

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

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL	)	
CENTER, INC., et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
THE LEAPFROG GROUP,	)	
	)	
<i>Defendant.</i>	)	

DECLARATION OF THE LEAPFROG GROUP

I am submitting this Declaration on behalf of the Defendant, THE LEAPFROG GROUP (“Leapfrog”), in accordance with this Court’s Order (DE 212) for injunctive relief and hereby state as follows:

1. My name is Leah Binder. I am over 18 years of age, of sound mind, and capable of making this declaration. I make the statements in this declaration based on personal knowledge as a representative of The Leapfrog Group and in communications with my colleagues. If called and sworn as a witness, I could and would testify competently to the facts stated in this declaration.
2. I am the President and Chief Executive Officer of The Leapfrog Group, the Defendant in this action.
3. On March 6, 2026, this Honorable Court entered an Order granting injunctive relief against The Leapfrog Group. (DE 212). Leapfrog has fully and timely complied with this Court’s Order. I submit this Declaration on behalf of The Leapfrog Group to document and demonstrate the reasonable and diligent efforts it has undertaken to comply with and accomplish the Court’s directive.
4. Even as it complies in good faith and in recognition of its legal obligations, Leapfrog respectfully considers aspects of the injunction to be injurious to its mission and an impediment to providing truthful and legally protected statements that inform the public on matters of deep public concern, including the relative safety and other characteristics of various hospitals.

Nevertheless, Leapfrog understands that the injunction must be complied with so long as it remains in place and has gone to great lengths to comply, as further described below. Leapfrog respectfully reserves rights to seek appropriate relief from this Court and potentially from the United States Court of Appeals for the Eleventh Circuit on appeal.

I. COMPLIANCE WITH PART-ONE OF THE INJUNCTIVE RELIEF.

5. First, Leapfrog was ordered to “cease assigning a Safety Grade to the Community Hospitals under the current methodology or any similar methodology that: (i) assigns assumed or imputed values to calculate Safety Grades due to the lack of hospital-provided performance data; (ii) scores nonparticipating hospitals differently than participating hospitals by using different values or using differently weighted values to calculate Safety Grades; or (iii) that otherwise reduces a hospital’s Safety Grade due to the failure to provide performance data.” (DE 212, pp. 40-41, ¶1).

6. In compliance with part-one of this Court’s injunctive relief, Leapfrog has ceased assigning Safety Grades, under its current methodology, to each of the Plaintiff hospitals.

7. In further compliance, Leapfrog is not assigning Spring 2026 Safety Grades to any of the Plaintiff hospitals.

8. In addition, Leapfrog has gone above and beyond what this Court’s order requires inasmuch as Leapfrog has ceased assigning Safety Grades for all non-participating hospitals (477 in total from Fall 2025) that did not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog’s Safety Grade methodology. Leapfrog firmly believes that its principles and methodology should apply equally to all hospitals nationally. Following thorough review and deliberation, Leapfrog has concluded that it cannot fairly comply with the Court’s injunction as to only the Plaintiff Hospitals while simultaneously rating other non-participating hospitals in ways that diverge. Accordingly, Leapfrog would be betraying its own values and inflicting even worse injury upon its mission if it continued to assign Safety Grades for non-participating hospitals other than the Plaintiff Hospitals while discontinuing any such assignment for the Plaintiffs Hospitals.

9. Likewise, Leapfrog is not assigning any Spring 2026 Safety Grades for non-participating hospitals that did not submit a Leapfrog Hospital Survey and would have received Step 2 imputation under Leapfrog’s Safety Grade methodology.

10. Likewise, Leapfrog is not publishing any Fall 2026 Safety Grades to any of the Plaintiff hospitals or non-participating hospitals that did not submit a Leapfrog Hospital Survey and would have received Step 2 imputation under Leapfrog's Safety Grade methodology.

11. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of an appeal, Leapfrog has and will continue to comply with part-one of this Court's injunctive relief. (DE 212, pp. 40-41, ¶1).

II. COMPLIANCE WITH PART-TWO OF THE INJUNCTIVE RELIEF.

12. Second, Leapfrog was ordered to "[w]ithin 5 business days of judgment, . . . withdraw from its websites and cease promoting the deceptive and unfair Safety Grades assigned to the Community Hospitals for Fall 2024, Spring 2025, and Fall 2025." (DE 212, p. 41, ¶2).

13. In compliance with part-two of this Court's injunctive relief, on March 13, 2026, within five (5) business days of the injunction order, Leapfrog withdrew each of the Plaintiff hospital's Safety Grades from its public reporting website (www.hospitalsafetygrade.org) for Fall 2024, Spring 2025 and Fall 2025. Leapfrog does not display Safety Grades on any other website other than its public reporting website (www.hospitalsafetygrade.org).

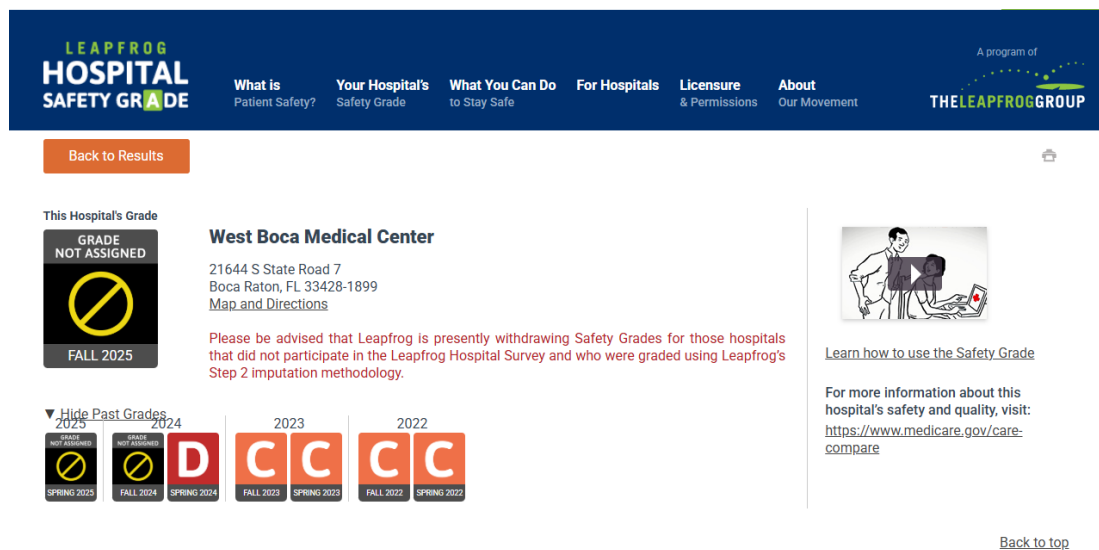
14. When conducting a search of the Plaintiff hospitals, their previously assigned Safety Grade for Fall 2025 now reflects a symbol that states "GRADE NOT ASSIGNED." For example, on www.hospitalsafetygrade.org, a search for each of the Plaintiff hospitals shows the following:

The screenshot shows the Leapfrog Hospital Safety Grade website. The header includes the Leapfrog logo and navigation links: What is Patient Safety?, Your Hospital's Safety Grade, What You Can Do to Stay Safe, For Hospitals, Licensure & Permissions, and About Our Movement. A search bar is present with the text "How Safe is Your Hospital?" and a search button. Below the search bar, a dropdown menu shows "Search by Hospital" and a text input field contains "west boca". A "Search" button is next to the input field. Below the search results, a section titled "Hospital Matches" shows "1 hospital matching hospital name west boca". The results are displayed in a list view, showing the hospital name "West Boca Medical Center", its address "21644 S State Road 7, Boca Raton, FL 33428-1899", and a link to "View the full Score". The hospital's grade for Fall 2025 is displayed as "GRADE NOT ASSIGNED" with a corresponding icon. A note at the bottom right states: "Please be advised that Leapfrog is presently withdrawing Safety Grades for those hospitals that did not participate in the Leapfrog Hospital Survey and who were graded using Leapfrog's Step 2 imputation methodology."

15. Leapfrog removed all gas gauge icons depicting performance on measures used to calculate the Hospital Safety Grade for each of the Plaintiff hospitals from its public reporting website (www.hospitalsafetygrade.org).

16. Leapfrog removed all measure scores for each of the Plaintiff hospitals from its public reporting website (www.hospitalsafetygrade.org).

17. When clicking on “View the full Score” for each of the Plaintiff hospitals, their previously assigned grades for Fall 2024, Spring 2025 and Fall 2025 now reflects the following symbol that states “GRADE NOT ASSIGNED.” For example, on www.hospitalsafetygrade.org, a search for each of the Plaintiff hospitals shows the following:



18. In further compliance, Leapfrog removed each of the Plaintiff hospitals from the archival report database where consumers are able to purchase PDF reports that include a hospital's previous Safety Grades and associated measure scores. Archival reports are not available for purchase for each of the Plaintiff hospitals.

19. In further compliance, each of the Plaintiff hospitals' webpages on www.hospitalsafetygrade.org will continue to be displayed consistent with ¶¶14, 17 of this Declaration, absent further judicial order granting modification or other relief from the injunction, which Leapfrog respectfully reserves all rights to pursue.

20. Out of an abundance of caution and to forestall any allegations of noncompliance, Leapfrog went above and beyond, in several respects, to account for part-two of the Court's injunction. First, on March 13, 2026, Leapfrog withdrew Safety Grades for all hospitals that did

not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog's Safety Grade methodology in Fall 2024, Spring 2025, and Fall 2025 on www.hospitalsafetygrade.org.

21. Second, Leapfrog removed all gas gauge icons depicting performance on each measure included in the Hospital Safety Grade for all hospitals that did not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog's Safety Grade methodology.

22. Third, Leapfrog removed all measure scores for all hospitals that did not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog's Safety Grade methodology.

23. Fourth, Leapfrog has modified its website to reflect a "GRADE NOT ASSIGNED" symbol for Fall 2024, Spring 2025, and Fall 2025 for all hospitals that did not submit a Leapfrog Hospital Survey and previously received a Step 2 imputation under the Leapfrog Safety Grade methodology. Users can access the updated information by clicking on a link titled "View the full Score" for these hospitals.

24. Fifth, the webpages for all hospitals that did not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog's Safety Grade methodology will continue to be displayed consistent with ¶¶14, 17 of this Declaration, absent further judicial order granting modification or other relief from the injunction, which Leapfrog respectfully reserves all rights to pursue.

25. Sixth, Leapfrog removed all hospitals that did not submit a Leapfrog Hospital Survey and received Step 2 imputation under Leapfrog's Safety Grade methodology from Leapfrog's archival report database, whereby consumers can purchase PDF reports that include a hospitals previous Safety Grades and associated scores. These archival reports are not available for purchase for any non-participating hospital who was graded using Step 2.

26. Seventh, Leapfrog sent each of the non-participating hospitals, who were assigned a Safety Grade using Step-2 imputation, a letter notifying them of the changes including but not limited to that their Fall 2024, Spring 2025 and Fall 2025 Safety Grades are withdrawn and that their Spring 2026 Safety Grades are not being assigned. (*See*, example of letter attached hereto as Exhibit A).

27. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will continue to comply with part-two of this Court's injunctive relief. (DE 212, p. 41, ¶2).

III. COMPLIANCE WITH PART-THREE OF THE INJUNCTIVE RELIEF.

28. Third, Leapfrog was ordered to “[w]ithin 30 days of judgment, . . . send corrective disclosures to all entities that paid to license the Fall 2024, Spring 2025, and Fall 2025 Safety Grades, disclosing that those Safety Grades were found to be deceptive and unfair in this action. Leapfrog must file a declaration documenting the reasonable and diligent efforts it has undertaken to accomplish this directive within 45 days of judgment.” (DE 212, p. 41, ¶3).

29. In compliance with part-three of this Court’s injunctive relief, on March 23, 2026, Leapfrog sent corrective disclosure letters to all data licensees that license Leapfrog’s Hospital Safety Grade. (*See*, example attached hereto as Exhibit B).

30. In further compliance and in addition to sending corrective disclosure letters, Leapfrog updated its data files for Fall 2024, Spring 2025 and Fall 2025 to remove all previously assigned letter grades and measure scores related to non-participating hospitals, who were assigned a Safety Grade using Step-2 imputation and included instructions on how to access the updated files via Leapfrog’s data licensee portal in both the emails and letters sent to all data licensees.

31. In further compliance, Leapfrog requested and received “read receipts” and/or FedEx certified mailing receipts for each of the corrective disclosure emails and letters that were sent to all data licensees.

32. Out of an abundance of caution and to forestall any allegations of noncompliance, Leapfrog went above and beyond, insomuch as also notifying unpaid data licensees (e.g., regional leaders) the same corrective disclosures.

33. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will continue to comply with part-three of this Court’s injunctive relief. (DE 212, p. 41, ¶3).

IV. COMPLIANCE WITH PART-FOUR OF THE INJUNCTIVE RELIEF.

34. Fourth, Leapfrog was ordered to “place the same corrective disclosures in future contracts, print and electronic advertising materials, and other print and electronic documents that promote paid licensure of the next cycle of Safety Grades accessible to or in the following five zip codes: 33401, 33407, 33410, 33428, and 33484.” (DE 212, p. 41, ¶4).

35. In compliance with part-four of this Court’s injunctive relief, Leapfrog has and will continue to place the same corrective disclosures in future contracts, print and electronic advertising materials, and other print and electronic documents that promote paid licensure of the

next cycle of Safety Grades accessible to or in the following five zip codes: 33401, 33407, 33410, 33428, and 33484.

36. In further compliance, Leapfrog has already updated all data license files with the same corrective disclosures, which will remain in all data license files in the future as applicable and in compliance with this Court's injunctive order. (*See*, screenshot of corrective disclosure included in data licensee portal attached hereto as Exhibit C).

37. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will continue to place the same corrective disclosures in future contracts, print and electronic advertising materials, and other print and electronic documents that promote paid licensure of the next cycle of Safety Grades when applicable and in accordance with this Court's order.

38. In addition, to further show its good faith and to forestall any allegations of noncompliance, Leapfrog has gone above and beyond to take account of this Court's order. First, on March 20, 2026, Leapfrog met with all its independent third-party regional leaders, who are business coalitions on health comprised of members (employers and purchasers) who operate in designated regions requesting hospitals to participate in Leapfrog's Hospital Survey, across the United States, to advise them of the injunction order and its effect.

39. Second, Leapfrog sent updated data files to all regional leaders, across the United States, and advised them that Leapfrog has modified its website to reflect a "GRADE NOT ASSIGNED" symbol for Fall 2024, Spring 2025, and Fall 2025 for all hospitals that did not submit a Leapfrog Hospital Survey and previously received a Step 2 imputation under the Leapfrog Safety Grade methodology.

40. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will continue to comply with part-four of this Court's injunctive relief. (DE 212, pp. 41, ¶4).

V. COMPLIANCE WITH PART-FIVE OF THE INJUNCTIVE RELIEF.

41. Fifth, Leapfrog was ordered to "refrain from taking any action to circumvent the relief set out above. The Court retains jurisdiction to enforce compliance with these commands." (DE 212, pp. 41, ¶5).

42. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will

continue to abide by this Court's order in full including refraining from taking any action to circumvent the relief set forth in the order. (*Id.*).

43. Out of an abundance of caution and to forestall any allegations of noncompliance, Leapfrog has put in place measures to fully comply with the Court's judgment well in advance of the deadlines for compliance mandated by the Court.

44. On March 20, 2026, Tenet Healthcare Corporation ("Tenet") served Leapfrog with a correspondence requesting, *inter alia*, compliance with the injunction order as applicable to *all* Tenet owned hospitals. (*See*, correspondence attached hereto as Exhibit D).

45. On March 31, 2026, Leapfrog responded to Tenet, advising Tenet of its intent to fully comply with the court's injunction order. Even though Leapfrog does not understand the injunction to cover all Tenet-owned hospitals, Leapfrog notified Tenet that out of an abundance of caution, Leapfrog has withdrawn Safety Grades for all hospitals that did not submit a Leapfrog Hospital Survey and received Step-2 imputation under Leapfrog's Safety Grade methodology in Fall 2024, Spring 2025 and Fall 2025 on www.hospitalsafetygrade.org, which includes all Tenet owned hospitals.

46. On April 14, 2026, Tenet Healthcare Corporation nonetheless sent Leapfrog another correspondence asserting that Leapfrog's survey website (www.leapfroggroup.org), which does not house, or display Safety Grades violates the Court's injunction merely because the website advises consumers—truthfully—which hospitals did not participate in the Leapfrog Hospital Survey. (*See*, correspondence attached hereto as Exhibit E). The website also suggests that users write to non-participating hospitals to encourage them to provide this potentially life-saving information to the public. (*See id.*).

47. Leapfrog has gone to great lengths, incurred great expense, and suffered great pains in its efforts to comply fully and in the utmost good faith with the Court's injunction. Contrary to Tenet's accusations, Leapfrog has taken careful account of the Court's injunction order and done what it understands to be necessary to comply, then added substantial prophylaxis atop that. Leapfrog does not understand the Court's injunction as intending to prohibit Leapfrog from providing consumers with important, truthful information to the effect that non-participating hospitals in fact have not participated in its Survey. Nor does the injunction, by its terms, prohibit Leapfrog from advising patients and their loved ones as to critical facts surrounding hospitals and Leapfrog's protected opinions regarding same.

48. Citing this Court's injunction order, Tenet also demanded in its April 14 letter that Leapfrog make changes to an anticipated rating system for ambulatory surgical centers (ASCs) that it has not yet launched. (*See id.*) Specifically, Tenet demanded that Leapfrog refrain from stating that accreditation information is "Not Available" from ASCs that do not submit accreditation information and from noting that an ASC facility that does not provide an ASC Survey response "Declined to Report." (*Id.*) Again, Leapfrog is taking careful account of this Court's injunction order as it complies with its terms. And Leapfrog does not understand that it is circumventing the Court's injunction when it reports on non-party Tenet-owned ASCs, or when it provides truthful information to consumers about ASCs' accreditation information or survey responses. If anything, Leapfrog would be circumventing its values, its mission, and its consumers if it allowed the Plaintiff Hospitals to silence and censor Leapfrog's ratings going forward under auspices of this Court's injunction order.

49. Absent further judicial order granting modification or other relief, which Leapfrog respectfully reserves all rights to pursue, including by way of appeal, Leapfrog has and will continue to comply with part-five of this Court's injunctive relief. (DE 212, pp. 41, ¶5).

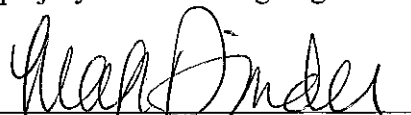
VI. ADDITIONAL EFFORTS BY LEAPFROG.

50. Leapfrog has gone to great lengths to comply fully with this Court's, even as it tries in all other respects to stay true to its mission of maximizing transparency for the public's benefit.

51. In short, Leapfrog believes it has gone to extraordinary lengths in order to comply with the Court's injunction order and believes it is fully compliant with that order. In the event that Leapfrog perceives there to be any doubt or persisting dispute about any specific aspect of Leapfrog's compliance, however, Leapfrog may need to seek clarification of the Court's order and it respectfully reserves the right to seek such clarification or other appropriate relief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2026

/s/ 

Leah Binder

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send an electronic notification of such filing to all counsel of record in the Court's ECF filing system.

s/Jura C. Zibas

Jura C. Zibas

EXHIBIT A

LEAPFROG



The Leapfrog Group
1775 K Street NW, Suite 400
Washington, DC 20006
LeapfrogGroup.org

Dear CEO,

I am writing to inform you of an important change affecting your hospital's Leapfrog Hospital Safety Grade.

Based on a federal court ruling in Florida, Leapfrog is temporarily withdrawing Safety Grades from our public reporting website (www.HospitalSafetyGrade.org) for hospitals like yours that did not submit a Leapfrog Hospital Survey and therefore received Step 2 imputation under Leapfrog's Safety Grade methodology. Although the court ruling only applied to five hospitals, Leapfrog does not apply programmatic changes to individual hospitals because the Hospital Safety Grade is a national program.

As a result, effective immediately, your hospital's Fall 2025 Leapfrog Hospital Safety Grade will be updated on our public reporting website with an icon indicating "Grade Not Assigned". All related measure scores associated with the Fall 2025 Safety Grade, including the measure "gas gauges," will be removed. The Fall 2024 and Spring 2025 grades will also be updated with the new icon, and consumers will be encouraged to find additional information about your hospital's safety and quality on the CMS Care Compare website and Mayo Clinic's HealthLocator website. Finally, your hospital will not have a Spring 2026 Safety Grade published and will no longer have access to the Safety Grade Review Website during this temporary period.

The Leapfrog Hospital Safety Grade has had a proven and demonstrable impact on improving patient safety in the United States. Our community of patient advocates, employers, purchasers, policymakers, and experts remains fully committed to advancing health care transparency and patient safety. We plan to convene our national expert panel to begin work on an updated methodology and plan to resume grading all eligible hospitals in Fall 2026 in compliance with the Florida court ruling.

If you have questions, please contact us at helpdesk@leapfrog-group.org.

Sincerely,

Leah Binder
President & CEO
The Leapfrog Group

EXHIBIT B



[REDACTED]

March 24, 2026

Hello [REDACTED]

Please be advised that the U.S. District Court for the Southern District of Florida has ruled that the Fall 2024, Spring 2025, and Fall 2025 Leapfrog Safety Grades for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc. are deceptive and unfair under the Florida Deceptive & Unfair Trade Practices Act, Florida Statutes § 501.201, *et seq.* based upon how Safety Grades are assigned to hospitals that do not participate in the Leapfrog Hospital Survey. For consistency, Leapfrog is voluntarily taking the immediate step of removing Safety Grades for any non-reporting hospital that received Step 2 imputation in Fall 2024, Spring 2025 and Fall 2025. The Court's ruling was issued in the matter titled *Good Samaritan Medical Center, et al. v. The Leapfrog Group*, No. 25-CV-80526-Middlebrooks (S.D. Fla. Mar. 6, 2026).

Please login to [The Hopper](#) to download the updated Fall 2024, Spring 2025, and Fall 2025 datasets reflecting these changes.

As a reminder, when displaying the Data via websites, Licensee or Third-Party Vendor shall update the website with the most recent Data made available by Leapfrog within fifteen (15) business days from when it becomes available. Master Terms and Conditions for Leapfrog Data (MTC) internal and external data use can be viewed on our website at <https://www.leapfroggroup.org/MTC> [External](#) [Internal](#).

Please let us know if you have any further questions.

Kush Banerjee

Director of Licensing Programs
The Leapfrog Group
202.644.9414
1775 K St. NW, Suite 400
Washington, DC 20006

[LeapfrogGroup.org](#) | [HospitalSafetyGrade.org](#) | [Twitter](#) | [Donate](#)

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From: Kush Banerjee <KBanerjee@leapfrog-group.org>
Sent: Monday, March 23, 2026 3:40 PM
To: [REDACTED]
Subject: Leapfrog Hospital Safety Grade- data file change notice

Hello [REDACTED]

Please be advised that the U.S. District Court for the Southern District of Florida has ruled that the Fall 2024, Spring 2025, and Fall 2025 Leapfrog Safety Grades for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc. are deceptive and unfair under the Florida Deceptive & Unfair Trade Practices Act, Florida Statutes § 501.201, *et seq.* based upon how Safety Grades are assigned to hospitals that do not participate in the Leapfrog Hospital Survey. For consistency, Leapfrog is voluntarily taking the immediate step of removing Safety Grades for any non-reporting hospital that received Step 2 imputation in Fall 2024, Spring 2025 and Fall 2025. The Court's ruling was issued in the matter titled *Good Samaritan Medical Center, et al. v. The Leapfrog Group*, No. 25-CV-80526-Middlebrooks (S.D. Fla. Mar. 6, 2026).

Please login to [The Hopper](#) to download the updated Fall 2024, Spring 2025, and Fall 2025 datasets reflecting these changes.

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Please let us know if you have any further questions.

Kush Banerjee

Director of Licensing Programs
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Washington, DC 20009

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this transmission in error, please reply to the sender listed above immediately and permanently delete this message. Thank you for your cooperation.

EXHIBIT C

Exhibit C: Screenshot of Data Licensee Portal

Hospital Survey Dataset	ASC/HOPD Survey Dataset	Hospital Safety Grade Dataset	Licensed Logos	Data Users Group	API Instructions	Market Insights
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Download Hospital Safety Grade Dataset

The most recent Hospital Safety Grades are now available to download using the link below. Safety Grades are updated twice per year in the spring and fall and posted in May (spring Safety Grade) and November (fall Safety Grade). Spring Safety Grades are calculated using data obtained on a January 31 Data Snapshot Date and fall Safety Grades are calculated using data obtained on an August 31 Data Snapshot Date.

Please be advised that the U.S. District Court for the Southern District of Florida has ruled that the Fall 2024, Spring 2025, and Fall 2025 Leapfrog Safety Grades for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc. are deceptive and unfair under the Florida Deceptive & Unfair Trade Practices Act, Florida Statutes § 501.201, et seq. based upon how Safety Grades are assigned to hospitals that do not participate in the Leapfrog Hospital Survey. For consistency, Leapfrog is voluntarily taking the immediate step of removing Safety Grades for any non-reporting hospital that received Step 2 imputation in Fall 2024, Spring 2025 and Fall 2025. The Court's ruling was issued in the matter titled *Good Samaritan Medical Center, et al. v. The Leapfrog Group*, No. 25-CV-80526-Middlebrooks (S.D. Fla. Mar. 6, 2026).

As a reminder, when displaying the Data via websites, Licensee or Third-Party Vendor shall update the website with the most recent Data made available by Leapfrog within fifteen (15) business days from when it becomes available. Master Terms and Conditions for Leapfrog Data (MTC) internal and external data use can be viewed on our website at https://www.leapfroggroup.org/MTC_External_Internal.

A data dictionary is included in the Hospital Safety Grade Dataset file below.

Fall 2025 Hospital Safety Grade Dataset

Date of Last Data Upload: 3/20/2026
File Reflects Data Obtained on the Following Data Snapshot Date: 8/31/2025

 [Hospital Safety Grade Dataset](#)
 Includes Important Notes, Data Dictionary, Hospital Safety Grades and underlying data for all graded hospitals.

Spring 2025 Hospital Safety Grade Dataset

Date of Last Data Upload: 3/20/2026
 [Spring 2025 Hospital Safety Grade Dataset](#)

Fall 2024 Hospital Safety Grade Dataset

Date of Last Data Upload: 3/20/2026
 [Fall 2024 Hospital Safety Grade Dataset](#)

Spring 2026 Sample File and Data Dictionary

Date of Last Data Upload: 03/23/2026
[Spring 2026 Sample File and Data Dictionary](#)

Hospital Safety Grade Materials

[Fall 2025 Scoring Methodology](#)
[Fall 2025 Explanation of Safety Grades](#)

Contact [Data Licensing](#) with any questions.

EXHIBIT D

GIBSON DUNN

Mary Beth Maloney
Partner
T: +1 212.351.2315
M: +1 310.806.3737
mmaloney@gibsondunn.com

March 20, 2026

VIA E-MAIL

Kimberly E. Blair
Wilson Elser Moskowitz Edelman & Dicker LLP
161 N Clark
Suite 4500
Chicago, IL 60601

Re: Confirmation Regarding Withdrawal and Non-Issuance of Leapfrog Hospital Safety Grades for Non-Participating Tenet-Owned Hospitals

Counsel:

I write on behalf of Tenet Healthcare Corporation (“Tenet”) to seek confirmation regarding The Leapfrog Group’s (“Leapfrog”) current and intended treatment of Safety Grades issued to non-participating Tenet-owned hospitals following Judge Middlebrooks’s decision in *Good Samaritan Medical Center, Inc., et al. v. The Leapfrog Group*, No. 9:25-80526-DMM (S.D. Fla. Mar. 6, 2026).

Judge Middlebrooks found that Leapfrog’s Safety Grade methodology for non-participating hospitals “has no scientific basis, unfairly penalizes non-participating hospitals, and misrepresents hospital safety,” Op. 2, and held that the methodology “constitutes an unfair and deceptive business practice in violation of” the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), Op. 3.

While Judge Middlebrooks’s decision focuses on the five Florida hospitals that brought the action, the methodology the Court found deceptive and unfair was not unique to those five hospitals. Leapfrog has used that same methodology for other non-participating Tenet-owned hospitals, including the hospitals listed in Appendix A to this letter. For example, the opinion details how Leapfrog’s methodology—the same methodology applied elsewhere—is “punitive in nature”; that “Leapfrog understood” it was “penalizing hospitals” even though Leapfrog hoped consumers would rely on the Grades “as *accurate* representations of hospital safety”; and that Leapfrog seeks to leverage reputational harms “to force hospitals back into participating in the Leapfrog Survey.” Op. 20 (emphasis in original). The decision also emphasizes Leapfrog’s deceptive statements and practices concerning both “how to use the grade” and “how the data itself was collected”—making clear that while Leapfrog claims its Safety Grades “are supported by real data and reflect actual safety performance,” Leapfrog in fact lacks “real data” and that its Safety Grades instead are “driven by Survey participation of the rated hospitals.” Op. 23–24. The “foreseeable and potentially quite severe” harms that result from this scheme—including delayed and misdirected

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care, “patient confusion,” and “erosion of community confidence”—logically apply beyond the five Florida plaintiff hospitals as well. Op. 31–32.

That same challenged methodology generated the so-called “Safety Grades” assigned to the non-participating Tenet-owned hospitals listed in Appendix A. The question is now whether Leapfrog intends to continue using, republishing, storing, or replacing Grades used under a methodology the Court found deceptive and unfair. At minimum, the ruling leaves Leapfrog with no justifiable basis to continue using or republishing Grades generated under that same methodology for the non-participating Tenet-owned hospitals listed in Appendix A.

Leapfrog’s public statements since the ruling only sharpen the need for confirmation. Shortly after the opinion issued, Leapfrog stated on its website that the “Spring 2026 update of the Leapfrog Hospital Safety Grade will continue as planned, with some modifications based on the injunction[.]” The Leapfrog Group, *Statement from Leapfrog President and CEO Leah Binder on the Tenet Healthcare Lawsuit Decision* (Mar. 8, 2026), <https://www.leapfroggroup.org/news-events/statement-leapfrog-president-and-ceo-leah-binder-tenet-healthcare-lawsuit-decision>. But on March 16, 2016, Leapfrog told Becker’s that it had “recall[ed]” several Grades for U.S. hospitals that had not recently participated in its Hospital Survey, that it “does not apply programmatic changes to individual hospitals because the hospital safety grade is a national program,” and that it “expect[s] to resume full grading in fall 2026.” Paige Twenter, *Leapfrog Temporarily Limits Hospital Grades to Survey Participants After Court Ruling*, Becker’s Hospital Review (Mar. 16, 2026), <https://www.beckershospitalreview.com/legal-regulatory-issues/leapfrog-restricts-hospital-grades-to-participation-after-ruling/>. These statements do not clearly answer what Leapfrog will do with respect to the non-participating Tenet-owned hospitals listed in Appendix A, whether Spring 2026 Grades will issue for those hospitals, or whether Leapfrog contends Grades now being withdrawn may later be restored or republished.

Additionally, as of the date of this letter, Leapfrog has removed from its Hospital Safety Grades website the Fall 2024, Spring 2025, and Fall 2025 Safety Grades previously issued to the five Florida plaintiff hospitals. The same appears to be true for the other non-participating Tenet-owned hospitals listed in Appendix A. But Leapfrog has not made clear whether those Grades are being permanently withdrawn or merely withheld pending later republication.

Please confirm in writing that:

- (1) Leapfrog will not issue Spring 2026 Leapfrog Safety Grades to any non-participating, Tenet-owned hospital listed in Appendix A;
- (2) Leapfrog has withdrawn, and will not republish, any Fall 2024, Spring 2025, or Fall 2025 Safety Grade issued to any hospital listed in Appendix A under the methodology found unlawful, and will identify the date on which each such Grade was removed from its website;

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- (3) Leapfrog has directed its licensees and other third parties to cease displaying or promoting any such Grades, and will identify the date on which each instruction was given;
- (4) no such Grades remain available through any Leapfrog-controlled webpage, data feed, licensed asset, promotional material, or other distribution channel; and
- (5) if Leapfrog contends otherwise as to any hospital listed in Appendix A with respect to the points identified above, Leapfrog will identify the hospital, the Grade cycle, and the methodology it contends permit publication, and the data sources on which it relies.

In addition, please preserve all documents, communications, website records, data feeds, internal approvals, and third-party instructions relating to the withdrawal, non-issuance, republication, or contemplated future publication of Safety Grades for any hospital listed in Appendix A, including any Spring 2026 or Fall 2026 methodology changes affecting non-participating hospitals.

We respectfully request that you respond to this letter, including the five points set forth above, within five business days. Tenet reserves all rights, including the right to pursue additional relief based on Leapfrog's response or failure to respond.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP



Mary Beth Maloney
Partner

Encl.

Appendix A

Hospital Name	Hospital Address
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Abrazo West Campus	13677 W McDowell Road Goodyear, AZ 85395
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EXHIBIT E

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VIA E-MAIL

Kimberly E. Blair
Wilson Elser Moskowitz Edelman & Dicker LLP
161 N Clark
Suite 4500
Chicago, IL 60601

Re: Hospital And Ambulatory Surgery Centers Ratings On Leapfroggroup.org

Counsel:

I write on behalf of the Plaintiff Hospitals in *Good Samaritan Medical Center, Inc., et al. v. The Leapfrog Group*, 25-cv-80526 (S.D. Fla.), and their parent company, Tenet Healthcare Corporation, to bring to your attention The Leapfrog Group's noncompliance with the Court's recent injunction and to serve notice that Leapfrog's contemplated "ASC Public Reporting Program"—which would mimic the same deceptive effect of Leapfrog's so-called "Safety Grades"—may result in additional liability under federal and state consumer-protection laws.

I. The Federal District Court Enjoins Leapfrog's Deceptive And Unfair Practices

As you are aware, Judge Middlebrooks recently found that Leapfrog's Hospital Safety Grade methodology "has no scientific basis, unfairly penalizes non-participating hospitals, and misrepresents hospital safety." Op. 2. The Court emphasized that Leapfrog's ratings scheme was "intended to create the false impression that Leapfrog's grades reflect actual performance," when, in fact, Leapfrog itself "acknowledged" that its real "goal [was] punishing nonparticipants as a means of forcing hospitals to cooperate in submitting their Surveys" to Leapfrog. Op. 26. The Court was particularly troubled by Leapfrog's attempts to "pressure and penalize hospitals" into handing over their "private data," even though Leapfrog "does not have a right" to such data, and likewise has no "right to punish [hospitals]" through reputational damage when hospitals refuse to surrender their data to Leapfrog for commercial purposes. Op. 39. The Court thus determined that Leapfrog's practices violate the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), Op. 3, and entered a comprehensive injunction that, among other things, prohibits Leapfrog from "scor[ing] nonparticipating hospitals differently than participating hospitals by using different values or using differently weighted values," and specifically prohibits Leapfrog "from taking any action to circumvent" the injunction. Op. 40–41. The Court subsequently entered a declaratory judgment making clear that the assignment of "failing safety scores in the absence of actual data [is] deceptive and unfair under FDUTPA." Judgment 1.

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These orders became operative upon entry, *see* Fed. R. Civ. P. 62(c)(1), and Leapfrog has not sought a stay. To the contrary, Leapfrog CEO Leah Binder has publicly represented that “of course” Leapfrog “will comply” with the injunction during the pendency of Leapfrog’s contemplated appeal.¹

II. Leapfrog Violates The Court’s Injunction On Leapfroggroup.org

On one of Leapfrog’s websites, leapfroggroup.org, Leapfrog currently lists the “2025 Survey Results” for facilities within a 50-mile radius of Palm Beach, Florida. Several of the Plaintiff Hospitals and their affiliated institutions—Good Samaritan Medical Center, St. Mary’s Medical Center, Palm Beach Children’s Hospital at St. Mary’s Medical Center, Palm Beach Gardens Medical Center, and Delray Medical Center—are so listed.² Despite the operative effect of the Court’s orders and Leapfrog’s public representations of compliance, Leapfrog continues to deliberately manipulate how it presents those institutions’ lack of a Survey response.

At the top of the page, Leapfrog prominently places a red “hazard” symbol with an exclamation point and a warning that facilities that “declined to respond” to the Survey have deprived patients of “critical, life-saving information.” The entries for nonparticipating hospitals carry a red “Declined to Respond” label—in stark contrast to the parallel green “View Hospital Ratings” label affixed to entries for participating hospitals. A Leapfrog pop-up linked to the “Declined to Respond” label recommends users “[a]sk [nonparticipating hospitals] why” they did not report to Leapfrog, implying a nefarious and unjustified lack of transparency on the hospital’s part. If consumers click that link, they are taken to a boilerplate letter prepared by Leapfrog for submission to hospitals suggesting that patients have reason to doubt a hospital’s “record on quality and safety” when hospitals “decline[] to participate” in Leapfrog’s Survey.

¹ See The Leapfrog Group, *Statement from Leapfrog President and CEO Leah Binder on the Tenet Healthcare Lawsuit Decision*, YouTube at 2:09 (Mar. 9, 2026), <https://www.youtube.com/watch?v=8SnSKozVlc4>; The Leapfrog Group, *Statement from Leapfrog President and CEO Leah Binder on the Tenet Healthcare Lawsuit Decision* (Mar. 8, 2026), <https://www.leapfroggroup.org/news-events/statement-leapfrog-president-and-ceo-leah-binder-tenet-healthcare-lawsuit-decision>; *see also* Letter for Mary Beth Maloney, Counsel for Tenet, from Kimberly Blair, Counsel for Leapfrog at 1 (Mar. 31, 2026) (“Leapfrog has also taken steps to comply with the other elements of the court’s order. Leapfrog has no intention of failing to comply with the Court’s order now or in the future.”).

² See The Leapfrog Group, *Leapfrog Ratings*, <https://ratings.leapfroggroup.org/search/results?distance=50&address=Palm+Beach%2C+FL%2C+USA&coords=26.7056206%2C-80.0364297&by=distance&sort=distance&showdeclined=1> (search results for Palm Beach, FL).

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LEAPFROG RATINGS

AboutFAQsTHELEAPFROGGROUP

You searched by location: Palm Beach, FL, USA within 50 miles and have 96 results.

Share these results:

Start a new search

Key: = Hospital = Surgery Center

YES

There are 61 facilities in your search that declined to respond to Leapfrog's request for patient safety and quality data. Patients like you have no other source to get this critical, life-saving information. Do you want to show these facilities?

The Leapfrog Group | 2025 Survey Results

Compare selected facilities

Facility 1

Facility 2

Facility 3

Facility Type	Name/Location	Distance
☐	Baptist Health Endoscopy Center at Flagler 1117 N Olive Ave, Suite 201 West Palm Beach, Florida 33401 View Surgery Center Ratings	1.5 miles
☐	HSS Palm Beach Ambulatory Surgery Center 300 Palm Beach Lakes Blvd West Palm Beach, Florida 33401 Declined to Respond	1.6 miles
☐	Good Samaritan Medical Center 1309 N Flagler Dr West Palm Beach, Florida 33401-3499 Declined to Respond	1.6 miles

Measures:

and all

IT SAFETY

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en Care Equity

med Consent

Good Samaritan Medical Center has DECLINED TO RESPOND

What does this mean?

Thousands of hospitals nationwide report to the Leapfrog Hospital Survey to help patients and purchasers make better health care decisions. This hospital did not participate. [Ask them why not.](#)

of outcomes for patients or different care and functions, and patients who speak different languages. Hospitals should also put action plans in place if differences are identified.

Hospitals should ensure that all patients are fully aware of risks and alternatives.

Progress

TO RESPOND

DECLINED TO RESPOND

This two-track depiction of participating and non-participating hospitals is clearly designed to leave consumers with the net impression that non-participating hospitals (with red warnings and fear mongering pop-ups) are less safe than participating hospitals. This practice “scores nonparticipating hospitals differently than participating hospitals by using different values or using differently weighted values.” Op. 40 (injunction text). This differential treatment has the apparent purpose and obvious effect of tending to “coerce participation through reputational penalty,” Op. 23, pressuring hospitals to surrender data to which Leapfrog “does not have a right,” *id.* at 39. And

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it is the very sort of conduct that Judge Middlebrooks recently held to constitute a core FDUTPA violation and which the injunction was meant to stop.

Leapfrog therefore is non-compliant with the plain terms of the Court's injunction, including its express directive that Leapfrog shall not engage in "*any* action to circumvent the relief" provided therein. Op. 41 (emphasis added).

Accordingly, the Plaintiff Hospitals demand that Leapfrog remove them from the relevant "Survey Results" webpages on leapfroggroup.org and identify the date on which their entries were removed. If Leapfrog refuses to do so, the Plaintiff Hospitals are prepared to pursue appropriate enforcement measures under Federal Rule of Civil Procedure 65 and other applicable law.

Tenet further demands that Leapfrog take similar action with respect to all Tenet-owned hospitals described in Appendix A and identify the date on which it did so. The Court's ruling leaves Leapfrog with no justifiable basis to continue drawing adverse inferences and inflicting reputational penalties due to the lack of a Survey response for any non-participating Tenet-owned hospital, given that the logic of the Court's order, as Leapfrog has recognized, applies nationally.³

III. Leapfrog Threatens Further Violations With The ASC Public Reporting Program

In addition to perpetuating the unfair and deceptive conduct on leapfroggroup.org that already resulted in liability, Leapfrog now threatens to *expand* the scope of its deception and unfairness through its contemplated "ASC Public Reporting Program" scheduled to launch in late July. Through this initiative, Leapfrog for the first time will rate the "safety and quality" of thousands of ambulatory surgery centers ("ASC"s).⁴ Precisely as with its deceptive Safety Grades, Leapfrog intends to draw on a mix of data from the U.S. Centers for Medicare & Medicaid Services and from self-reported (and presumably unaudited) accreditation and survey submissions provided by each ASC facility. Leapfrog will assign a "Not Available" score to any ASC facility that does not submit accreditation information. And it will assign a "Declined to Report" score to any ASC facility that does not provide an ASC survey response—the same score Leapfrog uses for facilities that assertedly "*suppres[s]* their data."⁵ These scores differ from the "achievement" scores Leapfrog will assign participating ASC facilities.

³ See Letter for Mary Beth Maloney, Counsel for Tenet, from Kimberly Blair, Counsel for Leapfrog at 1 (Mar. 31, 2026) ("Although the court ruling only applied to five hospitals, Leapfrog does not apply programmatic changes to individual hospitals because the Hospital Safety Grade is a national program.").

⁴ See The Leapfrog Group, *New ASC Public Reporting Program*, <https://www.leapfroggroup.org/asc-program/new-asc-public-reporting-program>.

⁵ See The Leapfrog Group, *The Leapfrog ASC Public Reporting Program Scoring Algorithms: Scoring Details for the 2026 Leapfrog ASC Public Reporting Program at 5*, https://www.leapfroggroup.org/sites/default/files/Files/2026ASCPublicReportingProgramScoringAlgorithm_202604012026_v2.0.pdf (emphasis added).

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Leapfrog's suggestion that non-participating ASCs must be actively working to "suppress" negative information is a rerun of Leapfrog's discredited theory of "non-response bias." Op. 28. Judge Middlebrooks rejected this theory, deeming the same negative inference when applied in the context of Leapfrog's Hospital Safety Grades to lack any "persuasive evidence." *Id.* Accordingly, Leapfrog's contemplated "reputational penalty" for ASCs—which appears similarly designed to "coerce participation"—would be unlawful under FDUTPA and any other state or federal consumer-protection laws that employ the same standards for deception and unfairness. Op. 23.

Accordingly, Tenet demands that Leapfrog agree that it will not rate or otherwise score any Tenet-owned ASC facility under a methodology that penalizes non-participation, reweights missing information in a punitive manner, or otherwise replicates the conduct that Judge Middlebrooks found deceptive and unfair as applied to hospitals. Please confirm in writing that Leapfrog will not rate or otherwise score any Tenet-owned ASC facility in this manner.

* * *

We respectfully request that you respond to this letter within five business days. The Plaintiff Hospitals and Tenet reserve all rights, including the right to pursue additional relief based on Leapfrog's response or failure to respond. Please preserve all documents, communications, website records, data feeds, internal approvals, and third-party instructions relating to Leapfrog's ratings on leapfroggroup.org and its ASC Public Reporting Program initiative.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP



Mary Beth Maloney
Partner

Encl.

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