (“opt out”) if you already have your own lawsuit against Defendants about the same claims in this matter and want to continue with it; if you want to pursue relief, on your own, that is not being sought in this lawsuit (including damages or other relief for personal injury, emotional distress, retesting costs, or medical care costs); or if you simply do not wish to be part of this lawsuit.

If you exclude yourself (“opt out”), you will keep your right to sue Defendants in a separate action for the claims in this lawsuit but you will not get any money or benefits from this lawsuit if the Plaintiffs win at trial and obtain money or benefits, or from any settlement that the Plaintiffs and Defendants might reach.

If you bring your own lawsuit against Defendants regarding the same claims in this matter, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can bring or continue your own lawsuit, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations (a time limit to file your claims).

**12. How do I exclude myself?**

To exclude yourself from the lawsuit, you must mail an “exclusion request” to the Administrator that includes: (i) your name; (ii) your address; (iii) your telephone number; (iv) your email address (if any); (v) your signature; and (vi) the following statement: “I wish to be excluded from the class in *In re Arizona Theranos, Inc., Litigation*, Case No. 2:16-cv-2138-DGC.” If you are signing on behalf of a class member (such as an attorney or estate), please indicate your full name and the basis of your authority to act on behalf of the class member. To be effective, your exclusion request must be mailed to the address below, **postmarked no later than SEPTEMBER 12, 2022**.

*In re Arizona THERANOS, INC., Litigation*  
c/o JND Legal Administration  
P.O. Box 91214  
Seattle, WA 98111

**PERSONAL INJURY CLAIMS**

**13. Does the case pursue personal injury claims?**

No. This lawsuit does not seek damages or other relief for personal injury, emotional distress, retesting costs, or medical care costs. If you wish to pursue any of that relief, you would need to exclude yourself (“opt out”) from this lawsuit.

**THE LAWYERS REPRESENTING YOU**

**14. Do I have a lawyer in this case?**

Yes. The Court appointed two law firms as “Class Counsel” to represent the Class and Subclasses:

Lieff Cabraser Heimann & Bernstein LLP  
275 Battery St., 29th Floor  
San Francisco, CA 94111  
(415) 956-1000  
theranoslitigation@lchb.com

Keller Rohrback LLP  
3101 North Central Ave., Suite 1400  
Phoenix, AZ 85012  
(800) 776-6044  
theranoslitigation@kellerrohrback.com

**15. Should I get my own lawyer?**

If you decide not to exclude yourself, you do not need to hire your own lawyer because Class Counsel is working on your behalf. You have the right to hire your own lawyer and ask him or her to enter an appearance on your behalf. If you choose to hire your own lawyer to represent you, you will have to pay for that lawyer on your own.

Questions? Call 1-866-615-0978 or visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com)

**16. How will Class Counsel be paid?**

If money or benefits are obtained for the Class and/or Subclasses in this case, Class Counsel may ask the Court to award them attorneys' fees and reimburse them for their expenses in this case. You will not have to pay these fees and expenses out of your pocket. If the Court grants Class Counsel's request, the fees and expenses would be deducted from any money obtained for the Class and/or Subclasses and/or paid separately by one or more of the Defendants.

**THE TRIAL**

**17. When is the trial?**

The Court has not yet scheduled the trial in this case, but it is expected that the trial will occur in 2023, and will take place in the United States District Court Courthouse, 401 W. Washington, Phoenix, AZ 85003. Once the trial is scheduled, the date and location will be posted on [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com).

**18. How will the Court decide who is right?**

During the trial, a jury and/or the judge will hear evidence to help them decide whether Plaintiffs or Defendants are right. There is no guarantee Plaintiffs will win, or that they will get any money for all or some members of the Class and/or Subclasses. Following the trial, there may be additional proceedings, including an appeal, and/or you may be asked to provide information to qualify for benefits. We do not know how long this will take. You may register at [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com) for updates.

**19. Do I have to come to any trial?**

No. You do not need to attend any trial. Class Counsel will present the case for the Plaintiffs and the Class and Subclasses, and lawyers for Defendants will present on their behalf. If there is a trial, you or your own lawyer is welcome to attend at your own expense.

**20. Will I get money after the trial?**

If money or benefits are obtained for the Class and/or Subclasses in this lawsuit, including after trial (and any possible appeal) or through any settlement, further notice will be provided about how class members who did not opt out can receive such money or benefits. We do not know how long this will take. You may register at [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com) for updates.

**GETTING MORE INFORMATION**

**21. How do I get more information?**

For additional information, to review key case documents, and to register for case updates, visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com). You can also get more information by calling the Administrator toll-free at 1-866-615-0978, contacting Class Counsel (see Question 14), or writing the Administrator via email at [info@TheranosLawsuit.com](mailto:info@TheranosLawsuit.com) or by mail at:

*In re Arizona Theranos, Inc., Litigation*  
c/o JND Legal Administration  
P.O. Box 91214  
Seattle, WA 98111

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

Questions? Call 1-866-615-0978 or visit [www.TheranosLawsuit.com](http://www.TheranosLawsuit.com)