NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Kellie Saunders, et al. v State of Michigan Unemployment Insurance Agency, et al.

THE MICHIGAN COURT OF CLAIMS AUTHORIZED THIS NOTICE.
THIS IS NOT A SOLICITATION FROM A LAWYER. YOU ARE NOT BEING SUED.
THIS NOTICE AFFECTS YOUR LEGAL RIGHTS.

If You Were Subject to to Improper Collection based on Agency Collection Activity on any Unemployment Insurance claim filed from March 1, 2020 to April 25, 2024, You Could be Eligible for a Payment from a Class Action Settlement

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- You may be eligible to receive a payment from a proposed $55,000,000 non-reversionary class action settlement (the "Qualified Settlement Fund").
- The class action lawsuit concerns Improper Collections based on Agency Collection Activity on any Unemployment Insurance claim filed from March 1, 2020 to April 25, 2024. Improper Collection means: money collected from a Class Member by any method: (a) while a timely protest or appeal, or a late protest or appeal with good cause, was pending, (b) after a claimant attempted to protest or appeal and was unable to access services, or (c) after a claimant submitted a protest or appeal that was not timely processed, never processed, or later deleted.
- UIA denies any wrongdoing and denies that it has any liability but has agreed to settle the lawsuit on a classwide basis.
- Eligible claimants under the Settlement Agreement will be eligible to receive one and/or two of the following Settlement benefits:
  - ❖ **Reimbursement of Amounts Collected by Agency: All Settlement Class Members who certify eligibility may recover pro rata from the Net Common Fund based on their Common Fund award points. One Common Fund award point shall be awarded for each dollar collected by the Agency and not yet refunded.**
  - ❖ **Enhanced Award: All Settlement Class Members may be allowed to certify to one or more enhanced award factors that justify greater share of the Net Common Fund. Settlement Class Members electing to certify for an enhanced award will be required to submit at least one form of agreed upon documentation in order to qualify for an enhanced settlement award.**
- For more information or to submit a claim visit **www.bwclassactions.com** or call 1-866-499-4565 Monday through Saturday, between 9:30 a.m. and 6:00 p.m. E.T.
- **Please read this notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:		Deadline(s)
Submit a Claim Form	The only way to receive payment.	Submitted or Postmarked on or Before **November 4, 2024**
Exclude Yourself By Opting Out of the Class	Receive no payment. This is the only option that allows you to keep your right to bring any other lawsuit against Defendant for the same claims if you are a Settlement Class Member.	Submitted or Postmarked on or Before **November 4, 2024**
Object to the Settlement and/ or Attend the Final Approval Hearing	You can write to the Court about why you agree or disagree with the Settlement. The Court cannot order a different Settlement. You can also ask to speak to the Court at the Final Approval Hearing on **March 20, 2025** about the fairness of the Settlement, with or without your own attorney.	Received on or Before **November 4, 2024**
Do Nothing	Receive no payment. Give up rights if you are a Settlement Class Member.	No Deadline.

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your rights** – are explained in this notice.
- The Court still will have to decide whether to approve the Settlement. Payments to class members will be made if the Court approves the Settlement and after any possible appeals are resolved.

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BASIC INFORMATION

1. Why is there a notice?

The Court authorized this notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to give "final approval" to the Settlement. This notice explains the nature of the lawsuit that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

The Hon. Brock A. Swartzle, Michigan Court of Claims is overseeing this case captioned *Kellie Saunders, et al. v State of Michigan Unemployment Insurance Agency, et al*., Case No. 22-000007-MM. The persons who brought the lawsuit are called the Class Representatives or "Named Plaintiffs". The Named Plaintiffs in this matter are Theresa Brandt, Dawn Davis, Josh Eggleston, Jennifer Hillebrand, Jennifer Larke, Anna Logan, Kellie Saunders, Cheryl Scarantino, Lisa Shephard, Erik Varga, and Eleni Zestos. The entity being sued, the State of Michigan Unemployment Insurance Agency ("UIA"), along with Agency Director Julia Dale, are called the Defendants.

2. What is this lawsuit about?

The lawsuit claims that Defendant engaged in Improper Collection activities. Improper Collection means: money collected from a Class Member by any method: (a) while a timely protest or appeal, or a late protest or appeal with good cause, was pending, (b) after a claimant attempted to protest or appeal and was unable to access services, or (c) after a claimant submitted a protest or appeal that was not timely processed, never processed, or later deleted.

Defendant denies these claims and says it did not do anything wrong. No court or other judicial entity has made any judgment or other determination that Defendant has any liability for these claims or did anything wrong.

3. Why is this lawsuit a class action?

In a class action, one or more people called class representatives or representative plaintiffs sue on behalf of all people who have similar claims. Together, all of these people are called a class, and the individuals are called class members. One court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiff or Defendant. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to members of the Settlement Class ("Settlement Class Members"). The Class Representatives appointed to represent the Settlement Class and the attorneys for the Settlement Class ("Class Counsel," *see* Question 18) think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are affected by the Settlement and potentially a member of the Settlement Class if the State of Michigan Unemployment Insurance Agency collected the money from you by any method: (a) while a timely protest or appeal, or a late protest or appeal with good cause, was pending, (b) after a claimant attempted to protest or appeal and was unable to access services, or (c) after a claimant submitted a protest or appeal that was not timely processed, never processed, or later deleted.

6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, you may call 1-866-499-4565 with questions. You may also write with questions to:

Saunders v UIA Improper Collections Class Action
c/o Analytics Consulting LLC
PO Box 2010
Chanhassen, MN 55317-2010
www.bwclassactions.com

THE SETTLEMENT BENEFITS – WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

Under the Settlement, UIA has agreed to pay $55,000,000.00 into a Qualified Settlement Fund. All Class Members may submit claims to receive Pro Rata Cash Payments to compensate for any Improper Collection. In addition to these cash payments, Class Members who believe they suffered additional damages are allowed to submit a claim for one or more enhanced award factors that justify a greater share of the Net Common Fund. Claims will be pro rata adjusted up or down based on the balance of the Settlement Fund after payments for a) reasonable attorneys' fees; b) litigation costs and expenses to Class Counsel; c) the expenses of the Settlement Administrator, Notice Administrator, and QSF Settlement Administrator; and d) the Named Plaintiffs' Service Payment. UIA has also agreed to implement or continue a series of procedural changes to limit the likelihood of future Improper Collections.

HOW DO YOU SUBMIT A CLAIM?

8. How do I get a benefit?

To receive a benefit under the Settlement, you must complete and submit a Claim Form (a "Claim"). Every Claim must be made on a form ("Claim Form") available at **www.bwclassactions.com** or by calling 1-866-499-4565. Read the instructions carefully, fill out the Claim Form, provide the required documentation (if appropriate), and submit it according to the instructions on the Claim Form.

9. How will claims be decided?

The Settlement Administrator, Analytics, will decide whether and to what extent any Claim made on each Claim Form is valid. The Settlement Administrator may require additional information. If you do not provide the additional information in a timely manner then the Claim will be considered invalid and will not be paid.

10. When will I get my payment?

The Court will hold a Final Approval Hearing on **March 20, 2025 at 10:00 a.m. EST** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving those can take time, perhaps more than a year. It also takes time for all the Claim Forms to be processed. Please be patient.

WHAT DOES DEFENDANT GET?

11. What am I giving up as part of the Settlement?

The Defendant gets a release from all claims covered by this Settlement. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendant and other persons ("Released Parties") as to all claims ("Released Claims") arising out of or relating to the improper collection. This release is described in the Settlement Agreement, which is available at **www.bwclassactions.com**. If you have any questions you can talk to the law firms listed in Question 18 for free or you can talk to your own lawyer.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to be part of this Settlement, then you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as "opting out" of the Settlement Class.

12. If I exclude myself, can I get a payment from this Settlement?

No. If you exclude yourself, you will not be entitled to receive any benefits from the Settlement, but you will not be bound by any judgment in this case.

13. If I do not exclude myself, can I sue Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant (and any other Released Parties) for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any

different lawsuit relating to the claims in this case. If you want to exclude yourself, do not submit a Claim Form to ask for any benefit under the Settlement.

14. How do I exclude myself from the Settlement?

To exclude yourself, send a letter that says you want to be excluded or opt-out from the Settlement in *Kellie Saunders, et al. v State of Michigan Unemployment Insurance Agency, et al*., Michigan Court of Claims, Case No. 22-000007-MM. The letter must: (a) state your full name, address, and telephone number; (b) contain your personal and original signature or the original signature of a person authorized by law to act on your behalf; and (c) state unequivocally your intent to be excluded from the Settlement. You must mail your exclusion request postmarked by **November 4, 2024**, to:

Saunders v UIA Improper Collections Class Action
Attn: Exclusion Request
PO Box 2010
Chanhassen, MN 55317-2010

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I do not like the Settlement?

You can tell the Court that you do not agree with the Settlement or some part of it by objecting to the Settlement. The Court will consider your views in its decision on whether to approve the Settlement. The Court can only approve or deny the Settlement and cannot change its terms. To object, timely written notice of an objection in the appropriate form must be filed with the Clerk of the Court on or before the Objection Deadline: **November 4, 2024**. The address for the Clerk of Court is Michigan Court of Claims, Hall of Justice, 925 W. Ottawa St., P.O. Box 30185, Lansing, MI 48909.

Your objection must be written and must include all of the following: (i) the objector's full name, address, telephone number, and email address (if any); (ii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class; (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (iv) the identity of all counsel representing the objector; (v) the identity of all counsel representing the objector who will appear at the Final Approval Hearing; (vi) a list of all Persons who will be called to testify at the Final Approval Hearing in support of the objection; (vii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and (viii) the objector's signature and the signature of the objector's duly authorized attorney or other duly authorized representative, along with documentation setting forth such representation.

16. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any payment or benefit from the Settlement. If you exclude yourself, then you have no basis to object because you are no longer a member of the Settlement Class and the case no longer affects you. If you submit both a valid objection and a valid request to be excluded, you will be deemed to have only submitted the request to be excluded.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed David Blanchard of the law firm of Blanchard & Walker PLLC as Class Counsel to represent the Class.

18. How will the lawyers be paid?

Class Counsel will ask the Court for an award for attorneys' fees up to one-third of the Qualified Settlement Fund ($18,333,333.33), plus reasonable litigation expenses, as well as service awards of $25,000.00 for each Class Representative. Defendant has not objected to any award of attorneys' fees, costs, and expenses up to those amounts, to the extent they are approved by the Court. This payment for any attorneys' fees and expenses to Class Counsel and service awards will be made

out of the Qualified Settlement Fund. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Any award for attorneys' fees and expenses for Class Counsel and any Service Awards must be approved by the Court. The Court may award less than the amount requested. Class Counsel's papers in support of final approval of the Settlement will be filed no later than **February 27, 2025** and their application for attorneys' fees, costs, and expenses will be filed no later than **February 27, 2025** and will be posted on the settlement website.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at **10:00 a.m. EST** on **March 20, 2025**, at the Michigan Court of Claims, Hall of Justice, 925 W. Ottawa St., Lansing, MI 48909 or by remote or virtual means as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, then the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the request for an award of attorneys' fees, reasonable costs and expenses, and any service awards. After the hearing the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommend checking **www bwclassactions.com** or calling 1-866-499-4565.

21. Do I have to attend the hearing?

No. Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 15, the Court will consider it.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the final approval hearing. To do so, you must file an objection according to the instructions in Question 16, including all the information required. Your objection must be **filed** with the Clerk of the Court no later than **November 4, 2024**. See No. 16 for further details on the requirements for submitting an objection to the Settlement.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you meet the definition of a class member, and you do nothing you will not get any money from this Settlement. If the Settlement is granted final approval and the judgment becomes final, then you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant and the other Released Parties based on any of the Released Claims related to the improper collection, ever again.

GETTING MORE INFORMATION

24. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at **www.bwclassactions.com**. You may also call the Settlement Administrator with questions or to receive a Claim Form at 1-866-499-4565.

This Notice is approved by the Michigan Court of Claims. **DO NOT CONTACT THE COURT DIRECTLY IF YOU HAVE QUESTIONS ABOUT THE SETTLEMENT.** Please contact the Settlement Administrator or Class Counsel if you have any questions about the Settlement.