

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

Case No. 9:25-cv-80526-MIDDLEBROOKS/MATTHEWMAN

GOOD SAMARITAN MEDICAL  
CENTER, INC., et al.,

*Plaintiffs,*

v.

THE LEAPFROG GROUP,

*Defendant.*

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**NOTICE OF TRIAL TRANSCRIPT ERRATA**

Plaintiffs Good Samaritan Medical Center, Delray Medical Center, Palm Beach Gardens Medical Center, St. Mary's Medical Center, and West Boca Medical Center (the "Community Hospitals") and Defendant The Leapfrog Group ("Leapfrog"), by and through their respective counsel, hereby provide the enclosed errata for the trial transcripts in the above-captioned action.<sup>1</sup>

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<sup>1</sup> The Community Hospitals twice contacted Leapfrog for its position on these errata on February 5 and February 6, but as of the time of this filing has yet to receive any response.

Dated: February 6, 2026

Respectfully submitted,

By: /s Jeffrey Marcus

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**Trial Transcript Errata: January 16, 2026**

| <b>Page</b> | <b>Line</b> | <b>Error (in bold)<sup>2</sup></b>                                                                                                                                                                                                     | <b>Correction (in bold)</b>                                                                                                                             |
|-------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 70          | 2           | And that would be in <b>cabbage</b> , pneumonia, and AMI...                                                                                                                                                                            | Unknown—audio requested                                                                                                                                 |
| 94          | 2           | DX <b>12</b>                                                                                                                                                                                                                           | DX- <b>212</b>                                                                                                                                          |
| 105         | 2           | <b>18</b>                                                                                                                                                                                                                              | <b>DX-813</b>                                                                                                                                           |
| 121         | 6-7         | JX <b>640</b>                                                                                                                                                                                                                          | JX- <b>40</b>                                                                                                                                           |
| 122         | 12          | DX <b>7931</b>                                                                                                                                                                                                                         | DX- <b>931</b>                                                                                                                                          |
| 127         | 4           | PX <b>459</b>                                                                                                                                                                                                                          | PX- <b>549</b>                                                                                                                                          |
| 127         | 9           | PX <b>459</b>                                                                                                                                                                                                                          | PX- <b>549</b>                                                                                                                                          |
| 129         | 19          | <b>Exhibit</b> 205                                                                                                                                                                                                                     | <b>DX</b> -205                                                                                                                                          |
| 134         | 25          | You haven't provided any data since <b>1921</b>                                                                                                                                                                                        | You haven't provided any data since <b>2021</b>                                                                                                         |
| 143         | 16-19       | . . . we were disappointed that they were giving us an F, and <b>we</b> wanted to know if we could respond to Leapfrog...                                                                                                              | . . . we were disappointed that they were giving us an F, and <b>they</b> wanted to know if we could respond to Leapfrog...                             |
| 159         | 23          | <b>18</b>                                                                                                                                                                                                                              | <b>813</b>                                                                                                                                              |
| 174         | 2           | Dr. <b>Mascal</b>                                                                                                                                                                                                                      | Dr. <b>Mostel</b>                                                                                                                                       |
| 191         | 7-9         | The first is that the Leapfrog Group uses different <b>resources</b> and time periods for participating hospitals versus nonparticipating hospitals.                                                                                   | The first is that the Leapfrog Group uses different <b>data sources</b> and time periods for participating hospitals versus nonparticipating hospitals. |
| 197         | 8-9         | I score <b>the every use assign</b> the mean score of the participants.                                                                                                                                                                | I score <b>them by assigning</b> the mean score of the participants.                                                                                    |
| 213         | 1           | 203                                                                                                                                                                                                                                    | <b>PX</b> -203                                                                                                                                          |
| 229         | 10-11       | not just for the five community hospitals, but all of the <b>participating</b> hospitals                                                                                                                                               | not just for the five Community Hospitals, but all of the <b>non-participating</b> hospitals                                                            |
| 230         | 5           | <b>DX</b>                                                                                                                                                                                                                              | <b>PX</b>                                                                                                                                               |
| 247         | 4-5         | brand satisfaction was at 78 percent and by December 2025 it was <b>75</b>                                                                                                                                                             | brand satisfaction was at 78 percent and by December 2025 it was <b>55</b>                                                                              |
| 250         | 10          | <b>560</b>                                                                                                                                                                                                                             | <b>550</b>                                                                                                                                              |
| 256         | 17-21       | My <b>metadata</b> , if you pull it today would be seeing <b>any file can't lie</b> improved, our survey, which was explained earlier by <b>the doctor</b> , our <b>sure rate</b> is better than what CMS puts out there, but it lags. | Unknown—audio requested                                                                                                                                 |

<sup>2</sup> We note these errata were completed without the benefit of audio files from the trial. We reserve the right to modify these errata upon review of any such audio files.

**Trial Transcript Errata: January 20, 2026**

| <b>Page</b> | <b>Line</b> | <b>Error (in bold)</b>                                                                                                                                                                   | <b>Correction (in bold)</b>                                                                                                                                                                                                                     |
|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6           | 22-23       | <b>DNF</b> hospital grades likely negatively impact consumer perceptions                                                                                                                 | <b>D and F</b> hospital grades likely negatively impact consumer perceptions                                                                                                                                                                    |
| 10          | 23          | I talked about the repeated <b>complication</b> of such grades                                                                                                                           | I talked about the repeated <b>complication</b> of such grades                                                                                                                                                                                  |
| 17          | 11-13       | There are multiple ways to get to this page, given the number <b>unlike</b> consumers make it here.                                                                                      | There are multiple ways to get to this page, given the number <b>of steps, it is unlikely</b> consumers make it here.                                                                                                                           |
| 19          | 14-16       | ...the worst score and they would not necessarily know about the <b>notation</b> .                                                                                                       | ... the worst score, and they would not necessarily know about the <b>imputation</b> .                                                                                                                                                          |
| 21          | 8-10        | but Leapfrog had a choice and assigns hospitals the minimum score which it calls <b>achievement</b> .                                                                                    | but Leapfrog had a choice and assigns hospitals the minimum score which it calls <b>Limited Achievement</b> .                                                                                                                                   |
| 35          | 21-23       | the impact of that method on the grades that a number of <b>participating</b> hospitals receive.                                                                                         | the impact of that method on the grades that a number of <b>nonparticipating</b> hospitals receive.                                                                                                                                             |
| 38          | 12-14       | ... they show up in the data and the answer is only three percent, <b>when</b> even downloaded that document, let alone read the content on page <b>59</b> .                             | ...they show up in the data and the answer is only three percent, <b>who</b> even downloaded that document, let alone read the content on page <b>15</b> .                                                                                      |
| 44          | 11-13       | I use surveys a lot, and have <b>thought of taking</b> classes on methods and surveys and those sorts of things.                                                                         | I use surveys a lot, and have <b>taught</b> classes on methods and surveys and those sorts of things.                                                                                                                                           |
| 50          | 18          | That is <b>not the evidence, no</b> .                                                                                                                                                    | That is the <b>only</b> evidence.                                                                                                                                                                                                               |
| 51          | 10-12       | there is research based on grades modeled after Leapfrog's own grades that shows that those <b>in fact were</b> consumer choices                                                         | there is research based on grades modeled after Leapfrog's own grades that shows that those <b>impact</b> consumer choices                                                                                                                      |
| 62          | 21-23       | So I consider all methodologies when I start a project like this and I have been given the data available that speaks to the exact question you mentioned, a survey <b>was</b> necessary | So I consider all methodologies when I start a project like this and I have been given the data available that speaks to the exact question you mentioned, a survey <b>wasn't</b> necessary                                                     |
| 68          | 19-22       | Yes, <b>not exactly</b> modeled after Leapfrog, at least at some point of time, it may still be up, I'm not sure if they are taken down or not, but that was <b>counted</b> on their     | Yes, <b>exactly</b> modeled after Leapfrog, at least at some point of time, it may still be up, I'm not sure if they are taken down or not, but that was <b>touted</b> on their website as the example, but the grades modeled after Leapfrog's |

| Page | Line  | Error (in bold)                                                                                                                                                                          | Correction (in bold)                                                                                                                                                   |
|------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |       | website as the example, but the grades modeled after Leapfrog's                                                                                                                          |                                                                                                                                                                        |
| 72   | 5-7   | whether consumers are likely to understand that Leapfrog assigns the minimum score on the <b>score of meter</b> measures                                                                 | whether consumers are likely to understand that Leapfrog assigns the minimum score on the <b>four</b> measures                                                         |
| 78   | 10-11 | So the overall policy was a stop to accreditation and awards that <b>were required</b> or mandated by some sort of                                                                       | So the overall policy was a stop to accreditation and awards that <b>were not required</b> or mandated by some sort of                                                 |
| 84   | 25    | <b>DX-552</b>                                                                                                                                                                            | <b>PX-552</b>                                                                                                                                                          |
| 85   | 25    | <b>Defendant's</b>                                                                                                                                                                       | <b>Plaintiffs'</b>                                                                                                                                                     |
| 97   | 21-23 | I think patients are going to suffer with increased risk for the patients who left <b>without</b> medical advice                                                                         | I think patients are going to suffer with increased risk for the patients who left <b>against</b> medical advice                                                       |
| 107  | 22    | <b>Exhibit 813</b>                                                                                                                                                                       | <b>DX-813</b>                                                                                                                                                          |
| 115  | 22    | <b>363</b>                                                                                                                                                                               | <b>623</b>                                                                                                                                                             |
| 133  | 17    | <b>DX</b>                                                                                                                                                                                | <b>PX</b>                                                                                                                                                              |
| 135  | 14    | <b>DX</b>                                                                                                                                                                                | <b>PX</b>                                                                                                                                                              |
| 146  | 9     | <b>JS</b>                                                                                                                                                                                | <b>JX</b>                                                                                                                                                              |
| 148  | 7-9   | These lawyers represent Mr. Romano, they defended him at the deposition. <b>We would like to speak to Mr. Romano.</b>                                                                    | These lawyers represent Mr. Romano, they defended him at the deposition. <b>Their disclosures directed us to contact them if we would like to speak to Mr. Romano.</b> |
| 165  | 16    | <b>366.1</b>                                                                                                                                                                             | <b>PX-366.1</b>                                                                                                                                                        |
| 167  | 18    | <b>386.1</b>                                                                                                                                                                             | <b>PX-366.1</b>                                                                                                                                                        |
| 177  | 15    | <b>PX-203</b>                                                                                                                                                                            | <b>PX-203</b>                                                                                                                                                          |
| 183  | 4     | that's <b>JS-20, Exhibit 44.1</b> for the record, from June of 2017.                                                                                                                     | that's <b>JX-44.1</b> for the record, from June of 2017                                                                                                                |
| 202  | 21-23 | they were being directed by their employer to get privileges at Jupiter Medical and now <b>this recent legal act we can have unless we intercept and sign</b> a collaboration agreement. | they were being directed by their employer to get privileges at Jupiter Medical and <b>now last week, HSS signed</b> a collaboration agreement with Jupiter.           |
| 204  | 7-8   | He told me that the contract was canceled between Good Samaritan and he just <b>asked</b> me because of the Leapfrog deal                                                                | He told me that the contract was canceled between Good Samaritan and he just <b>said to</b> me because of the Leapfrog deal                                            |
| 205  | 4     | <b>Exhibit 550</b>                                                                                                                                                                       | <b>PX-550</b>                                                                                                                                                          |

| Page | Line  | Error (in bold)                                                                                                                                                          | Correction (in bold)                                                                                                                                                         |
|------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 214  | 21    | That means not adding additional <b>Fs and Ds</b> .                                                                                                                      | That means not adding additional <b>FTEs</b> .                                                                                                                               |
| 227  | 5-7   | No. It was a meeting, in person meeting. There <b>was</b> an email or a text, something sensitive of that nature, it is a conversation with an individual, not an email. | No. It was a meeting, in person meeting. There <b>was not</b> an email or a text, something sensitive of that nature, it is a conversation with an individual, not an email. |
| 228  | 9-11  | I am pretty confident they <b>don't know</b> . They did not complete a survey.                                                                                           | I am pretty confident they <b>don't know that we</b> did not complete a survey.                                                                                              |
| 235  | 20    | the <b>15.5, .5 and 5</b>                                                                                                                                                | the <b>15, 15, 25, 5</b>                                                                                                                                                     |
| 235  | 22-24 | the other three measures are given <b>an A</b> which makes <b>it</b> four measures <b>way</b> even more than every other hospital.                                       | the other three measures are given <b>N/A</b> which makes <b>the</b> four measures <b>weigh</b> even more than every other hospital.                                         |
| 236  | 1     | <b>an A</b>                                                                                                                                                              | <b>N/A</b>                                                                                                                                                                   |
| 255  | 6     | <b>Humana</b> Health                                                                                                                                                     | <b>Allina</b> Health                                                                                                                                                         |
| 265  | 9     | I want to direct your attention now to PX 241, <b>that is</b> 605.                                                                                                       | I want to direct your attention now to PX 241, <b>page</b> 605.                                                                                                              |
| 271  | 7     | And you say it would be <b>addressed</b> , right?                                                                                                                        | And you say it would be <b>drastic</b> , right?                                                                                                                              |
| 287  | 21    | MR. <b>MARCUS</b>                                                                                                                                                        | MR. <b>BILLEK</b>                                                                                                                                                            |
| 288  | 2     | <b>31.1</b>                                                                                                                                                              | <b>JX-31.1</b>                                                                                                                                                               |

**Trial Transcript Errata: January 21, 2026**

| <b>Page</b> | <b>Line</b> | <b>Error (in bold)</b>                                                                                                  | <b>Correction (in bold)</b>                                                                                                   |
|-------------|-------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 3           | 7           | <b>MS. BLAIR</b>                                                                                                        | <b>MS. MALONEY</b>                                                                                                            |
| 9           | 17          | <b>850</b>                                                                                                              | <b>350</b>                                                                                                                    |
| 40          | 9           | <b>PX-283.0</b>                                                                                                         | <b>PX-23.0</b>                                                                                                                |
| 43          | 9-10        | it went up by 160 or something like 160 hospitals, which all of them were <b>grade A</b> hospitals                      | it went up by 160 or something like 160 hospitals, which all of them were <b>HCA</b> hospitals                                |
| 43          | 13-14       | survey participation jumped 69 to <b>70</b> percent                                                                     | survey participation jumped 69 to <b>79</b> percent                                                                           |
| 58          | 11-12       | the data are not valuable <b>is</b> participation is low                                                                | the data are not valuable <b>if</b> participation is low                                                                      |
| 62          | 14-15       | we were talking about changing the scoring methodology <b>that penalized</b> HCA                                        | we were talking about changing the scoring methodology <b>to penalize</b> HCA                                                 |
| 63          | 24-25       | That <b>is not</b> something I would have said                                                                          | That <b>sounds like</b> something I would have said                                                                           |
| 67          | 8           | <b>21</b>                                                                                                               | <b>PX-21</b>                                                                                                                  |
| 79          | 13          | <b>275.4</b>                                                                                                            | <b>PX-275.4</b>                                                                                                               |
| 96          | 24-25       | So Leapfrog is <b>48</b> hours of staff work, maybe more, maybe less, depending, but it's about two weeks of staff time | So Leapfrog is <b>40 to 80</b> hours of staff work, maybe more, maybe less, depending, but it's about two weeks of staff time |
| 103         | 22          | <b>DS-402</b>                                                                                                           | <b>DX-402</b>                                                                                                                 |
| 125         | 4-5         | let's take for example, the footnote <b>score</b> that we have been discussing                                          | let's take for example, the footnote <b>four</b> that we have been discussing                                                 |
| 129         | 6           | <b>MS. BLAIR</b>                                                                                                        | <b>THE COURT</b>                                                                                                              |
| 157         | 17-18       | Dr. Berger explained that <b>DNF</b> safety grades likely negatively impact consumers' perceptions                      | Dr. Berger explained that <b>D and F</b> safety grades likely negatively impact consumers' perceptions                        |
| 160         | 7-9         | The statute is very -- includes businesses, and here there would be <b>a number of segments about</b> safety grade.     | The statute is very -- includes businesses, and here there would be <b>numerous consumers of the</b> safety grade.            |
| 207         | 7           | Which is imputing limited <b>imaging?</b>                                                                               | Which is imputing limited <b>achievement?</b>                                                                                 |
| 214         | 21-22       | we strongly disagree with the proposed <b>false 2022</b> imputation                                                     | we strongly disagree with the proposed <b>step 2</b> imputation                                                               |
| 228         | 17-18       | Leapfrog also has at least some missing data with respect to <b>participating</b> hospitals' IPS                        | Leapfrog also has at least some missing data with respect to <b>nonparticipating</b> hospitals' IPS                           |
| 238         | 12          | <b>PX-5.2</b>                                                                                                           | <b>PDX-5.2</b>                                                                                                                |
| 245         | 11          | <b>five, 15, --</b>                                                                                                     | <b>5, 15, 15, 25</b>                                                                                                          |

| <b>Page</b> | <b>Line</b> | <b>Error (in bold)</b> | <b>Correction (in bold)</b> |
|-------------|-------------|------------------------|-----------------------------|
| 245         | 13          | <b>five, 15</b>        | <b>5, 15, 15, 25</b>        |
| 248         | 5           | <b>PX-495.2</b>        | <b>PX-295.2</b>             |
| 252         | 1           | <b>2004</b>            | <b>2024</b>                 |
| 252         | 4           | <b>2004</b>            | <b>2024</b>                 |

**Trial Transcript Errata: January 22, 2026**

| <b>Page</b> | <b>Line</b> | <b>Error (in bold)</b>                                                                                                                                                                       | <b>Correction (in bold)</b>                                                                                          |
|-------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 47-48       | 25-1        | It is not <b>relevant whether</b> Leapfrog's methodology is deceptive and harms consumers and harms the hospitals                                                                            | It is not <b>relevant to whether</b> Leapfrog's methodology is deceptive and harms consumers and harms the hospitals |
| 71          | 19          | Exhibit 6 to <b>Dr. Berger's</b> report, <b>that is 570</b>                                                                                                                                  | Exhibit 6 to <b>Dr. Harris's</b> report, that is <b>slide 7</b>                                                      |
| 82          | 10-12       | You had Leapfrogs step -- step one of Leapfrog's old methodology, none -- <b>apply for four second else</b> after they stopped participating. The 2021 still applied for <b>spring 2004.</b> | Unknown—audio requested                                                                                              |
| 82          | 12          | <b>2004</b>                                                                                                                                                                                  | <b>2024</b>                                                                                                          |
| 86          | 2           | <b>31.6</b>                                                                                                                                                                                  | <b>30.6</b>                                                                                                          |
| 86          | 10          | <b>31.6</b>                                                                                                                                                                                  | <b>30.6</b>                                                                                                          |
| 86          | 16          | <b>34</b>                                                                                                                                                                                    | <b>30.6</b>                                                                                                          |
| 87          | 16          | <b>30.46</b>                                                                                                                                                                                 | <b>30.6</b>                                                                                                          |