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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 RETIREE SUPPORT GROUP OF CONTRA  
11 COSTA COUNTY, MICHAEL SLOAN,  
DEBORAH ELITE, SUSANNE BEADLE, BILLIE  
12 JOE WILSON ELKIN, ALYN GOLDSMITH,  
AND ALICE GROTHMANN,

13 Plaintiffs,

14 v.

15 CONTRA COSTA COUNTY,

16 Defendant.

No. C 12-00944 JST

SUBMISSION RE OPT-OUT PROCESS AND  
17 ~~PROPOSED~~ ORDER

Judge: Jon S. Tigar  
Courtroom 9, 19th Floor

18 Pursuant to Paragraph 1 of the Court’s August 2, 2016 Order Adopting Curative Notice and  
19 Setting Distribution Schedule (ECF 202), the parties and AFSCME Retiree Chapter 57 hereby file  
20 this submission and proposed order. The parties and AFSCME Retiree Chapter 57 have met and  
21 conferred with regard to the within Settlement Administrator Procedure For Certain Opt-Outs and  
22 have agreed upon its form, including all attachments.  
23

24 By: s/ Jeffrey Lewis  
Jeffrey Lewis, SBN 66587  
*Attorneys for Plaintiffs and the Class*

25 By: s/ Lorrie E. Bradley  
Lorrie E. Bradley, SBN 309411  
*Attorneys for AFSCME Retiree Chapter 57*

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By: s/ Raymond F. Lynch  
Raymond F. Lynch, SBN 119065  
*Attorneys for Defendant Contra Costa County*

The Court having reviewed the within documents, it is hereby ORDERED that the Settlement Administrator shall follow the procedure and use the forms set forth therein.

IT IS SO ORDERED

Dated: August 8, <sup>2016</sup>~~2106~~

  
\_\_\_\_\_  
JON S. TIGAR  
United States District Judge

**SIGNATURES UNDER GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the United States District Court, Northern District of California, I, Jeffrey Lewis—the ECF User whose User ID and Password are used in the filing of this document—hereby attests that the concurrence to the filing of this document has been obtained from each of the other signatories to this document.

s/ Jeffrey Lewis  
Jeffrey Lewis, SBN 66587

## **SETTLEMENT ADMINISTRATOR PROCEDURE FOR CERTAIN OPT-OUTS**

Pursuant to Paragraph 1 of the Court's August 2, 2016 Order (ECF 202), the parties to this action and AFSCME Retiree Chapter 57 ("Chapter 57") hereby submit to the Court the following proposed procedure regarding certain opt-outs that have been or may be submitted to the Settlement Administrator.

1. This procedure applies to certain purported opt-outs submitted to the Settlement Administrator at any time from the date of mailing of the Court's original Notice to the Class through the 5<sup>th</sup> business day after the mailing by the Settlement Administrator of the Corrective Notice ordered by the Court ("opt-outs"). These opt-outs are limited to those submitted by or on behalf of any person on the list produced to the Settlement Administrator by Chapter 57 pursuant to ECF 202.

2. This procedure does not apply to any purported opt-outs that are in the form sent by Chapter 57, as the Court already has found those to be invalid and they shall not be submitted to the Court by the Settlement Administrator. The definition of "opt-outs" in Paragraph 1 above therefore shall not include such purported opt-outs.

3. By the 7<sup>th</sup> business day after the date it mailed the Court's Corrective Notice, the Settlement Administrator shall call each person who submitted an opt-out if the opt-out contains a telephone number. If there is no answer, the Settlement Administrator shall leave a voicemail message, if possible. If there is no voicemail possible or if the person submitting the opt-out does not reply within 48 hours, the Settlement Administrator shall call again.

4. Upon reaching the person submitting the opt-out by telephone, the Settlement Administrator shall use the script attached hereto as Exhibit A. If the person has further questions, the Settlement Administrator shall refer them to counsel for Plaintiffs and the Class.

5. The Settlement Administrator shall keep a log of all attempted and completed calls to and from Class Members who submitted opt-outs, including the time(s) and date(s) of the calls to and from such Class Members, the result of each call (e.g., left voicemail, talked to the person), whether the person was referred to Class Counsel for further information, and whether the person specified that he or she wanted to withdraw his or her opt-out.

6. If the opt-out form does not include a telephone number for the Class Member, or the Class Member has not returned the Settlement Administrator's calls (made pursuant to Paragraph 3, above), then the Settlement Administrator shall send by U.S. mail (and, if the Class Member has included an e-mail address in his or her opt-out, by e-mail) a letter conforming to Exhibit B attached hereto. The Settlement Administrator shall keep a log of such letters sent and of written and/or oral responses to such letters.

7. For any Class Member who indicates orally, but not in writing, that he or she wishes to withdraw his or her opt-out, the Settlement Administrator shall send to that person by U.S. mail (and, if the Class Member has included an e-mail address in his or her opt-out, by e-mail), a letter in the form of Exhibit C hereto confirming that the Class Member has elected to withdraw the opt-out.

Exhibit A: Script for Telephone Calls

My name is \_\_\_\_\_ and I work for the neutral Settlement Administrator appointed by the United States District Court in the case involving your retiree medical benefits from Contra Costa County.

We received a document from you in which you expressed your desire to opt out of the proposed settlement of the case. Because you received a mailing from AFSCME Retiree Chapter 57 that contained what the judge has found to be false and misleading information, I am calling to follow up on your opt-out. The court has had a corrective notice sent to you. We mailed that notice on August 8, 2016. Did you receive that corrective notice? *[If the Class Member is unsure because a number of notices and letters have been sent to class members, the Settlement Administrator shall reference some of the specific language of the Corrective Notice and distinguish it from the original Notice from the Court, the letter sent by an AFSCME retiree group, and the mailing from the Retiree Support Group, as necessary.]*

*If the Class Member indicates that he or she did receive it, then proceed as follows:* Have you read it?

*If the Class Member states that he or she has received and read it, then continue as follows:* After reading it, is it still your desire to opt out of the settlement?

*If the answer is “yes”, then continue as follows:* We will retain your opt-out and file it with the Court.

*If the answer is “no”, then continue as follows:* We will withdraw your opt-out and send you confirmation in writing.

*If the Class Member states that he or she has not read it, then continue as follows:* The Court recommends that you read it before finally deciding whether you want to keep your opt-out on record. Do you want to do that and call us back?

*If the answer is “yes”, then continue as follows:* Thank you. Here is our telephone number. Please call us back at your earliest convenience.

*If the answer is “no,” then continue as follows:* Do you want to stay with your decision to opt out of the settlement?

*If the answer is “yes: Thank you. We will make sure to forward your opt-out to the Court.*

*If the answer is “no”, then continue as follows:* We will withdraw your opt-out and send you confirmation in writing.

*If the Class Member indicates that he or she did not receive it, then proceed as follows:*  
The Court believes that it is in your interest to read the Corrective Notice it has issued.  
Do you want us to re-send that notice to you?

*If the answer is “yes”, then obtain the correct address and, if possible, an e-mail address from the Class Member and state:* We will send the Court’s corrective notice to you right away. Please call us after you have received it and let us know if you still want to opt out of the settlement. *[Settlement Administrator to follow up by telephone if does not hear back from Class Member].*

*If the answer is “no”, then ask the Class Member:* Do you want to stay with your decision to opt out of the settlement.

*If the answer is “yes,” then state:* We will make sure to forward your opt-out to the Court.

*If the answer is “no”, then continue as follows:* We will withdraw your opt-out and send you confirmation in writing.

Exhibit B: Letter to Certain Class Members

**IMPORTANT NOTICE ABOUT YOUR RIGHTS TO RETIREE MEDICAL BENEFITS**

Dear «FirstName» «LastName»:

We are the neutral Settlement Administrator appointed by the United States District Court in the case involving your retiree medical benefits from Contra Costa County. That case is *Retiree Support Group v. Contra Costa County*, No. 12-cv-00944-JST (United States District Court, Northern District of California).

We received a document from you in which you expressed your desire to opt out of the proposed settlement of the case. Because you received a mailing from AFSCME Retiree Chapter 57 that contained what the judge has found to be false and misleading information, we are writing to follow up on your opt-out.

At the court's direction, we recently mailed to you a corrective notice about the proposed settlement of the case. That corrective notice informed you that the AFSCME Retiree Group 57 mailing contained what a federal judge has determined was false and misleading information. (The AFSCME Retiree Group 57 mailing was on its letterhead. The Court's corrective notice says "UNITED STATES DISTRICT COURT" at the top and is entitled "CORRECTIVE NOTICE REGARDING CLASS ACTION SETTLEMENT.")

We mailed the corrective notice to you on August 8, 2016. Because you sent in your opt-out before or shortly after we sent the corrective notice to you, we are writing in order to find out whether you want to reconsider your decision to opt out now that you should have received the corrective notice.

**Please contact us immediately if either of the following two things is the case:**

- 1. You received the court's corrective notice and want to withdraw your opt-out; or**
- 2. You did not receive or are not sure whether you received the court's corrective notice.**

If you do not contact us by the close of business on September 6, 2016, your opt-out will be forwarded to the Court and you will not receive the benefits of the proposed settlement if the Court approves it.

You can contact us in any of the following ways:

*Retiree Support Group of Contra Costa County v. Contra Costa County*  
c/o Simpluris, Inc.  
P.O. Box 26170  
Santa Ana, CA 92799  
Toll Free Telephone: (888) 369-6079

Exhibit C: Letter to Class Members Confirming Opt-out Withdrawals

**IMPORTANT NOTICE ABOUT YOUR RIGHTS TO RETIREE MEDICAL BENEFITS**

Dear «FirstName» «LastName»:

We are the neutral Settlement Administrator appointed by the United States District Court in the case involving your retiree medical benefits from Contra Costa County. That case is *Retiree Support Group v. Contra Costa County*, No. 12-cv-00944-JST (United States District Court, Northern District of California).

We are writing in order to confirm our telephone conversation of \_\_\_\_\_, 2016 in which you informed us that you wish to withdraw the opt-out that you had previously sent to us regarding the settlement of that lawsuit. **If we have misunderstood and you do want to opt out of the proposed settlement, please inform us as soon as possible.**

You can contact us in any of the following ways:

*Retiree Support Group of Contra Costa County v. Contra Costa County*  
c/o Simpluris, Inc.  
P.O. Box 26170  
Santa Ana, CA 92799  
Toll Free Telephone: (888) 369-6079

**If we understood you correctly and you do want us to withdraw your opt-out, you do not need to do anything further.**