

STATE OF MICHIGAN
COURT OF CLAIMS

DAVID HOREIN, ET.AL.,

COC No. 23-000063-MM

Plaintiffs,

HON. JAMES REDFORD

v

MICHIGAN DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

CLASS ACTION SETTLEMENT
MOTION TO CERTIFY CLASS

Defendant.

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**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT
AGREEMENT DATED JANUARY 31 2024, CERTIFICATION OF SETTLEMENT
CLASS UNDER MCR 3.501(B)(3)(B), APPOINTMENT OF CLASS
REPRESENTATIVES AND CLASS COUNSEL, APPOINTMENT OF SPECIAL
MASTER, APPOINTMENT OF CLAIMS ADMINISTRATOR AND QUALIFIED**

**SETTLEMENT FUND, APPROVAL OF PROPOSED CLASS NOTIFICATION PLAN,
APPROVAL OF PROPOSED CLASS NOTICES, APPROVAL OF PROPOSED PLAN
OF ALLOCATION, APPROVAL OF THE POOL FOR ADMINISTRATIVE COSTS
AND ATTORNEY'S FEES, AND APPROVAL OF CASE MANAGEMENT ORDER AND
TIMELINE**

MOTION

Plaintiffs David and Kortni Horein, parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf of D.H. and A.B. and a class of similarly situated Minor Children; and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff and Hawk Kennedy, individually and on behalf of similarly-situated adults, by and through their attorneys, move for an Order certifying this action as a class action, for settlement purposes only, under MCR 3.501. Along with class certification, Plaintiffs also request that the Court approve the Settlement Agreement, appoint the Horeins, the Bonters, Jones, Smith, Vance, Mason, Padula, Payne, Woodruff and Kennedy as Class Representatives, appoint Plaintiffs' counsel as Class Counsel, appoint William W. Jack as Special Master, appoint Analytics Consulting LLC as Claims Administrator and Huntington National Bank as QSF, approve the proposed class notification plan, approve the proposed class notices, approve the proposed plan of allocation, including potential awards for service to the class, approve the Pool of funds for Administrative Costs and Attorney's Fees, and approve the case management order and timeline.

Defendant does not oppose the requested relief. The Court has scheduled a hearing on these issues for February 16, 2024.

RELIEF REQUESTED

1. Plaintiffs seek certification of two settlement classes, defined as:
 - a. **Patient Plaintiff Class** or **Patient Plaintiffs** means individuals who were patients at the Hawthorn Center and were present in the

Hawthorn Center on December 21, 2022, between the hours of 9:00 a.m. and 11:00 a.m.

- b. **Staff Plaintiff Class** or **Staff Plaintiffs** means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes a special subclass whose Class Representatives are Brandon Woodruff and Hawk Kennedy and whose only members are Brandon Woodruff and Hawk Kennedy.¹

2. Plaintiffs request that the Court Approve the Settlement Agreement.

3. Plaintiffs request that the Court certify the two Settlement Classes under MCR 3.501 (B)(3)(B).

4. Plaintiffs the Horeins H/W, the Bonters H/W, Jones, Smith, Vance, Mason, Padula, Payne, Woodruff, and Kennedy request that they be appointed Class Representatives.

5. Plaintiffs further request that Pitt, McGehee, Palmer, Bonanni & Rivers, PC, and Michele P. Fuller (P53316) be appointed as Class Counsel.²

6. Plaintiffs request that William W. Jack, Jr., (P23403) be appointed Special Master.

7. Plaintiffs request that Analytics Consulting be approved as Claims Administrator and that Huntington National Bank be appointed QSF.

¹ Mr. Kennedy is represented by separate counsel, Nancy K. Chinonis of Cline, Cline & Griffin.

² Mr. Kennedy retains his separate counsel for all purposes except those that regard his role as a member of the special subclass for settlement, where he does not oppose the role of Pitt McGehee Palmer Bonanni & Rivers, PC as Class Counsel.

8. Plaintiffs request their proposed methods of Notice of the Settlement to each of the Settlement Classes be approved by this Court.

9. Plaintiffs request that the Court approve the Proposed Plan of Allocation, which includes potential awards for service to the class.

10. Plaintiffs request that the Court approve a lump sum equal to 1/3 of the Gross Settlement Amount be allocated to a Pool for the payment of all Administrative Costs and Attorney's fees.

11. Finally, Plaintiffs' request that the Court approve the proposed case management order and timeline.

12. In support of this motion, Plaintiffs rely on the Brief and Declarations filed contemporaneously with this motion.

13. Defendant does not oppose the relief requested in this motion.

Respectfully submitted,

PITT, MCGEHEE, PALMER & RIVERS, P.C.

/s/ Robin B. Wagner

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DATED: January 31, 2024

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**BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT AGREEMENT DATED JANUARY 31 2024, CERTIFICATION OF
SETTLEMENT CLASS UNDER MCR 3.501(B)(3)(B), APPOINTMENT OF CLASS
REPRESENTATIVES AND CLASS COUNSEL, APPOINTMENT OF SPECIAL
MASTER, APPOINTMENT OF CLAIMS ADMINISTRATOR AND QUALIFIED**

**SETTLEMENT FUND, APPROVAL OF PROPOSED CLASS NOTIFICATION PLAN,
APPROVAL OF PROPOSED CLASS NOTICES, APPROVAL OF PROPOSED PLAN
OF ALLOCATION, APPROVAL OF POOL FOR ADMINISTRATIVE COSTS AND
ATTORNEY'S FEES, AND APPROVAL OF CASE MANAGEMENT ORDER AND
TIMELINE**

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STATEMENT OF ISSUES PRESENTED

1. Should the Court certify the Settlement Class, which satisfies the requirements of class certification under MCR 3.501?

Answer: Yes.

2. Should the Court appoint Plaintiffs David and Kortni Horein, next friends to D.H., Mollie and Brent Bonter, next friends to A.B., Jones, Smith, Vance, Mason, Padula, Payne, Woodruff and Kennedy as Class Representatives?

Answer: Yes.

3. Should the Court appoint Pitt McGehee Palmer Bonanni & Rivers, PC as Class Counsel and Michele Fuller as Co-class counsel for the Patient Class³?

Answer: Yes.

4. Should the Court grant preliminary approval of the class action settlement?

Answer: Yes.

5. Should the Court approve the proposed Class Notices?

Answer: Yes.

6. Should the Court approve the proposed Class Notification Plan?

Answer: Yes.

7. Should the Court appoint Analytics Consulting LLC as Claims Administrator and Huntington National Bank as QSF?

Answer: Yes.

8. Should the Court approve the proposed Plan of Allocation?

³ Mr. Kennedy has retained separate counsel to represent him in this matter, with the exception that he does not oppose the appointment of Pitt McGehee Palmer Bonanni & Rivers, PC as Class Counsel to represent as necessary in his capacity as Representative for the special subclass and as a Member of that special subclass.

Answer: Yes.

9. Should the Court appoint William P. Jack, Jr., as Special Master?

Answer: Yes.

10. Should the Court approve the allocation of 1/3 of the Gross Settlement Amount for all Administrative Costs and Attorney's fees?

Answer: Yes.

11. Should the Court approve service awards to David and Kortni Horein, for the benefit of D.H., Mollie and Brent Bonter, for the benefit of A.B., Jones, Smith, Vance, Mason, Padula, Payne, Woodruff, and Kennedy?

Answer: Yes.

12. Should the Court approve the proposed Case Management Order and Timeline?

Answer: Yes.

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I. Introduction.

Plaintiffs David and Kortni Horein, next friends to D.H., Mollie and Brent Bonter, next friends to A.B., on behalf of D.H. and A.B., and Jones, Smith, Vance, Mason, Padula, and Payne, filed this class action lawsuit on behalf of themselves and other patients and staff who were present at the Hawthorne Center on the morning of December 21, 2022, alleging constitutional violations from an active intruder drill held that day.

Plaintiffs seek certification, *for settlement purposes only*, of the following two classes:

A. Patient Plaintiff Class or **Patient Plaintiffs** means individuals who were patients at the Hawthorn Center and were present in the Hawthorn Center on December 21, 2022, between the hours of 9:00 a.m. and 11:00 a.m.

B. Staff Plaintiff Class or **Staff Plaintiffs** means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes a special subclass comprising only Brandon Woodruff and Hawk Kennedy and represented by Woodruff and Kennedy.⁴

For the reasons explained below, 1) the Settlement Class should be certified, 2) the Settlement Agreement should be approved, 3) Plaintiffs David and Kortni Horein, next friends to D.H., Mollie and Brent Bonter, next friends to A.B., on behalf of D.H. and A.B., and Jones, Smith, Vance, Mason, Padula, Payne, Woodruff, and Kennedy, should be named Class Representatives, 4) Plaintiffs' counsel Pitt, McGehee, Palmer, Bonanni & Rivers and Michigan Law Center, PLLC, should be appointed Class Counsel, 5) William W. Jack, Jr., should be named Special Master, 6)

⁴ Mr. Kennedy is represented by separate counsel, Nancy K. Chinonis of Cline, Cline & Griffin.

Analytics Consulting LLC should be named Claims and Huntington National Bank the QSF Administrator, 7) the proposed Class Notification Plan and Notice should be approved, 8) the proposed Plans of Allocation should be approved, 9) the proposed Class Representative service awards should be approved, 10) a Pool equal to 1/3 of the Gross Settlement Amount should be approved for Administrative Costs and Attorney's Fees, and 11) the Scheduling Order and Case Management Plan should be approved.

Defendant does not oppose the relief requested and Plaintiff Hawk Kennedy, through his counsel, supports this motion.

II. Background.

A. Statement of Facts.

The Hawthorn Center is located at 18471 Haggerty Road in Northville, Michigan. The Hawthorn Center is a Children's Psychiatric Hospital owned and operated by the Michigan Department of Health and Human Services, an administrative department of the State of Michigan reporting directly to the Governor. On December 21, 2022, approximately 50 children were patients at the Hawthorn Center for inpatient psychiatric treatment. Approximately 110 employees, including childcare workers, psychologists and social workers, nurses, physicians, maintenance workers, housekeepers, office staff, teachers, and food preparers, were also present and on duty. The main entrance to the Hawthorn Center, which has since been razed to make way for a new facility to be constructed on that site, was staffed by a security guard and a front desk clerical worker.

Mid-morning on December 21, 2022, the Hawthorn Center held an "Active Shooter" drill. The staff and patients in the facility did not have advanced notice that the drill was not a real event. A front desk worker was ordered to announce over the building loudspeaker that there were armed intruders in the building, one Black man and one white man, with automatic weapons. A second

announcement indicated that shots had been fired. Nearly all staff and patients believed the truth of the announcement.

Plaintiffs allege that the drill caused the 50 children and over 100 adults under their care and responsibility to experience extreme trauma and distress that continues to cause them pain.

Employees, hiding under their desks and barricading the doors to the areas where they hid with the children in their care, called 911, texted their last messages of love to family, and waited in extreme fear, praying that they would not die. Because the Hawthorn Center had not provided law enforcement with any advanced warning about the drill, some 50 police and state troopers from multiple jurisdictions responded to the Hawthorn Center, armed themselves with automatic weapons and armor, and prepared to confront the active shooters described over the intercom and relayed to them through 911. People in the Hawthorn Center who were not sure if this was a drill or not, saw the police response assembling outside the building and believed that this was a genuine mass-shooter attack. See NBC News, “Active Shooter Drill Sparks Fear & Confusion”, available at <https://www.nbcnews.com/now/video/active-shooter-drill-sparks-fear-and-confusion-atmichigan-children-s-facility-166159429854> (Last visited April 14, 2023) and Northville Township, Michigan, “Police Respond to Hawthorn Center’s Surprise Drill”, available at <https://www.twp.northville.mi.us/Home/Components/News/News/188/15> (last visited April 15, 2023), for press reports with dash cam, body cam, and audio footage of this December 21, 2022, incident.

Meanwhile, Hawthorn Official Derek Leppek ordered maintenance workers Brandon Woodruff, a Black man, and Hawk Kennedy, a white man, to walk through the entire building playing the “role” of the active shooters. Only Woodruff and Kennedy had no idea that the children and colleagues at the Hawthorn Center did not know this was “only a drill” and were unaware that

the police had been called and had arrived in great force to neutralize the mass shooters who had been described over the building loudspeakers as a white man and a Black man armed and firing shots. When Woodruff and Kennedy left the building, having completed the “drill,” a group of armed police confronted them and yelled at them to get down on the ground. They were arrested and held in police custody outside the Hawthorn Center as the police responding to the incident confirmed their identities and ascertained the facts of the “drill” from Hawthorn Center officials.

This unannounced mass-shooter “drill” may have lasted less than an hour, but Plaintiffs allege it has indelibly scarred the patients and adults at the Hawthorn Center that morning. Plaintiffs representing the class describe severe post-traumatic stress conditions that have caused them to miss work, struggle in their family relationships, and suffer from numerous ailments related to severe anxiety and depression brought on by the horror they experienced.

B. Procedural History and Settlement Discussions.

Plaintiffs filed this action in the Court of Claims on April 28, 2023. Additionally, Plaintiffs filed a related action against individual defendants in the Wayne County Circuit Court, *Horein et al. v Petti et al.*, No. 23-005451-CZ (Wayne CC). Three other matters, *Woodruff v MDHHS*, No. 23-000071-MM (COC); *Woodruff v Petti et al.*, No. 23-006141-CZ (Wayne CC); *Kennedy v Petti et al.*, No. 23-010125-CZ (Wayne CC) also arise out of the same core operative facts as this action; therefore, at the parties joint request, the Court of Claims and the Wayne County Circuit Court have agreed to dismiss without prejudice the other cases, *Horein et al. v Petti et al.*, No. 23-005451-CZ (Wayne CC), *Woodruff v MDHHS*, No. 23-000071-MM (COC), *Woodruff v Petti et al.*, No. 23-006141-CZ (Wayne CC), *Kennedy v Petti et al.*, No. 23-010125-CZ (Wayne CC), and consolidate all five actions under this one for settlement purposes.⁵

⁵ Wayne County Circuit Court, No. 23-005451-CZ, Order entered on November 17, 2023, by Hon. Leslie K. Smith; Court of Claims, No. 23-000071-MM, Order entered on November 20,

Before additional litigation ensued, the parties engaged in a mediated settlement process to resolve all claims on behalf of Plaintiffs seeking to represent the Staff Plaintiff Class and the Patient Plaintiff Class, as well as the claims brought by Mr. Woodruff. Mr. Kennedy, represented by separate counsel, filed his case in August of 2023, and he joined his claims to the mediated settlement conversations as a member of the class. Mr. Woodruff and Mr. Kennedy, without objection from Defendant, agreed to participate in the negotiated settlement as a Special Sub-Class of the Staff Plaintiff Class.

With the assistance of a neutral mediator, attorney William W. Jack, Jr., the parties engaged in extensive settlement negotiations from August through November of 2023. On November 8, 2023, the parties reached an agreement to resolve all claims arising from the unannounced “active shooter drill” of December 21, 2022, for \$13,000,000, inclusive of all attorney’s fees and costs. On January 31, 2024, the parties executed a Settlement Agreement. (See Exhibit 1).

Plaintiffs now seek, through a contemporaneously filed motion to certify the proposed settlement classes and appoint class counsel so that the terms of the Settlement Agreement can be presented to the Court through this motion for preliminary approval and distribution of notice. Defendants do not oppose the relief requested in this motion.⁶

2023, by Hon. James Robert Redford; Wayne County Circuit Court, No. 23-006141-CZ, Order entered on November 17, 2023, by Hon. Leslie K. Smith; Wayne County Circuit Court, No. 23-010125-CZ, Order entered on November 17, 2023, by Hon. Leslie K. Smith.

⁶ Mr. Kennedy has retained separate counsel to represent him in this matter, with the exception that he does not oppose the appointment of Pitt McGehee Palmer Bonanni & Rivers, PC as Class Counsel to represent as necessary in his capacity as Representative for the special subclass and as a Member of that special subclass.

III. The Court Should Approve the Settlement Agreement

A. General Principles Governing Class Settlement Approval

Settlement approval “involves a two-step process in which the Court first determines whether a proposed class action settlement deserves preliminary approval and then, after notice is given to class members, whether final approval is warranted.” *Nat’l Rural Telecomm. Coop. v. DirectTV, Inc.*, 221 F.R.D. 523, 525 (C.D. Cal. 2004); see also Manual for Complex Litigation §§ 21.632-634 (4th ed. 2004). As a general rule, “[t]he validity of use of a temporary settlement class is not usually questioned.” Alba Conte & Herbert B. Newberg, 4 Newberg on Class Actions § 11:22 (4th ed. 2002).

Preliminary approval first requires a determination that the settlement class meets the requirements for class certification and second that the settlement is fair, reasonable, and adequate. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1025-26 (9th Cir. 1998). For the reasons set forth above, the settlement class meets the requirements for class certification. For the reasons set forth below, the proposed settlement is fair, reasonable, and adequate. Typically, this analysis inquires into “obvious deficiencies,” with preliminary approval granted if the settlement is non-collusive and within the range of possible final approval. *In re Tableware Antitrust Litig.*, 484 F. Supp. 2d 1078, 1079 (N.D. Cal. 2007); see also *Ruch v. AM Retail Grp, Inc.*, No. 14-cv-05352-MEJ, 2016 WL 1161453, at *11 (N.D. Cal. Mar. 24, 2016)(focusing preliminary approval on “non-collusive negotiations,” the lack of “obvious deficiencies,” and “preferential treatment,” and whether the overall settlement is “within the range of possible approval”); Alba Conte and Herbert B. Newberg, 4 Newberg on Class Actions, § 11.41 (4th ed. 2006).

At the preliminary stage, Courts may focus on the following factors, which are also further assessed at the final approval stage: (1) “the strength of the plaintiffs’ case,” “the risk, expense, complexity, and likely duration of further litigation,” and “the risk of maintaining class action

status throughout the trial,” (2) the amount offered in settlement,” (3) “the extent of discovery completed and the stage of the proceedings,” and (4) the experience and views of counsel.” *Hanlon*, 150 F.3d at 1026. In addition, courts review “the presence of a governmental participant” and “the reaction of the class members to the proposed settlement.” *Id.* In this case, Defendant is a “governmental participant,” and the reaction of class members cannot be measured at this stage.

B. Litigation Concerns Regarding Strength, Risk, Expense, Complexity, and Duration all Support Approval of the Proposed Class Settlement

Here, while Plaintiffs are confident in the merits of their case, they also recognize that there are significant concerns regarding the expense, complexity, and duration of further litigation, which would involve costly electronic discovery, depositions, and lengthy trial proceedings. The proposed settlement achieves a substantial recovery for the Plaintiff class members while avoiding the expense, complexity, and extended duration of further litigation.

C. The settlement amount is appropriate.

“[P]erhaps the most important factor” courts consider in determining whether to grant preliminary approval is “plaintiffs’ expected recovery balanced against the value of the settlement offer.” *Cotter v. Lyft, Inc.*, 176 F. Supp. 3d 930, 935 (ND Cal 2016)(internal quotation marks omitted).

In this case, individuals’ damages arise from the infliction of pain, suffering, and emotional distress—all individualized but capable of analysis for the Staff Plaintiff Class through the use of a neutral forensic psychological assessment team. For the Patient Plaintiff Class, Plaintiffs Bonner and Horein strongly recommended that each patient in the class receive an equal portion for pain, suffering, and emotional distress. This recommendation is informed by the fact that their own children, D.H. and A.B., along with the other 48 members of the Patient Class are children with disabilities related to neurological and psychiatric conditions and the parties seek to avoid the

complications and challenges of assessing psychological impact of a specific trauma on children who already have significant psychological, neurological, and/or psychiatric conditions.

The parties worked with a neutral mediator to document the impact of the incident on the Staff Plaintiffs and arrive at an aggregate settlement amount that would suffice to provide meaningful compensation for each individual's pain and suffering. In addition to those compensatory damages, class members may be eligible for additional awards related to their contributions to the class. Attorneys' fees and costs will be paid from the total settlement fund, as well as the costs of claims and notice administration.

Thus, the proposed settlement of \$13,000,000.00 is fair, reasonable, and adequate compensation for the Class members, in light of the potential value of their claims, because such an amount provides for (1) meaningful compensation to each class member for pain and suffering, plus (2) the potential of additional compensation for service to the class, plus (3) attorneys' fees and costs, as well as (4) the costs of claims and notice administration.

D. The Extent of Discovery Supports Settlement

A settlement requires adequate discovery. The touchstone of the analysis is whether "the parties have sufficient information to make an informed decision about settlement," including formal and informal discovery. *In re Mego Fin Corp Sec Litig*, 213 F.3d 454, 459 (9th Cir. 2000). Here, the State allowed for FOIA discovery of substantial communications and records related to the incident of December 21, 2022, which included important admissions from senior officials that the "active shooter drill" violated norms and expected protocols for the safe administration of a children's psychiatric hospital. Once Plaintiffs' counsel reviewed these materials, the Parties engaged the services of William M. Jack, Jr., an experienced and well-respected mediator. Plaintiffs provided the Mediator with substantial personal testimony from the Plaintiffs describing in intimate detail the pain and suffering they have endured as a result of the traumatic experience

of believing they would be victims of a mass-shooting. Plaintiffs also provided the State with a proposal from a nationally renowned forensic psychology team based at Boston College that would conduct assessments of each member of the Staff Class seeking to recover for more than “garden variety” damages. Thus, the parties had access to the information necessary to make an informed decision about settlement.

E. Counsel’s Experience and Views Support Approval

“Great weight is accorded to the recommendation of counsel, who are most closely acquainted with the facts of the underlying litigation.” *Nat’l Rural Telecomms Coop*, 221 FRD at 528. “Parties represented by competent counsel are better positioned than courts to produce a settlement that fairly reflects each party’s expected outcome in the litigation.” *Rodriguez v. W. Publ’g Corp*, 563 F. 3d 948, 967 (9th Cir. 2009)(internal quotation marks and modifications omitted).

As discussed above, Pitt McGehee Palmer Bonanni & Rivers, PC has extensive experience in civil rights and class action litigation, and co-counsel Michele Fuller has expertise in the unique needs of children and persons with disabilities. Based on their understanding of the underlying facts and legal issues in the case, Plaintiffs’ counsel unequivocally supports and recommends the proposed class settlement.

F. The parties reached the settlement through arms-length negotiations with the assistance of an experienced neutral mediator.

In approving class settlements, courts often “put a good deal of stock in the product of an arms-length, non-collusive, negotiated resolution.” *Rodriguez*, 563 F.3d at 965. A settlement reached “in good faith after a well-informed arms-length negotiation” is presumed to be fair. *Fernandez v. Victoria Secret Stores, LLC*, No. 06 Civ. 04149, 2008 WL 8150856, at *4 (C.D. Cal. July 21, 2008); *Wren v. RGIS Inventory Specialists*, No. 06-cv-05778-JCS, 2011 WL 1230826, at *6 (ND Cal Apr. 1, 2011); see also *Tijero v. Aaron Bros., Inc.*, 301 FRD 314, 325 (ND Cal 2013)

(participation in private mediation “support[s] the conclusion that the settlement process was not collusive”).

In this case, the parties engaged in extensive arms-length negotiations over the period of several months, starting in August 2023. After three full-day mediations, the parties reached agreement on November 8, 2023, with the State of Michigan agreeing to pay \$13 million, a fair and reasonable resolution of this case. The parties worked through November and December to arrive at agreement on non-monetary terms.

The proposed class settlement is the product of patient, arms-length negotiation and should be approved.

IV. The Court Should Certify the Settlement Class.

For the facts and reasons provided in Plaintiffs’ Unopposed Motion to Certify Settlement Class and Appoint Class Counsel, which is being filed contemporaneously with this Motion, Plaintiffs have adequately pleaded a basis for class status and have met all the requirements under Michigan law and court rules for class certification. Therefore, the Court should grant the Class Certification as requested in that contemporaneously filed motion.

V. The Court Should Appoint the Named Plaintiffs as Class Representatives and Their Counsel as Class Counsel.

Plaintiffs David and Kortni Horein, parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf of D.H. and A.B., and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff, and Hawk Kennedy will fulfill the full scope of their duties as class representatives and the Court should appoint them class representatives.

Class counsel Robin B. Wagner, Michael L. Pitt, and Beth M. Rivers possess decades of experience with class action litigation, including actions involving the State of Michigan. Their

Co-Counsel Michele P. Fuller is a leading expert in Michigan on advocacy, protection, and asset preservation for persons with disabilities, which are particular concerns for the patient class members. (Affidavit of Michele Fuller is attached as Exhibit 2.) Furthermore, Plaintiffs' counsel has already taken substantial efforts to prepare the necessary framework for a responsible, equitable, and efficient disbursement of funds to the two settlement classes. Therefore, Pitt McGehee Palmer Bonanni & Rivers, PC should be appointed Counsel of the Staff Plaintiff and the Patient Plaintiff Settlement Classes, while Attorney Fuller should be appointed Co-Counsel of the Patient Plaintiff Settlement Class.

Michael Pitt has successfully served as Class Counsel in numerous complex cases including Bauserman et al. v. State of Michigan Unemployment Insurance Agency, Court of Claims Case No. 2015-202-MM (\$20,000,000), the Flint Water Cases (currently in claims administration phase, \$625 million settlement), Doe v MDOC (juvenile assault case, \$90 million compensation fund created), Neal v MDOC (female prisoner assault case, \$100 million compensation fund created), Saginaw Jail Case (Strip search case \$1 million compensation fund created), Livingston Jail case (gender disparity and privacy claims \$980,000 compensation fund created), Gilford Case (race and age case against DTE, \$45 million compensation fund created), and Ford Motor case (age discrimination case, \$12 million compensation fund created).⁷

Furthermore, Pitt McGehee Palmer Bonanni & Rivers, PC and Attorney Fuller, using their expertise, have prepared the necessary framework for a responsible, equitable, and efficient disbursement of funds to the Settlement Classes. Therefore, they should be appointed Counsel of the Settlement Class.

⁷ Proposed class counsel Beth Rivers, Robin Wagner, and Michele Fuller's qualifications are detailed in the request for attorney fees below.

David and Kortni Horein, parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf of D.H. and A.B., and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff, and Hawk Kennedy have fulfilled their duties as class representatives and will continue to do so. The Court should appoint them class representatives.

VI. William W. Jack, Jr. Should Be Appointed Special Master

The parties jointly agreed upon William W. Jack, Jr., to mediate this matter based on his extensive experience assisting parties in resolving complex disputes such as this one. With his assistance, the parties engaged in extensive settlement negotiations from August through November of 2023.

Mr. Jack has been a member of Smith Haughey Rice & Roegge since 1975 and has twice served as CEO of this important Michigan law firm. For over 20 years he has served the legal community as a facilitative mediator and in 2020 he was inducted as a fellow into the American College of Civil Trial Mediators—a prestigious designation reflecting his experience, reputation, and high ethical standards. Mr. Jack is familiar with the facts of this matter and has spent extensive time understanding the nature of Plaintiffs’ injuries; therefore, he is uniquely suited to continue serving as a neutral in this matter to allocate the funds according to the Plan of Allocation and ensure that the interests of justice are served for all class members.

As Special Master, Mr. Jack will review and determine the eligibility of any individuals who believe they were erroneously omitted from the State’s lists of patients and employees who were present during the unannounced drill. Mr. Jack will execute the Plan of Allocation for the Staff Plaintiff Class members by reviewing the forensic team’s assessments and assigning awards based on the forensic assessments. Mr. Jack will also consider any appeals brought by class members regarding their awards and make adjustments if justice so requires. He will provide a file

report on the allocation process for the Court to review in its final hearing for approval of all awards and final settlement of this matter.

VII. The Court Should Appoint Analytics Consulting LLC Claims and Notice Administrator, and Huntington National Bank as the QSF.

In the judgment of Class Counsel, and considering the complexities of the Plan of Allocation, a professional claims administrator would provide valuable service to the class. Class Counsel interviewed two highly regarded claims administrators: Analytics Consulting LLC (Analytics) headquartered in Minnesota, and Milestone of Buffalo, New York. Both organizations were equal in apparent ability to satisfy three criteria: Robust plan to distribute Notice and to communicate effectively with potential Class Members, efficient claims administration using advanced technology such as mobile phone accessibility and Qualified Settlement Fund (QSF) management and disbursements.

Milestone's quote for the project was \$33,000. Analytics' quote for the project was \$14,728. Class Counsel interviewed representatives of both companies and checked references. Class Counsel determined that the ability to provide timely services for notice distribution, claims administration of QSF management, and disbursements was equal. Class Counsel, after due diligence, selected Analytics as the most cost effective and best fit for this project.

Lisa Simmons is CEO of Analytics, and Richard Simmons is the President. Mr. Simmons has 34 years of direct experience in designing and implementing class actions and notice campaigns. His affidavit and CV are attached to this Brief as Exhibit 3. Mr. Simmons has worked on more than 2,500 matters of this type. Analytics performs all functions in-house from its headquarters in Chanhassen, Minnesota. Analytics does not farm out the work to sub-contractors or utilize overseas claims evaluators.

Ms. Simmons and Mr. Simmons and their team have worked closely with Class Counsel on past class actions and will develop a robust communication system with understandable language and accessible tools to ensure that all class members receive timely notice with clear instructions on how to participate in the settlement process.

Additionally, Analytics will serve as the QSF Administrator and deposit the settlement funds with Huntington Bank. The funds will be invested in money market funds consisting solely of United States treasury instruments until distribution, upon which funds will be held in an FDIC Insured Account at Huntington Bank. Current investment yields for this fund is a favorable 4.98%⁸ as of January 22, 2024. Class Counsel is familiar with the Huntington Bank QSF activities from its work on the Bauserman and Flint Water Cases settlements. Huntington Bank is highly qualified to invest the settlement funds conservatively and safely. Since disbursements are not likely to take place until September 2024, the interest will add more than \$600,000 to the settlement funds for distribution to the Class. Analytics will charge an estimated \$5,120 for distribution services. Some QSF administrators take a sizeable portion of the earned interest as its fee. Analytics does not engage in this practice. Huntington Bank will not assess any fees to the QSF. Rather, Huntington Bank is compensated via 12b-1 fees contracted with Federated Hermes, the Money Market Mutual Fund Manager.

Class Counsel has done its due diligence in selecting a highly qualified and cost-efficient claims administrator and QSF administrator. Analytics' track record is impressive and the Court should appoint Analytics as the Claims Administrator for the Class.

⁸ U.S. Treasury Obligations Money Market Fund (TOSXX) provided by Federated Hermes. Prospectus attached. Investment yield subject to change based on market conditions.

VIII. The Court Should Approve the Proposed Method of Notice.

Plaintiffs further request the Court's approval of the parties' Notice to Settlement Class Members pursuant to MCR 3.501(C)(1-7). The parties' proposed Notice satisfies MCR 3.501(C)(4) and (C)(5) as to the manner and content of the notice, respectively. The Agency does not oppose approval of the Notice. The proposed Notice, approved by the retained notice expert, Richard Simmons, is made part of this submission.

Plaintiffs submit the affidavit of Richard W. Simmons, the President of Analytics Consulting, LLC, in support of their proposed notification plan. (Exhibit 3, Simmons Affidavit.) Plaintiffs request that the Court approve the Class Notification Plan set forth in Mr. Simmons's Affidavit. The State does not oppose this request.

Mr. Simmons has decades of experience in the design and implementation of legal notice campaigns, *Id.* at ¶¶1, 5, is a nationally recognized subject matter expert in that field, *Id.* at ¶¶ 7-9, and has been recognized by courts for his opinion on methods of class notification. *Id.* at ¶8. In his Affidavit, Mr. Simmons concludes that the proposed notification plan "is the best practicable notice under the circumstances and fulfills all due process requirements." *Id.* at ¶ 10.

Plaintiffs proposed class notification plan, which Mr. Simmons refers to in his Affidavit as the "Notice Program," provides for: 1) a Class Notice via U.S. Mail for all Settlement Class Member for whom a mailing address is available; and 2) direct notice via email (the Email Notice) to all Settlement Class Members for whom the Agency has a personal email address. (Exhibit 3, Simmons Affidavit, ¶ 11.) Additionally, the full-length notice will be mailed upon request, and will also be available for download at the Settlement Website. *Id.* The Notice Program also includes a Settlement Website and toll-free telephone line where individuals can learn more about their rights and responsibilities in the litigation. *Id.* at ¶ 12. "This Notice Plan, supported by the details outlined below, conforms to the best practices identified in the Federal Judicial Center's

(or “FJC”) Publication "Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide" (2010) and provides the best practicable notice in this litigation.” *Id.* at ¶ 13.

Plaintiffs’ proposed class notification plan should be approved because it will provide the best practicable notice to settlement Class Members under the circumstances, and it is fully consistent with due process and MCR 3.501. The Court should therefore grant Plaintiffs’ motion and approve the proposed class notification plan as described in the Affidavit of Mr. Simmons.

This manner of notice fully satisfies MCR 3.501(C)(4) and due process requirements. *See e.g., Thacker v. Chesapeake Appalachia, LLC*, 695 F. Supp. 2d 521, 526 (ED Ky, 2010) (Notice delivered through first-class mail and printed in local publications fully satisfied Fed. R. Civ. P. 23 and due process standards because it was “directed in a reasonable manner to all prospective Class Members...and in a manner that could be understood by the average prospective Class Member, fairly apprised the prospective Class Members of the proposed Settlement Agreement and their options with respect to their decision...” *Thacker*, 695 F. Supp. 2d at 526. These proposed notice methods fully satisfy MCR 3.501(C)(4). Here, the Notices will even more suffice, as all members of the Patient and Staff Plaintiff Classes, including recent contact information, are known and can be reached directly with a low anticipated error rate.

IX. Plaintiffs’ Content of Notice satisfies MCR 3.501(C)(5)’s requirement for approval.

For the content of the notice to be approved by the Court, it must satisfy MCR 3.501(C)(5)(a-h) and include, among other things, (a) a general description of the action; (b) a statement of the right of a Class Member to be excluded from the action; (c) financial consequences for the class; (d) a description of any counterclaims or notice to intent to assert them; (e) a statement explaining that those not excluded from the action are bound to judgement; (f) a statement that any Class Member may intervene in the action; and (g) the address of counsel to whom questions may

be directed. The proposed Notice and its content meet all the necessary requirements stated above and comports with due process. (Exhibit 4, Proposed Class Notices.)

For these reasons, this Court should approve the proposed manner and content of the Notice to the Settlement Class.

X. The Court Should Approve the Proposed Plan of Allocation.

The Settlement Agreement provides for the creation of two settlement funds for Class members: the Patient Compensation Fund and the Staff Compensation Fund. (Exhibit 1, Settlement Agreement, ¶¶ 43-45 and Appendix A for Patient Plaintiff Class Plan of Allocation, and ¶¶ 46-53 for Staff Plaintiff Class Plan of Allocation.)

A. The Patient and Staff Funds

The Patient Compensation Fund will be funded with \$2,888,888.89 and will be distributed equally among the 50 Patient Plaintiff Class Members into an appropriate financial instrument—a pooled special needs trust or a pooled preservation trust—after individual consultation with Class Counsel Michele Fuller. Two \$5,000 payments will be made initially from the Patient Compensation Fund into the designated trust funds, one for the benefit of Class Representative D.H. and one for the benefit of Class Representative A.B.

The Staff Compensation Fund will be funded with \$5,777,777.78 and distributed to Staff Plaintiff Class Members in three ways: an initial payment in consideration for release of claims to each eligible Staff Class Member for \$1,000, eight payments of \$5,000 each to the Class Representatives NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff, and Hawk Kennedy, payments of \$4,000 through a worker's compensation redemption to each participating class member who does not undergo a forensic assessment process, and the remainder allocated by the Special Master in proportion to the traumatic impact of the "active shooter drill" on each Staff Plaintiff Class Member who

completes a forensic psychology assessment to evaluate that trauma. This means that each class member who does not opt out will receive at least \$5,000 from the Staff Compensation Fund: \$1,000 initial payment and \$4,000 through worker's compensation redemption to reflect workplace injuries. However, each eligible class member who does not opt out is entitled to undergo a forensic assessment of the trauma experienced in order to receive a far greater award.

B. Notices, Eligibility, Opt-Out, and Objection Opportunities

Class Members will be informed in the Notice of Class Settlement that they must make important decisions by May 1, 2024. If a Class Member elects not to participate in compensation plan, they may opt out and will not be bound by the class action settlement. The Opt-Out request must be received by May 1, 2024. Finally, eligible Class members who wish to object to any part of the settlement must file their objection by September 27, 2024.

The Michigan Department of Health and Human Services, has prepared two essential lists of eligible Class Members: the Patient roster of the 50 patients at the Hawthorn Center on the morning of December 21, 2022, and the approximately 110 staff members who were employed at the Hawthorn Center and present on the morning of December 21, 2022. The individuals on these lists are automatically eligible to participate in the settlement and will be able to confirm their participation in the Class Action Settlement directly and efficiently through a website maintained by the Claims Administrator or through email or U.S. Mail.

For individuals who believe they are eligible but do not appear on the lists created by the MDHHS, class counsel has organized a simple registration process. An individual who believes they were erroneously left off the list of eligible Patients or Staff plaintiffs can use the class action website to register and upload clear and convincing evidence that shows they were present at Hawthorn Center on the morning of December 21, 2022, and therefore should be included in the Patient or Staff class. Special Master William W. Jack, Jr., will review the documentation,

consulting with class counsel as necessary, and determine eligibility. His determination will be final. The registration process will be completed at least two weeks prior to the deadline for opting out of the class.

C. Awards for Patient Plaintiff Class Members

In addition to receiving the Class Notice, Patient Plaintiffs will each be contacted directly by Class Counsel Michele Fuller and members of her team to explain this class action, the approximate amount of the award to each Patient Plaintiff Class member, and the options for financial instruments, including a Pooled Special Needs Trust and a Pooled Preservation Trust, that may protect the individual's eligibility for needs-tested public benefits such as Social Security and Medicaid. Attorney Fuller will provide education to each Patient Plaintiff Class Member regarding the impact of the award on any public benefits they receive and ensure that each Class Member is adequately represented in the process by a guardian or next friend and prepare all court filings necessary to ensure that proper compliance for representation of a minor or Legally Incapacitated or Incompetent Individual (LII).

For any Patient Class Member who does not act to make an award election by June 28, 2024, Attorney Fuller will work with the Court to have a Guardian ad Litem appointed to safeguard that Class Member's interests in this settlement, make an appropriate election for that Class Member, and work to ensure that the award is made available to that Class Member.

D. Awards for Staff Plaintiff Class Members

The Staff Plaintiff Class Members' allocations fall into two categories. First, each eligible Class member will receive a payment of \$1,000 in consideration for release of claims against the MDHHS arising from the December 21, 2022, incident. Second, each eligible class member has the additional opportunity to complete a forensic psychology assessment instrument—also called a trauma assessment in the class notice for better understanding—regarding the traumatic impact

of the December 21, 2022. Eligible class members who have not opted out but forego the forensic psychology assessment will receive a \$4,000 worker's compensation redemption. Class members who do elect to complete the forensic assessment, will complete a forensic psychology assessment instrument, which a team from Boston College will review and score, assigning points that correlate to the level of traumatic impact to that individual. (See Exhibit 1, Settlement Agreement, Appendix B.)

The Forensic Team will then provide the Special Master with the results of this assessment and he will prepare a disbursement plan for the Staff Compensation Fund, less the distributions of \$1,000 to each participant, the class representative awards, and the \$4,000 redemptions to non-assessed class members, proportional to each individual's score on the forensic psychology assessment. The aggregate number of points awarded to all of the Staff Plaintiff Class Members who participate in the forensic psychology assessment will be divided into the available funds. This calculation will establish the value of each point. Awards for the assessed class members will be the product of the number of points awarded and the value of a point.

E. Awards for Special Sub-Class Members of the Staff Plaintiff Class

Two Staff Patient Class members, Brandon Woodruff and Hawk Kennedy, filed separate lawsuits detailing the unique, actual risk of life they experienced on December 21, 2022, when they faced armed police officers and were arrested as they exited the building. Per the agreement of the parties, Mr. Woodruff and Mr. Kennedy will receive an allocation of points that is three-times larger than their traumatic impact assessment would indicate in order to reflect the unique nature of their injuries.

F. Appeal Process

Staff Plaintiff Class Members will have an opportunity to review the score provided by the Forensic Assessment team and they will have an opportunity to appeal the preliminary allocation as

well as to supplement their award by presenting the Special Master with evidence of out-of-pocket costs related to their injuries. The Special Master will be able to make adjustments before finalizing awards when he deems that justice so requires. The distributions made through the Forensic Assessment process will be done through a redemption under the Michigan Worker's Disability Compensation Act—a process that will provide tax-free awards to the Staff Plaintiff Class Members who suffered significant workplace injuries.

G. Conclusion

The Court should approve the POA as fair, reasonable, and designed to provide maximum benefit to each individual. The process has been approved by the class representatives and it is designed to ensure that those individuals who have suffered the most severe harm are able to receive substantial benefits. The use of specialized trust funds for the patient plaintiffs and worker's compensation redemptions for the staff plaintiffs further demonstrates the parties' commitment to protecting the rights of all class members and ensuring them a highly valuable award as compensation for their injuries. The Claims Administrator has reviewed the POA and agrees that it is fair, workable, and efficient. Due process standards are met.

The Court should approve the POA as fair, reasonable, and adequate.

XI. The Court Should Approve Service Awards for Class Representatives.

As Class Representatives, D.H. through his parents and next friends David and Kortni Horein, A.B. through her parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr., Brandon Woodruff and Hawk Kennedy should receive service awards in the amount of \$5,000 each. This amount reflects the time and effort Plaintiffs expended in bringing and assisting in this litigation. The amount of the incentive awards is aligned with and proportional to the expected recovery for the Class Members, and therefore the Court is satisfied that the interests of the Class Representatives,

including their interest in receiving a service award, is fully aligned with the interests of the other Class Members.

XII. The Court Should Approve the Pool set aside for Administrative Costs and Attorneys Fees and the Estimations for Administrative Costs and Attorney's Fees.

Class Counsel achieved a \$13 million settlement of this complex dispute. Pitt McGehee Palmer Bonanni & Rivers, PC filed this action in April of 2023, and the State promptly recognized the harm caused to its employees and to the vulnerable patients in its care. Over the subsequent months, the State and Class Counsel worked diligently to arrive at terms of agreement that would provide meaningful compensation for the pain cause by the unannounced “active shooter drill.” Pitt McGehee Palmer Bonanni & Rivers, PC engaged a videographer to record lengthy interviews with each of the class representatives so that the officials for the Department of Health and Human Services could hear directly about the depth of pain and trauma caused by the ill-advised “active shooter drill.” The Patient Compensation Fund, at \$2,888,888.89, after two payments of \$5,000 each to the Class Representatives, will be divided evenly among the 50 members of the Patient Plaintiff Class. This means that each patient will receive over \$57,500 through a pooled trust that will benefit them and, for many, protect their eligibility for means-tested public benefits like Social Security disability or Medicaid. The employees and staff members who participate in the Staff Plaintiff Class, after eight payments of \$5,000 each to the Class Representatives, will each receive at least \$5,000 and are eligible to receive a far more substantial award based on the actual assessment of the trauma they experienced from the December 21, 2022, incident. The \$5,777,777.78 Staff Compensation Fund reflects an average award of over \$52,000 for each of the 110 Staff Plaintiff Class members.

Pitt McGehee Palmer Bonanni & Rivers, PC took on this lawsuit on a contingent-fee basis and no guarantee of payment. They brought Plaintiffs’ claims under a novel legal theory and

worked diligently to present their legal theories and their clients' injuries to the State in a way that was compelling and allowed for a prompt resolution. Plaintiffs have and continue to suffer from the trauma of the December 21, 2022, incident and this class action settlement will result in meaningful compensation for their injuries without protracted litigation. Pitt McGehee Palmer Bonanni & Rivers, PC has invested and will continue to invest substantial time and resources into implementing this settlement. To compensate Class Counsel for their services and for the risk they undertook in prosecuting this case, Plaintiffs request that the Court approve their proposed Pool of Administrative Costs and Attorney's Fees. This proposal is supported by Exhibit 5, Affidavit of Class Counsel Robin Wagner.

The Fee Proposal is designed to provide reasonable and fair compensation to Class Counsel. The work performed by Plaintiffs' Counsel has benefitted all Class Members in this litigation. Mt. Kennedy, represented by separate counsel, does not oppose this proposal, and his own attorney's fees will be paid out of the Pool for Administrative Costs and Attorney's Fees, before Pitt McGehee Palmer Bonanni & Rivers, PC is awarded its fee from the Pool.

Class Counsel's efforts have produced a sizable recovery for the Class Members. Pitt McGehee Palmer Bonanni & Rivers, PC also took considerable risk in litigating this complex case on a contingency fee basis. Long-standing precedent recognizes that counsel is entitled to compensation for such common fund work.

Plaintiffs' counsels' investment of attorney and staff time, including significant efforts by three (3) partners at Pitt, McGehee, Palmer, Bonanni, & Rivers, P.C., justify a significant and equitable award of attorneys' fees. Class counsel requests that this Honorable Court approve a Pool for Administrative costs and attorney's fees of one-third of the total recovery. Specifically, Plaintiffs request this Court approve a Pool for Administrative Costs and Attorney's fees equal to

\$4,333,333.33, which is 1/3 of the Gross Settlement amount. This amount shall be used to pay for Plaintiffs' out-of-pocket costs up to the filing of this motion of \$32,135.07 (Exhibit 5, Appendix A), the Special Master's estimated Fees and Costs of \$ 22,750 (Exhibit 5, Appendix B, William W. Jack, Jr., Letter re: estimated fees and costs), the Claims Administration Costs of \$14,728 (Exhibit 5, Appendix C, Analytics LLC accepted proposal), the Forensic Psychology Team's costs, estimated at \$58,671 (Exhibit 1, Settlement Agreement, Appendix B), an estimated \$275,000 Fees for Worker's Compensation Attorney Steve Stilman to bring the claims for 110 Employee Class Members (Exhibit 5, Appendix D, Declaration of Steven Stilman), and an estimated \$250,000 for Attorney Michele Fuller's fees to establish appropriate financial instruments for the Patient Plaintiff Class Members (Exhibit 5, Appendix E, Declaration of Michele P. Fuller), provide counsel to each of the 50 Patient Plaintiff Class Members' parents and guardians to assist them in selecting the appropriate financial instrument for each individual, to handle all court filings and appointments of next friends and guardians necessary to ensure that each member of the Patient Plaintiff Class is appropriately represented, and follow up as appropriate in the future with all stakeholders. (*Id.*). Mr. Kennedy's counsel, Cline, Cline & Griffin, will be paid out of this Pool as well; while Mr. Kennedy's award has not been calculated, his attorney is to receive 1/3 of the amount of that award, plus document costs and expenses. The above costs and fees should be paid as invoiced and according to the Settlement Agreement (Exhibit 1 at ¶¶ 54 to 61), the attorney fee to Pitt McGehee Palmer Bonanni & Rivers, PC, which is the net of the Administrative Costs and Fees Pool after all other costs and attorney's fees are paid, shall be paid upon the Final Approval Order of the Court. (See Exhibit 1 at ¶ 60.)

A. The Court should award attorney fees using the percentage-of-the-fund approach.

Plaintiffs' request for attorney's fees is fair, reasonable, and consistent with the law. It is designed to provide reasonable compensation to Plaintiffs' Counsel for common benefit work benefiting the entire Settlement Class. An award of attorney's fees in common fund cases need only be reasonable under the circumstances. *Bowling v. Pfizer, Inc.*, 102 F.3d 777, 779 (6th Cir. 1996). It is well established that counsel who performs common benefit work resulting in recovery of a common fund are entitled to compensation for those services from the fund. The U.S. Supreme Court held in *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980):

[T]his Court has recognized consistently that a litigant or lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole...The doctrine rests on the perception that persons who obtain the benefit of a lawsuit without contributing to its cost are unjustly enriched at the successful litigant's expense. Jurisdiction over the fund involved in the litigation allows a court to prevent...inequity by assessing attorney's fees against the entire fund, thus spreading fees proportionately among those benefitted by the suit.

Michigan Courts have recognized that the "common-fund exception provides for an award of attorney fees to a party that, alone, has borne the expenses of litigation that created or protected a common fund for the benefit of others as well as itself." *In re Attorney Fees of Kelman, Loria, Downing, Schneider & Simpson*, 406 Mich. 497, 503-504 (1979); *Amerisure Ins. Co. v Folts*, 181 Mich. App. 288, 291 (1989). Here, the Class Settlement is a classic example of a common fund case, "where the named Plaintiffs have created a common fund by securing a recovery for themselves and the class they represent." *N.Y. State Tchrs. ' Ret. Sys.* 315 F.R.D. at 242 (quoting *In re DPL Inc., Sec. Litig.*, 307 F. Supp. 2d 947, 949 (S.D. Ohio 2004). The Hawthorn Plaintiffs have created a common fund by securing a \$13,000,000 recovery not just for themselves, but for the classes that they represent. Class Counsel should be compensated for the results that they

achieved and the risk and expense that they have borne. Plaintiffs' Counsel's request for an estimated fee award of \$3,532,855.42 is reasonable under the circumstances.

Courts approve of awarding fees from a common fund based on the percentage-of-the-fund method. *Blum v. Stenson*, 465 U.S. 886, 900 n.16 (1984) (stating that in common fund cases "a reasonable fee is based on a percentage of the fund bestowed on the class"); *Camden I Condo. Ass'n, Inc. v. Dunkle*, 946 F.2d 768, 773 (11th Cir. 1991) ("Indeed, every Supreme Court case addressing the computation of a common fund fee award has determined such fees on a percentage of the fund basis."). The Sixth Circuit has observed a 'trend towards adoption of a percentage of the fund method in [common fund] cases. *N.Y. State Tchrs. ' Ret Sys.*, 315 F.R.D. at 245 (quoting *Rawlings*, 9 F.3d at 515). A percentage-of-the-fund approach fosters judicial economy by eliminating a detailed, cumbersome, and time-consuming lodestar analysis. *Rawlings*, 9 F.3d at 516-17; *N.Y. State Tchrs. ' Ret. Sys.*, 315 F.R.D. at 243; *Stanley v U.S. Steel Co.*, 2009 WL 4646647 at *1 (E.D. Mich) (Use of the percentage method also decreases the burden imposed on the Court by eliminating a full-blown, detailed and time-consuming lodestar analysis while assuring that the beneficiaries do not experience undue delay in receiving their share of the settlement); *In re Cardizem CD*, 218 F.R.D. at 532. In addition to the attorney fee, "[e]xpense awards are customary when litigants have created a common settlement fund for the benefit of a class." *In re Delphi*, 248 F.R.D. 483, 504 (E.D. Mich. 2008).

Here, Plaintiffs' Counsel's efforts have resulted in the creation of a common fund of \$13 million. Plaintiffs' Counsel requests that this Court calculate the attorney fee as the net amount in the Administrative Costs and Attorney's Fees Pool after all administrative costs and fees for the Special Master, Patient Plaintiff Class co-counsel, and worker's compensation co-counsel are first paid. This net fee award is estimated at \$3,529,959.26, which is 27% of the \$13,000,000 total fund.

Accounting for actual costs to be different than estimated at this preliminary stage, Class Counsel anticipates that its fee will be between 25% and 30% of the Gross Settlement fund. This amount is at least \$390,000 and as much as \$1,040,000 less than the 1/3 contingent fee typically awarded and as actually negotiated with the clients in this matter. This equitable fee calculation eliminates the need for a complex, burdensome, and time-consuming lodestar analysis.

B. Calculation of the fee.

On January 31, 2024, Plaintiffs secured a settlement of \$13 million from the Agency. As of the date of filing this motion, Pitt McGehee Palmer Bonanni & Rivers, PC has expended \$29,208.91 to date in costs to prosecute the claim. The administrative costs of this settlement will continue to increase significantly between now and the final Fairness Hearing as described above. Plaintiffs are seeking Court approval to allow the costs identified herein and in the Settlement Agreement (Exhibit 1 at ¶¶ 55-61) to be paid by the Claims Administrator in accordance with the procedure prescribed in the Settlement Agreement. Plaintiffs are also seeking to have all remaining funds in the Administrative and Attorney's Fees Pools after all costs are paid, including the fees for the Special Master, the Patient Plaintiffs Class Counsel Michele Fuller, the Worker's Compensation Counsel for the Staff Plaintiffs Class, and Mr. Kennedy's attorney's fees and costs, paid to Class Counsel Pitt McGehee Palmer Bonanni & Rivers, PC, as attorney's fees.

| | Actual or Estimated | Appendix Reference | Amount |
|--|------------------------|-----------------------|----------------|
| TOTAL Administrative & Attorney Fee Pool | | | \$4,333,333.33 |
| Costs accrued by Pitt McGehee Palmer Bonanni & Rivers, PC through filing | Actual | | \$32,135.07 |
| Special Master's Fees and Costs | Estimated | | \$22,750 |
| Claims & QSF Administrator | Estimated | | \$14,728 |
| Forensic Psychology team | Estimated | | \$58,761 |
| Michele Fuller Fees & Costs | Estimated | | \$250,000.00 |

| | | | |
|--|-----------|--|----------------|
| Counsel for Hawk Kennedy | Estimated | | \$100,000 |
| Worker's compensation Attorney | Estimated | | \$275,000.00 |
| Reserve for unanticipated costs | Estimated | | \$50,000 |
| Total Costs and Fees before PMPBR Fees | | | \$803,374.07 |
| PMPBR Attorney Fees | | | \$3,529,959.26 |

Plaintiffs request an award from this Court providing preliminary approval for the Administrative Costs and Attorney's Fees Pool of \$4,333,333.33. This fund will be used to be the Administrative Costs and Fees for Professionals, including the Special Master and all attorneys aside from Class Counsel, with Class Counsel Pitt McGehee Palmer Bonanni & Rivers, PC receiving the net remaining in the Pool after all administrative costs and fees have been paid. This is estimated to be \$3,529,959.26, which is 27% of the Gross Settlement. Plaintiffs will provide a petition for actual fees and costs with the Motion for Final Approval.

C. The relevant factors to justify the fee proposal.

A Court is tasked with ensuring that counsel is fairly compensated for the work performed and the result achieved. *Rawlings* at 516. Courts may evaluate the reasonableness of the requested fee award using six factors: 1) the value of the benefit; 2) society's stake in rewarding attorneys who produce such benefits in order to maintain an incentive to others, 3) whether the services were taken on a contingency fee basis; 4) the value of the services on an hourly basis, 5) the complexity of the litigation and, 6) the professional skill and standing of counsel involved on both sides. *Ramey v. Cincinnati Enquirer, Inc.* 508 F.2d 1188 (1974).

1. The Value of the benefit rendered.

The first *Ramey* factor—the value of the benefit rendered—is widely regarded as the most important factor. *In re: Cardinal Health Inc. Sec. Litig.*, 528 F. Supp. 2d 764 (2007). The Plaintiffs' Counsel obtained a \$13 million settlement by working closely with the eight class plaintiffs, Mr. Woodruff, who filed separate lawsuits in the Court of Claims and the Wayne County Circuit Court

now consolidated in this settlement, and 27 additional class members for whom they filed notices of intent with the Court of Claims (see Exhibit 6, 27 Notices of Intent) to document the depth of the traumatic injuries to the class members and develop a novel legal theory based on several different constitutional claims. Plaintiffs' Counsel arranged for extensive interviews of the class representatives to support their claims, secured the services of an internationally renowned forensic psychology team to provide assessments for each member of the Staff Plaintiff Class, brought in a prominent expert on disability law as co-counsel for processing the awards of the Patient Class Members, and achieved the valuable benefit for Staff Patient Class members to have their awards processed through a tax-advantaged worker's compensation redemption.

The \$13 million settlement will be divided by 50 Patient Plaintiff Class Members and approximately 110 Staff Plaintiff Class Members whom the MDDHS wrongfully subjected to a traumatizing incident that caused them to fear for their lives, and in the case of Brandon Woodruff and Hawk Kennedy, faced armed police officers who believed they were mass shooters. The settlement is expected to provide meaningful compensation to assist the Plaintiffs with their recovery from this traumatic incident.

2. Society's stake in rewarding attorneys.

The next *Ramey* factor requires that the Court evaluate the policy considerations of encouraging counsel to accept cases such as this one. *Ramey* at 1196. The interest in encouraging lawyers to bring complicated cases, which likely will involve a multi-year commitment without any assured compensation. See *Bowling v Pfizer, Inc.*, 922 F. Supp. 1261, 1282 (S.D. Oh. 1996) ("Clearly the global settlement negotiated by Counsel in this case is providing benefits to a class of people who are very much in need of help"). Claimants' Counsel spent a significant commitment of time and expense that some in the legal profession may be discouraged from undertaking. This factor weighs in favor of awarding the requested fee award.

3. Services rendered on a contingency fee basis.

The third *Ramey* factor, whether the lawyers' services were undertaken on a contingent fee basis, is also met. This factor "stands as a proxy for the risk that attorneys will not recover compensation for the work they put into a case." *In re Cardinal Health*, 528 F. Supp. 2d at 1196. The presence of a contingent fee arrangement is "an important factor in determining the fee award." *Stanley v. U.S. Steel*, 2009 WL 4646647 at *3 (E.D. Mich. 2009). Claimants Counsel have engaged in this work on a contingency basis and have not yet received compensation of any kind. Contingency fee agreements present a genuine risk that counsel, having brought and litigated the case, might not recoup their fees or costs.

Michigan imposes a one-third cap on attorney fees in personal injury cases. MCR 8.121. "Research indicates that, taken as a whole, the evidence suggests that one-third is the benchmark for privately negotiated contingent fees, but that significant variation up and occasional variation down exist as well." *In re: Flint Water Cases*, 583 F. Supp. 3d 911, 939 (2022) quoting Eisenberg, Theodore and Miller, Geoffrey P., "Attorney Fees in Class Action Settlements: An Empirical Study" (2004), *Cornell Law Faculty Publications*, Paper 356, pp. 35. Claimants counsel has entered into one-third contingent fee agreements with the named Plaintiffs. Nonetheless, the actual fee for Class Counsel Pitt McGehee Palmer Bonanni & Rivers, PC will be between 25% and 30% of the total settlement award after payment of all costs and fees to attorneys who are facilitating the worker's compensation and pooled trust awards for the class members. Consistent with that "benchmark," Claimants counsel is requesting preliminary approval for an estimated fee of \$3,529,959.26, which is 27% of the total settlement. Claimants submit that this factor weighs in favor of granting the fee award.

4. Value of services on an hourly basis.

As outlined above, the most important factor is the value of the benefit received. This settlement will fairly, adequately, and reasonably compensate 50 patients—all minors with significant psychiatric and neurological disabilities—and the 110 childcare workers, nurses, housekeepers, teachers, social workers, food preparers, maintenance workers, and others who cared for these children and were traumatized by the callous, indifferent decision by the Hawthorn Center’s leadership to make them fear for their lives that armed intruders were in the building and firing automatic weapons.

Claimants will receive an immediate and substantive benefit from Class Counsel’s work rather than waiting for years for a jury trial and final judgment. Class Counsel could have drawn this matter out, insisted on complex and time-consuming discovery, and spent hundreds of hours preparing for trial. Instead, Class Counsel recognized that an award of damages to claimants after trial would be vastly diminished by the expense and duration of trial. Class Counsel should be adequately and fairly compensated for maximizing the value of the settlement for claimants.

5. The complexity of the litigation.

The fifth *Ramey* factor, the complexity of the litigation, is another factor to evaluate when determining whether an attorney fee award is reasonable. See *In re Delphi*, 248 F.R.D. at 504. As Judge Levy noted in *In re Flint Water Cases*, 583 F. Supp. 3d 911, 945 (2022) “[c]lass actions are, in general, “inherently complex.” This class action involved trauma arising from actions taken by an employer at the workplace and there was a legitimate risk in litigation that worker’s compensation would be the exclusive remedy for the 110 members of the Staff Plaintiff Class. Had this settlement not been reached, this case would have been litigated for many years. The substantial time and expense of continuing litigation to trial, along with the fact that Plaintiffs’ ultimate success at trial is far from certain. The fifth *Ramey* factor is met.

6. Counsel's skill level.

The sixth *Ramey* factor requires the Court to consider both the “professional skill and standing of counsel as well as the quality of opposing counsel.” Class Counsel, Michael Pitt, Beth Rivers, and Robin Wagner, all expended significant time and effort on this matter. Michael L. Pitt, a founding partner of the firm, has been a member of the State Bar of Michigan for more than 35 years. Pitt was President of the Michigan Association of Justice from 2004-2005 and has been a Fellow of the College of Labor and Employment Lawyers since 2004. Pitt has authored chapters published by ICLE on Employment law since 1990. He has been listed in Best Lawyers in the Employment Law Section every year since 1989. In 2008, Pitt received the “Trial Lawyer of the Year” award from the Public Justice Foundation and the Labor and Employment Section of the State Bar of Michigan, the FBA for the Eastern District of Michigan, and the National Lawyers Guild. In 2018, Pitt received the “Champion of Justice” award from the Michigan Association of Justice. He has been named a Super Lawyer in Michigan every year from 2006 to the present.

Michael Pitt has successfully served as Class Counsel in numerous complex cases including the Flint Water Cases (currently in claims administration phase, \$625 million settlement), Doe v MDOC (juvenile assault case, \$90 million compensation fund created), Neal v MDOC (female prisoner assault case, \$100 million compensation fund created), Saginaw Jail case (Strip search case \$1 million compensation fund created), Livingston Jail case (gender disparity and privacy claims \$980,000 compensation fund created), Gilford case (race and age case against DTE, \$45 million compensation fund created), and Ford Motor case (age discrimination case, \$12 million compensation fund created).

Co-counsel Robin Wagner is a partner with Pitt McGehee Palmer Bonanni & Rivers PC and has been a member of the Michigan Bar for nine years. Wagner has successfully handled complex employment, fair housing, and civil rights litigation, including a five-year litigation

against the Michigan State Police asserting claims of race bias in vehicle pursuits that resulted in a \$7.5 Million settlement for five individuals, four injured and one killed in two severe crashes. Wagner has assumed multiple leadership and services roles in the profession throughout her career, including the Chair of the Civil Rights Section of the national Federal Bar Association, four years of service on the Labor and Employment Law Section of the State Bar of Michigan, and appointment to the executive board of the Eastern District of Michigan Chapter of the Federal Bar Association. Wagner contributes regularly to professional journals, including the Michigan Bar Journal, The Federal Lawyer (published by the Federal Bar Association), Laches (published by the Oakland County Bar Association), and the Michigan Association of Justice Journal. She was recognized in 2019 as an Up & Coming lawyer by Michigan Lawyers Weekly and speaks regularly on topics of civil rights and fair housing.

Co-counsel, Beth M. Rivers, has been licensed to practice law since 1980. Throughout her career, she has represented plaintiffs in employment litigation. She is currently an Equity Partner at Pitt, McGehee where she has been employed since 2001. Rivers has also been named a Best Lawyer and Super Lawyer for many years. Rivers was selected as a Fellow of the College of Labor and Employment Lawyers in 2017.

Counsel for the Agency, Neil Giovanatti, Bryan Beach, and Ticara Hendley are experienced and respected in the legal community. They vigorously represented their client. They challenged elements of Plaintiffs' claims and worked hard to ensure that the Patients' rights and those of their employees were well protected. Notably, Counsel for the Agency does not challenge Class Counsel's request for an award of fees and costs.

XIII. The Court Should Approve the Proposed Case management Order and Timeline.

Table of Important Dates and Deadlines

| | |
|---|-----------------------------|
| Motion Prelim Approval Filed | January 31, 2024 |
| Prelim Approval Hearing | Friday, February 16, 2024 |
| Order Granting Preliminary Approval | Friday, February 16, 2024 |
| Class Notice goes out | By Wednesday, March 1, 2024 |
| Register for Eligibility if not automatic | Wednesday, April 3, 2024 |
| Determine Eligibility | Wednesday, April 17, 2024 |
| Opt Out Deadline | Wednesday, May 1, 2024 |
| Motion for Next Friends Appt (Patients) | Wednesday, May 1, 2024 |
| Forensic Assessment | By Wednesday, June 12, 2024 |
| Patient Plaintiffs' Award Elections complete | Friday, June 28, 2024 |
| Forensic Evaluations to Special Master | Friday, July 12, 2024 |
| Staff Preliminary Allocations by Special Master | Friday, July 26, 2024 |
| Staff Appeal Preliminary Allocation | Friday, August 9, 2024 |
| Final Allocations Report from Special Master | Friday, September 6, 2024 |
| File Motion for Final Approval | September 13, 2024 |
| Objections filed with the Court | September 27, 2024 |
| Hearing on Motion for Final Approval | Friday, October 4, 2024 |
| Final Order of Approval | October 4, 2024 |
| Effective Date (deadline for appeals) | November 26, 2024 |
| Distribution (all but Worker's Comp) | December 6, 2024 |
| Worker's Comp Redemption Process Completed | January 17, 2024 |

XIV. Proposed Approval and Appointment Order.

Class Counsel has prepared a Proposed Approval and Appointment Order that is designed to assist the Court deciding the issues presented in this Motion. (Exhibit 7, Proposed Approval and Appointment Order.)

For the reasons provided above, Plaintiffs respectfully request the following relief: 1) the Settlement Class should be certified, 2) the Settlement Agreement should be approved, 3) Plaintiffs David and Kortni Horein, next friends to D.H., Mollie and Brent Bonter, next friends to A.B., on behalf of D.H. and A.B., and Jones, Smith, Vance, Mason, Padula, and Payne, should be named Class Representatives, 4) Plaintiffs' counsel Pitt, McGehee, Palmer, Bonanni & Rivers and

Michigan Law Center, PLLC, should be appointed Class Counsel, 5) William W. Jack, Jr., should be named Special Master, 6) Analytics Consulting LLC should be named Claims and QSF Administrator, 7) the proposed Class Notification Plan and Notice should be approved, 8) the proposed Plans of Allocation should be approved, 9) the proposed Class Representative service awards should be approved, and 10) Plaintiffs' request for attorney fees, reimbursement of costs, and proposed set aside for administrative costs should be approved.

Respectfully submitted,

PITT, MCGEHEE, PALMER & RIVERS, P.C.

/s/ Robin B. Wagner

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Michael L. Pitt (P24429)

Beth M. Rivers (P33614)

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Dated: January 31, 2024

PROOF OF SERVICE

Carrie Bechill states that she served counsel of record with Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement Agreement Dated January 31, 2024, Certification of Settlement Class Under MCR 3.501(B)(3)(B), Appointment of Class Representatives and Class Counsel, Appointment of Special Master, Appointment of Claims Administrator and Qualified Settlement Fund, Approval of Proposed Class Notification Plan, Approval of Class Notices, Approval of Proposed Plan of Allocation, Approval of the Pool for Administrative Costs and Attorney's Fees, and Approval of Case Management Order and Timeline with this Proof of Service via the Michigan Supreme Court's electronic filing system to counsel of record on January 31, 2024.

/s/ Carrie Bechill

Carrie Bechill, Legal Assistant

STATE OF MICHIGAN
COURT OF CLAIMS

DAVID HOREIN, ET.AL.,

COC No. 23-000063-MM

Plaintiffs,

HON. JAMES REDFORD

v

MICHIGAN DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendant.

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**INDEX OF EXHIBITS TO UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT AGREEMENT**

| | |
|-----------|--|
| Exhibit 1 | Settlement Agreement, Executed on January 31, 2024, with Appendices A (Plan of Allocation for Patient Plaintiff Class) and B (Forensic Psychology Assessment Plan and C.V.s of Principals) |
| Exhibit 2 | Affidavit of Michele P. Fuller |
| Exhibit 3 | Declaration of Richard Simmons |

| | |
|-----------|--|
| Exhibit 4 | Proposed Class Notices |
| Exhibit 5 | Affidavit of Robin B. Wagner, with Appendices A Statement of Costs and Expenses through January 16, 2024, incurred by Pitt McGehee Palmer Bonanni & Rivers, PC. B Letter from William W. Jack, Jr. re: Special Master Role, C Proposal of Analytics Consulting, LLC to serve as Claims Administrator. D Affidavit of Steven H. Stilman |
| Exhibit 6 | Notices of Intent filed with Court of Claims for 27 PMPBR Clients |
| Exhibit 7 | Proposed Approval and Appointment Order |

Exhibit 1

STATE OF MICHIGAN
COURT OF CLAIMS

DAVID HOREIN, ET.AL.,

COC No. 23-000063-MM

Plaintiffs,

HON. JAMES REDFORD

v

CLASS ACTION SETTLEMENT
AGREEMENT

MICHIGAN DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Defendant.

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CLASS ACTION SETTLEMENT AGREEMENT

Document received by the MI Court of Claims.

This Settlement Agreement (Agreement) is entered into between Plaintiffs D.H., A.B., NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff, and Hawk Kennedy, on behalf of themselves and the Patient Plaintiff Class and Staff Plaintiff Class as defined and to be certified, as set forth below, and the Michigan Department of Health and Human Services (collectively, the “Parties”).

Recitals

1. On April 23, 2023, Plaintiffs D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr. (collectively, *Horein* Plaintiffs) filed this class action lawsuit on behalf of themselves and other patients and staff who were present at the Hawthorn Center on the morning of December 21, 2022, alleging constitutional violations from an active intruder drill held that day.

2. On the same day, *Horein* Plaintiffs filed a related action in Wayne County Circuit Court (No. 23-005451-CZ) on behalf of themselves and the same putative classes, alleging various torts from the December 21, 2022 active intruder drill at the Hawthorn Center.

3. On May 15, 2023, Plaintiff Brandon Woodruff filed two related actions in the Court of Claims (No. 23-000071-MM) and Wayne County Circuit Court (No. 23-006141-CZ) alleging constitutional and tort violations from the December 21, 2022 active intruder drill at the Hawthorn Center.

4. On August 7, 2023, Plaintiff Hawk Kennedy, through his counsel

Nancy K. Chinonis, filed a related action in Wayne County Circuit Court (No. 23-010125-CZ) alleging tort violations from the December 21, 2022 active intruder drill at the Hawthorn Center.

5. The parties have negotiated to settle all five actions stemming from the December 21, 2022, active intruder drill. Through these negotiations, and consistent with the terms set forth in this Agreement, the Michigan Department of Health and Human Services (the Department) agreed to pay a sum total of thirteen million dollars (\$13,000,000.00) to resolve all claims that Plaintiffs, the putative class members, and subclass members could raise from the December 21, 2022 active intruder drill at the Hawthorn Center, including to compensate eligible staff members under the Worker's Disability Compensation Act, MCL 418.101, *et seq.*

6. During negotiations and since the litigations were filed, the Department has asserted, and continues to assert, that it has substantial defenses to the allegations raised by, and claims brought by, Plaintiffs and the classes. The Department denies all allegations and claims of wrongdoing or liability that were asserted, or could have been asserted, by Plaintiffs in the litigations. The Department's decision to enter into this Agreement shall not be construed as any form of admission of liability. Rather, all liability is expressly disclaimed. Plaintiffs, for their part, dispute the validity of the Department's defenses.

7. Notwithstanding their differing views on the merits of the various allegations, assertions, and claims in this litigation, and in measured consideration of the foregoing and as a consequence of the negotiations between the Parties

through mediation efforts and of Class Counsel and Counsel for the Special Subclass Representative Hawk Kennedy's investigation and analysis, the Parties agree to settle the litigation under the terms and conditions memorialized in this Agreement. Class Counsel, Counsel to Special Subclass Representative Hawk Kennedy, and Plaintiffs believe such settlement is fair, reasonable, adequate, and in the best interest of the classes.

8. NOW THEREFORE, in consideration of the foregoing and of the promises and mutual covenants contained herein, and other good and valuable consideration, it is hereby agreed, by and among the undersigned Parties, as follows:

Definitions

9. **Department** means the Michigan Department of Health and Human Services.

10. **Claims Administrator** means the entity selected by Class Counsel to prepare the Class Notice, manage the distribution of Class Notice and other notices provided for in this Agreement, develop and maintain a website (see paragraph 65), process payment out of the Qualified Settlement Fund (QSF), and perform other administrative functions to effectuate this Agreement as directed by Class Counsel.

11. **Class Counsel** means Michael L. Pitt, Robin Wagner, and Beth M. Rivers of Pitt McGehee Palmer Bonanni & Rivers PC, and Michele P. Fuller of Michigan Law Center PLLC. Nancy Chinonis of Cline, Cline & Griffin, PC is counsel for Special Subclass Representative Hawk Kennedy, only.

12. Class definitions:

a. **Patient Plaintiff Class** or **Patient Plaintiffs** means individuals who were patients at the Hawthorn Center and were present in the Hawthorn Center on December 21, 2022, between the hours of 9:00 a.m. and 11:00 a.m.

b. **Staff Plaintiff Class** or **Staff Plaintiffs** means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes a special subclass comprising only Special Subclass Representatives Brandon Woodruff and Hawk Kennedy.

13. **Class Notice** means the notices approved by the Court that comports with MCR 3.501(C)(1-7).

14. **Class Representatives for the Patient Plaintiffs** or **Patient Plaintiff Class Representatives** means D.H., through Next Friends David and Kortni Horein, and A.B., through Next Friends Mollie and Brent Bonter.

15. **Class Representatives for the Staff Plaintiffs** or **Staff Plaintiff Class Representatives** means NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr.

16. **Class Representatives for the Special Subclass of Staff Plaintiffs** or **Special Subclass Representatives** means Brandon Woodruff and Hawk Kennedy. The Special Subclass only includes Mr. Woodruff and Mr.

Kennedy. Mr. Kennedy is represented by Nancy K. Chinonis of Cline, Cline & Griffin, PC.

17. **Court** means the Michigan Court of Claims.

18. **Effective Date** means the first day after the first date on which all of the following have occurred:

- a. All Parties and Class Counsel have executed this Agreement;
- b. The court has issued a preliminary approval order;
- c. Reasonable notice has been given to members of the Patient Plaintiff Class and the Staff Plaintiff Class, including providing them an opportunity to opt-out of the class and settlement;
- d. The Court has entered a Final Approval Order dismissing the Litigation with prejudice and approving the settlement, including the allocation for Class Counsel's attorney fees and costs; and
- e. Only if there are written objections filed within the applicable time period and those objections are not later withdrawn, the last of the following events to occur:
 - i. If no appeal is filed, then the date on which the objector's time to appeal the Final Approval Order has expired with no appeal or any other judicial review having been taken or sought; or
 - ii. If an appeal of the Final Approval Order has been timely filed or other judicial review was taken or sought, the date that order is finally affirmed without modification by an appellate

court with no possibility of subsequent appeal or other judicial review or the date the appeals or any other judicial review are finally dismissed with no possibility of subsequent appeal other judicial review.

It is the intention of the Parties that the settlement shall not become effective until the Court's Final Approval Order has become completely final and until there is no timely recourse by an appellant or objector who seeks to contest the settlement.

19. **Eligible Class Members** means, collectively, all members of the Patient Plaintiff Class and the Staff Plaintiff Class, including the Special Staff Plaintiff Subclass. Only Eligible Class Members may receive compensation from the Patient Compensation Fund and the Staff Compensation Fund. Eligibility is automatic for individuals on the list of patients or staff provided by the Department to Class Counsel. Individuals who believe that they have been erroneously omitted from the list of Patient Plaintiffs or Staff Plaintiffs provided by the Department may appeal to the Special Master through a process described in paragraphs 31 and 46.b, below.

20. **Execution Date** means the date when all Parties have executed this Agreement.

21. Forensic Assessment terms:

- a. **Forensic Assessment Team**, also referred to as the "Trauma Assessment Team," means Drs. Ann Burgess and Victor Petreca of Boston College. See Appendix B to this Agreement for the Forensic

Assessment Plan and curriculum vitae for Drs. Burgess and Petreca.

- b. **Forensic Assessment** means the psychological assessment of individual Staff Plaintiff Class Members by the Forensic Assessment Team. Results of these individual assessments will be provided to the Special Master to inform disbursements based on relative psychological impact of the incident on each individual.
- c. **Assessed Staff Plaintiff** means a Staff Plaintiff Class Member who returns a completed Forensic Assessment according to the instructions provided in the Class Notice within sixty (60) days of the date that the Forensic Assessments are provided to the Staff Plaintiff Class Members.
- d. **Non-Assessed Staff Plaintiff** means a Staff Plaintiff Class Member who does not return a completed Forensic Assessment within sixty (60) days of the date that the Forensic Assessments are provided to the Staff Plaintiff Class Members.

22. **Final Approval Order** means the Court's order granting final approval of this Settlement Agreement and dismissing the Litigation with prejudice.

23. **Gross Settlement Amount** means \$13,000,000.00, which shall be the total amount from which (1) the Class Members will be paid, (2) all out-of-pocket costs of settlement administration will be paid, and (3) Class Counsel's and Counsel

for Special Subclass Representative Hawk Kennedy's attorneys' fees and litigation expenses, if approved by the Court, will be paid. The Department will pay the Gross Settlement Amount into the Qualified Settlement Fund, established by Class Counsel with the Department's approval, within thirty (30) days of the date of Preliminary Approval, as set forth in paragraph 35 below; this sum represents the total, complete, and final payment by the Department in settlement of this Litigation. The Gross Settlement Fund shall be divided between the Patient Compensation Fund, the Staff Compensation Fund, and the Administrative Costs and Attorney Fees Pool.

- a. **Patient Compensation Fund** means \$2,888,888.89 from the Gross Settlement Amount that shall be allocated and utilized as described below in the Plan of Allocation for the Patient Compensation Fund section, paragraphs 43 – 45 and Appendix A.
- b. **Staff Compensation Fund** means \$5,777,777.78 from the Gross Settlement Amount that shall be allocated and utilized as described below in the Plan of Allocation for the Staff Compensation Fund section, paragraphs 46 – 53. The **Adult Compensation Fund** means the amount remaining in the Staff Compensation Fund after the initial payments and Staff Plaintiff Class Representative payments as set forth in paragraphs 48 – 49.
- c. **Administrative Costs and Attorney Fees Pool** means \$4,333,333.33 from the Gross Settlement Amount that shall be

utilized as described below in the Plan for the Administrative Costs and Attorney Fees Pool section, paragraphs 54 – 61.

24. **Litigation** means this lawsuit styled *Horein v MDHHS*, Court of Claims Case No. 23-000063-MM, assigned to the Honorable James Redford, Judge of the Court of Claims.

25. **Related Litigations** mean, collectively, *Horein v Petti*, No. 23-005451-CZ (Wayne CC), *Woodruff v MDHHS*, No. 23-000071-MM (COC), *Woodruff v Petti*, No. 23-006141-CZ (Wayne CC), *Kennedy v Petti*, No. 23-010125-CZ (Wayne CC).

26. **Opt-Out Deadline** means the date the Court establishes as the deadline by which putative class members must mail and postmark a written notice of their intent to opt-out of the class and settlement. The Parties shall jointly request that the Opt-Out Deadline shall be 60 days after the notices are sent to class members.

27. **Parties** means Plaintiffs, on behalf of themselves and their respective classes, and the Department.

28. **Plaintiffs** means, collectively, the Class Representatives for the Patient Plaintiffs, the Class Representatives for the Staff Plaintiffs, and the Class Representatives for the Special Subclass of Staff Plaintiffs.

29. **Preliminary Approval** means an order from the Court granting preliminary approval of class certification and this settlement such that notice can issue.

30. **Qualified Settlement Fund Administrator or QSF**

Administrator means the administrator of a Qualified Settlement Fund for federal tax purposes pursuant to Treas. Reg. § 1.468B-1 as established by Class Counsel and approved by the Court. The QSF Administrator is responsible for the escrowing of the Gross Settlement Amount prior to disbursements of the funds as set forth in the Settlement Agreement, issuing checks or making electronic funds transfer to Class Members based on the terms of the Settlement Agreement, and the preparation and filing of all documents required by the Internal Revenue Service or its agreement with Class Counsel.

31. **Registration** means the process required of an individual who is not on the patient or staff lists provided by the Department to Class Counsel, pursuant to paragraph 74. Individuals who believe they have been erroneously omitted from the patient or staff list will need to make themselves known by registration with the Special Master so that he can determine eligibility.

- a. This registration must occur no later than thirty (30) days prior to the Opt-Out Deadline specified in the Class Notice and requires the individual to provide the Special Master with clear and convincing evidence that they fully meet the definition of a class member as provided in paragraphs 12.a or 12.b of this Agreement.
- b. "Clear and convincing evidence" means that the Eligible Class Member has produced a document that directly supports the claim for Eligibility. Examples of such documentation include, but are not

limited to, employee timecard entries.

- c. The Special Master shall determine eligibility within fourteen (14) days of Registration and shall notify the Department, Class Counsel, and the individual(s) seeking eligibility of the determination. The Special Master's determination of eligibility shall be final and binding.

32. **Released Parties** means the State of Michigan, the Michigan Department of Health and Human Services, Victoria Petti, Wayne Souci, Derek Leppek, and Patti Glenn.

33. **Settlement Agreement** means this Agreement, including its appendices (Appendices A-B).

34. **Special Master** means the individual appointed by the Court to (1) determine if an individual is an Eligible Class Member (see paragraphs 31 and 46.b); and (2) administer and process claims for payments from the Adult Compensation Fund, pursuant to the Plan of Allocation for the Staff Compensation Fund (see paragraphs 46 – 53). The Parties agree to seek the appointment of William W. Jack, Jr. (P23403) as the Special Master.

Terms and Conditions of the Settlement

I. General Terms

35. **Payment by Department:** In consideration for the terms and conditions described herein, including the complete release of all claims as described below and the dismissal of the Lawsuit and Related Lawsuits with prejudice, the Department shall pay the Gross Settlement Amount of

\$13,000,000.00, which shall be distributed as discussed in this Agreement.

- a. With fourteen (14) days of the date of Preliminary Approval, Class Counsel, the Claims Administrator, and/or the QSF Administrator shall register the QSF as a vendor on the Statewide Integrated Government Management Application System (SIGMA). Payment of the Gross Settlement Amount is contingent upon registration with SIGMA.
- b. The Gross Settlement Amount shall be deposited into a QSF, established by Class Counsel with the Department's approval, within thirty (30) days of the date of Preliminary Approval. The payment will be made by electronic funds transfer (EFT) through SIGMA.
- c. The Department and Class Counsel shall provide to the QSF Administrator the documentation necessary to facilitate obtaining QSF status.

36. **Release of Claims:** For themselves and all Patient Plaintiffs Class Members and Staff Plaintiffs Class Members—including their agents, representatives, heirs, beneficiaries, attorneys, successors, assignees, and claimants—Staff Plaintiff Class Representatives, Special Subclass Representatives, and Patient Plaintiff Class Representatives, hereby release and forever discharge Victoria Petti, Wayne Soucie, Derek Leppek, Patti Glenn, the Department, and the State of Michigan and its departments, and their respective past, present, and

future directors, officers, employees, attorneys, agents, representative, predecessors- and successors-in-interest, assigns, indemnitors, and insurers from any and all claims that Staff Plaintiff Class Members, Special Staff Subclass Representatives, or Patient Plaintiff Class Members individually, collectively, directly, indirectly, derivatively, or in any other capacity ever had, has, or may have, from the beginning of time until the date of this Agreement, which are known or unknown, and that in any way relate to or are based upon the December 21, 2022 active intruder drill at the Hawthorn Center.

37. **Dismissal of Claims:** Plaintiffs covenant to the dismissal of this Litigation and the Related Litigations with prejudice, and further covenant that they will refrain from commencing any action or proceeding, or prosecuting any pending action or proceeding against any Released Party herein on account of any matter released hereunder.

38. **No Admission of Liability:** The Department's agreement to this Settlement is not, and should not be construed as, a direct or implied admission or acknowledgment of any wrongdoing, illegality, liability, or responsibility to any person or party for any conduct or omission, alleged or unalleged, whatsoever. The Department enters into this Settlement for the purpose of elimination of ongoing contested legal proceedings, repose, savings of expenses and resources, and for no other purposes.

39. **Jurisdiction:** The Parties shall request that the Court retain jurisdiction to enforce the Agreement.

40. **Settlement Contingent on Final Approval:** This Settlement is contingent upon final approval of a class action settlement on behalf of all Class Members described herein. This Agreement shall terminate and be of no further force or effect without any further action by the Parties if (i) the Court determines not to grant preliminary or final approval of the Class Settlement; (ii) if the Court refuses to certify the classes as defined without modification; and (iii) the Parties do not agree to any changes to the Settlement Agreement required by the Court for approval or are unable or do not agree to obtain reconsideration and reversal or appellate review and reversal of any adverse decision by the Court regarding the Settlement Agreement. However, the Parties agree to act in good faith to accept any non-material and procedural changes to this Settlement Agreement if so, required by the Court in connection with preliminary or final approval of the Settlement Agreement. If settlement is rescinded, the QSF Administrator will return the Gross Settlement Amount, including any interest, to the State of Michigan, the classes shall be decertified (if applicable) by stipulation of the parties, and the Litigation and Related Litigations reinstated.

41. **Communication with Class Members:** All notices and communications with putative class members shall be by email, when the email address is known, as well as by hard copy US mail. In addition, Staff Plaintiff Class Members will be encouraged to communicate with the Claims Administrator through a website and by electronic means such as email and texting as established by the Claims Administrator and explained in the Class Notice.

42. **Special Master**

- a. **Appointment:** Along with the Motion for Preliminary Approval, Class Counsel shall move, and the Department will concur, the Court for the appointment of William W. Jack, Jr., as the Special Master.
- b. **Role:** The Special Master shall have authority to (1) determine if an individual is an Eligible Class Member; (2) administer the Adult Compensation Fund as described herein; and (3) direct the QSF Administrator to distribute funds from the Adult Compensation Fund after the Effective Date consistent with the terms described herein.

II. Plan of Allocation of the Patient Compensation Fund

43. **Allocation:** The Patient Compensation Fund shall be allocated equally among the Patient Plaintiff Class Members, except that each Class Representative for the Patient Plaintiffs shall receive an additional \$5,000.00 in their distributions (see paragraph 7 in Appendix A), and conform with the requirements of MCR 2.420.

44. **Protection of Patient Plaintiff Class Members:** The Plan of Allocation shall ensure that Patient Plaintiff Class Members are informed of the potential impact of an award allocation on their eligibility for or status as a recipient of public benefits.

45. **The Plan of Allocation of the Patient Compensation Fund,** including all definitions, terms, and processes, is appended to this Agreement as

Appendix A and incorporated by reference here in its entirety.

III. Plan of Allocation for the Staff Compensation Fund

46. Determination of Eligible Staff Plaintiff Class Members:

- a. **Eligibility:** Individuals who appear on the list of Staff Plaintiff Class Members provided by the Department, pursuant to paragraph 74, shall be deemed automatically eligible for participation in the Staff Plaintiff Class.
- b. **Registration Process:** Any individual who believes that their name was erroneously omitted from the list of Staff Plaintiff Class Members provided by the Department, may register with the Special Master by no later than 30 days prior to the opt-out deadline specified in the Class Notice. Registration requires the individual to provide the Special Master with clear and convincing evidence (e.g. timecard records) that the individual fully meets the definition of a class member as provided in paragraph 12.b of the Settlement Agreement. The Special Master shall make his determination of eligibility within fourteen (14) days of receiving any registration, and his determination of eligibility shall be final and binding.

47. Structure and Components of Allocation for Staff

Compensation Fund: The allocation of the Staff Compensation Fund comprises the following components:

- a. **Initial Payments** to each participating Staff Class Member and

made in consideration for a release of all claims other than claims that may not be released, including but not limited to claims under the Michigan Worker's Disability Compensation Act, MCL 418.301 *et seq.* ("Worker's Compensation"). See paragraph 48, below.

- b. **Staff Plaintiff Class Representative Payments**, which are defined in paragraph 49, below.
- c. **Redemption Payments** from the Adult Compensation Fund to each Staff Plaintiff, issued as a worker's compensation redemption, and to compensate the Staff Plaintiffs' claims of workplace injury through the processes prescribed by the Worker's Disability Compensation Act. See paragraphs 50 through 53, below.

48. **Initial Payments:** Within fourteen (14) days after the Effective Date, each Staff Plaintiff shall be issued a check by the QSF Administrator in the amount of \$1,000.00 from the Staff Compensation Fund.

- a. The QSF Administrator shall mail the checks to the Staff Plaintiffs' last known addresses or process an electronic payment if the Staff Plaintiff has provided such payment instructions.
- b. The QSF Administrator, on the Department's behalf, will issue to each Staff Plaintiff an IRS Form W-2 and/or 1099 if required by law and within the time required by law.
- c. The initial payments are made in consideration of a release of all claims, as articulated in paragraph 36 above, that can be lawfully

released by the Staff Plaintiffs.

49. **Staff Plaintiff Class Representative Payments:** Within fourteen (14) days after the Effective Date, each Staff Plaintiff Class Representative and Special Staff Subclass Representative shall be issued an electronic payment according to instructions provided by each representative or mailed a check to their last known address by the QSF Administrator in the amount of \$5,000.00 from the Staff Compensation Fund.

50. **Forensic Assessment Process:** The forensic assessment process shall be used to establish the impact of the active intruder drill held on December 21, 2022, on each Staff Plaintiff Class Member.

- a. Within fourteen days after the Opt-Out Deadline, the Claims Administrator shall email, where an email address is known, and mail each Staff Plaintiff Class Member a notice containing a URL link for the Forensic Assessment, with instructions to complete the Forensic Assessment within forty-five (45) days. The Staff Plaintiff Class Members will thereafter have forty-five (45) days to complete the Forensic Assessment and return the completed assessment according to the instructions provided in the Class Notice and on the website containing the Forensic Assessment materials.
- b. Upon receipt of the Forensic Assessments, the Forensic Assessment Team shall follow the process described in the document “Methodology for Active Shooter Drill – Evaluation,” appended

hereto as Appendix B.

- c. Once all of the timely Forensic Assessment materials have been evaluated and assigned a traumatic-impact score from 1 to 100, the Forensic Assessment Team shall provide a list of the Forensic Assessment scores for the Assessed Staff Plaintiffs to the Special Master. This process shall take no more than thirty (30) days from the deadline for Staff Plaintiff Class Members to submit their Forensic Assessment materials.
- d. Using the Forensic Assessment scores, the Special Master will assign a preliminary disbursement amount for each Assessed Staff Plaintiff by dividing the remaining funds in the Adult Compensation Fund (after accounting for the funds to be disbursed to the Non-Assessed Staff Plaintiffs, see paragraph 51, below) proportional to each Assessed Staff Plaintiff's Forensic Assessment score.
- e. The Special Master shall also assign a preliminary disbursement amount for the Special Subclass Representatives at three times the amount that their Forensic Assessment score would otherwise provide.
- f. The Special Master shall compile the preliminary disbursement amount for each Assessed Staff Plaintiff into a list and provide a copy of the list to Class Counsel and counsel for the Department

within 14 days of receipt of the Forensic Assessment scores.

- g. The Special Master shall also mail or email each Assessed Staff Plaintiff a notice (1) identifying their preliminary disbursement amount, (2) identifying the Forensic Assessment score, (3) providing information about appealing the preliminary disbursement amount to the Special Master, and (4) advising the Assessed Staff Plaintiff that the preliminary disbursement amount is not final and may increase or decrease.
- h. The Assessed Staff Plaintiffs shall have fourteen (14) days to appeal their preliminary disbursement amount to the Special Master. Any appeal must be post-marked or electronically delivered by the fourteenth (14th) day after the Special Master mails or emails the notice of preliminary disbursement amounts. Assessed Staff Plaintiffs may submit documentation to the Special Master demonstrating medical expenses with their appeals.
- i. Assessed Staff Plaintiffs may request a copy of their Forensic Assessment from the Special Master during the appeal period.
- j. The Special Master shall review all timely appeals submitted by Assessed Staff Plaintiffs. When justice so requires and in the Special Master's sole discretion, the Special Master may assign additional points to the Forensic Assessment score for an Assessed Staff Plaintiff who timely appeals their preliminary disbursement

amount.

- k. Following the appeals, the Special Master will re-calculate the disbursement amounts for each Assessed Staff Plaintiff, considering any additional points awarded through appeal by the Special Master.

51. **Disbursements for Non-Assessed Staff Plaintiffs:** Non-Assessed Staff Plaintiffs shall each be assigned \$4,000 for disbursement from the Adult Compensation Fund through a Worker's Compensation Redemption, as described in paragraph 53, below.

52. **Plan of Disbursement from the Adult Compensation Fund:** Following the Forensic Assessment Process set forth in paragraph 50, the Special Master shall provide Class Counsel and counsel for the Department a Plan of Disbursement from the Adult Compensation Fund listing the assigned disbursement for each Staff Plaintiff (both Non-Assessed Staff Plaintiff and Assessed Staff Plaintiff). The Special Master shall provide Counsel for Special Subclass Representative Hawk Kennedy a redacted copy of this Plan of Allocation, whereby only Mr. Kennedy and Mr. Woodruff's names are revealed.

- a. Class Counsel shall submit a copy of the Plan of Disbursement from the Adult Compensation Fund with the Motion for Final Approval of the Settlement.
- b. The disbursements from the Adult Compensation Fund for all Staff Plaintiffs (both Non-Assessed Staff Plaintiff and Assessed Staff

Plaintiff) shall be processed through worker's compensation redemptions, as described in paragraph 54.

53. Worker's Compensation Redemption: Except as provided in paragraphs 53.b and 53.c, all disbursements from the Adult Compensation Fund for Staff Plaintiffs (both Non-Assessed Staff Plaintiff and Assessed Staff Plaintiff) shall be assigned as the value for the individual Staff Plaintiffs' workers' compensation claims. Following the Effective Date, Class Counsel shall retain a worker's compensation attorney(s) for each Staff Plaintiff to process the worker's compensation redemptions. The Special Master and the Forensic Assessment Team shall assist Staff Plaintiffs' worker's compensation attorneys in processing the worker's compensation redemptions by providing relevant documentation of the workplace injuries necessary to process the Staff Plaintiff Class Members' claims. Plaintiffs acknowledge that any Staff Plaintiffs' workers' compensation redemption is subject to the filing of the appropriate claim documents, the statutory redemption fee, and approval by the Workers' Disability Compensation Agency Board of Magistrates. Plaintiffs and the Department agree that the worker's compensation redemptions will be narrowly tailored so that they only release claims arising from the active intruder drill of December 21, 2022, and not any other claim an individual may have. Any Staff Plaintiff who refuses to complete the worker's compensation redemption process shall be deemed to have forfeited their entitlement to their assigned disbursement from the Adult Compensation Fund.

a. For purposes of effectuating the Redemption Payments, the

Department will not contest Worker's Compensation claims arising from the December 21, 2022, incident brought by Staff Plaintiff Class Members under the terms of this Agreement.

- b. Should the Magistrate Judge not approve the worker's compensation redemption for any Staff Plaintiff Class Member or reduces the disbursement amount assigned to the Staff Plaintiff under the Plan of Disbursement from the Adult Compensation Fund, the QSF Administrator shall promptly issue payment to that Staff Plaintiff from the Adult Compensation Fund in the amount equal to the difference between the disbursement amount assigned to the Staff Plaintiff and the amount awarded by the Worker's Compensation Magistrate Judge to the Staff Plaintiff (if any). These payments shall be considered 1099 compensation, and the QSF Administrator shall issue IRS Form W-2 and/or 1099 if required by law and within the time required by law.
- c. Staff Plaintiffs employed by DK Security as of December 21, 2022, are exempt from the Worker's Compensation Redemption process set forth in this paragraph. The assigned disbursements for the Staff Plaintiffs employed by DK Security as of December 21, 2022, shall be paid by the QSF Administrator within thirty (30) days of the Effective date. These payments shall be considered 1099 compensation, and the QSF Administrator shall issue IRS Form W-

2 and/or 1099 if required by law and within the time required by law.

IV. Plan for Allocation of the Administrative Costs and Attorney Fees Pool

54. **Coverage of Administrative Costs and Attorney Fees Pool:** The funds in the Administrative Costs and Attorney Fees Pool shall cover all costs and fees of (1) the Special Master, (2) the Forensic Assessment Team, (3) the QSF Administrator, (4) Class Counsel, (5) Counsel for Special Subclass Representative Hawk Kennedy, (6) the Claims Administrator, and (7) any other administrative costs required to effectuate this Settlement Agreement.

55. Special Master Costs and Fees:

- a. The Special Master shall be entitled to recover all reasonable costs expended to effectuate the Special Master's obligations under this Settlement Agreement. In addition, the Special Master shall be entitled to reasonable fees, at the Special Master's standard hourly rate for mediations, for time expended to effectuate the Special Master's obligations under the terms of this Settlement Agreement.
- b. At least quarterly, the Special Master shall submit bills documenting any costs and fees that the Special Master seeks reimbursement to the QSF Administrator, Class Counsel, and counsel for the Department. Class Counsel or counsel for the Department may object to the Special Master's bills within ten (10) days of the Special Master submitting his bills and shall send any

objection to the Special Master, the QSF Administrator, Class Counsel and counsel for the Department. If no timely objection is submitted, the QSF Administrator shall issue the amount requested in the Special Master's bill to the Special Master from the Administrative Costs and Attorney Fees Pool. If an objection is raised, the Special Master and the objecting party shall meet and confer regarding the objection. If the Special Master and the objecting party are unable to resolve the objection, the Special Master and objecting party may raise the dispute with the Court.

56. Forensic Assessment Team Costs and Fees:

- a. The Forensic Assessment Team shall be entitled to recover all reasonable costs expended to effectuate the Forensic Assessment Team's obligations under this Settlement Agreement. In addition, the Assessment Team shall be entitled to reasonable fees, at an hourly rate agreed upon with Class Counsel, for time expended to effectuate the Forensic Assessment Team's obligations under the terms of this Settlement Agreement.
- b. The Forensic Assessment Team shall submit a bill documenting any costs and fees that the Forensic Assessment Team seeks reimbursement to the QSF Administrator, Class Counsel, and counsel for the Department, within thirty (30) days of completing their review and scoring of the Forensic Assessments (see

paragraph 50.c, above, and Appendix B to this Agreement). Class Counsel or counsel for the Department may object to the Forensic Assessment Team's bills within ten (10) days of the Forensic Assessment Team submitting their bill and shall send any objection to the Forensic Assessment Team, the QSF Administrator, Class Counsel and counsel for the Department. If no timely objection is submitted, the QSF Administrator shall issue the amount requested in the Forensic Assessment Team's bill to the Forensic Assessment Team from the Administrative Costs and Attorney Fees Pool. If an objection is raised, the Forensic Assessment Team and the objecting party shall meet and confer regarding the objection. If the Forensic Assessment Team and the objecting party are unable to resolve the objection, the Assessment Team and objecting party may raise the dispute with the Special Master and his determination will be binding.

57. QSF Administrator Costs and Fees:

- a. The QSF Administrator shall be entitled to recovery all reasonable costs and fees expended to effectuate the QSF Administrator's obligations under this Settlement Agreement. The QSF Administrator may utilize, and seek reimbursement for the costs and fees of, administrative staff to effectuate the QSF Administrator's obligations under the terms of this Settlement

Agreement.

- b. The QSF Administrator shall submit a bill documenting any costs and fees that the QSF Administrator seeks reimbursement to Class Counsel and counsel for the Department. Class Counsel or counsel for the Department may object to the QSF Administrator's bills within ten (10) days of the QSF Administrator submitting their bill and shall send any objection to the QSF Administrator, Class Counsel and counsel for the Department. If no timely objection is submitted, the QSF Administrator shall collect the amount requested in the QSF Administrator's bill from the Administrative Costs and Attorney Fees Pool. If an objection is raised, the QSF Administrator and the objecting party shall meet and confer regarding the objection. If the QSF Administrator and the objecting party are unable to resolve the objection, the QSF Administrator and objecting party may raise the dispute with the Court.

58. Claims Administrator Costs and Fees:

- a. The Claims Administrator shall be entitled to recovery all reasonable costs and fees expended to effectuate the Claims Administrator's obligations under this Settlement Agreement. The Claims Administrator may utilize, and seek reimbursement for the costs and fees of, administrative staff to effectuate the Claims

Administrator's obligations under the terms of this Settlement Agreement.

- b. The Claims Administrator shall submit a bill documenting any costs and fees that the Claims Administrator seeks reimbursement to Class Counsel and counsel for the Department. Class Counsel or counsel for the Department may object to the Claims Administrator's bills within ten (10) days of the Claims Administrator submitting their bill and shall send any objection to the Claims Administrator, Class Counsel and counsel for the Department. If no timely objection is submitted, the QSF Administrator shall issue the amount requested in the Claims Administrator's bill from the Administrative Costs and Attorney Fees Pool. If an objection is raised, the Claims Administrator and the objecting party shall meet and confer regarding the objection. If the Claims Administrator and the objecting party are unable to resolve the objection, the Claims Administrator and objecting party may raise the dispute with the Court.

59. Attorneys' Fees and Costs for Counsel for Special Subclass

Representative Hawk Kennedy: The QSF Administrator shall issue an amount equal to 1/3 of the disbursement to Hawk Kennedy set forth in the Plan of Distribution from the Adult Compensation Fund, plus reimbursement for reasonable and documented costs, from the Administrative Costs and Attorney Fees

Pool to Cline, Cline, & Griffin, PC within thirty (30) days of the Effective Date.

60. **Class Counsel's Attorneys' Fees and Costs:** Class Counsel shall apply to the Court for an award of fees and costs to be paid solely from the Administrative Costs and Attorney Fees Pool. An initial application for an award of fees and costs shall be included in the Motion for Preliminary Approval of Settlement, with an estimated amount of attorney fees and costs that will be sought. The Motion for Final Approval of Settlement shall include an application for an application for attorney fees and costs with the specific amount to be collected by Class Counsel.

- a. The application for an award of fees and costs shall be made on behalf of Class Counsel to completely cover all costs and fees of Class Counsel, and this amount will be the net in the Administrative Costs and Attorney's Fees Pool after all other costs and fees, including those of Counsel for Special Subclass Representative Kennedy, are paid.
- b. The application for attorneys' fees and costs shall be in a sum not to exceed the amount in the Administrative Costs and Attorney Fees Pool, after all costs and fees of the Special Master, Forensic Assessment Team, Claims Administrator, QSF Administrator and Counsel for Special Subclass Representative Kennedy are accounted. Costs (i.e., litigation expenses) shall be paid in addition to attorneys' fees in the amount in which they were or are incurred

by Class Counsel and are approved for reimbursement by the Court.

- c. The Department will not oppose the request for attorneys' fees and costs if consistent with the terms of this Settlement Agreement.

The Department shall have no obligation to pay any attorneys' fees or costs in addition to the payment of the Gross Settlement Amount.

- d. If approved by the Court, attorneys' fees and costs will be paid to Class Counsel by the QSF Administrator in one lump sum payment within 30 days of the Effective Date of this Agreement.

61. **Additional Administrative Costs:** To the extent additional administrative costs arise in effectuating the terms of this Settlement that are not otherwise accounted for in the preceding paragraphs, the administrative costs shall be paid for using funds from the Administrative Costs and Attorney Fees Pool. Class Counsel and counsel for the Department shall meet and confer to discuss such costs if they arise, and may direct the QSF Administrator to pay such costs from the Administrative Costs and Attorney Fees Pool.

V. Process for Class Certification and Settlement Approval

62. Class certification:

- a. **Stipulation to Class Certification.** Solely for the purposes of effectuating this Settlement Agreement, the Parties stipulate and agree to certification of classes. As such, the Parties stipulate and agree that in order for this Settlement Agreement to occur, the Court

must certify the Class as defined in this Agreement without modification. If the Court wishes to modify the class definition, this Settlement Agreement is void. If the Settlement Agreement does not become effective, the fact that the Parties were willing to stipulate to certification as part of the Settlement Agreement shall not be admissible or used in any way in connection with the question of whether the Court should certify any claims in a non-settlement context in this Litigation, the Related Litigations, or any other lawsuit or venue. If the Settlement Agreement does not become effective, the Department reserves the right in further proceedings to contest any issues relating to class certification, liability, and damages. Class Counsel will be required to establish that all of the elements of class certification are present so that the Court may certify this Litigation as a class action.

- b. **Timeframe for Motion for Class Certification:** Class Counsel will file a stipulated motion for class certification with the Court pursuant to MCR 3.501(B)(1). The motion will seek certification of two classes: the Patient Plaintiff Class and the Staff Plaintiff Class, consistent with the definitions for each respective class as set forth in paragraph 12, above. The Motion for Class Certification shall be filed concurrently with the Motion for Preliminary Approval of Settlement and include a draft Notice of Class Action

and Class Settlement (see paragraph 64, below) for each the Patient Plaintiff Class and the Staff Plaintiff Class, for the Court's approval.

63. Timing of Motion for Preliminary Approval of Settlement:

Within ten (10) business days of the Execution Date, Class Counsel will file a stipulated Motion for Preliminary Approval of Settlement pursuant to MCR 3.501(E), seeking preliminary approval of the Settlement Agreement on behalf of the Patient Plaintiff Class and the Staff Plaintiff Class. The Motion for Preliminary Approval of Settlement shall include a draft Notice of Class Action and Class Settlement (see paragraph 64, below) for each the Patient Plaintiff Class and the Staff Plaintiff Class, for the Court's approval.

64. Notice of Class Action and Class Settlement: Within five (5) business days of entry of the Order for Preliminary Approval of the Settlement and Class Certification, Class Counsel shall issue the approved Notice of Class Action and Class Settlement to each putative class member in each class. For putative Patient Plaintiff Class Members who are under the age of eighteen years old, the Notice of Class Action and Class Settlement shall be provided to the putative Patient Plaintiff Class Member's parent or legal guardian. The Notice of Class Action and Class Settlement shall be approved by the Court and comport with MCR 3.501(C)(1-7).

65. Class Action Website: Class Counsel, through the Claims Administrator, will establish a website that will be functional within five (5)

business days of entry of the Order for Preliminary Approval of the Settlement and Class Certification and will provide putative class members and members of public with information about the class action litigation, the settlement, and relevant and material court documents, and shall feature a means by which potential class members can communicate with Class Counsel to verify Class Member status and other information necessary to join the class.

66. **Right to Opt-Out:** All putative class members will have the right to be excluded from, *i.e.*, to “opt-out” of, the Class and the Settlement in accordance with MCR 3.501(C)(5)(b).

- a. On or before the Opt-Out Deadline, each individual who elects to opt-out of the class and settlement must send, by mail, written notice addressed to Class Counsel indicating their name and address and stating that they desire to opt-out of the Class and Settlement. In no event shall putative class members who seek to opt-out of the classes as a group, aggregate, collective, or class involving more than one individual be considered a successful opt-out.
- b. In no event shall a class member be permitted to opt-out of the Settlement but be included in one of the certified classes; if a putative class member opts-out of the class, the putative class member likewise opts-out of the settlement.
- c. Any putative class members who fails to timely and validly opt-out

of the class and settlement shall be bound by the terms of this Settlement Agreement and the Final Approval Order entered in this Litigation.

- d. If ten (10) percent of the putative Patient Plaintiff Class Members or the putative Staff Plaintiff Class Members opt-out of either respective classes, the Department may terminate this Agreement. The Department has the option of terminating this Agreement within fourteen (14) days of the deadline to submit timely opt-out notices. Class Counsel is responsible for providing to counsel for the Department, by email, timely notice of each opt-out. In the event the opt-out threshold is met and the Department chooses to terminate, this Agreement is null, void, and unenforceable and all monies shall be returned to the Michigan Department of Treasury.

67. Non-Participatory Class Members: Individuals who (1) meet the Patient Plaintiff class definition or the Staff Plaintiff class definition, (2) do not opt-out of the class and settlement, and (3) cannot be located to effectuate the terms of this Settlement Agreement or otherwise refuse to complete an obligation necessary to effectuate the Settlement Agreement on their behalf, shall remain bound by the terms of this Settlement Agreement and the Final Approval Order and forfeit their entitlement to any funds under the terms of this Settlement.

68. Motion for Final Approval of Settlement and Fairness Hearing: Class Counsel shall move for Final Settlement Approval no later than two weeks

(14 days) following receipt of the Plan of Disbursement from the Adult Compensation Fund from the Special Master. The Court, at the Fairness and Final Approval Hearing, will review the reasoned Plan of Disbursement prepared by the Special Master to ensure no errors were made in applying the terms of this Settlement Agreement for the Assessed Staff Plaintiff. An Order of Final Approval of the Settlement pursuant to MCR 3.501(E) will be entered by the Court at the conclusion of the Fairness Hearing and upon exhaustion of any appeal. Once the Final Approval Order is entered, this Settlement Agreement will bind all Class Members who have not opt-ed out of their respective class.

Additional Terms

69. **Payment into QSF and QSF Obligations:** In accordance with the terms of this Settlement Agreement, the Gross Settlement Amount shall be deposited into the QSF within thirty (30) days of the date of Preliminary Approval, as set forth in paragraph 35. The funds within the QSF will be held in a fiduciary capacity. The QSF shall comply with 26 CFR 1.468B-1, et seq., including the requirements for taxation and tax reporting obligations. The QSF shall be deemed to be in the custody of the Court. The QSF shall remain subject to the jurisdiction of the Court until the funds are distributed in their entirety or upon further order of the Court. It shall be the responsibility of the QSF Administrator to cause the timely and proper preparation and delivery of the necessary documentation for signature by all necessary parties, and thereafter to cause the appropriate filing to occur. The QSF Administrator may invest the escrowed funds in United States Treasury Notes or Bonds redeemable in time to make payment within thirty (30)

days after the Effective Date of the Settlement Agreement. Net Interest, if any, earned in the QSF will be divided in proportion among the Patient Compensation Fund, the Staff Compensation Fund, and the Administrative Costs and Attorney's Fees Pool. The Net Interest is the amount available for distribution after a reduction for the payment to the QSF Administrator portion of the interest per the QSF Administrator fee agreement. The Department shall not have any responsibility, financial obligations, or liability whatsoever with respect to the investment, distribution, or use of the QSF.

70. QSF Administrator Duties and Obligations: The QSF Administrator shall be the "QSF Administrator" within the meaning of Treasury Regulation §1.468B-2(k)(3). The Parties shall cooperate in securing an order of the Court to establish the QSF in accordance with the terms hereof in conjunction with its preliminary approval of the Settlement and Notice as described in the Agreement. In addition to all of the Administrator's other obligations under this Agreement, the QSF Administrator shall make all approved distributions to eligible Class Members, Class Counsel, and the Special Master as directed by the terms of this Agreement, the Special Master (for the Staff Compensation Fund only), or the Court. The QSF Administrator shall handle all federal and state tax matters related to the QSF. The QSF Administrator shall take all steps necessary to ensure that any tax obligations imposed upon the QSF are paid. To the extent necessary to satisfy this objective, the QSF is hereby authorized to, among other things, (i) communicate with the Internal Revenue Service and any state agency on behalf of

the QSF, (ii) make payment of taxes on behalf of the QSF (which taxes will be paid out of the QSF assets), and (iii) file all applicable tax returns for the QSF. All ordinary and necessary expenses incurred in connection with the preparation of such tax returns shall be paid from the QSF.

71. **Cy Pres or Residual Funds:** To the extent any funds remain in the Patient Compensation Fund, the Staff Compensation Fund, and/or the Administrative Costs and Attorney Fees Pool following all allocations and disbursements called for under the terms of this Settlement Agreement, any residual funds shall be paid by the QSF Administrator, pursuant to MCR 3.501(D)(6), to the Children Trust Michigan, as the cy pres or residual funds recipient.

72. **Taxes:** The QSF Administrator, in consultation with Class Counsel, will determine if taxes should be withheld from Class Member payments. Plaintiffs agrees that they are solely responsible for their portion of any and all federal, state or local taxes that are due as a result of payments made under this Agreement. Plaintiffs further acknowledges and agrees to indemnify and hold the Department harmless in the event that any federal, state, or local taxing authority asserts any claim for liability based upon payment of these sums to the Class Members, including but not limited to unpaid taxes; failure to withhold taxes; penalties; interest or other sums that may become due to any taxing authority. The Department makes no representations or warranties about the tax consequences of any monies paid pursuant to this Agreement. The Michigan and United States

Departments of Treasury are empowered to exercise any right of set-off to which it is entitled by law. To the extent settlement payments trigger any employer-side payroll or other tax obligations, the Department shall be solely responsible for those employer-side obligations to the extent described herein.

73. **Independent Tax Advice:** Each Class Member shall be obligated to obtain their own independent tax advice concerning the proper income reporting and tax obligations regarding payments that they receive pursuant to this Settlement Agreement. Class Members shall further assume the responsibility of remitting to the Internal Revenue Service or any other relevant taxing authorities all amounts required by law to be paid out of any monies received under this Agreement, without any contribution from the Department, Class Counsel, or the settlement funds maintained by the QSF Administrator.

74. **Class Member Contact Information:** The Department shall provide a list of last known addresses for all Staff Plaintiffs to Class Counsel and the Special Master within fourteen (14) days of the Execution Date. Pursuant to the Protective Order, dated December 7, 2023, to the extent the information is in the Department's possession, the Department shall also provide Class Counsel last known contact information for the Patient Plaintiffs, their parent(s)/guardian(s), and other legal representatives (e.g., guardian ad litem). The Parties agree that the contact information provided by the Department and other information about a Class Member shall be used for purposes of effectuating this Settlement Agreement and for no other purposes. Any information provided by the Department about

Class Members shall be deemed confidential and shall be destroyed at the completion of this Settlement Agreement.

75. **Claw-Back Rights:** The QSF Administrator may invest the escrowed settlement funds in United States Treasury Notes or Bonds redeemable in time to make payment within 30 days after the Effective Date of the Settlement Agreement. In the event the Settlement Agreement is set aside by the Court or a final appellate court order, the QSF Administrator shall liquidate the fund within thirty (30) days of the Court's order or the final appellate court order and repay to the Department the amount in the fund minus all reasonable administrative costs already incurred.

76. **Settlement Modification:** The Parties may agree by stipulation executed by counsel to modify any aspect of this Agreement or Motions and Brief submitted in support of the Settlement Agreement. Any stipulation modifying the Agreement must be filed with the Court and is subject to the Court's approval.

77. **Authority:** The signatories below represent they are fully authorized to enter into this Agreement and to bind the Parties.

78. **Best Reasonable Efforts and Mutual Full Cooperation:** The Parties agree to fully cooperate with one another to accomplish the terms of this Agreement, including but not limited to, executing such documents and taking such other actions as may be reasonably necessary to implement the terms of this Settlement. The Parties to this Agreement will use their best reasonable efforts, including all efforts contemplated by this Agreement and any other efforts that may

become necessary or ordered by the Court, or otherwise, to effectuate this Agreement and the terms set forth in it and to the best of their ability make it possible for distributions from the Gross Settlement Amount to be made as early as possible under the terms of this Agreement.

79. **Entire Agreement:** This Agreement, together with any exhibits, constitutes the full and entire agreement among the Parties with regard to the subject matter and supersedes all prior representations, agreements, promises, or warranties, written, oral, or otherwise. No party shall be liable or bound to any other party for any prior representation, agreement, promise, or warranty, oral or otherwise, except for those that are expressly set forth in or attached to this Agreement.

80. **Binding:** This Agreement will be binding upon and will inure to the benefit of the Parties and their respective heirs, trustees, executors, administrators, successors, and assigns.

81. **Construction:** The Parties agree that the terms and conditions of this Agreement are the result of lengthy, arms-length negotiations between the Parties and that this Agreement will not be construed in favor of or against any party by reason of the extent to which any party or the party's counsel participated in the drafting of this Agreement.

82. **Construction of Captions and Interpretations:** Paragraph titles, captions, or headings in this Agreement are inserted as a matter of convenience and for reference and in no way define, limit, extend, or describe the scope of this

Agreement or any provision in it. Each term of this Agreement is contractual and is not merely a recital.

83. **Agreement may be executed in one or more counterparts:** All executed counterparts and each of them shall be deemed to be one and the same Agreement. This Agreement may be executed by signature delivered by facsimile, PDF, text, or .jpg and need not be the original “ink” signature. A complete set of executed counterparts shall be filed with the Court. This Agreement shall become binding upon its execution by the Class Representatives, Class Counsel, and the Department’s authorized representative.

SIGNATURE ON NEXT PAGE

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Dated: _____

Annette Padula
Staff Plaintiff Class Representative

Dated: _____

Chauncey Payne, Jr.
Staff Plaintiff Class Representative

Dated: _____

Brandon Woodruff
Special Subclass Representative

Dated: January __, 2024

Hawk Kennedy
Special Subclass Representative

For All Plaintiffs except Hawk Kennedy:

Dated: _____

Robin B. Wagner (P79408)
Attorney for Plaintiffs

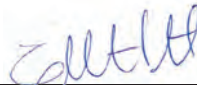
For Hawk Kennedy Only:

Dated: January __ 2024

Nancy K. Chinonis (P71350)
Attorney for Hawk Kennedy

For Michigan Department of Health and Human Services:

Dated: January 30, 2024

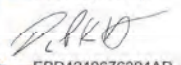


Elizabeth Hertel
Director

Signatures

For Patient Plaintiff Class:

Dated: 1/26/2024

DocuSigned by:

EBB4246676994AD...

David Horein

Dated: 1/26/2024

DocuSigned by:

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Kortni Horein

Parents and Next Friend of Patient Plaintiff
Class Representative D.H.

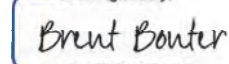
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DocuSigned by:

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Mollie Bonter

Dated: 1/29/2024

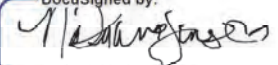
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Brent Bonter

Parents and Next Friends of Patient Plaintiff
Class Representative A.B.

For Staff Plaintiff Class:

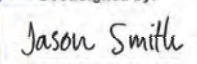
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NaQuana Jones

Staff Plaintiff Class Representative

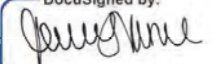
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DocuSigned by:

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Jason Smith

Staff Plaintiff Class Representative

Dated: 1/26/2024

DocuSigned by:

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Jennifer Vance

Staff Plaintiff Class Representative

Dated: 1/29/2024

DocuSigned by:

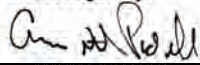
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Kai Mason

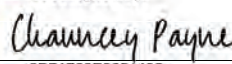
Staff Plaintiff Class Representative

Document received by the MI Court of Claims.

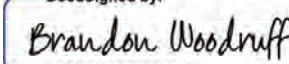
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DocuSigned by:

Annette Padula
Staff Plaintiff Class Representative

Dated: 1/26/2024

DocuSigned by:

Chauncey Payne, Jr.
Staff Plaintiff Class Representative

Dated: 1/29/2024

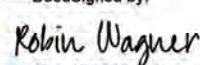
DocuSigned by:

Brandon Woodruff
Special Subclass Representative

Dated: January __, 2024

Hawk Kennedy
Special Subclass Representative

For All Plaintiffs except Hawk Kennedy:

Dated: 1/29/2024

DocuSigned by:

Robin B. Wagner (P79408)
Attorney for Plaintiffs

For Hawk Kennedy Only:

Dated: January __ 2024

Nancy K. Chinonis (P71350)
Attorney for Hawk Kennedy

For Michigan Department of Health and Human Services:

Dated: January __, 2024

Elizabeth Hertel
Director

Signatures

For Patient Plaintiff Class:

Dated: 1/26/2024

DocuSigned by:

E0B4240676004AD...

David Horein

Dated: 1/26/2024

DocuSigned by:

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Kortni Horein

Parents and Next Friend of Patient Plaintiff
Class Representative D.H.

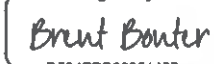
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Mollie Bonter

Dated: 1/29/2024

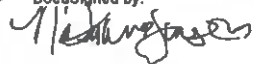
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Brent Bonter

Parents and Next Friends of Patient Plaintiff
Class Representative A.B.

For Staff Plaintiff Class:

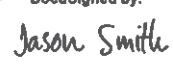
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NaQuana Jones

Staff Plaintiff Class Representative

Dated: 1/26/2024

DocuSigned by:

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Jason Smith

Staff Plaintiff Class Representative

Dated: 1/26/2024

DocuSigned by:

9081C00F03F0415...

Jennifer Vance

Staff Plaintiff Class Representative

Dated: 1/29/2024

DocuSigned by:

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Kai Mason

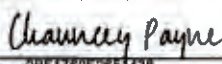
Staff Plaintiff Class Representative

Dated: 1/28/2024

DocuSigned by:

Annette Padula
Staff Plaintiff Class Representative

Dated: 1/26/2024

DocuSigned by:

Chauncey Payne, Jr.
Staff Plaintiff Class Representative

Dated: 1/29/2024

DocuSigned by:

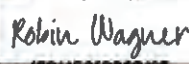
Brandon Woodruff
Special Subclass Representative

Dated: January 29, 2024


Hawk Kennedy
Special Subclass Representative


For All Plaintiffs except Hawk Kennedy:

Dated: 1/29/2024

DocuSigned by:

Robin B. Wagner (P79408)
Attorney for Plaintiffs

For Hawk Kennedy Only:

Dated: January 29, 2024


Nancy K. Chinonis (P71350)
Attorney for Hawk Kennedy

For Michigan Department of Health and Human Services:

Dated: January 29, 2024

Elizabeth Hertel
Director








Hawthorn_Settlement Agreement_PMPBR Client Sigs

Final Audit Report

2024-01-29

| | |
|-----------------|--|
| Created: | 2024-01-29 |
| By: | Nancy Chinonis (chinonis@gmail.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAavhdN_9jNoBqvhInPIZTajZEOqSpTbyQg |

"Hawthorn_Settlement Agreement_PMPBR Client Sigs" History

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-  Document created by Nancy Chinonis (chinonis@gmail.com)
2024-01-29 - 8:08:52 PM GMT- IP address: 45.19.206.121
-  Document emailed to openurhrt@hotmail.com for signature
2024-01-29 - 8:10:03 PM GMT
-  Email viewed by openurhrt@hotmail.com
2024-01-29 - 9:02:58 PM GMT- IP address: 104.47.74.126
-  Signer openurhrt@hotmail.com entered name at signing as Hawk D. Kennedy
2024-01-29 - 9:08:03 PM GMT- IP address: 128.231.234.5
-  Document e-signed by Hawk D. Kennedy (openurhrt@hotmail.com)
Signature Date: 2024-01-29 - 9:08:05 PM GMT - Time Source: server- IP address: 128.231.234.5
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2024-01-29 - 9:08:05 PM GMT

APPENDIX A

PLAN OF ALLOCATION: PATIENT COMPENSATION FUND

This Plan of Allocation is an Appendix to the Class Action Settlement Agreement for *Horein, et al v Michigan Department of Health and Human Services*, COC No. 23-000063-MM, (“Settlement Agreement”) and incorporates by reference here the entirety of that Settlement Agreement, including all definitions, recitations, and terms of agreement documented in that Agreement. The Patient Plaintiff Class to which this Plan of Allocation applies is defined in Paragraph 12.a of the Settlement Agreement.

This Plan of Allocation operates solely to define and prescribe the process by which the Patient Compensation Fund, defined by Paragraph 23.a of the Settlement Agreement, shall be allocated among the class representatives and class members of the Patient Plaintiff Class. This Plan of Allocation may be modified only in accordance with the terms of the Settlement Agreement.

This Plan of Allocation shall conform with the requirements of MCR 2.420. The parties agree that if any of the components of this Plan of Allocation fail to conform with the requirements of MCR 2.420, they shall work in good faith to amend the Plan to bring it back into conformity with MCR 2.420.

DEFINITIONS

1. For the Plan of Allocation for the Patient Compensation Fund, the following definitions shall apply:
 - a. “CMS” means the Centers for Medicare & Medicaid Services, the agency within the United States Department of Health and Human Services responsible for administration of the Medicare Program and the Medicaid Program.
 - b. “Legally Incapacitated or Incompetent Individual” or “LII” means an individual described in MCL 700.1105(a).
 - c. “Medicaid Program” means the federal program administered by the states under which certain medical items, services, and/or

prescription drugs are furnished to Medicaid beneficiaries under Title XIX of the Social Security Act, 42 USC 1396-1, *et seq.*

- d. “Minor” means any Patient Plaintiff that is less than eighteen (18) years of age at the time the Court issues the Final Approval Order.
- e. “Next Friend” shall mean an individual who is appointed under the order required under paragraph 5(a) of this Appendix to represent the interests of another individual who lacks legal capacity to act on his or her own behalf due to being a Minor, or due to physical or mental impairment, and have been determined to lack legal capacity, being an LII.
- f. “Settlement Preservation Trust” shall mean a pooled trust consisting of a Master Trust Agreement and joinder agreement to hold, manage, and administer funds for individuals who are not receiving means-tested government benefits, such as SSI, Medicaid, Social Security Disability Insurance, or Childhood Disabled Beneficiary Benefits.
- g. “Special Needs Trust” shall mean a pooled special needs trust, that complies with the requirements of 42 USC 1396p(d)(4)(C) and Bridges Eligibility Manual (BEM) 401, consisting of a master trust agreement and joinder agreement drafted consistent with federal and state statutes and policies to be considered an exempt resource for public benefit purposes in order for assets held, managed, and administered according to its terms in such a way as to protect and preserve means-

tested government benefits, such as Supplemental Security Income or Medicaid, for persons with disabilities. Pursuant to 42 USC 1396p(d)(4)(C) such joinder agreement may be executed by a legally competent beneficiary, parent, grandparent, guardian, or the court.

- h. “Pooled Trust” means a trust that is created to hold, manage, and administer the funds of a class or type of individual. A pooled trust consists of a master trust agreement which defines how such funds will be administered, the rights and duties of the trustee and beneficiaries. To join a pooled trust, a party with legal authority, such as a parent or Next Friend, executes a document called a Joinder Agreement. Assets are pooled for purposes of investment, but separate records are kept for each individual’s assets.

ALLOCATION PROCESS

2. Determination of Eligible Patient Plaintiff Class Members:

Pursuant to paragraph 72 of the Settlement Agreement, the Department shall provide Class Counsel with a list of all Patient Plaintiff Class Members. This list, and its contents, is subject to the Protective Order entered by the Court on December 7, 2023.

- a. **Eligibility:** Individuals who appear on the list of Patient Plaintiff Class Members provided by the Department shall be deemed automatically eligible for participation in the Patient Plaintiff Class.
- b. **Registration Process:** Any individual who believes that their

name was erroneously omitted from the list of Patient Plaintiff Class Members provided by the Department, may register with the Special Master by no later than the opt-out deadline specified in the Class Notice. Registration requires the individual, or a parent, guardian or other suitable representative acting on their behalf, to provide the Special Master with clear and convincing evidence, as defined in paragraph 31.b of the Settlement Agreement, that the individual fully meets the definition of a class member as provided in paragraph 12.a of the Settlement Agreement. The Special Master shall make his determination of eligibility within fourteen (14) days of receiving any registration, and his determination of eligibility shall be final and binding.

3. Unless a Patient Class Member opts out of this Settlement Agreement, all Eligible Patient Class Members shall be included in the allocation process.
4. **For each Patient Plaintiff Class Member who is not a Minor or LII:**
 - a. The Patient Plaintiff Class Member shall receive the Notice of Class Action and Class Settlement pursuant to paragraph 64 of the Settlement Agreement.
 - b. Within fourteen (14) days after the Opt-Out Deadline, Class Counsel shall contact Patient Plaintiff Class Member to determine the manner of disbursement for the Patient Plaintiff's share of the Patient Compensation Fund. The Patient Plaintiff

will have the option of receiving the funds through a cash payment, through the Pooled Special Needs Trust provided for in Paragraph 6 below, or through the Settlement Preservation Trust provided for in Paragraph 6 below. Class Counsel will assist each Patient Plaintiff Class Member in providing advice on the differences between these options and executing the necessary documentations to obtain the funds.

5. For each Patient Plaintiff Class Member who is a Minor and/or

LII:

- a. Within sixty (60) days after Preliminary Approval of the Settlement Agreement, Class Counsel shall file a motion pursuant to MCR 2.201(E) seeking an order appointing individuals to act as a Next Friend on behalf of each Minor and LII.
- b. If the Patient Plaintiff is receiving SSI, the Patient Plaintiff shall receive their portion of the Patient Compensation Fund through a through a Pooled Special Needs Trust that comports with 42 USC 1396p(d)(4)(C).
- c. For all other Patient Plaintiffs (i.e., those not addressed by either paragraphs 4 or 5(b), above), the appointed Next Friend shall select either a Pooled Special Needs Trust or a Pooled Settlement Preservation Trust to receive the proceeds of the

Patient Compensation Fund. The Next Friends shall select the type of trust, in writing, for the Patient Plaintiff within fourteen (14) days after the Opt-Out Deadline.

6. **List of Disbursement Methods:** Class Counsel shall compile a list of disbursement methods selected for each Patient Plaintiff based on the terms set forth in paragraphs 4 and 5, above. The list of disbursement methods for the Patient Plaintiffs shall be submitted with the Motion for Final Approval of the Settlement Agreement (see paragraph 68 of the Settlement Agreement).

7. **Disbursement of Patient Compensation Fund:** No later than two (2) business days after the Effective Date, Class Counsel shall provide the list of disbursement methods for each of the Patient Plaintiffs to the QSF Administrator. Within seven (7) days of receiving the list of disbursement methods for the Patient Plaintiffs, the QSF Administrator shall distribute the Patient Compensation Fund, \$2,888.888.89, such that (1) \$5,000.00 shall be distributed for each Class Representative for the Patient Plaintiffs through their designated method of distribution, and (2) the remaining funds will be distributed equally by the number of participating Patient Plaintiffs, including the Class Representatives for the Patient Plaintiffs.

8. **Selecting the Trusts and Facilitating Entry into the Trusts:** Class Counsel shall, upon exercising due diligence, select one or more Pooled Special Needs Trust and Settlement Preservation Trust administrators, facilitate the proper execution and funding of each trust and accompanying documentation,

and notify the Department and other applicable government agencies of each Patient Plaintiffs' change of circumstance where such notification obligations exist, including where the Patient Plaintiff is receiving a means-based public benefits.

9. **Costs of the Trusts:** All costs of the trust(s) utilized to effectuate the Settlement Agreement for the Patient Plaintiffs shall be borne by the funds allocated to the individual Patient Plaintiff's trust.

Ann Wolbert Burgess, DNSc
Victor G. Petreca, PhD, DNP
Active Shooter Drill - Report
burgess@bc.edu
petreca@bc.edu

November 20, 2023

Robin Wagner

Pitt McGehee Palmer Bonanni & Rivers PC
117 West Fourth Street, Suite 200
Royal Oak, Michigan 48067
248.398.9800 (main)
248-658-0016 (direct)
734-210-8784 (mobile)
248-268-7996 (fax)
rwagner@pittlawpc.com
www.pittlawpc.com

Re: Methodology for Active Shooter Drill - Evaluation

Purpose:

The purpose of this project is to provide expert consultation to a legal team. Our aim includes evaluating the trauma associated with an active shooter drill that takes place in an institutional context. Moreover, exploring the power differential and social factors associated with the event that took place is of particular interest.

Population & Setting

The project will focus on evaluating individuals who participated in the drill but believed it to be an actual situation. More specifically, the 110 participants were all adult staff at a psychiatric hospital.

Inclusion/Exclusion Criteria

Inclusion criteria requires participants to be 18 years of age or older and have been identified as participating in the drill. Only those who have capacity to consent to the process will be included. All forms and responses will be anonymous in that instead of name, a code number will be used.

Sampling and recruitment

Purposive sampling - The partners (ie legal team) requesting the consultation and expert opinion will be responsible for sampling. They will connect our team with individuals who will be receiving an evaluation. Participation is voluntary.

Procedures

Data collection

Instruments: Data collection will consist a basic demographic questionnaire (e.g., age, gender, education, etc.), one brief write-in answer to 5 questions regarding the incident, and three surveys completed by each individual: Symptom Checklist 90R, International Trauma Questionnaire, and Trauma History Questionnaire and

International Trauma Questionnaire (ITQ)

The International Trauma Questionnaire (ITQ) is an 18 question self-report measure focusing on the core features of Post Traumatic Stress Disorder (PTSD) and Complex PTSD (CPTSD). It was developed to be consistent with the organizing principles of the ICD-11.

The Trauma History Questionnaire (THQ) is a 24-item self-report measure that examines experiences with potentially traumatic events such as crime, general disaster, and sexual and physical assault using a yes/no format. For each event endorsed, respondents are asked to provide the frequency of the event as well as their age at the time of the event.

The **Symptom Checklist-90-Revised** instrument helps evaluate a broad range of psychological problems and symptoms of psychopathology. The SCL-90-R® is also useful in measuring patient progress or treatment outcomes.

Data Management

All files will be saved in a special cloud sever. Only Drs. Burgess and Petreca will have access to the raw information and confidentiality will be kept in all cases.

Data Analysis and Report

The team will review all the survey data addressing the following areas: identifying information; pre-existing risk and resiliency factors; post-abuse mental and physical functioning; post-abuse employment and educational issues; global severity of impact suffering.

The data is then compiled (using a scoring algorithm) into a draft report outline. Each draft report is reviewed by Dr. Burgess and Dr. Petreca for completeness, uniformity and agreement on the scoring of mild, moderate or severe injury. The final report is then sent to the legal team.

A copy of the final report will be available to attorney Wagner and her team. In partnership with attorney Wagner, a copy of the final report may be made available to a participating plaintiff upon written request.

Timeline

| | Month 1 | Month 2 | Month 3 |
|--|---------|---------|---------|
| Data collection (psychometric instruments) | X | | |
| Coding | X | X | |
| Reports completion | X | X | X |

Budget

We estimate at least 3-5 hours to process each case, synthesize findings and write report. Considering the volume of cases and our prior partnerships, we propose 110 cases, at \$500/case

One part-time assistant at 10 hrs/week or \$250/week for 12 weeks

Software for instrument response processing: \$6.10/ case = \$671

| Items | Cost | Total |
|-----------------------------------|------------|----------|
| 110 cases | \$500/case | \$55,000 |
| 120 hours | \$25/hour | \$ 3,000 |
| Software processing for 110 cases | \$6.1/case | \$ 671 |

| | | |
|--|-------------|----------|
| | Grand Total | \$58,671 |
|--|-------------|----------|

Deliverables: 1-page standardized report:

**We propose submitting the initial 10 reports for your review for feedback and/or requested edits, so we can continue the remainder reports with an approved template.*

Scoring criteria

1. Pre-existing risk and resiliency factors **(20 points)**.
 - a. *Trauma History Questionnaire*
 - b. *Demographics*
2. Nature of traumatic response **(30 points)**
 - a. *ITQ score*
 - b. *Trauma History Questionnaire*
 - c. *Written questions*
3. Post-trauma functional, mental and physical functioning **(40 points)**
 - a. *MH symptoms (SCL-90 score)*
 - b. *PTSD and chronic trauma (ITQ) – trauma-related sequelae*
4. Global severity of impact suffering **(10 points)**

To note, once the evaluations are completed, damages and suffering will be represented as a score ranging from 0 to 100, with 100 representing the highest level of severity. As an additional reference guide, damages and suffering may be interpreted as below:

- *0-30 points – Mild*
- *31-70 points – Moderate*
- *71-100 points – Severe*

ANN WOLBERT BURGESS
Curriculum Vitae

Office address:
228 Highland Avenue
West Newton, MA 02465
617-965-6261
Fax: 617-244-2324
burges@bc.edu

Academic Address:
Boston College School of Nursing
140 Commonwealth Ave.
Chestnut Hill, MA 02467
617-552-6133
HYPERLINK "mailto:burges@bc.edu"

EDUCATION

Bachelor of Science
Master of Science.
Doctor of Nursing Science
Doctor of Humane Letters (Hon)

Boston University
University of Maryland
Boston University
University of San Diego

REGISTRATION AND CERTIFICATION

Registered nurse/PC: Massachusetts license #:71027; Controlled Substances Practitioner MB0204115L; Pennsylvania license RN-258646-L
American Nurses Association Certification as a Clinical Specialist in Psychiatric-Mental Health Nursing #6057, 1980-
Sexual Assault Nurse Examiner, 1995-

PROFESSIONAL EXPERIENCE

Academic Appointment

2014-2016 Visiting Professor, Uniformed Services University of the Health Sciences
2001- Professor of Psychiatric Nursing, Boston College
1983 - 2000 van Ameringen Professor of Psychiatric Mental Health Nursing,
University of Pennsylvania, School of Nursing; Chair, Psychiatric Nursing 1990-1995;
Professor Emeritus, 2000-
1979 - 1982 Professor and Director of Nursing Research. Boston University School of Nursing;
Adjunct Assistant Professor (1966-1969); Instructor (1961-1962)
1976 - 1979 Professor of Nursing, Boston College
Associate Professor and Coordinator of Graduate Community Health Nursing (1975-1976);
Associate Professor (1971-1975);
Adjunct Assistant Professor (1969-1971)

Research positions

1981 - 1993 Associate Director of Nursing Research, Department of Health and Hospitals, City of Boston
1965 - 1966 Research Nursing Supervisor, Metabolic Depression Unit, Mass. Mental Health Center, Mass.
2012 Nurse Scientist, Liaison with Newton-Wellesley Hospital, Newton, MA

Administrative positions

1976-1980 Chairperson, Department of Nursing, Graduate School of Arts & Sciences, Boston College
1980 - 1981 Dean ad litem, Boston University School of Nursing

1990 - Chairperson, Division of Psychiatric Mental Health Nursing, University of Pennsylvania

Nursing Service

1959 - 1961 Clinical nursing instructor, Spring Grove State Hospital,
Baltimore, MD

1958 - 1958 Staff nurse, Newton-Wellesley Hospital, Newton, MA

Private Practice: 1966 - Individual and Couples psychotherapy

Forensic Nursing Evaluations and Reports: 1979-

MEMBERSHIPS AND PARTICIPATION IN PROFESSIONAL ORGANIZATIONS

American Nurses Association, 1966 - .

ANA Council of Specialists in Psychiatric-Mental Health Nursing, 1972 Nominating
Committee, 1974-1976, Executive Committee, 1978- 1980.

ANA Cabinet of Nursing Research, 1982-1988; Member, Private Sector Funding 1982-1985;
Chairperson 1986-1987.

American Academy of Nursing, 1977; Governing Council, 1978-1980; Program Committee,
1978-1980; Chair, 1980; Sigma Theta Tau, 1957; Research Committee, 1983-1985; Chair,
Expert Panel on Violence, 1997-

American Orthopsychiatric Association, Member 1975-1979; Fellow, 1979 - Board of
Directors, 1982-1984.

National Organization of Victim Assistance, 1976 - Board of Directors, 1977-1979.

The Society for Traumatic Stress Studies, 1985; Vice President, 1985 -1988.

American Professional Society on the Abuse of Children, Board of Directors, 1988-1990.

International Association of Forensic Nurses, Advisory Board, 1993-1997; member 1993-
National Academy of Sciences, Institute of Medicine 1994

American College of Forensic Examiners, Member 1997- present; Chair, Forensic Nursing
Advisory Board, 1998-2000.

Forensic Panel, 1999-

Cyril H. Wecht Institute of Forensic Science and the Law, 2003-

Board of Visitors, University of Scranton, 2006-2008

Court Recognized Areas of Expertise

Rape trauma; Rape trauma in trusted relationships; Elder abuse; Relationship violence; Child
pornography; Child sexual abuse; Posttraumatic Stress Disorder; Crime classification; Infant
and child abduction; Offender typology; Serial offenders; Profiling; Mental illness; Standards
of practice; Neurobiology of trauma.

GRANTS

MH 11499 - Mental Health Concepts in Public Health Nursing, National Institute of Mental
Health, Project Director, 1971 - 1973.

90-CA-8101 - Research on the Use of Children in Pornography, National Center for Child-
Abuse and Neglect, Principal Investigator, 1980 - 1982, \$100,000.

6244 - Demonstration to Increase the Rate of Return to Work of Heart Attack Victims, Robert
Wood Johnson Foundation, Principal Investigator, 1981 - 1984, \$589,678.

2-0283-0-MA-IJ - Sexual Homicide Crime Scene Data, National Institute of Justice, Principal Investigator, 1982 - 1984, \$127,835.

84-JW-AXK010 - Possible Linkages between Sexual Abuse and Exploitation of Children and Juvenile Delinquency, Violence and Criminal Activity, Department of Justice, Principal Investigator, 1984 - 1986, \$844,839.

90-CA-1273 - Children as Witnesses in Cases of Child Sexual Abuse, National Center on Child Abuse and Neglect, U.S. Department of Health and Human Services, Co-Principal Investigator with Ellen Gray, National Council of Jewish Women, 1986-89, \$150,000.

5 TO1 MH 18611-02 - Clinical Training on Child Abuse Cases for Graduate Nursing Students in Psychiatric Mental Health Nursing, National Institute of Mental Health, Project Director, 1986-87, \$41,000.

96-MC-CX-K003 - National Center for Missing & Exploited Children. Monograph on Abducted and Sexually Exploited Children. Project Director, 1987, \$12,000.

A Working Meeting: AIDS, Ethics and Sexual Assault, NIMH Special Projects, August - September, 1987, \$9,980.00.

A Working Meeting II: Counseling Victims of Sexual Assault About AIDS, NIMH Special Projects, March - July, 1988, \$19,764.00.

RO1 MH43747-01 HIV Antibody Testing: Developing Guidelines for Screening Sexual Assault Victims, NIMH and NCNR, Principal Investigator 1988 - 1991, \$119,260.

90-MU-MU-KOO1 Child Sexual Abuse: Victims of Federal Crimes, Office for Victims of Crime. Sub-contract to Paul & Lisa, Inc., \$44,240, 1990 - 1991.

91-MC-R-004 Abducted Child Study, FBI Interagency Agreement with OJJDP, DOJ, \$257,888, 1990-1994.

H28/CCH317184 National Sexual Violence Resource Center, CDC. Subcontract to Pennsylvania Coalition Against Rape, 1999-2004, \$700,000

00-VA Battering and Stalking Behaviors Reported by Veterans Followed by the Behavioral Health Clinics, Veteran's Administration Agency, 2000-2003, \$48,995.

NIJ Identifying Forensic Markers in Elder Sexual Abuse, National Institute of Justice, PI, 2000-2003, \$99,285.

NIJ Evaluating SANE/SART Programs. Sub-contract to American Prosecutors Research Institute, \$75,000, 2003-2005.

NIJ Elder Sexual Abuse Victims and their Offenders, PI, 2003-2005, \$252,110.

OJJDP Strategies used by Internet Offenders in Crimes Against Children. Co-PI, 2006-2007 \$100,046

OJJDP A Multi-Pronged Approach to Internet Child Safety, OJJDP Award # 2006-JW-BX-K069, Co-PI, \$295,000.

DOJ Campus Sexual Misconduct: Using Perpetrator Risk Assessment and Tailored Treatment to Individualize Sanctioning, DOJ SMART grant DOJ#2014-AW-BX-K002. PI Robert Prentky, Multi-site project with University of Arizona and Fairleigh Dickenson University, 2014-2017, \$1,315,906.

Collegiate Athlete Warrior Initiative, Wounded Warrior Project, PI, 2015-2016, \$249,000.

2021 CSON Innovation Grant project entitled "Strangulation and Asphyxiation: A Data-Driven Exploration of Offender Characteristics and Predictor Factors." With Petreca (PI), Capotosto, Patch and Brucato

PROFESSIONAL ACTIVITIES

Chairperson, Advisory Committee to the National Center on Rape Prevention and Control,

Department of Health & Human Services, 1976 - 80.
 Visiting Privileges, Department of Health & Hospitals, Boston, MA, 1976-93.
 Member, Task Force on Families of Catastrophe, Family Research Institute, Purdue University, 1980.
 Member, Scientific Committee on the Mental Health Needs of Victims, World Federation of Mental Health, 1981 - 1983.
 Member, Task Force on Special Dispositional Statutes Sentencing and Placement of Mentally Disabled Offenders and Treatment of Mentally Disabled Prisoners, American Bar Association, Criminal Justice Mental Health Standards Project, Phase II, 1982 - 1983.
 Member, U.S. Attorney General's Task Force on Family Violence, 1983 - 1984.
 Member, Surgeon General's Symposium on Violence, Leesburg, VA, 1985.
 Charter Member, National Center for Nursing Research Advisory Council of the National Institutes of Health, 1986-88.
 Member, National Center for Nursing Research Priority Expert Panel B. on HIV Infection: Prevention and Care, 1988 - 89.
 Member, Office for Technology Assessment, Advisory Panel on Adolescent Health, in U.S. Congress, 1988-89.
 Member, Study Section on HIV and Related Research, NIH, 1989-1992.
 Chair, Study Section on HIV and Related Research, NIH, 1992-94
 Chair, Special Study Section of Nursing and HIV, NINR, 1994.
 Member, National Institutes of Health Reviewers Reserve (NRR), 1994-
 Consultation, research and training, FBI Academy, Quantico, VA, 1978 - 94.
 National Academy of Sciences, Institute of Medicine, 1994-
 Chair, Developing a Research Agenda on Violence Against Women, National Research Council, 1994-1996;
 Cardinal's Commission on Protection of Children, Boston Archdioceses, 2002-2003.
 Member, US Surgeon General Richard Carmona's Workshop, "Making Prevention of Child Maltreatment A National Priority", March 31, 2005

Editorial Experience

Interim Editor, Victims & Offenders Journal, 2008

Editorial Board:

Member, Journal of Traumatic Stress, 1988-1991
 Journal of Family Violence, 1985-
 Journal of Child Sexual Abuse, 1991-
 Archives of Psychiatric Nursing, 1990-1996
 Crisis Intervention and Time-Limited Treatment, 1994-2000
 American Journal of Psychotherapy, 1994-
 Brief Treatment and Crisis Intervention, 2001-
 Victims & Offenders, 2006-

Associate Editor: The Journal of Psychotherapy: Practice and Research

Contributing Editor: Sexual Assault Report

Editorial Consultant: Journal of Emergency Nursing, Journal of Interpersonal Violence

Reviewer, American Journal of Psychiatry, Hospital and Community Psychiatry, Research in Nursing and Health, Journal of the American Medical Association, Journal of Child Abuse and Neglect, Journal of Emergency Nursing, Psychiatry, Nursing Research, American Journal

of Orthopsychiatry, Obstetrics; Journal of Orthopedic Nursing; Journal of Neuropsychiatry and Clinical Neurosciences,
The Forensic Panel, 1999-

SERVICE WORK IN THE COMMUNITY

Founded with Lynda Lytle Holmstrom, a Victim Counseling Program at Boston City Hospital, 1972-1975.

Counseling rape victims; on call with Lynda Lytle Holmstrom, July 1972 - July 1973.

Accompanied rape victims to court, July 1972 - 1974.

Testified in court regarding Victim Counseling Program, 1974 - 1978.

Organized and implemented training program for victim counselors, with Lynda Lytle Holmstrom, at Boston City Hospital, July - August, 1973.

Supervised, with Lynda Lytle Holmstrom, the second year of the Victim's Counseling Program, July 1973 - August 1974; conducted weekly case references.

2018 - Boston College Advisory Group on Veteran and Military Issues

2018 – Faculty Advisor to Students for Soldiers, Boston College

ACADEMIC HONORS AND AWARDS

Undergraduate: Dean's List: 1957, 1958

Sigma Theta Tau, 1957

Graduate: U.S.P.H. Traineeship, 1958 - 1959; 1962 - 1965

Doctor of Humane Letters (honorary): 2001 University of San Diego

Professional

Honorary Key Member, Boston College Gold Key Society, Class of 1976.

Stephen Shafer Award, National Organization of Victim Assistance for achievements for research, evaluation, theory development and academics, 1978.

Current Impact on Research and Scholarship Award of the American Nurses Association Council of Specialists in Psychiatric Mental Health Nursing, 1979.

C. Wright Mills Honorable Mention Award of the Society for the Study of Social Problems for the book, The Victim of Rape: Institutional Reactions (with Lynda Lytle Holmstrom), 1979.

American Journal of Nursing Books of the Year Award for the book, Rape: Crisis & Recovery (with Lynda Lytle Holmstrom), 1979; Psychiatric Nursing in the Hospital and the Community 4th edition, 1985 and 5th edition, 1990.

Psychiatric Nurse of the Year by Nurse Educator and Perspectives in Psychiatric Care, 1980.

Massachusetts Nurses Association General Award, 1980.

American Nurses Association Honorary Nursing Practice Award, 1982.

Advocates for Child Psychiatric Nursing, National Advocacy Award, 1989.

Journal of Psychosocial Nursing Psychiatric Nurse of the Year Award, November 1991.

Eastern Regional Conference on Abuse and Multiple Personality Annual Award, June, 1992.

American Professional Society on the Abuse of Children, Outstanding Professional Award, January 1992.

International Society of Traumatic Stress Studies, Pioneer Award, October, 1993.

International Police Chiefs Book Award for Crime Classification Manual, 1994.
 International Association of Forensic Nurses Scholar award, October, 1995.
 Sigma Theta Tau Audrey Hepburn Award, November 1995.
 American Nurses Association Hildegard Peplau Award, June 1996.
 Sigma Theta Tau Episteme Award, November 1999.
 University Distinguished Teaching Award. Boston College. May 2007.
 International Association of Forensic Nurses Burgess Research Award, October 2009
 Sigma Theta Tau International Nurse Researchers Hall of Fame, July 2010
 Connell School of Nursing Nurse Scientist at Newton-Wellesley Hospital, 2012-2013.
 New England Chapter of the American Psychiatric Nurses Association (NEAPNA), Inaugural
 Living Legend Award, March 8, 2013.
 University of Pennsylvania School of Nursing. Honoring Distinguished Service to Psychiatric
 Mental Health Nursing. May 16, 2014.
 American Professional Society on the Abuse of Children award July 23, 2015
 American Academy of Nursing Living Legend Award, October 20, 2016.

PUBLICATIONS

Books

1. Burgess, A.W. Psychiatric Nursing in the Hospital and Community, Norwalk, CT: Appleton & Lange, Fifth ed., 1990; Fourth ed. 1985; Third ed. 1981; Second ed. 1976 & First ed. 1973 with Aar on Lazare.
2. Burgess, A.W. and Holmstrom, L.L. Rape: Victim of Crisis, Bowie, MD: Brady Co., 1974.
3. Burgess, A.W. Nursing: Levels of Health Intervention, Englewood Cliffs, NJ: Prentice Hall, Inc., 1978.
4. Burgess, A.W., Groth, A.N., Holmstrom, L.L. & Sgroi, S.M. Sexual Assault of Children and Adolescents, New York: Lexington/Macmillan Inc., 1978.
5. Holmstrom, L.L. and Burgess, A.W. The Victim of Rape: Institutional Reactions, New York: Wiley, 1979. Published in paperback. New Brunswick, NJ: Transactions, 1983.
6. Burgess, A.W. and Baldwin, B.A. Crisis Intervention: Theory and Practice, Englewood Cliffs, NJ: Prentice-Hall, Inc., 1981.
7. Hazelwood, R.R., Dietz, P.E. and Burgess, A.W. Autoerotic Fatalities, NY: Lexington Books/Macmillan, 1983.
8. Burgess, A.W. (ed.) Child Pornography and Sex Rings, NY: Lexington Books/Macmillan, Inc., 1984.
9. Burgess, A.W. and Holmstrom, L.L. Rape: Crisis and Recovery, West Newton, MA: Awab, Inc., 1986.
10. Burgess, Ann Wolbert (ed.), Rape and Sexual Assault, Vol. I: A Research Handbook (New York: Garland Publishing, Inc.), 1985; Vol. II 1987; Vol. III 1991.
11. Burgess, Ann Wolbert and Hartman, C.R. (Eds.) Sexual Exploitation of Patients by Health Professionals. (New York: Praeger), 1986.
12. Hazelwood, R.R. and Burgess, A.W. (Eds.) Practical Rape Investigation, (New York: Elsevier), 1987. Second ed. published by CRC Press, Inc. Boca Raton, FL, 1995; Third ed. 2001, 4th. ed 2009; 5th edition 2016.
13. Janus, M.D., McCormack, A., Burgess, A.W. & Hartman, C.R.: Adolescent Runaways, (Lexington, Mass: Lexington Books), 1987.
14. Ressler, R.K., Burgess, A.W. and Douglas, J.E. Sexual Homicide: Patterns and

Motivation, New York: Free Press, 1988. Translated into Japanese and published by Kodansha, 1995.

Translated into Chinese and published by Taiwan Wisdom Publ, 1996.

15. Douglas, J.E., Burgess, A.W., Burgess, A.G., Ressler, R.K. The Crime Classification Manual, San Francisco: Jossey-Bass, 1996. Translated into Japanese and published by Kodasha, 1996. 2/ed in 2006. Translated into Chinese. 3/ed. in 2013.

16. Burgess, A.W. (Ed.). Child Trauma: Issues and Research, New York: Garland Publ., 1992.

17. Crowell, N.A. and Burgess, A.W. Understanding Violence Against Women, Washington, DC: National Academy Press, 1996.

18. Burgess, A.W. (ed) Psychiatric Nursing: Promoting Mental Health. Stamford, CT: Appleton-Lange, 1997.

19. Burgess, A.W. (ed.) Advanced Practice in Psychiatric Mental Health Nursing. Stamford, CT: Appleton-Lange, 1997.

20. Burgess, A.W. Violence Through a Forensic Lens. King of Prussia, PA, Nursing Spectrum, 2000. Received the 2000 American Journal of Nursing Book of the Year Award. 2/edition 2002.

21. Prentky, R.A., and Burgess, A.W. Forensic Management of Sex Offenders. New York: Kluwer Academic/Plenum, 2000.

22. Burgess, AW, Regehr, C. & Roberts, A. (2010) Victimology: Theories and Applications. Burlington, MA: Jones & Bartlett. 2/ed. In 2013. 3/ed 2017.

23. Burgess, AW, Piatelli, MJ & Pasquelone, GA Forensic Science Lab Manual, (2011) Burlington, MA: Jones & Bartlett.

24. Ledray, L., Burgess, AW & Giardino, A. (eds.) (2011) Medical Response to Adult Sexual Assault: A Resource for Clinicians and Related Professionals. St. Louis, MO. GW Medical Publishing. 2/ed 2018. Second edition, 2019.

25. Clements, P.T., Burgess, A.W., Fay-Hiller, T.M., Giardino, E.R. & Giardino, A.P. (2014) Nursing Approach to the Evaluation of Child Maltreatment. St. Louis: STM Learning.

26. Burgess, AW with Steven Constantine. *A Killer by Design: How the FBI's Behavioral Science Unit Learned to Hunt Serial Killers and Understand Criminal Minds*. Perseus Books, Hachette Publishing, 2021.

Monographs

1. Burgess, A.W. The Sexual Victimization of Adolescents (Washington, D.C.: Government Printing Office DHHS Publ. No. (ADM) 85-1382), 1985.

2. Burgess, A.W. Youth At Risk: Understanding Runaway and Exploited Youth. Arlington, VA: National Center for Missing and Exploited Children, 1986:1-43.

3. Burgess, A.W. and Grant, C. Children Exploited Through Sex Rings, Arlington, VA: National Center for Missing & Exploited Children, 1988:1-40.

4. Female Juvenile Prostitution: Problems and Response. Arlington VA: National Center for Missing and Exploited Children, 1992.

5. Child Molesters (eds) Lanning, K.L. & Burgess, A.W. Arlington, VA: National Center for Missing and Exploited Children, 1995.

6. Infant Abduction, Arlington, VA: National Center for Missing and Exploited Children, 1995.

Book Chapters

International Publications

1. Hartman, C.R. and Burgess, A.W. "Omvardnad av valdtakts och incest-offer," Omvardnad 19845 (Omvardnadsforum HB: The Forum of Nursing Care).
2. A. Nicholas Groth and Ann Wolbert Burgess, "Violenza Carnale: An Atto Pseudo-sessuale," in Dallas Parte Delle Vittima a cura di G. Gulotta e M. Vaggagini Giuffre Editore, 1980:179-184.
3. Ann Wolbert Burgess, A. Nicholas Groth & Lynda Lytle Holmstrom. "Violenza Carnale," Seambi Verbali Fra Vittima E Aggressore a cura di G. Gulotta e M. Vaggagini Giuffre Editore, 1980:297-312.

English Publications

1. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, "Rape: Its Effects on Task Performance at Varying Stages in the Life Cycle," in Sexual Assault: The Victim and the Rapist (eds.) Marcia Walker and Stanley Brodsky (Lexington, MA: Lexington Books), 1976: 23-34.
2. Burgess, Ann Wolbert and Anna T. Laszlo, "When the Prosecutrix is a Child: The Victim Consultant in Cases of Sexual Assault," in Victims and Society (ed.) Emilio C. Viano (Washington, DC: Visage Press) 1976: 382-90.
3. Burgess, Ann Wolbert and Jane T. Huntington, "Rape Counseling: Perspectives of Victim and Nurse," in Human Sexuality for Health Professionals (eds.) Martha Barnard, Barbara Clancy and Kermit Krantz (Philadelphia: W.B. Saunders, Co.) 1978: 171-282.
4. Holmstrom, Lynda Lytle and Ann Wolbert Burgess, "The Victim Goes on Trial," in Victimology: A New Focus, Vol. III (eds.) Israel Draepkin and Emilio C. Viano (Lexington, MA: Lexington Books), 1975: 31-47.
5. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, "Victims of Sexual Assault," in Outpatient Psychiatry: Diagnosis and Treatment (ed.) A. Lazare (Baltimore, MD: Williams and Wilkins Co.) 1979: 537-547.
6. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, "Rape Typology and the Coping Behavior of the Rape Victim," in Rape Crisis Intervention Handbook (ed.) Sharon McCombie (New York: Plenum) 1980: 27-40.
7. Burgess, Ann Wolbert and A. Nicholas Groth, "Sexual Victimization of Children," In The Maltreatment of the School Aged Child (eds.) Richard Volpe, Margot Breton and Judith Milton (Lexington, MA: Lexington Books), 1980: 79-80.
8. Burgess, Ann Wolbert. "Intra-familial Sexual Abuse." Nursing Care of Victims of Family Violence (eds.) J. Campbell and J. Humphreys. (Reston, VA: Reston, Publ.), 1984: 189-211.
9. Hartman, C.R. and Burgess, A.W. "Illness-Related Post-Traumatic Stress Disorder: A Cognitive-Behavioral Model of Intervention With Health Attack Victims," in Trauma and its Wake (Ed.) C.R. Figley (New York: Brunner/Mazel Publ.), 1985.
10. Hartman, C.R. and Burgess, A.W.: Sexuality-Reproductive, in Clinical Nursing (Eds.) J. M. Thompson, G.K. McFarland, J.E. Hirsch, S.M. Tucker and A.C. Bowers. (St. Louis: Mosby), 1986: 2001 -2016.
11. Burgess, A.W.: "The Raped and Battered Patient," in Textbook of General Medicine and Primary Care (Ed.) J. Noble, (Boston: Little Brown), 1987: 7395-7404.

12. Burgess, A.W., Hartman, C.R. and Lerner, D.J., Intervening with Families at the Launching Phase and Heart Attack Recovery. Families and Life-Threatening Illness, Vol. 2, Family Nursing Series, (Springhouse Corp.), 1987.
13. Burgess, A.W., Kelley, S.J. and Hartman, C.R. "The Politics of Child Sexual Abuse by Professionals," in Professional Responsibilities in Protecting Children, (Eds.). A. Maney and S. Well, New York: Praeger, 1988: 73-83.
14. Hartman, C.R. and Burgess, A.W. "Rape Trauma and the Treatment of the Victim," in Post-traumatic Therapy and Victims of Violence, (Ed.) Frank M. Ochberg, New York: Brunner/Mazel, Publ., 1988.
15. Hartman, C.R. and Burgess, A.W. Sexual Abuse of Children: Causes and Consequences. In Child Maltreatment (eds.) D. Cicchetti & V. Carlson, Cambridge, England: Cambridge University Press, 1989: 95-128.
16. Burgess, A.W. and Hartman, C.R. AIDS and the Sexually Abused Adolescent, in Troubled Adolescents and HIV Infection, J.O. Woodruff, D. Doherty & J.G. Athey (eds) Georgetown University Press, 1989:107-121.
17. Burgess, A.W. and Hartman, C.R. Nursing Interventions with Children and Adolescents Experiencing Sexually Aggressive Responses. In P. West and C. Evans (Eds.). Psychiatric and Mental Health Nursing with Children and Adolescents, Gaithersburg, MD: Aspen Publications., 1992:361-367.
18. Burgess, A.W. and Hartman, C.R. Victims of Rape and Sexual Abuse. L. Aiken and C. Fagin (Eds.). Charting Nursing's Future: Agenda for the 1990's Philadelphia: J.B. Lippincott, 1992:363-380.
19. Conn, J., Kilpatrick, D.G., Burgess, A.W. and Hartman, C.R. Rape and Sexual Assault, In Last J.M. and Wallance, R.B. (Eds.). Maxcy-Rosenau-Last Public Health and Preventive Medicine, East Norwalk, CT: Appleton and Lange, 1992:1043-1046.
20. Burgess, A.W., Prentky, R.A., Burgess, A.G., Douglas, J.E., Ressler, R.K. Serial Murder, In R. Hersen, R. Ammerman, and L. Sisson (Eds.). Handbook of Aggressive and Destructive Behavior in Psychiatric Patients, New York: Plenum 1994.
21. Burgess, A.W. and Hartman, C.R. Rape Trauma and Post-Traumatic Stress Disorder. In (eds.) McBride, A. and Austin, J. Psychiatric Nursing: Integrating the Behavioral and Biomedical Sciences, Philadelphia, PA: W.B. Saunders, 1995.
22. Burgess, A.W. and Hartman, C.R. Child and Adolescent Sex Rings and Pornography. In Handbook of Child and Adolescent Sexual Problems (Ed.) George A. Rekers, New York: Lexington/Macmillan Publ., 1995.
23. Burgess, A.W. and Hartman, C.R. Adolescent Runaways and Juvenile Prostitution. In Handbook of Child and Adolescent Sexual Problems (Ed.) George A. Rekers, New York: Lexington/Macmillan Publ. 1995.
24. Burgess, A.W. & Hartman, C.R. Children and Violence. In Violence: A Plague in Our Land, Washington, D.C.: American Academy of Nursing, 1995.
25. Rabun, J.B., Burgess, A.W. & Dowdell, E.B. Infant Abduction in the Hospital. In Creating a Secure Workplace: Effective Policies and Practices in Health Care, (eds.) Lion, J.R., Dubin, W.H. & Futrell, D.E., Chicago: American Hospital Publishing, 1996:277-294.

26. Myers, W.C., Burgess, A.W., Burgess, A.G., & Douglas, J.E. Serial Murder and Sexual Homicide., In Handbook of Psychological Approaches with Violent Offenders. (eds) Van Hassett, V.B. & Hersen, MD, 1998.
27. Shindul-Rothschild, J. & Burgess, A.W. Psychiatric Nursing. In Mental Health Experts: Roles & Qualifications for Court, (Eds.) F.M. Dattilio & R.L. Sadoff. Mechanicsburg, PA: Pennsylvania Bar Institute, 2002.
28. Burgess AW. (2006) Putting Trauma on the Radar Screen. . In C.R. Figley (ed.) Mapping the Wake of Trauma: Autobiographical Essays by the Pioneers of Trauma Research. New York: Routledge
29. Burgess, AW and Petrozzi D. (2011) Violence. In Psychiatric Nursing, 2/ed. Editor: Pat Worrett.
30. Petrozzi D. & Burgess, AW Forensic Nursing. In Psychiatric Nursing. Editor, 2/ed: Pat Worrett . Est. 2011.

ARTICLES

1. Burgess, Ann and Aaron Lazare, Dual Therapy by Nurse and Psychiatrist, American Journal of Nursing, 70, (June 1970), 1292-98.
2. Burgess, Ann and Lilyan Weymouth, The Fourth R in Nursing Education, Journal of Psychiatric Nursing and Mental Health Service, 9, (1971), 22-29.
3. Burgess, Ann and Aaron Lazare, Nursing Management of Thoughts, Feelings, and Behavior, Journal of Psychiatric Nursing and Mental Health Services, 10, (1972), 7-11.
4. Burgess, Ann and Janet Burns, Why Patients Seek Care? American Journal of Nursing, 73, (Feb. 1973) 314-316.
5. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, The Rape Victim in the Emergency Ward, American Journal of Nursing, 73, (October 1973) 1741-45. Also appears as a book chapter in The Rape Victim (ed.) Deanna R. Nass (Dubuque, Iowa: Kendall/Hunt Publ.)1977, 100-110.
6. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, Crisis and Counseling Requests of the Rape Victim, Nursing Research, 23, (1974) 196-202. Also appears as a book chapter in The Rape Victim, (ed.) Deanna R. Nass (Dubuque, Iowa: Kendall/Hunt Publ. 1977, 151-164 and Explorations in Nursing Research (eds.) H. Wechsler and A. Kibrick (New York: Human Sciences Press) 1979, 61-81.
7. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, Rape Trauma Syndrome, American Journal of Psychiatry, 131, (1974), 981-986. Published Online:12 Feb 2015 HYPERLINK "<https://doi.org/10.1176/ajp.131.9.981>" <https://doi.org/10.1176/ajp.131.9.981>. Adapted for Nursing Digest, May-June 1975, 3: 17-19. Also appears as a book chapter in:
Differential Diagnosis and Treatment in Social Work (ed.)
Francis J. Turner (New York: The Free Press) second edition,
1976.
Modern Views of Human Sexuality (eds.) J.L. 1
McCary and Donna R. Copeland (Chicago: Science) 1976:
270-278.
The Rape Victim (ed.) Deanna R. Nass (Dubuque, Iowa:

- Kendall/Hunt Publ.) 1977: 119-129.
 Readings in Abnormal Psychology, Michale J. Goldstein & Bruce L. Baker (eds.) (New York: Basic Books) 1981.
8. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, Rape Victim Counseling: The Legal Process, *Journal of the National Association for Woman Deans, Administrators and Counselors*, 38, (1974) 1, 24-30.
 9. Holmstrom, Lynda Lytle and Ann Wolbert Burgess, Rape: The Victim and the Criminal Justice System, *International Journal Criminology and Penology*, 3, (1975), 101-110. Also appears as a book chapter in *Victimology: A New Focus*, Vol. III (eds.) I. Draepkin and E. Viano (Lexington, MA: Lexington Books) 21-30.
 10. Burgess, Ann Wolbert and Lynda Lytle Holmstrom, Sexual Assault: Signs and Symptoms, *Journal of Emergency Nursing*, 1, (2) (1975): 11-15.
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172. Burgess, AW, Thabault, P, Flahery, E., and Leestma, K. (2019) College Athlete Warrior Initiative and Academic Nursing. *Journal of American College Health*, 67, Published online: 12 Jun 2019
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177. Phillips, K., Dzuric, L., Burgess, A., Beauvais, A., and McNutt-Clarke, B. Ramifications of the COVID-19 pandemic on nursing students' transition to practice.. (under review)

BOSTON COLLEGE
WILLIAM F. CONNELL SCHOOL OF NURSING
Chestnut Hill, MA 02467
CURRICULUM VITAE

Victor Petreca, PhD, DNP, PMHNP-BC

E-Mail: victor.petreca@bc.edu

EDUCATION

2021 Ph.D. in Nursing - Boston College, William F. Connell Graduate School of Nursing
2017 Doctor of Nursing Practice - University of Massachusetts Boston
2013 M.S./B.S.N - MGH Institute of Health Professions
2009 B.S. in Clinical Laboratory Sciences/Medical Technology - Eastern Michigan University

LICENSURE/ CERTIFICATIONS

2013 – present American Nurses Credentialing Center (ANCC),
 Psychiatric-Mental Health Nurse Practitioner (Lifespan) #2013007141
2013 – present Massachusetts Registered Nurse/Certified Nurse Practitioner #RN2277278
2017 – present Rhode Island Registered Nurse/APRN #RN58372/APRN01745
2020 – present Maine Registered Nurse/Certified Nurse Practitioner #RN75670/ CNP191307
2020 – 2021 Florida APRN #APRN11007873

ADDITIONAL TRAINING

Certified Personality Disorder Treatment Provider (C-PD)

PROFESSIONAL EXPERIENCE

Academic Faculty Appointments

Boston College, William F. Connell School of Nursing

2022 – present Assistant Professor
 Program Director - Psychiatric-Mental Health Nurse Practitioner Program
2018 – 2022 Clinical Assistant Professor
 Program Director - Psychiatric-Mental Health Nurse Practitioner Program
2017 – 2018 Visiting Scholar and Preceptor
2017 Clinical Preceptor – Psychiatric-Mental Health Nurse Practitioner

Regis College, Weston, MA

2017 – 2018 Assistant Professor
2018 Clinical Preceptor – Psychiatric-Mental Health Nurse Practitioner

MGH Institute of Health Professions, Boston, MA

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2014 – 2017 Clinical Preceptor – Psychiatric-Mental Health Nurse Practitioner

Professional Nursing Experience

CPS HEALTHCARE

2013 – present **Regional Supervisor/ Psychiatric-Mental Health Nurse Practitioner**

Federal Bureau of Prisons (MA, RI, ME)

Norfolk County Sheriff's Office

Bristol County Correctional Facility

Plymouth County Correctional Facility

Suffolk County Sheriff's Department

Middlesex Sheriff's Office

Dukes County Sheriff's Office

Barnstable County Correctional Facility

York County Jail

Kennebec County Correctional Facility

ELIOT COMMUNITY HUMAN SERVICES

2012 – 2013 **Registered Nurse**

Other Professional Experience

BETH ISRAEL DEACONESS MEDICAL CENTER

2009 – 2013 **Medical Technologist - Chemistry**

AWARDS/HONORS

2022 Connell Award – Boston College

2022 Ann W. Burgess Award

2022 Excellence in Teaching & Clinical Research – Boston College

2017 Inducted, Golden Key Honour Society

2013 DNP Capstone Speaker, Research Day - University of Massachusetts Boston

2012 Inducted, Sigma Theta Tau International Honor Society of Nursing

2009 EMU Honors Fellowship Recipient

2009 Departmental Honors (Clinical Laboratory Sciences)

2005 EMU Regents Scholarship

PROFESSIONAL AND LEARNED SOCIETIES

2022 Sigma Theta Tau, International Honor Society of Nursing. Alpha Chi Chapter, President elect.

2022 American Academy of Forensic Sciences – Associate Member

2017 Golden Key Honour Society

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- 2017 American Psychiatric Nurses Association
2012 Sigma Theta Tau, International Honor Society of Nursing

COURT RECOGNIZED AREAS OF EXPERTISE

Psychopharmacology; Psychiatric diagnostics; Suicide; Mental illness; Standards and scope of practice; Trauma; Neurobiology of trauma; Correctional healthcare; Forensic care; Sexual Assault/Sex crimes; Relationship violence; Posttraumatic Stress Disorder.

PUBLICATIONS

Refereed Articles

***Petreca, V. G.**, Flanagan, J., Lyons, K., Burgess, A.W. (2023). Reintegrating into society: An exploration of the lived experience of sex offenders using hermeneutic phenomenology. Manuscript in preparation.

Petreca, V. G., & Patch, M. (2023). Homicidal strangulation: An integrative review of perpetrator characteristics. Submitted.

***Petreca, V. G.**, Barros, J. T., & Popp, A. (2023). Jail and Emergency Department diversion: A statewide profile of programs and intervention models. Submitted

***Petreca, V.G.**, Dowdell, E. B., Harding, S., Mars, M., Pudvah, E., Jeune, J., & Burgess, A.W. (2023). Murdered Native and Indigenous women: A comparison study of victim and perpetrator patterns and characteristics. Submitted.

***Petreca, V. G.**, Burgess, A. W. (2023). Long-term psychological and physiological effects of Male Sexual Trauma. Submitted. *In Print*.

***Petreca, V. G.**, Burgess, A. W. Jarvis, K. (2023). Manual and instrument asphyxiation/strangulation: Examining perpetrator and victim characteristics. *In Print*.

Harding, S.L., Ellis, K.A., Boisseau, J., & **Petreca, V.** (2023). (In press). Psychiatric deprescribing: A narrative review. *Journal of the American Psychiatric Nurses Association*.

***Petreca, V. G.**, Brucato, G., Burgess, A. W., Flores, J. & Leary, T. (2022). Female murderers who mutilate or dismember their victims: An exploration of patterns and sex differences. *Journal of Forensic Sciences*. 00:1-11. doi: 10.1111/1556-4029.15136

Petreca, V. G. (2021). Death and dying in prison: An integrative review of the literature. *Journal of Forensic Nursing*, 17(2), 115-125.

***Petreca, V. G.**, Brucato, G., Burgess, A. W., & Dixon, E. (2020). Criminal cannibalism: An examination of patterns and styles. *Aggression and Violent Behavior*. doi: <https://doi.org/10.1016/j.avb.2020.101531>

*Tidrick, M., Brucato, G., **Petreca, V.**, Burgess, A.W., & Stone, M.H. (2020). The Insanity defense in cases of homicide involving post-mortem dismemberment. *Forensic Science International: Mind and Law*. 100033.

***Petreca, V. G.**, Burgess, A. W., Stone, M.H., & Brucato, G. (2020). Dismemberment and mutilation: A data-driven exploration of patterns, motives, and styles. *Journal of forensic sciences*, 65(3), 888-896.

PhD Dissertation

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Petreca, V. G. (2021). The meaning of being considered a sex offender for the person who is reintegrating into society – A hermeneutic phenomenology approach. Chestnut Hill, Massachusetts: Boston College

Chaired by Dr. Ann W. Burgess. Committee members: Dr. Jane Flanagan and Dr. Karen Lyons.

DNP Capstone

Petreca, V. G. (2017). Development of a computer-based program to enhance providers' adherence to clinical guidelines when formulating psychiatric diagnoses. Boston, Massachusetts: University of Massachusetts Boston.

Capstone project. Mentors included Dr. Sheryl LaCoursiere, Dr. Patricia Halon and Dr. Jorge Veliz,

RESEARCH ACTIVITIES AND COLLABORATIONS

Narrative

My research and scholarship are focused on exploring the intersection between nursing, psychiatry/mental health and the law. My program of research is grounded in ethics, individual/public safety, and health service utilization. It strives to humanize individuals, particularly those who come in contact with the legal system, both victims and perpetrators, while facilitating healing and optimizing quality of life. I have used quantitative methodologies to explore patterns and characteristics of offender behavior, specifically as it pertains to motive, level of organization, and aggravating factors (e.g. dismemberment, strangulation, mutilation, rape, etc.). In my dissertation, I used qualitative methodology to explore the meanings that individuals who committed a sexual crime attach to the label of 'sex offender' as they reintegrate into society. As I embark in the next stage of my research career, I will be partnering with the Massachusetts Department of Mental Health (MA DMH) to examine the Jail/Arrest Diversion Program. A community-based participatory research approach will be used and quantitative and qualitative methodologies will be applied. A fundamental aspect and goal of my program of research is to contribute to nursing as a discipline and forensic nursing as a specialty.

FUNDED EDUCATIONAL/SCHOLARLY PROJECTS

Submitted, funded

Massachusetts Department of Mental Health (Petreca, PI)

7/2023-11/2026

Jail/Arrest Diversion Grant Program, BD-18-1022-DMH08-8210B-21306/
SCDMH822024087790000

Program of Study Title: *Exploring the Biopsychosocial Factors in Diversion to Other Treatment-Based Alternatives.*

Supplemental funding provided to expand upon analyzing crisis intervention teams, including training program evaluation and development. Considering the expansion of Jail Diversion Programs involving specialized officers, there is the need to standardize training, evaluate outcomes and promote evidence based practice. An exploration of a new crisis intervention model is supported by the additional funding. Moreover, the supplement supports expanding the program to encompass behavioral cases that go through the court system, particularly when it comes to juvenile offenders, so further intercept and diversion points can be evaluated.

Massachusetts Department of Mental Health (Petreca, PI)

2/2022-11/2026

Jail/Arrest Diversion Grant Program, BD-18-1022-DMH08-8210B-21306

Program of Study Title: *Exploring the Biopsychosocial Factors in Diversion to Other Treatment-Based Alternatives.*

By analyzing the data pertaining to diversion programs accumulated by DMH for over the past 15 years, patterns in diversion models, as well as patient/individual outcomes, will be explored. Trends over time will be examined, considering the ever changing healthcare and legal landscape, as well as temporal factors such as sociocultural movements, the economy and the recent COVID-19 pandemic. This program of study will strive to ensure the mental health needs of individuals of all ages are optimized and diversion strategies are implemented effectively and equitably. Approaches that will evaluate and promote effective and culturally competent care will be a fundamental component of this work. A community-based participatory action research (CBPAR) approach will be used to ensure that the goals and needs of the Department of Mental Health remain at the forefront, so the impact of diversion programs which aid to address the over-representation of persons with serious mental illnesses and substance use disorders noted in initial calls can be explored and optimized.

Boston College William F. Connell School of Nursing (Petreca, PI)

2022-2023

Innovation Grant

Study Title: *Strangulation and asphyxiation: A data-driven exploration of offender characteristics and predictor factors. *External grant application to be submitted: W.E.B. Du Bois Program of Research on Reducing Racial and Ethnic Disparities in the Justice System*

Homicide is one of the leading causes of premature death of young women. Femicide is largely prevalent, particularly in the context of intimate partner violence (IPV). The occurrence of any type of strangulation and asphyxiation in domestic partnerships have been identified as a main risk factor for the woman's death by homicide. Strangulation/asphyxiation have also been demonstrated to be a common method of homicide in sexually motivated killings. In order to gain a greater understanding of factors associated with strangulation and asphyxiation, a dataset retained by the Radford University/Florida Gulf Coast University, The Serial Killer Database, will be used to explore characteristics and predictor factors associated with perpetrators who exclusively and non-exclusively engaged in strangulation and asphyxiation. It is hypothesized that perpetrators who act in an organized fashion will engage in strangulation/asphyxiation with more frequency than perpetrators who are disorganized, and exclusive acts of strangulation will be used with greater frequency than non-exclusive acts of violence. Moreover, it is hypothesized that sadistic tendencies, use of bare hands (ie no instruments) and acting in an organized fashion predicts whether someone will exclusively strangle or asphyxiate their victims.

Boston College (Marchetti/Petreca, Co-applicants)

2020-2021

Teaching Advising and Mentoring Expense (TAME) Grant

2021 award

2020 award

Project title: *Addressing Challenges of Realism in Psychiatric-Mental Health (PMH) Nursing Clinical Simulations*

The grant was used to develop an engaging and realistic clinical simulation learning experiences for the Psychiatric-Mental Health Nurse Practitioner students. Professional actors were included in the project to convey realistic and relevant psychiatric signs, symptoms, and diagnoses. Students had the opportunity to engage in psychotherapeutic and risk assessment exercises.

Submitted, pending

National Institute of Justice (Lamade, R.V., PI; Petreca, V., Co-PI; Burgess, A., Co-I).

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NIJ FY23

Study title: Research and Evaluation on Violence Against Women. Violence Against Indigenous Populations: Developing a database to identify risk factors and explore culturally relevant intervention strategies \$1,757,437 Submitted on May 10, 2023.

Submitted, not funded

National Institute of Justice (Lamade, R.V., PI; Burgess, A., Co-PI, Petreca, V., Co-I).

NIJ FY22

Study title: Research and Evaluation on Violence Against Women. Testing risk and mitigation models of homicide and violent deaths of women and girls using contextual characteristics and multi-level demographic \$627,942. Submitted on May 10, 2022.

UNFUNDED EDUCATIONAL/SCHOLARLY PROJECTS

Offenders who engage in dismemberment and mutilation

Partnership with Columbia University, New York University, Florida Gulf Coast University. 2019 – present

Role: Co-PI (Burgess/Petreca).

Project in partnership with Dr. Ann W. Burgess, Dr. Gary Brucato, Dr. Michael Stone and Dr. Terrence Leary. Investigations focus on quantitative data exploring the relationships between offenders' characteristics, patterns of violence, motives, and styles.

Partnership with BC Law School - Defenders Clinic: Compassionate Release and Parole

2019 – present Consultation focusing on healthcare information for clients pursuing compassionate release/medical parole. Guide students and establish metric measures to collect data and synthesize medical information as applications for compassionate release are prepared by the Law School.

Role: Consultant to the Law School Compassionate Release and Parole Clinic.

Collaborators: Herrmann, F. (Boston College Law School), Donohue, C. (Boston College Law School), Burgess, A.W. (CSON)

PRESENTATIONS

**Denotes peer reviewed*

⁺Denotes international

V. Petreca. "Psychiatric and Forensic Nursing: Advancing the Discipline." Upcoming presentation at Regis College, selected as Distinguished Scholar in Nursing, April 2023.

***M. Bonanni, T.S. Moser, K. Daughtry, & V. Petreca.** "Trauma Informed Lawyering: Sexual Trauma and the Forensic Psychiatric Evaluation." Presentation at Federal Bar Association Civil Rights Conference, New Orleans, LA. March, 2023.

***V. Petreca, J. Barros.** "Clinical Forensics in Jail/ER Diversion." Presentation at Co-Response Research Symposium at William James College. Accepted. Upcoming presentation on March 31, 2023.

V. Petreca. "Clinical Forensics in Jail Diversion." Presentation at Clinical Forensics: A Global Perspective, Chestnut Hill, MA. December 15, 2022.

+*V. Petreca. “Sexual Offending: An exploration of Experiences and Meanings.” Presentation at INPALMS 2022: International Conference of Indo Pacific Association of Law Medicine and Science. Colombo, Sri Lanka. December 13, 2022.

+*V. Petreca. “Sexual Offending: An exploration of Experiences and Meanings.” Presentation at Balkan Academy of Forensic Sciences, Kosovo. October 28, 2022

V. Petreca, J. Barros. “Best Practices for Treatment Refusers and Resisters – Increasing Mental Health Awareness.” Presentation at WRHSAC First Responder Mental Health Resilience Conference 2022. October 27, 2022.

***V. Petreca, A. Burgess.** “Strangulation: Manual Versus Ligature.” Presentation at The 21st Annual Forensic Science & Law Symposium - Duquesne University. Pittsburg, PA. October 13, 2022.

+*V. Petreca, A. Burgess, G. Brucato, T. Leary. “Motivational and Mutilation Patterns of Female Serial Killers.” Presentation at Society for Police and Criminal Psychology, Quebec, Canada. September 22, 2022.

+*T. Girmurugan, T. Leary, V. Petreca, A. Burgess. “Construction Of A Multivariate Model By Which To Elucidate Critical Factors Aligned With One's Propensity To Serially Kill.” Presentation at Society for Police and Criminal Psychology, Quebec, Canada. September 22, 2022.

+*T. Leary, V. Petreca, A. Burgess T. Girmurugan. “Killers in the Ranks: An Exploratory Analysis of Serial Killers with Military Experience.” Presentation at Society for Police and Criminal Psychology, Quebec, Canada. September 22, 2022.

V. Petreca. “Forensic psychiatry: Personality Disorders.” Pennsylvania State Police Behavioral Training, Hershey, PA. June, 2022

+V. Petreca. “Psychiatric and Forensic Nursing: Advancing the Discipline through Research, Teaching and Innovation,” Guest speaker at III CICS – Congresso Internacional de Ciencias da Saude – Medicina e Enfermagem UNIFUNEC, Sao Paulo, Brazil. 2022.

***M. O'Reilly-Jacob, V. Petreca, & J. Perloff.** The Effect of Temporary Full Practice Authority on Psychiatric Mental Health Nurse Practitioners During a COVID-19 Surge: A Mixed Methods Survey Analysis. Oral presentation at the Eastern Nurses Research Society, Providence, RI, April 2022.

V. Petreca. “Sexual Offending from the Offender Perspective.” Presentation at: A Killer by Design: A Forensic Exploration, Chestnut Hill, MA. February 26, 2022.

+V. Petreca. “Forensic and Correctional Nursing,” Guest speaker at ABEFORENSE, Aracaju, Brazil. 2021.

V. Petreca, “Falling to pieces: An exploration of mutilation and dismemberment,” Podium presentation at: Evolution of Evil Conference, Newton, MA. 2019.

V. Petreca, “Self-Care for the correctional employee,” Podium presentation at: Suicide Prevention: Behind and Beyond the Wall Conference, Quincy, MA. 2018.

V. Petreca, S. LaCoursiere, P. Halon, J. Veliz, “Development of a computer-based program to enhance providers’ adherence to clinical guidelines when formulating psychiatric diagnoses,” Poster presented at: APNA New England Chapter Spring Conference, Lake Morey, VT. 2017.

Other

V. Petreca. “Forensic psychiatry.” Training at Pennsylvania State Police Criminal Investigation Assessment Unit/Missing Persons Unit. PA. 2021

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V. Petreca. “Mental Illness among the inmate population.” Barnstable County Sheriff’s Office. Bourne, MA. 2017

Media

V. Petreca, A. Burgess, G. Brucato. What Bryan Kohberger asked ex-cons on his Reddit crime survey – YouTube channel The Interview Room. 2023.

A. Burgess, **V. Petreca,** G. Brucato. Understanding Mutilation & Dismemberment – Podcast Criminal Perspective. 2021.

TEACHING ACTIVITIES

Boston College

Graduate Courses

| | |
|-------------|--|
| 2021 – 2022 | FORS 5317 Forensic Mental Health (Graduate; Spring) – co-taught with Dr. Ann W. Burgess |
| 2020 - 2022 | NURS 9837 Advanced Practice Psychiatric Nursing Across the Lifespan I (Graduate; Fall) |
| 2018 - 2022 | NURS 7437 Psychiatric-Mental Health Advanced Practice Nursing Across Lifespan I (Graduate; Fall) |
| 2019 - 2022 | NURS 7537 Psychiatric-Mental Health Advanced Practice Nursing Across Lifespan II (Graduate; Spring) |
| 2019 - 2022 | NURS 7426 Advanced Psychopharmacology Across the Life Span (Graduate; Spring) |
| 2018 | NURS 4253 Psychiatric-Mental Health Nursing Clinical Lab |

Graduate Guest Lectures

| | |
|------------------|---|
| 2021, 2022 | NURS 9731 Pharmacotherapeutics in Advanced Practice Nursing (Graduate; Summer) |
| 2019 | NURS 7470 Community and Family Health - Advanced Theory I (Graduate; Fall) |
| 2019, 2020, 2021 | NURS 7420 Advanced Pharmacology Across Lifespan (Graduate; Fall; Summer) |
| 2018, 2019 | FORS 5318 Forensic Science I (Graduate; Fall) |
| 2018 | NURS 6468 MSE Psychiatry-Mental Health Nursing Theory (Graduate; Fall) |
| 2018 | NURS 7426 Advanced Psychopharmacology Across the Life (Graduate; Spring) |
| 2018-2021 | FORS 5315 Victimology (Graduate; Fall) |

Undergraduate Guest Lectures

| | |
|------------|---|
| 2019, 2021 | NURS 4252 Psychiatric-Mental Health Nursing Theory (Undergraduate; Fall) |
|------------|---|

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2021, 2023 UNAS3254 Community Advocacy and Research Engagement
(Undergraduate; Fall)

Doctoral Advisement

Regis College, Weston, MA

2019 DNP Committee Member, Sheri Boisseau, *The effectiveness of an educational program on compassion fatigue as experienced by psychiatric nurses*

PROFESSIONAL ACTIVITIES AND SERVICE

Academic Committees and Service, William F. Connell School of Nursing

2019 – 2021 Member, Doctor Nurse Practice (DNP) Committee

2021 - present Faculty Affairs

Review Panels

Reviewer *Journal of the American Psychiatric Nurses Association*
International Journal of Nursing Knowledge
Journal of Interpersonal Violence

INTERNATIONAL COLLABORATION

I am in the initial stages of collaborating with ABEFORENSE (Brazilian Association of Forensic Nurses). I have been invited to be the keynote speaker at the 2022 ABEFORENSE annual conference in Brazil. In partnership with ABEFORENSE and other partners in Brazil, there are opportunities and prospective research plans, including: intimate partner violence, fetal abduction and forensic psychiatric nursing.

STUDENT MENTORSHIP

Undergraduate Research Fellow (UGRF): Colleen Stapleton

Mentoring includes: research methods, data entering and data cleaning, literature review.

PROFESSIONAL ACTIVITIES/SERVICE:

Boston College Service

KILN - "Faculty Focus" meeting – ethnicity/nationality, February 2022

CSON - Appointed: Faculty Affairs Committee, 2021 - present

CSON - Appointed: DNP Committee, 2019 - 2021

CSON - Commencement, Faculty Marshall, 2019

Community Service:

Stoughton English Learner Parent Advisory Council (ELPAC), 2019 – present

Member of the council supporting the educational needs of students who speak English as a second language.

Super Sleuths Club, Executive Board, 2020 – present

Member-only Interdisciplinary group including forensic nurses, psychologists, pathologists, medical examiners, entomologists, crime scene investigators, DNA specialists, FBI BSU agents. The

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group works closely with the Cold Case Foundation to establish new leads to criminal cases that have gone unsolved.

Exhibit 2

**AFFIDAVIT OF MICHELE P. FULLER IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR APPROVAL OF
ATTORNEY FEES, COSTS OF LITIGATION AND ADMINISTRATIVE COSTS**

STATE OF MICHIGAN)

) ss.

COUNTY OF MACOMB)

I, Affiant, Michele P. Fuller, state as follows in support of Plaintiffs' Unopposed Motion for Approval of Attorney Fees, Costs of Litigation and Administrative Costs:

BACKGROUND:

1. I am the principal of the probate and estate planning firm, the Michigan Law Center, PLLC ("MLC") in Macomb, Michigan. My practice has focused on planning for persons with disabilities and minors for over 25 years.
2. I am the former Chair of the Elder Law and Disability Rights Section of the State Bar of Michigan, and currently serve on the board of directors for the Michigan Chapter of the National Academy of Elder Law Attorneys, the advisory committee for the Academy of Special Needs Planners and am a fellow of the Academy of Court-Appointed Neutrals.
3. I was appointed Special Assistant Attorney General to assist in creating and streamlining and consolidating claim process from initial claim to receipt of funds by individual claimants; identify and create special process and options for receipt of funds particularly for legally incapacitated claimants, minors, and those with disabilities which creates accountability, transparency, and minimizes fees and costs to the plaintiffs.
4. I am the recipient of the Unsung Hero Award of the State Bar of Michigan, given to an attorney exhibiting the highest standards of practice and commitment for the benefit of others. I have been a member of Super Lawyers since 2018. In 2013, *Parenting Magazine* named me as one of the nation's top child advocates for my work fighting for the rights of children with special needs.
5. I am the author (or co-author) of *Administering the Michigan Special Needs Trust*, published in 2020; *Administering the California Special Needs Trust* (2nd and 3rd editions) published in 2020; *ASNP's Guide to Drafting the World's Greatest Special Needs Trust*, published in 2017 by ASNP; and the 6-8th editions of the *Special Needs Trusts: Protecting Your Child's Financial Future* published by Nolo Press.
6. I co-host the Great Lakes Special Needs Planning Symposium, a two-day professional event learning cutting-edge special needs planning and trust administration, and a three-day intensive held in Napa, California, with over 480 attendees.
7. I am a member of the elder law advisory board for the Institute of Continuing Legal Education.
8. I have published articles in the following publications, a detailed list is available upon request: *Trial Magazine*, *Michigan Association for Justice Journal*, *NAELA Journal*, *Michigan Bar Journal*, *NAELA News*, *ABA Commission on Law and Aging*, and *Trusts & Estates* magazine.
9. I have established hundreds of first and third-party special needs trusts and many national and state-wide pooled trusts and continue to serve as advisor and counsel for one

of the largest pooled special needs trusts in Michigan administered by Springhill Housing Corporation, a non-profit based in Troy, Michigan.

HAWTHORN SETTLEMENT PLANNING ACTIVITIES:

10. I became involved with this case as co-counsel to Pitt, McGehee, Palmer, Bonanni & Rivers, P.C. ("Pitt McGehee") in the fourth quarter of 2023 as the parties began approaching resolution.

11. Due to my background and experience and the underlying condition and minority of the claimants, I joined the Plaintiffs' litigation team to assist Pitt McGehee to prevent any negative impact on government benefits, afford protection from creditors or predators, with a system of professional administration of the funds to maximize the positive impact for each client.

12. Through analyzing the class makeup, their current underlying condition(s), government benefits, capacity, compliance with state and federal court rules, statutes, and policy compliance, I outlined a settlement plan that allows for the protection of the clients, flexibility, and economic professional administration.

17. I contributed to drafting the portions of the Settlement Agreement and Class Notice that pertain to my area of focus, which is persons with disabilities and minors. I researched relevant court rules and statutes for compliance. I drafted Motions for Appointment of Next Friend and Guardian ad Litem.

18. I drafted a Request for Proposal and issued an invitation to five (5) national or state-wide organizations to serve as a potential provider for trust administration.

19. My ongoing duties to the Plaintiff class members will be to review the submissions of RFPs, select a provider (s), educate claimants or their legal representatives (being their Next Friend or Guardian ad Litem) on the options available, respond to questions, assist in the completion and submission of documents to join the pooled trust selected, issue notices to government agencies as applicable, and communicate and assist in the transfer of funds from the QSF to the proper trust for funding purposes.

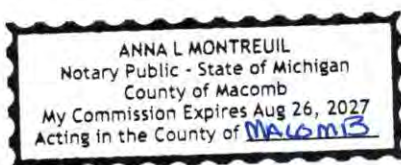
20. My staff will assist in meeting the above duties and obligations.

21. I will also communicate with the Guardian ad Litem, counsel, and providers as required.

Dated: January 29, 2024


Michele P. Fuller

Subscribed and sworn before me on this 29 day of January, 2034 by Michele P. Fuller.



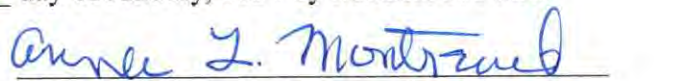

Notary Public in the County of MACOMB
State of Michigan
Acting in the County of MACOMB
My commission expires: 8/26/27

Exhibit 3

STATE OF MICHIGAN

COURT OF CLAIMS

DAVID HOREIN, ET.AL.,

Plaintiff,

COC No. 23-000063-MM

v

HON. JAMES REDFORD

MICHIGAN DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Defendant.

AFFIDAVIT OF RICHARD W. SIMMONS OF
ANALYTICS CONSULTING LLC IN SUPPORT OF
PROPOSED NOTICE PROGRAM

I, Richard W. Simmons, have personal knowledge of the facts and opinions set forth herein, and I believe them to be true and correct to the best of my knowledge. If called to do so, I would testify consistent with the sworn testimony set forth in this Declaration. Under penalty of perjury, I state as follows:

SCOPE OF ENGAGEMENT

1. I am the President of Analytics Consulting LLC (“Analytics”)¹. My company is one of the leading providers of class and collective action notice and claims management programs in the nation. It is my understanding that Analytics’ class action consulting practice, including the design and implementation of legal notice campaigns, is the oldest in the country. Through my work, I have personally overseen court-ordered class and collective notice programs in more than 2,500 matters.

¹ In October 2013, Analytics Consulting LLC acquired Analytics, Incorporated. I am the former President of Analytics, Incorporated (also d/b/a “BMC Group Class Action Services”). References to “Analytics” herein include the prior legal entity.

2. This Declaration summarizes: my experience and qualifications; the proposed Notice Program² (the “Notice Plan”); and why the Notice Plan will provide the best practicable notice in this matter.

QUALIFICATIONS AND EXPERIENCE

3. Founded in 1970, Analytics has consulted for 53 years regarding the design and implementation of legal notice and claims management programs relating to class and collective action litigation. These engagements include notice and claims administration involving antitrust, civil rights, consumer fraud, data breach, employment, insurance, product defect/liability, and securities litigation.

4. Analytics’ clients include corporations, law firms (both plaintiff and defense), and the federal government. Analytics’ long-term federal contracts include the following:

- a) Since 1998, Analytics has been under contract (five consecutive five-year contracts) with the Federal Trade Commission (“FTC”) to administer and provide expert advice regarding notice (including published notice) and claims processing in their settlements/redress programs.
- b) Since 2012, Analytics has been under contract (two consecutive multi-year contracts, renewed in 2023) with the Department of Justice (“DOJ”) to administer and provide expert advice regarding (including published notice) notice and claims processing to support their asset forfeiture/remission program; and,
- c) Since 2013, Analytics has been appointed as a Distribution Agent (three consecutive five-year terms, renewed in 2023) with the Securities and Exchange Commission (“SEC”) to administer and provide expert advice regarding notice (including published notice) and claims processing to support their investor settlements.

5. I joined Analytics in 1990 and have 34 years of direct experience in designing and implementing class action settlements and notice campaigns. The notice programs I have managed

² All capitalized terms not defined herein have the same meaning as those defined in the Settlement Agreement (the “Settlement,” “Settlement Agreement” or “SA”).

range in size from fewer than 100 class members to more than 40 million known class members, including some of the largest and most complex notice and claims administration programs in history.

6. I have testified in state and federal courts as to the design and implementation of notice programs, claims processes, and the impact attorney communications has had on claims rates. As has always been my practice, I personally performed or oversaw Analytics' consulting services in each of the cases indicated on my CV, which includes a partial list of judicial comments regarding the adequacy of notice, is attached hereto as **Exhibit 1**.

7. I have presented to panels of judges and lawyers on issues regarding class notice, claims processing, and disbursement. In 2011, I was a panelist at the Federal Judicial Center's ("FJC") workshop/meeting regarding class action notice and settlement administration. In 2014, I was interviewed by the CFPB regarding notice and claims administration in class action litigation as part of their study on arbitration and consumer class litigation waivers. In 2016, I worked with the FTC to conduct research regarding: a) the impact of alternate forms of notice on fund participation rates; and, b) the impact of alternate formats of checks on check cashing rates. In 2016, I was an invited participant to the Duke Law Conference on Class Action Settlements regarding electronic notification of class members. In 2017, I was the primary author of the Duke Law Conference on Class Action Settlement's guide to best practices regarding the evaluation of class action notice campaigns (including notice by electronic means). In 2021, I assisted in the development of George Washington University Law School's Class Action Best Practices Checklist. In 2023, I acted as the primary author for the Rabiej Litigation Law Center's forthcoming Class Action Best Practices.

8. I have co-authored and presented CLE programs and whitepapers regarding class notice and class action claims administration. In 2016, I co-authored a paper titled “Crafting Digital Class Notices That Actually Provide Notice” (Law360.com, New York (March 10, 2016). My speaking engagements regarding notice include: *Risks and Regulations: Best Practices that Protect Class Member Confidentiality*, HB Litigation Conference on Class Action Mastery in New York City (2018); *Recent Developments in Class Action Notice and Claims Administration*, Practising Law Institute in New York City (2017); *The Beginning and the End of Class Action Lawsuits*, Perrin Class Action Litigation Conference in Chicago (2017); *Class Action Administration: Data and Technology*, Harris Martin Target Data Breach Conference in San Diego (2014); *Developments in Legal Notice*, accredited CLE Program, presented at Shook Hardy & Bacon, LLP in Kansas City (2013), Halunen & Associates in Minneapolis (2013), and Susman Godfrey in Dallas (2014); and *Class Actions 101: Best Practices and Potential Pitfalls in Providing Class Notice*, CLE Program, presented to the Kansas Bar Association (March 2009).

9. I have been recognized by courts for my opinion as to which method of notification is appropriate for a given case and whether a certain method of notice represents the best notice practicable under the circumstances. In addition to my class action consulting work, I taught a college course in antitrust economics, was a guest lecturer at the University of Minnesota Law School on issues of statistical and economic analysis, was a charter member of the American Academy of Economic and Financial Experts and am a former referee for the Journal of Legal Economics (reviewing and critiquing peer-reviewed articles on the application of economic and statistical analysis to legal issues).

10. This Declaration describes the Notice Program that has been proposed to be implemented in this matter and why it will satisfy MCR 3.501 and provide due process for

members of the proposed Settlement Class. In my opinion, the Notice Program described herein is the best practicable notice under the circumstances and fulfills all due process requirements.

SUMMARY OF NOTICE PLAN

11. The Notice Program is the best notice that is practicable under the circumstances and fully comports with due process and MCR 3.501. The Notice Program provides for: 1) a Class Notice via U.S. Mail for all Settlement Class Member for whom a mailing address is available; and, 2) direct notice via email (the Email Notice) to all Settlement Class Members for whom the Defendant has an email addresses. Additionally, the full-length notice will be mailed upon request, and will all be available for download at the Settlement Website.

12. The Notice Program also includes a Settlement Website and toll-free telephone line where individuals can learn more about their rights and responsibilities in the litigation.

13. This Notice Plan, supported by the details outlined below, conforms to the best practices identified in the Federal Judicial Center's (or "FJC") Publication "*Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*" (2010) and provides the best practicable notice in this litigation.

CLASS DEFINITION

14. The Settlement Agreement defines a Class Members as either:

- a) **Patient Plaintiff Class** or **Patient Plaintiffs** means individuals who were patients at the Hawthorn Center and were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m; or,
- b) **Staff Plaintiff Class** or **Staff Plaintiffs** means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes a special subclass comprising only Brandon Woodruff and Hawk Kennedy.

AVAILABLE DATA

15. I have been informed by Counsel that they have developed a dataset identifying all Settlement Class Members and that last known mailing address data have been identified for all Settlement Class Members.

DIRECT NOTICE

16. The direct notice effort in this matter will consist of mailing a Class Notice to all Settlement Class Member for whom a mailing address is available and sending a notice via email (the Email Notice) to all Settlement Class Members for whom the Defendant has an email address. In many instances, a Settlement Class Member will receive both a mailed and emailed Notice.

Direct Mailed Notice

17. No later than 7 business days after the Court issues its Order preliminarily approving the settlement,³ the Class Notice will be sent by first-class mail, postage prepaid, to the last-known address, of each Settlement Class Member,

18. In preparation for mailing, mailing addresses will be updated using the National Change of Address (“NCOA”) database maintained by the United States Postal Service (“USPS”)⁴; certified via the Coding Accuracy Support System (“CASS”)⁵; and verified through Delivery Point Validation (“DPV”).⁶ This ensures that all appropriate steps have been taken to

³ Assuming entry of the Preliminary Approval Order on February 14, 2024, this is expected to take place on or about February 21, 2024.

⁴ The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

⁵ The CASS is a certification system used by the USPS to ensure the quality of ZIP +4 coding systems.

⁶ Records that are ZIP +4 coded are then sent through Delivery Point Validation (“DPV”) to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

send Class Notices to current and valid addresses. This address updating process is standard for the industry.

19. Class Notices returned as undeliverable will be re-mailed to any new address available through postal service information, for example, to the address provided by the postal service on returned pieces for which the automatic forwarding order has expired, but which is still during the period in which the postal service returns the piece with the address indicated, or to better addresses that may be found using a third-party lookup service. This process is also commonly referred to as ‘skip-tracing.’ Upon successfully locating better addresses, mailed Notices will be promptly re-mailed.

Direct E-Mailed Settlement Notice

20. No later than 7 business days after the Court issues its Order preliminarily approving the settlement,⁷ after the entry of the Preliminary Approval Order, Analytics will cause the Email Notice to be sent to Settlement Class Members who have an email address in the records provided by the Defendant.

21. Prior to disseminating notice via e-mail, Analytics will perform an analysis of the class data records that contain an e-mail address. The e-mail addresses will be subjected to an e-mail cleansing and will be deduplicated. The e-mail cleansing process removes extra spaces, fixes common typographical errors in domain name, and corrects insufficient domain suffixes (e.g., gmal.com to gmail.com, gmail.co to gmail.com, yaho.com to yahoo.com, etc.).

22. The standardized e-mail addresses will then be subject to an e-mail validation process whereby each e-mail address is compared to known invalid e-mail addresses. As an

⁷ Assuming entry of the Preliminary Approval Order on February 14, 2024, this is expected to take place on or about February 21, 2024.

additional step in the validation process, the e-mail address will be verified by contacting the Internet Service Provider (“ISP”) to determine if the e-mail address exists.

23. Additionally, Analytics designs e-mail notices to avoid many common “red flags” that might otherwise cause a Class Members’ spam filter to block or identify the e-mail notice as spam. For instance, Analytics does not include the Claim Form as an attachment to an e-mail notice, because attachments are often interpreted by various Internet Service Providers (“ISP”) as spam. Rather, in accordance with industry best practices, Analytics includes a link to all operative documents so that Class Members can easily access this information.

24. At the completion of the notice campaign Analytics will report to the Court the total number of e-mailed, mailed and delivered notices. In short, the Court will possess a detailed, verified account of the success rate of the notice campaign.

RESPONSE MECHANISMS

Toll-Free Phone Support

25. Prior to the mailing of the Notice, we will coordinate with Class Counsel to implement a dedicated toll-free number (877-930-3083) as a resource for Class Members seeking information about the Settlement.

26. By calling this number, Class Members will be able to listen to pre-recorded answers to Frequently Asked Questions (“FAQs”) or request to have a Notice mailed to them. Automated messages will be available to Class Members 24-hours a day, 7-days a week, with call center agents also available during standard business hours. Analytics’ IVR system allows Class Members to request a return call if they call outside of business hours or if they prefer not to remain on hold. This automated process confirms the caller’s phone number and automatically queues a return call the next business day.

27. Calls are transferred to agents specifically assigned to an engagement using “skillset” routing. In addition to engagement specific training, call center agents receive training regarding Analytics’ applications, policies, and procedures (such as privacy and identity proofing). This training also includes customer service-oriented modules to ensure that the answers to callers’ questions are delivered in a professional, conversational, and plain-English manner.

28. Answers to frequently asked questions will be standardized and managed in Analytics’ centralized knowledge management system. Each time a call is delivered to an agent, the agent is provided, on-screen, with a list of questions and Counsel-approved responses. Call center agents are monitored, graded, and coached on an ongoing basis to ensure that consistent messages are delivered regarding each matter.

Settlement Website

29. Prior to the mailing of the Notice (and within 30 days of the Preliminary Approval Date), Analytics will coordinate with Class Counsel to develop an informational website (HawthornClassAction.com) to provide information to Class Members regarding the litigation and Settlement. The Settlement Website will be the principal means for Class Members to obtain information about the Settlement and file claims, requests for exclusion, changes their address, and make elections for payment by electronic means (if desired). Guided by an intent to keep Class Members fully informed, the Website will conform to key e-commerce best practices:

- a) The top section of the home page, most prominent on lower resolution monitors, will include a summary message about the litigation along with a prominent button labeled “File Your Claim.” that takes class members to a dedicate page explaining their options for submitting a claim (including online and paper). This button will be outside the color scheme of the page (black, gray, and white), making it especially prominent; and

- b) The home page content will be simplified and streamlined, so that specific prominent language and graphic images can direct Class Members to specific content areas:
 - i) FAQs: “Learn How This Litigation Affects Your Rights and Get Answers to Your Questions About the Litigation”;
 - ii) Important Deadlines: “Important Deadlines That Will Affect Your Rights”; and
 - iii) Case Documents: “Detailed Information About the Case” including the operative Complaint, Settlement Agreement, Notice and Claim Form.

30. Recognizing the increasingly mobile nature of advertising and communications, the Website will be mobile optimized, meaning it can be clearly read and used by Class Members visiting the Website via smart phone or tablet⁸. By visiting the Website, Class Members will be able to read and download key information about the litigation, including, without limitation:

- a) Class Members’ rights and options.
- b) important dates and deadlines.
- c) answers to FAQs; and
- d) case documents.

31. In order to ensure accessibility to information regarding the settlement to all Class Members, the design and implementation of the website for this settlement will be compliant with ADA Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220).

⁸ In a consumer settlement, it is common for more than half of class members who visit a settlement website to be using a smart phone or tablet.

Email Support

32. The Website will contain prominent links for Class Members to ask questions about the litigation and Settlement. These links and the supporting email address (info@HawthornClassAction.com) will be operational prior to the commencement of the Notice Plan.

33. Every email received by Analytics will be assigned a tracking number, and the sender will receive an immediate response confirming receipt along with a link to additional information regarding the litigation. When Class Members' questions have been answered, they will be sent a follow up email asking if they have any additional questions and verifying that their questions were answered.

PERFORMANCE OF THE NOTICE PROGRAM

Reach

34. Because of the nature of the Class, and the fact that all Class Members are known, we expect to successfully deliver the Settlement Notice to virtually all of the Class. Many courts have accepted and understood that a 75% or 80% reach is sufficient. In 2010, the FJC issued a "Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide" (the "FJC Guide"). This FJC Guide states that, "[t]he lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%."⁹ In this matter, we expect to deliver notice within this range.

⁹ *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* at 3, FED. JUD. CTR. (2010), <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>.

PLAIN LANGUAGE NOTICE DESIGN

35. The proposed Notice forms used in this matter are designed to be “noticed,” reviewed, and—by presenting the information in plain language—understood by Class Members. The Class Notice attached as Exhibit 4 to the Motion for Preliminary Approval and Other Relief contains plain-language summaries of key information about Settlement Class Members’ rights and options pursuant to the Settlement. Consistent with normal practice, prior to being delivered and published, all notice documents will undergo a final edit for accuracy.

CONCLUSION

36. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, state and local rules and statutes, and further by case law pertaining to notice. This framework requires that: (1) notice reaches the class; (2) the notice that actually comes to the attention of the class is informative and easy to understand; and (3) class members rights and members’ rights and options easy to act upon. All of these requirements will be met in this case:

- a) Direct Notice will be provided to nearly all Settlement Class Members in this Litigation.
- b) The Settlement Notice is designed to be “noticed” and are written in carefully organized, plain language; and,
- c) Response mechanisms are designed to support Settlement Class Member requests and respond to their inquiries.

37. The proposed Notice Program will inform Settlement Class Members of the existence of the Litigation and Settlement through email and direct mail. These notice efforts will be supplemented by a website, e-mail support, and toll-free phone support. Given the availability

of data regarding Class Members, and the proposed efforts to identify updated addresses for Class Members, this Notice Program provides comprehensive notice and support to Class Members.

38. The Notice Program will provide the best notice practicable under the circumstances of this case, conforms to all aspects of MCR 3.501, and comports with the guidance for effective notice articulated in the Manual for Complex Litigation.

39. In my opinion, the Notice Program, if implemented, will provide the best notice practicable under the circumstances of this Litigation.

40. This Notice Program is consistent with, or exceeds:

- a) historic best practices for class notification,
- b) FJC guidance regarding class notification; and,
- c) Standards established by federal agencies with notification and distribution funds, such as the FTC, DOJ, and SEC.

under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: January 22, 2024



Richard W. Simmons
President
Analytics Consulting LLC

Subscribed and sworn to before me
this 22 day of January 2024.



Notary Public

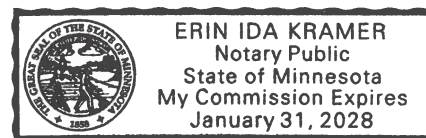


Exhibit 1



Richard W. Simmons

Richard W. Simmons is the President of Analytics Consulting LLC¹. Mr. Simmons joined Analytics in 1990 and has more than 33 years of experience developing and implementing class action communications and settlement programs.

Mr. Simmons' first legal notice consulting engagement was the *Schwan's Salmonella Litigation* settlement (*In Re: Salmonella Litigation*, Case No. 94-cv-016304 (D. Minn.)). Since then, he has:

- Developed and implemented notice campaigns ranging in size up to 45 million known class members (and 180 million unknown class members);
- Testified regarding legal notice in building products, civil rights, consumer products, environmental pollution, privacy, and securities litigation settlements;
- Managed claims processes for settlement funds ranging up to \$1 billion in value.

As part of Analytics' ongoing class action notice consulting practice, Mr. Simmons:

- testified regarding the adequacy of notice procedures in direct notice cases (including the development of class member databases);
- testified regarding the adequacy of published notice plans;
- has been appointed as a Distribution Fund Administrator by the Securities and Exchange Commission tasked with developing Distribution Plans for court approval;
- has been retained as an expert by the Federal Trade Commission to testify regarding the effectiveness of competing notice plans and procedures; and,
- acted as the primary author for the Duke Law Center's guidelines for best practices regarding the evaluation of class action notice campaigns.
- assisted in developing the George Washington University Law School's Class Action Best Practices Checklist.
- acted as the primary author for the Rabiej Litigation Law Center's forthcoming Class Action Best Practices.

In addition to his class action consulting work, Mr. Simmons has taught a college course in antitrust economics, was a guest lecturer at the University of Minnesota Law School on issues of statistical and economic analysis, was a charter member of the American Academy of Economic and Financial Experts and was a former referee for the Journal of Legal Economics (reviewing and critiquing peer reviewed articles on the application of economic and statistical analysis to legal issues). Mr. Simmons is a published author on the subject of damage analysis in Rule 10b-5 securities litigation.

¹ In October 2013, Analytics Consulting LLC acquired Analytics Incorporated. I am the former President of Analytics Incorporated. References to Analytics herein include the prior legal entities.



Mr. Simmons graduated from St. Olaf College with a B.A. in Economics (with a year at University College, Dublin), pursued a PhD. in Agricultural and Applied Economics (with a concentration in industrial organization and consumer/behavioral economics) at the University of Minnesota², and has received formal media planning training from New York University.

APPLICATION OF TECHNOLOGY TO CLASS ACTION SETTLEMENTS

Mr. Simmons has been a visionary in the application of the Internet to class action notice campaigns and the management of settlements:

- In 1995, Mr. Simmons was the first in the nation to support class action settlements with an online presence, that included the ability to check online, the status of their claims.
- In 2000, Mr. Simmons invented online claims submission in class action litigation, filing a patent application governing “*Method and system for assembling databases in multiple-party proceedings*” US20010034731 A1.
- In 2002, Mr. Simmons established an online clearinghouse for class action settlements that provided the public with information regarding class action settlements and provided them with the ability to register for notification of new settlements. This clearinghouse received national press attention as a resource for class action settlements.
- From 2003 through 2013, Analytics’ incremental changes in Internet support included class member verification of eligibility, locator services that identified retail outlets that sold contaminated products, secure document repositories, and multi-language support.
- In 2014, Mr. Simmons was the first to utilize and testify regarding product-based targeting in an online legal notice campaign
- In 2014, Analytics, under Mr. Simmons’ leadership, released the first-class action settlement support site developed under e-commerce best practices.

SPEAKER/EXPERT PANELIST/PRESENTER

Mr. Simmons has presented to panels of judges and lawyers on issues regarding class notice, claims processing, and disbursement:

- Mr. Simmons served as a panelist for the Francis McGovern Conferences on “Distribution of Securities Litigation Settlements: Improving the Process”, at which regulators, judges, custodians, academics, practitioners and claims administrators participated.
- In 2011, Mr. Simmons was a panelist at the Federal Judicial Center’s workshop/meetings regarding class action notice and settlement administration.
- In 2014, Mr. Simmons was invited to be interviewed by the Consumer Financial Protection Bureau as an expert on notice and claims administration in class action litigation as part of their study on arbitration and consumer class litigation waivers

² Mr. Simmons suspended work on his dissertation to acquire and manage Analytics.

- In 2016, Mr. Simmons presented results of research regarding the impact of forms of notice on fund participation rates to the Federal Trade Commission.
- In 2019, Mr. Simmons was the only claims administration expert invited to be a panelist to the Federal Trade Commission's Workshop on Consumers and Class Action Notices, where he spoke regarding the impact of different forms of notice on settlement participation rates and improving response rates to class action notices.
- In 2023, Mr. Simmons was a panelist for the Rabiej Litigation Law Center Bench-Bar Conference regarding Class Action Settlements where he spoke regarding maximizing claims rates in consumer class action settlements.

Mr. Simmons' speaking engagements regarding class notice include:

- *Maximizing Claims Rates in Consumer Class Actions*, Rabiej Litigation Law Center (2023)
- *Technology and Class Action Settlements*, National Association of Securities and Consumer Attorneys (2023),
- *Risks and Regulations: Best Practices that Protect Class Member Confidentiality* presented at the HB Litigation Conference on Class Action Mastery in New York City (2018)
- *Recent Developments in Class Action Notice and Claims Administration* presented at Practising Law Institute in New York City (2017)
- *The Beginning and the End of Class Action Lawsuits* presented at Perrin Class Action Litigation Conference in Chicago (2017);
- *Class Action Administration: Data and Technology* presented at Harris Martin Target Data Breach Conference in San Diego (2014);
- *Developments in Legal Notice*, accredited CLE Program, presented at Susman Godfrey in Dallas (2014)
- *Developments in Legal Notice*, accredited CLE Program, presented at Shook Hardy & Bacon, LLP in Kansas City (2013),
- *Developments in Legal Notice*, accredited CLE Program, presented at Halunen & Associates in Minneapolis (2013),
- *Class Actions 101: Best Practices and Potential Pitfalls in Providing Class Notice*, CLE Program, presented by Brian Christensen and Richard Simmons, to the Kansas Bar Association (March 2009).

Mr. Simmons' writings regarding class notice include:

- *Crafting Digital Class Notices That Actually Provide Notice* - Law360.com, New York (March 10, 2016).

JUDICIAL COMMENTS AND LEGAL NOTICE CASES

In evaluating the adequacy and effectiveness of Mr. Simmons' notice campaigns, courts have repeatedly recognized Mr. Simmons' work. The following excerpts provide recent examples of such judicial approval in matters where the primary issue was the provision of class notice.

Honorable Stephen J. Murphy III, *Doe 1 v. Deja vu Servs., Inc.*, No. 2:16-cv-10877, ECF No. 77 (E.D. Mich. June 19, 2017):

Also, the Plaintiffs certified that notice had been provided in accordance with the Court's preliminary approval order. The notices stated—in clear and easily understandable terms—the key information class members needed to make an informed decision: the nature of the action, the class claims, the definition of the class, the general outline of the settlement, how to elect for a cash payment, how to opt out of the class, how to object to the settlement, the right of class members to secure counsel, and the binding nature of the settlement on class members who do not to opt out.

* * *

In addition, the parties took additional steps to provide notice to class members, including through targeted advertisements on social media. The Court finds that the parties have provided the “best notice that is practicable under the circumstances,” and complied with the requirements of the Federal Rules of Civil Procedure, the Class Action Fairness Act of 2005, and due process.³

Associate Justice Edward P. Leibensberger, *Geanacopoulos v. Philip Morris USA, Inc.*, No. 9884CV06002, Dkt. No. 230 (Mass. Super. Ct. Sept. 30, 2016):

The Court finds that the plan of Notice as described in paragraphs 12 through 20 of the Settlement Agreement, including the use of email, mail, publication and internet notice, constituted the best notice practicable under the circumstances and constituted due and sufficient notice to the Class.

Honorable Edward J. Davila, *In re: Google Referrer Header Privacy Litig.*, No. 5:10-cv-04809, ECF No. 85 (N.D. Cal. Mar. 31, 2015):

On the issue of appropriate notice, the court previously recognized the uniqueness of the class asserted in this case, since it could potentially cover most internet users in the United States. On that ground, the court approved the proposed notice plan involving four media channels: (1) internet-based notice using paid banner ads targeted at potential class members (in English and in Spanish on Spanish-language websites); (2) notice via “earned

³ Unless otherwise indicated, citations are omitted and emphasis is added.

media” or, in other words, through articles in the press; (3) a website decided solely to the settlement (in English and Spanish versions); and (4) a toll-free telephone number where class members can obtain additional information and request a class notice. In addition, the court approved the content and appearance of the class notice and related forms as consistent with Rule 23(c)(2)(B).

The court again finds that the notice plan and class notices are consistent with Rule 23, and that the plan has been fully and properly implemented by the parties and the class administrator.

Honorable Terrence F. McVerry, *Kobylanski. v. Motorola Mobility, Inc.*, No. 2:13-cv-01181, ECF No. 43 (W.D. Pa. Oct. 9, 2014):

The Court finds that the distribution of the Notice to Settlement Class Members Re: Pendency of Class Action, as provided for in the Order Granting Preliminary Approval for the Settlement, constituted the best notice practicable under the circumstances to all Persons within the definition of the Class and fully met the requirements of due process under the United States Constitution.

Honorable Thomas N. O’Neill, Jr., *In re: CertainTeed Fiber Cement Siding Litig.*, No. 2:11-md-02270, ECF No. 119 (E.D. Pa. Mar. 20, 2014):

Settlement class members were provided with notice of the settlement in the manner and form set forth in the settlement agreement. Notice was also provided to pertinent state and federal officials. The notice plan was reasonably calculated to give actual notice to settlement class members of their right to receive benefits from the settlement or to be excluded from the settlement or object to the settlement. The notice plan met the requirements of Rule 23 and due process.

Honorable Robert W. Gettleman, *In re Aftermarket Filters Antitrust Litig.*, No. 1:08-cv-04883, ECF No. 1031 (N.D. Ill. Oct. 25, 2012):

Due and adequate notice of the Settlement was provided to the Class. . . . The manner of giving notice provided in this case fully satisfies the requirements of Federal Rule of Civil Procedure 23 and due process, constitutes the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons entitled thereto. A full and fair opportunity was provided to the members of the Class to be heard regarding the Settlements.

Honorable Marco A. Roldan, *Plubell v. Merck & Co., Inc.*, NO. 04CV235817-01, Final Judgment and Order (Mo. Cir. Ct. Mar. 15, 2013):

Under the circumstances, the notice of this Settlement provided to Class Members in accordance with the Notice Order was the best notice practicable of the proceedings and



matters set forth therein, including the proposed Settlement, to all Persons entitled to such notice, and said notice fully satisfied the requirements due process and Missouri law.

Honorable James P. Kleinberg, *Skold v. Intel Corp.*, No. 2005-CV-039231, Order on Motion for Approval (Cal. Super. Ct. Mar. 14, 2013):

The Court finds that Plaintiff's proposed Notice plan has a reasonable chance of reaching a substantial percentage of class members.

Honorable J. Phil Gilbert, *Greenville IL v. Syngenta Crop Prot., Inc.*, No 3:10-cv-00188, ECF No. 325 (S.D. Ill. Oct. 23, 2012):

The Notice provided to the Class fully complied with Rule 23, was the best notice practicable, satisfied all constitutional due process requirements, and provides the Court with jurisdiction over the Class Members.



| Practice Area | Engagement | Citation |
|-------------------|--|--|
| Antitrust | <i>All Star Carts and Vehicles, Inc., et al. v. BFI Canada Income Fund, et al.</i> | 08-CV-1816 (E.D.N.Y.) |
| | <i>In Re: Aftermarket Filters Antitrust Litigation</i> | No. 1:08-cv-4883, MDL No. 1957 (N.D. Ill.) |
| | <i>In Re: Aluminum Phosphide Antitrust Litigation</i> | Case No. 93-cv-2452 (D. Kan.) |
| | <i>In Re: Beef Antitrust Litigation</i> | MDL No. 248 (N.D. Tex.) |
| | <i>In Re: Bromine Antitrust Litigation</i> | MDL No. 1310 (S.D. Ind.) |
| | <i>In Re: Corrugated Container Antitrust Litigation</i> | MDL No. 310 (S.D. Tex.) |
| | <i>In Re: Industrial Silicon Antitrust Litigation</i> | Case No. 95-cv-2104 (W.D. Pa.) |
| | <i>In Re: Multidistrict Civil Antitrust Actions Involving Antibiotic Drugs</i> | MDL No. 10 (S.D.N.Y.) |
| | <i>In Re: Workers Compensation Insurance Antitrust Litigation</i> | Case No. 4:85-cv-1166 (D. Minn.) |
| | <i>Red Eagle Resources Corporation, Inc., et al. v. Baker Hughes Inc., et al.</i> | Case No. 91-cv-627 (S.D. Tex.) |
| | <i>Rob'n I, Inc., et al. v. Uniform Code Counsel, Inc.</i> | Case No. 03-cv-203796-1 (Spokane County, Wash.) |
| | <i>Sarah F. Hall d/b/a Travel Specialist, et al. v. United Airlines, Inc., et al.</i> | Case No. 7:00-cv-123-BR(1) (E.D. S.C.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Goldfinger")</i> | No. CV 09-1731 (C.D. Cal.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Kum Ventures")</i> | No. CV 09-1731 (C.D. Cal.) |
| Asset Forfeiture | <i>U.S. v. David Merrick</i> | 6:10-cr-109-Orl-35DAB (E.D. Fla) |
| | <i>U.S. v. Sixty-Four 68.5 lbs (Approx.) Silver Bars, et al.</i> | Case No. 09-cv-01731 (C.D. Cal.) |
| | <i>United States of America v. \$1,802,651.56 in Funds Seized from E-Bullion, et al.</i> | 3:07-cr-119 (W.D.N.Y.) |
| | <i>United States of America v. Alfredo Susi, et al.</i> | 6:10-cr-109-Orl-35DAB |
| | <i>United States of America v. David Merrick</i> | Case No. 05-cv-058 (D.R.I.) |
| | <i>United States of America v. Elite Designs, Inc.</i> | Case No. 6:09-cv-1852 (S.D. Fla.) |
| | <i>United States of America v. Evolution Marketing Group</i> | Case No. 4:09-cr-00013-JHP-1 (N.D. Okla.) |
| | <i>United States of America v. George David Gordon</i> | No. C09-1770RSM (W.D. Wash.) |
| | <i>United States of America v. Regenesis Marketing Corporation</i> | (E.D. FL) |
| | <i>United States of America v. Sixty-Four 68.5 lbs (Approx.) Silver Bars, et al.</i> | Case No. 04-cv-641 (E.D.N.Y.) |
| | <i>United States of America v. Zev Saltsman</i> | Case No.: 2:20cv02106-CSB-EIL (C.D. Ill.) |
| | <i>Allen v R.J. Van Drunen & Sons, Inc.</i> | 1:20-cv-02213 (N.D. IL) |
| | <i>Alric Howell v Lakes Venture dba Fresh Thyme Farmers Market</i> | 2019CH12910 (Cook County, IL) |
| | <i>Andrea Jones et al. v Rosebud Restaurants, Inc.</i> | Case No.: 2019L000168 Circuit Court of Dupage County, IL |
| Biometric Privacy | <i>Angela Karikari v Carnagio Enterprises, Inc.</i> | Case No.: 2021-CH-00811 (Cook County, IL) |
| | <i>Anthony Rodriguez v Senior Midwest Direct, Inc.</i> | Case No. 2019-L-000098 (Kankakee County, IL) |
| | <i>Anton Tucker et al. v Momence Packing Co.</i> | Case No.: 1:22cv01966 (N.D. IL) |
| | <i>Belicia Cruz v The Connor Group, A Real Estate Investment Firm, LLC</i> | Case No. 21CH00000311 (Lake County, IL) |
| | <i>Biagi v International Services, Inc</i> | Case No.: 2022CH01917 Circuit Court of Cook County, IL |
| | <i>Brittany Willoughby v Lincoln Insurance Agency, Inc.</i> | Case No.: 19L 1022 Circuit Court of Will County Ill |
| | <i>Charles Devoe v Ron's Temporary Help Services, Inc. d/b/a Ron's Staffing Services, Inc.</i> | 20 L 440 (Will County, IL) |
| | <i>Charles Hilson v MTIL, Inc.</i> | Case No. 2018-CH-3544 (Cook County, IL) |
| | <i>Charles Thurman et al. v NorthShore University HealthSystem</i> | 2019-CH-03391 (Cook County, IL) |
| | <i>Christopher Crosby et al. v Courier Express One, Inc.</i> | |
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| Practice Area | Engagement | Citation |
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| | <i>Clifford Like et al. v Professional Freezing Services LLC</i> | 2019 CH 04194 (Cook County, IL) |
| | <i>Danielle Parker v Dabecca Natural Foods, Inc.</i> | 2019 CH 1845 (Cook County, IL) |
| | <i>Darrin Hall v Whiting Corporation</i> | Case No.: 2021L000912 (Will County, IL) |
| | <i>Deanna Ramirez v Greater Rockford Auto Auction, Inc.</i> | Case No.: 2021-L-48 (Winnebago County, IL) |
| | <i>Dearlo Terry v Griffith Foods</i> | 2019CH12910 (Cook County, IL) |
| | <i>Diahann Cook v John C. Proctor Endowment d/b/a Proctor Place, JCPE Investments, and JCPE Properties L</i> | Case No. 21L00083 (Peoria County, IL) |
| | <i>Drape et al. v S.F. Express Corporation</i> | 20-L-001094 (DuPage County, IL) |
| | <i>Eslanda Bertasiute v The Hari Group, Inc.</i> | Case No.: 2020CH07055 Circuit Court of Cook County, IL |
| | <i>Francesca Graziano et al. v Royal Die and Stamping LLC dba Royal Power Solutions, LLC</i> | 2019-L-00169 (DuPage County, IL) |
| | <i>Gniecki Katarzyna v Columbia Sussex Management</i> | Case No.: 2021CH00677 (Cook County, IL) |
| | <i>Heard, et al. v. THC – Northshore, Inc.</i> | Case No. 2017-CH-16918 (Cook County, IL) |
| | <i>Hector Campos v Sonoco Products Company</i> | Case No.: 2021CH01223 |
| | <i>Hubler v Placesmart Agency d/b/a/ Nashville Material & Supply LLC</i> | Case No.: 2021L11 (Washington County, IL) |
| | <i>Jacob Weeks v Tricon Industries Manufacturing</i> | Case No.: 2021L32 (LaSalle County, IL) |
| | <i>Jada Marsh v CLS Plasma, Inc.</i> | Case No.: 1:19cv07606 (N.D. IL) |
| | <i>Javier Vega v Mid-America Taping & Reeling, Inc.</i> | Case No.: 2019CH03776 Circuit Court DuPage County, IL |
| | <i>Jeremy Webb et al. v Plochman, Inc.</i> | Case No. 2020-L-15 (Kankakee County, IL) |
| | <i>Jerrold Lane et al. v Schenker, Inc.</i> | 3:19-cv-00507 NJR-MAB (S.D. IL) |
| | <i>Joseph Ross v Caremel, Inc.</i> | 2019L000010 (Kankakee County, IL) |
| | <i>Joshua Eden Mims v Monda Window & Door Corp.</i> | 2019 CH 10371 (Cook County, IL) |
| | <i>Katherine Martinez et al. v Nando's Restaurant Group, Inc.</i> | 1:19-cv-07012 (N.D. IL) |
| | <i>Kimberly Smith v ARG Resources, LLC d/b/a Arby's</i> | Case No. 2019-CH-12528 (Cook County, IL) |
| | <i>Latonia Williams v Personalizationmall.Com, LLC</i> | Case No.: 1:20cv00025 (N.D. IL) |
| | <i>Lawrence et al v Atria Management Company, LLC</i> | Case No: 2020-ch-01384 (Cook County, IL) |
| | <i>Lawrence v Capital Senior Living, Inc.</i> | Case No.: 2021-l-000267 (Dupage County, IL) |
| | <i>Leen Abusaleem et al. v The Standard Market, LLC</i> | 2019L000517 (Dupage County, IL) |
| | <i>Marcus McCullum v IKO Midwest, Inc.</i> | Case No.: 2020CH05114 (Cook County, IL) |
| | <i>Maria Tapia-Rendon v United Tape & Finishing Co., Inc</i> | Case No.: 1:21cv03400 (N.D. IL) |
| | <i>Maurilio Ortega v Rapid Displays, Inc.</i> | Case No.: 2020CH00140 Circuit Court of Cook County, IL (Chancery Division) |
| | <i>Maysoun Abudayyeh v Envoy Air, Inc.</i> | Case No.: 1:21cv00142 (N.D. IL) |
| | <i>Melone v General RV Center</i> | Case No.: 21L000405 (Kane County, IL) |
| | <i>Michael Pfotenhauer v Alfagomma Aurora TF LLC</i> | Case No.: 21L000251 (Kane County, IL) |
| | <i>Michelle Sedory v Aldi, Inc.</i> | Case No.: 20CH02768 (Cook County, IL) (Chancery Division) |
| | <i>Mims v Trippe Manufacturing Company, d/b/a Trippe Lite</i> | Case No.: 2019-ch-10189 (Cook County, IL) |
| | <i>Morales v Graham Packing Plastic Products, LLC</i> | Case No: 2021I000801 (Dupage County, IL) |
| | <i>Neisha Torres et al. v Eataty Chicago, LLC</i> | 2020 CH 6417 (Cook County, IL) |
| | <i>Olman v U.S.A. Recycling, Inc. d/b/a Pallet Logistics Management, Inc.</i> | Case No.: 21L0737 (St. Clair County, IL) |
| | <i>Otilia Garcia et al. v Club Colors Buyers LLC</i> | Case No. 2020 L 001330 (Dupage County, IL) |



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| Business | <i>Rafael Vazquez v Pet Food Experts, Inc.</i> | 2019 CH 14746 (Cook County, IL) |
| | <i>Rea v Skolnik Industries, Inc.</i> | Case No.: 2021-ch-00571 (Cook County, IL) |
| | <i>Ricardo White v Bridgeway of Bensenville Independent Living, LLC</i> | 2019 CH 03397 (Cook County, IL) |
| | <i>Rivera v American Freedom Insurance Co.</i> | Case No. 2020-CH-06596 (Cook County, IL) |
| | <i>Roach v. Walmart Inc.</i> | Case No. 2019-CH-01107 (Cook County, IL) |
| | <i>Robert Corey v Wireless Vision, LLC</i> | Case No.: 2020CH1192 (Cook County, IL) |
| | <i>Rosy Gomez v Resource Management Group, Inc.</i> | Case No.: 2021ch04440 (Cook County, IL) |
| | <i>Sanchez v Agile Pursuits, Inc. d/b/a Tide Cleaners f/k/a Pressbox LLC</i> | Case No. 2020-CH-02640 Circuit Court of Cook County, IL |
| | <i>Seyon Haywood v Thyssenkrupp Dynamic Components Danville, LLC</i> | Case No.: 2021L000057 (Vermillion County, IL) |
| | <i>Shonnette Banks v Meridian Lodging Associates, LLP</i> | Case No.: 1:20cv07030 (N.D. Ill.) |
| | <i>Stark v Joliet Cold Storage, LLC</i> | Case No.: 191182 (Will County, IL) |
| | <i>Steven Horn v Method Products</i> | Case No.: 1:21cv05621 (E.D. IL) |
| | <i>Stiles v. Specialty Promotions, Inc.</i> | Case No. 2020-CH-03776 (Cook County, IL) |
| | <i>Sykes v. Clearstaff, Inc.</i> | Case No. 19-CH-03390 (Cook Co. IL) |
| | <i>Tapia-Renton v Employer Solutions Staffing Group II, LLC, et al.</i> | Case No. 21-CV-3400 (N.D. Ill.) |
| | <i>Tiffanie Snider v Heartland Beef, Inc.</i> | Case No.: 4:20cv04026 (C.D. IL) |
| | <i>Trayes v Midcon Hospitality Group, LLC et al.</i> | Case No. 19-CH-11117 (Cook County, IL) |
| | <i>Tylisha Allen v Flanders Corp.</i> | Case No. 2022-LA-000154 (Sangamon County, IL) |
| | <i>Tyronne L. Helm et al. v Marigold, Inc.</i> | 2020-CH-003971 (Cook County, IL) |
| | <i>Villasenor v Air & Ground Services, Inc.</i> | Case No.: 2021CH5558 (Cook County, IL) |
| | <i>White v Willow Crest Nursing Pavilion, LTD</i> | Case No: 2021CH04785 (Cook County, IL) |
| | <i>William Clow v The Sygma Network, Inc.</i> | Case No.: 1:22cv01094-CSB-EIL (C.D. IL) |
| | <i>American Golf Schools, LLC, et al. v. EFS National Bank, et al.</i> | Case No. 00-cv-005208 (D. Tenn.) |
| | <i>AVR, Inc. and Amidon Graphics v. Churchill Truck Lines</i> | Case No. 4:96-cv-401 (D. Minn.) |
| | <i>Buchanan v. Discovery Health Records Solutions</i> | Case No. 13-015968-CA 25 (Miami Dade County) |
| | <i>Do Right's Plant Growers, et al. v. RSM EquiCo, Inc., et al.</i> | Case No. 06-CC-00137 (Orange County, Cal.) |
| | <i>F.T.C. v. Ameritel Payphone Distributors</i> | Case No. 00-cv-514 (S.D. Fla.) |
| | <i>F.T.C. v. Cephalon</i> | Case No. 08-cv-2141 (E.D. Pa.) |
| | <i>F.T.C. v. Datacom Marketing, Inc.</i> | Case No. 06-cv-2574 (N.D. Ill.) |
| | <i>F.T.C. v. Davison & Associates, Inc.</i> | Case No. 97-cv-01278 (W.D. Pa.) |
| | <i>F.T.C. v. Fidelity ATM, Inc.</i> | Case No. 06-cv-81101 (S.D. Fla.) |
| | <i>F.T.C. v. Financial Resources Unlimited, Inc.</i> | Case No. 03-cv-8864 (N.D. Ill.) |
| | <i>F.T.C. v. First American Payment Processing Inc.</i> | Case No. 04-cv-0074 (D. Ariz.) |
| | <i>F.T.C. v. Group C Marketing, Inc.</i> | Case No. 06-cv-6019 (C.D. Cal.) |
| | <i>F.T.C. v. Jordan Ashley, Inc.</i> | Case No. 09-cv-23507 (S.D. Fla.) |
| | <i>F.T.C. v. Medical Billers Network, Inc.</i> | Case No. 05-cv-2014 (S.D.N.Y.) |
| | <i>F.T.C. v. Minuteman Press Int'l</i> | Case No. 93-cv-2496 (E.D.N.Y.) |
| | <i>F.T.C. v. Netfran Development Corp</i> | Case No. 05-cv-22223 (S.D. Fla.) |



| Practice Area | Engagement | Citation |
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| Civil Rights | <i>F.T.C. v. USA Beverages, Inc.</i> | Case No. 05-cv-61682 (S.D. Fla.) |
| | <i>Garcia, et al. v. Allergan, Inc.</i> | 11-CV-9811 (C.D. Cal.) |
| | <i>Gerald Young et al. v. HealthPort Technologies, LLC, et al.</i> | Case No. LACL130175 (Polk County, IA) |
| | <i>Goldberg et al. v. HealthPort Inc. et al.</i> | Case No L-1421-14 (Essex County, NJ) |
| | <i>In Re Google AdWords Litigation</i> | No. 5:08-cv-03369-EJD (N.D. Cal.) |
| | <i>In re Syngenta Ag Mir 162 Corn Litigation</i> | Case No 2:14-md-2591-JWL-JPO (D. Kan.) |
| | <i>Law Offices of Henry E. Gare, P.A., et al. v. Healthport Technologies, LLC</i> | No. 16-2011-CA-010202 (Duval County, FL) |
| | <i>Melby et al. v. America's MHT, Inc., et al.</i> | Case No. 3:17-CV-155-M (N.D. Texas) |
| | <i>Number Queen, Ltd. et al. v. Redgear Technologies, Inc. et al.</i> | Case No. 14-0064 (W.D. Mo.) |
| | <i>Physicians of Winter Haven LLC v. STERIS Corp.</i> | Case No. 1:10-cv-00264 (N.D. Ohio) |
| | <i>Richard P. Console, JR., P.C. v. Medical Records Online Inc.</i> | Docket No. CAM-L-2133-18 (Camden County, NJ) |
| | <i>Sue Ramirez et al. v. Smart Professional Photocopy Corporation</i> | No. 01-L-385 (Peoria County, IL) |
| | <i>Terry Bishop v DeLaval, Inc.</i> | Case No.: 5/19cv06129 (W.D. MO) |
| | <i>Todd Tompkins, Doug Daug and Timothy Nelson v. BASF Corporation, et al.</i> | Case No. 96-cv-59 (D.N.D.) |
| | <i>Waxler Transportation Company, Inc. v. Trinity Marine Products, Inc., et al.</i> | Case No. 08-cv-01363 (E.D. La.) |
| | <i>Bentley v. Sheriff of Essex County</i> | Case No. 11-01907 (Essex County, MA) |
| | <i>Cazenave, et al. v. Sheriff Charles C. Foti, Jr., et al.</i> | Case No. 00-cv-1246 (E.D. La.) |
| | <i>Garcia, et al v. Metro Gang Strike Force, et al.</i> | Case No. 09-cv-01996 (D. Minn.) |
| | <i>Gregory Garvey, Sr., et al. v. Frederick B. MacDonald & Forbes Byron</i> | 3:07-cv-30049 (S.D. Mass.) |
| | <i>McCain, et al. v. Bloomberg, et al.</i> | Case No. 41023/83 (New York) |
| | <i>Minich, et al. v Spencer, et al.</i> | Civil Action No. 1584cv00278 (Suffolk Superior Court, Mass.) |
| | <i>Nancy Zamarron, et al. v. City of Siloam Springs, et al.</i> | Case No. 08-cv-5166 (W.D. Ark.) |
| | <i>Nathan Tyler, et al. v. Suffolk County, et al.</i> | Case No. 1:06-cv-11354 (S.D. Mass.) |
| | <i>Nilsen v. York County</i> | Case No. 02-cv-212 (D. Me.) |
| | <i>Richard S. Souza et al. v. Sheriff Thomas M. Hodgson</i> | 2002-0870 BRCV (Superior Ct., Mass.) |
| Consumer | <i>Taha v. County of Bucks</i> | Case No. 12-6867 (E.D. Pa.) |
| | <i>Travis Brecher, et al. v. St. Croix County, Wisconsin, et al.</i> | Case No. 02-cv-0450-C (W.D. Wisc.) |
| | <i>Tyrone Johnson et al. v CoreCivic et al.</i> | 2:20-cv-01309 RFB-NJK (D. NV) |
| | <i>Adam Berkson, et al. v. Gogo LLC and Gogo Inc.,</i> | Case No. 1:14-cv-01199-JBW-LB (S.D.N.Y.) |
| | <i>Alimi v Integrity Management Group, LLC et al.</i> | Case No.: 2021-CH-03274 (Cook County, IL) |
| | <i>Andrew J. Hudak, et al. v. United Companies Lending Corporation</i> | Case No. 334659 (Cuyahoga County, Ohio) |
| | <i>Angela Doss, et al. v. Glenn Daniels Corporation</i> | Case No. 02-cv-0787 (E.D. Ill.) |
| | <i>Angell v. Skechers Canada</i> | 8562-12 (Montreal, Quebec) |
| | <i>Ann McCracken et al. v Verisma Systems, Inc.</i> | 6:14-cv-06248 (W.D. N.Y.) |
| | <i>Anthony Talalai, et al. v. Cooper Tire & Rubber Company</i> | Case No. L-008830-00-MT (Middlesex County, NJ) |
| | <i>Ballard, et al. v. A A Check Cashiers, Inc., et al.</i> | Case No. 01-cv-351 (Washingotn County, Ark.) |
| | <i>Belinda Peterson, et al. v. H & R Block Tax Services, Inc.</i> | Case No. 95-CH-2389 (Cook County, Ill.) |
| | <i>Boland v. Consolidated Multiple Listing Service, Inc.</i> | Case No. 3:19-cv-01335-SB (D.S.C.) |



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| | <i>Braulio M. Cuesta, et al. v. Ford Motor Company, Inc., and Williams Controls, Inc.</i> | CIV-06-61-S (E.D. Okla.) |
| | <i>Caprarola, et al. v. Helxberg Diamond Shops, Inc.</i> | Case No. 13-06493 (N.D. Ill.) |
| | <i>Carideo et al. v. Dell, Inc.</i> | Case No. 06-cv-1772 (W.D. Wash.) |
| | <i>Carnegie v. Household International, Inc.</i> | No. 98-C-2178 (N.D. Ill.) |
| | <i>Che Clark v. JPMorgan Chase Bank, N.A., et al.</i> | Case No. 0:17-cv-01069 (D. Minn.) |
| | <i>Christine Gambino et al. v. CIOX Health, LLC</i> | 2015-CA-006038-B (District of Columbia) |
| | <i>Clair Loewy v. Live Nation Worldwide Inc.</i> | Case No. 11-cv-04872 (N.D. Ill.) |
| | <i>Conradie v. Caliber Home Loans</i> | Case No. 4:14-cv-00430 (S.D. Iowa) |
| | <i>Consumer Financial Protection Bureau v. Corinthian Colleges, Inc.</i> | Case No. 1:14-cv-07194 (N.D. Ill.) |
| | <i>Consumer Financial Protection Bureau v. Park View Law</i> | Case No. 2:17-cv-04721 (N.D. Cal.) |
| | <i>Consumer Financial Protection Bureau v. Prime Credit, L.L.C., et al.</i> | Case No. 2:17-cv-04720 (N.D. Cal.) |
| | <i>Consumer Financial Protection Bureau v. Prime Marketing Holdings</i> | Case No. 2:16-cv-07111 (C.D. Cal.) |
| | <i>Consumer Financial Protection Bureau v. Prime Marketing Holdings</i> | 1:15-cv-23070-MGC (S.D. Fl) |
| | <i>Consumer Financial Protection Bureau v. Security National Automotive Acceptance</i> | Civil Action No. 1 :15-cv-401 (S.D. Ohio) |
| | <i>Covey, et al. v. American Safety Council, Inc.</i> | 2010-CA-009781-0 (Orange County, FL) |
| | <i>Cummins, et al. v. H&R Block, et al.</i> | Case No. 03-C-134 (Kanawha County, W.V.) |
| | <i>David and Laurie Seeger, et al. v. Global Fitness Holdings, LLC</i> | No. 09-CI-3094, (Boone Circuit Court, Boone County, Ky.) |
| | <i>Don C. Lundell, et al. v. Dell, Inc.</i> | Case No. 05-cv-03970 (N.D. Cal.) |
| | <i>Duffy v. Security Pacific Automotive Financial Services Corp., et al.</i> | Case No. 3:93-cv-00729 (S.D. Cal.) |
| | <i>Edward Hawley, et al. v. American Pioneer Title Insurance Company</i> | No. CA CE 03-016234 (Broward County, Fla.) |
| | <i>Evans, et al. v. Linden Research, Inc., et al.</i> | Case No. 4:11-cv-1078-DMR (N.D. Cal.) |
| | <i>F.T.C. and The People of the State of New York v. UrbanQ</i> | Case No. 03-cv-33147 (E.D.N.Y.) |
| | <i>F.T.C. v A1 DocPrep Inc. et.al.</i> | Case No. 2:17-cv-07044 SJO-JC (C.D. CA) |
| | <i>F.T.C. v First Universal Lending, LLC et al.</i> | Case No. 9:09-cv-82322 ZLOCH (S.D. FL) |
| | <i>F.T.C. v Student Debt Doctor, LLC et al.</i> | Case No. 17-cv-61937 WPD (S.D. FL) |
| | <i>F.T.C. v. 1st Beneficial Credit Services LLC</i> | Case No. 02-cv-1591 (N.D. Ohio) |
| | <i>F.T.C. v. 9094-5114 Quebec, Inc.</i> | Case No. 03-cv-7486 (N.D. Ill.) |
| | <i>F.T.C. v. Ace Group, Inc.</i> | Case No. 08-cv-61686 (S.D. Fla.) |
| | <i>F.T.C. v. Affordable Media LLC</i> | Case No. 98-cv-669 (D. Nev.) |
| | <i>F.T.C. v. AmeraPress, Inc.</i> | Case No. 98-cv-0143 (N.D. Tex.) |
| | <i>F.T.C. v. American Bartending Institute, Inc., et al.</i> | Case No. 05-cv-5261 (C.D. Cal.) |
| | <i>F.T.C. v. American International Travel Services Inc.</i> | Case No. 99-cv-6943 (S.D. Fla.) |
| | <i>F.T.C. v. Asset & Capital Management Group</i> | Case No. 8:13-cv-1107 (C.D. Cal.) |
| | <i>F.T.C. v. Bigsmat.com, L.L.C., et al.</i> | Case No. 01-cv-466 (D. Ariz.) |
| | <i>F.T.C. v. Broadway Global Master Inc</i> | Case No. 2-cv-00855 (E.D. Cal.) |
| | <i>F.T.C. v. Call Center Express Corp.</i> | Case No. 04-cv-22289 (S.D. Fla.) |
| | <i>F.T.C. v. Capital Acquistions and Management Corp.</i> | Case No. 04-cv-50147 (N.D. Ill.) |
| | <i>F.T.C. v. Capital City Mortgage Corp.</i> | Case No. 98-cv-00237 (D.D.C.) |



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| | <i>F.T.C. v. Centro Natural Corp</i> | Case No. 14:23879 (S.D. Fla.) |
| | <i>F.T.C. v. Certified Merchant Services, Ltd., et al.</i> | Case No. 4:02-cv-44 (E.D. Tex.) |
| | <i>F.T.C. v. Check Inforcement</i> | Case No. 03-cv-2115 (D.N.J.) |
| | <i>F.T.C. v. Chierico et al.</i> | Case No. 96-cv-1754 (S.D. Fla.) |
| | <i>F.T.C. v. Clickformail.com, Inc.</i> | Case No. 03-cv-3033 (N.D. Ill.) |
| | <i>F.T.C. v. Consumer Credit Services</i> | Case No. 96-cv-1990 (S.D. N.Y.) |
| | <i>F.T.C. v. Consumer Direct Enterprises, LLC.</i> | Case No. 07-cv-479 (D. Nev.) |
| | <i>F.T.C. v. Debt Management Foundation Services, Inc.</i> | Case No. 04-cv-1674 (M.D. Fla.) |
| | <i>F.T.C. v. Delaware Solutions</i> | Case No. 1:15-cv-00875-RJA (W.D.N.Y.) |
| | <i>F.T.C. v. DeVry Education Group Inc.</i> | Case No. 2:16-cv-579 (C.D. Cal.) |
| | <i>F.T.C. v. Digital Enterprises, Inc.</i> | Case No. 06-cv-4923 (C.D. Cal.) |
| | <i>F.T.C. v. Dillon Sherif</i> | Case No. 02-cv-00294 (W.D. Wash.) |
| | <i>F.T.C. v. Discovery Rental, Inc., et al.</i> | Case No. 6:00-cv-1057 (M.D. of Fla.) |
| | <i>F.T.C. v. EdebitPay, LLC.</i> | Case No. 07-cv-4880 (C.D. Cal.) |
| | <i>F.T.C. v. Electronic Financial Group, Inc.</i> | Case No. 03-cv-211 (W.D. Tex.) |
| | <i>F.T.C. v. Eureka Solutions</i> | Case No. 97-cv-1280 (W.D. Pa.) |
| | <i>F.T.C. v. Federal Data Services, Inc., et al.</i> | Case No. 00-cv-6462 (S.D. Fla.) |
| | <i>F.T.C. v. Financial Advisors & Associates, Inc.</i> | Case No. 08-cv-00907 (M.D. Fla.) |
| | <i>F.T.C. v. First Alliance Mortgage Co.</i> | Case No. 00-cv-964 (C.D. Cal.) |
| | <i>F.T.C. v. First Capital Consumer Membership Services Inc., et al.</i> | Case No. 1:00-cv-00905 (W.D.N.Y.) |
| | <i>F.T.C. v. First Capital Consumers Group, et al.</i> | Case No. 02-cv-7456 (N.D. Ill.) |
| | <i>F.T.C. v. Franklin Credit Services, Inc.</i> | Case No. 98-cv-7375 (S.D. Fla.) |
| | <i>F.T.C. v. Global Web Solutions, Inc., d/b/a USA Immigration Services, et al.</i> | Case No. 03-cv-023031 (D. D.C.) |
| | <i>F.T.C. v. Granite Mortgage, LLC</i> | Case No. 99-cv-289 (E.D. Ky.) |
| | <i>F.T.C. v. Herbalife International of America</i> | Case No. 2:16-cv-05217 (C.D. Cal.) |
| | <i>F.T.C. v. ICR Services, Inc.</i> | Case No. 03-cv-5532 (N.D. Ill.) |
| | <i>F.T.C. v. iMall, Inc. et al.</i> | Case No. 99-cv-03650 (C.D. Cal.) |
| | <i>F.T.C. v. Inbound Call Experts, LLC</i> | Case No. 9:14-cv-81395-KAM (S.D. Fla.) |
| | <i>F.T.C. v. Information Management Forum, Inc.</i> | Case No. 2-cv-00986 (M.D. Fla.) |
| | <i>F.T.C. v. Ira Smolev, et al.</i> | Case No. 01-cv-8922 (S.D. Fla.) |
| | <i>F.T.C. v. Jeffrey L. Landers</i> | Case No. 00-cv-1582 (N.D. Ga.) |
| | <i>F.T.C. v. Jewelway International, Inc.</i> | Case No. 97-cv-383 (D. Ariz.) |
| | <i>F.T.C. v. Kevin Trudeau</i> | Case No. 98-cv-0168 (N.D. Ill.) |
| | <i>F.T.C. v. Komaco International, Inc., et al.</i> | Case No. 02-cv-04566 (C.D. Cal.) |
| | <i>F.T.C. v. LAP Financial Services, Inc.</i> | Case No. 3:99-cv-496 (W.D. Ky.) |
| | <i>F.T.C. v. Lumos Labs, Inc.</i> | Case No. 3:16-cv-00001 (N.D. Cal.) |
| | <i>F.T.C. v. Marketing & Vending, Inc. Concepts, L.L.C., et al.</i> | Case No. 00-cv-1131 (S.D.N.Y.) |
| | <i>F.T.C. v. Mercantile Mortgage</i> | Case No. 02-cv-5078 (N.D. Ill.) |



Analytics Consulting LLC
Partial List of Legal Notice and Class Action Consulting Experience

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| | <i>F.T.C. v. Merchant Services Direct, LLC</i> | Case No. 2:13-cv-00279 (E. D. Wa.) |
| | <i>F.T.C. v. Meridian Capital Management</i> | Case No. 96-cv-63 (D. Nev.) |
| | <i>F.T.C. v. NAGG Secured Investments</i> | Case No. 00-cv-02080 (W.D. Wash.) |
| | <i>F.T.C. v. National Consumer Council, Inc., et al.</i> | Case No. 04-cv-0474 (C.D. Cal.) |
| | <i>F.T.C. v. National Credit Management Group</i> | Case No. 98-cv-936 (D.N.J.) |
| | <i>F.T.C. v. National Supply & Data Distribution Services</i> | Case No. 99-cv-128-28 (C.D. Cal.) |
| | <i>F.T.C. v. Nationwide Information Services, Inc.</i> | Case No. 00-cv-06505 (C.D. Cal.) |
| | <i>F.T.C. v. NBTY, Inc.</i> | No. 05-4793 (E.D.N.Y.) |
| | <i>F.T.C. v. NetSpend</i> | Case No. 1:16-cv-04203-AT (N.D. Ga.) |
| | <i>F.T.C. v. NutriMost LLC</i> | Case No. 2:17-cv-00509-NBF (W.D. Pa.) |
| | <i>F.T.C. v. One Technologies, LP</i> | Case No. 3:14-cv-05066 (N.D. Cal.) |
| | <i>F.T.C. v. Oro Marketing</i> | Case No. 2:13-CV-08843 (C.D. Cal.) |
| | <i>F.T.C. v. Pace Corporation</i> | Case No. 94-cv-3625 (N.D. Ill.) |
| | <i>F.T.C. v. Paradise Palms Vacation Club</i> | Case No. 81-1160D (W.D. Wash.) |
| | <i>F.T.C. v. Patrick Cella, et al.</i> | Case No. 03-cv-3202 (C.D. Cal.) |
| | <i>F.T.C. v. Platinum Universal, LLC</i> | Case No. 03-cv-61987 (S. D. Fla.) |
| | <i>F.T.C. v. Raymond Urso</i> | Case No. 97-cv-2680 (S.D. Fla.) |
| | <i>F.T.C. v. Rincon Management Services, LLC</i> | Case No. 5:11-cv-01623-VAP-SP (C.D. Cal.) |
| | <i>F.T.C. v. Robert S. Dolgin</i> | Case No. 97-cv-0833 (N.D. Cal.) |
| | <i>F.T.C. v. Southern Maintenance Supplies</i> | Case No. 99-cv-0975 (N.D. Ill.) |
| | <i>F.T.C. v. Star Publishing Group, Inc.</i> | Case No. 00-cv-023D (D. Wy.) |
| | <i>F.T.C. v. Stratford Career Institute</i> | Case No. 1:16-cv-00371 (N.D. Ohio) |
| | <i>F.T.C. v. Stuffingforcash.com Corp.</i> | Case No. 02-cv-5022 (N.D. Ill.) |
| | <i>F.T.C. v. Target Vending Systems, L.L.C., et al.</i> | Case No. 00-cv-0955 (S.D.N.Y.) |
| | <i>F.T.C. v. The College Advantage, Inc.</i> | Case No. 03-cv-179 (E.D. Tex.) |
| | <i>F.T.C. v. The Crescent Publishing Group, Inc., et al.</i> | Case No. 00-cv-6315 (S.D.N.Y.) |
| | <i>F.T.C. v. The Tax Club</i> | Case No. 13-cv-210 (JMF) (S.D.N.Y.) |
| | <i>F.T.C. v. The Tungsten Group, Inc.</i> | Case No. 01-cv-773 (E.D. Va.) |
| | <i>F.T.C. v. Think Achievement Corp.</i> | Case No. 2:98-cv-12 (N.D. Ind.) |
| | <i>F.T.C. v. Think All Publishing</i> | Case No. 07-cv-11 (E.D. Tex.) |
| | <i>F.T.C. v. Tracfone</i> | Case No. 3:15-cv-00392 (N.D. Cal.) |
| | <i>F.T.C. v. Trustsoft, Inc.</i> | Case No. 05-cv-1905 (S.D. Tex.) |
| | <i>F.T.C. v. Unicyber Gilboard, Inc.</i> | Case No. 04-cv-1569 (C.D. Cal.) |
| | <i>F.T.C. v. US Grant Resources, LLC.</i> | Case No. 04-cv-0596 (E.D. La.) |
| | <i>F.T.C. v. Verity International, Ltd., et al.</i> | Case No. 00-cv-7422-LAK (S.D.N.Y.) |
| | <i>F.T.C. v. Wellquest International, Inc.</i> | Case No. 2:03-cv-05002 (C.D. Cal.) |
| | <i>F.T.C. v. Wolf Group</i> | Case No. 94-cv-8119 (S.D. Fla.) |
| | <i>Federal Trade Commission v Nutraclick, LLC</i> | Case No.: 2:20cv08612 (C.D. CA) |



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| | <i>Fernando N. Lopez and Mallory Lopez, et al. v. City Of Weston</i> | Case No. 99-8958 CACE 07 (FL 17th Jud Dist) |
| | <i>Fiori, et al. v. Dell Inc., et al.</i> | Case No. 09-cv-01518 (N.D. Cal.) |
| | <i>FMS, Inc. v. Dell, Inc. et al.,</i> | Case No. 03-2-23781-7SEA (King County, Wash.) |
| | <i>Frederick v Manor Care of Hemet CA, LLC</i> | MCC2000202 (Riverside County, CA) |
| | <i>FTC v 9140-9201 Quebec Inc. dba Premium Business Pages, Inc.</i> | 1:18-cv-04115 (E.D. IL) |
| | <i>FTC v Elite IT Partners, Inc.</i> | 2:19-cv-00125 (D. UT) |
| | <i>FTC v Fat Giraffe Marketing Group LLC</i> | 2:19-cv-00063 CW (C.D. Utah) |
| | <i>FTC v Grand Teton Professionals, LLC et al.</i> | 3:19-cv-00933 VAB (D. CT) |
| | <i>FTC v Manhattan Beach Venture LLC</i> | Case No. 2:19cv7849 (C.D. CA) |
| | <i>FTC v Physician's Technology, LLC</i> | 2:20-cv-11694 NGE-RSW (E.D. MI) |
| | <i>FTC v Renaissance Health Publishing, LLC dba Renown Health Products</i> | 9:20-cv-80640 DMM (S.D. FL) |
| | <i>FTC v Slac, Inc.</i> | 5:20-cv-00470 (C.D. CA) |
| | <i>FTC v Zycal Bioceticals Healthcare Company, Inc.</i> | 1:20-cv-10249 (D. MA) |
| | <i>Galatis, et al. v. Psak, Graziano Piasecki & Whitelaw, et. al.</i> | No. L-005900-04 (Middlesex County, NJ) |
| | <i>Garcia v. Allergan</i> | 11-cv-9811 (C.D. Cal.) |
| | <i>Gloria Lopez et al. v Progressive County Mutual Insurance Company</i> | 5:19-cv-00380 FB-ESC (W.D. TX) |
| | <i>Grabowski v. Skechers U.S.A., Inc.</i> | No. 3:12-cv-00204 (W.D. Ky.) |
| | <i>Greg Benney, et al. v. Sprint International Communications Corp. et al.</i> | Case No. 02-cv-1422 (Wyandotte County, KS) |
| | <i>Griffin v. Dell Canada Inc</i> | Case No. 07-cv-325223D2 (Ontario, Superio Court of Justice) |
| | <i>Haas and Shahbazi vs. Navient Solutions and Navient Credit Finance Corporation</i> | Case No. 15-35586 (DRJ) (S.D. Texas) |
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| | <i>Harrison, et al. v. Pacific Bay Properties</i> | No. BC285320 (Los Angeles County, CA) |
| | <i>Henderson, et al. V. Volvo Cars of North America, LLC, et al.</i> | 09-04146 (D.N.J.) |
| | <i>In re H&R Block IRS Form 8863 Litigation</i> | Case No. 4:13-MD-02474-FJG. (W.D. MO) |
| | <i>In Re: Bancomer Transfer Services Mexico Money Transfer Litigation</i> | BC238061, BC239611(Los Angeles County, CA) |
| | <i>In Re: Certainteed Fiber Cement Siding Litigation</i> | MDL 2270 (E.D. PA) |
| | <i>In Re: H&R Block Express IRA Marketing Litigation</i> | Case No. 06-md-01786 (W.D. Mo.) |
| | <i>In Re: High Carbon Concrete Litigation</i> | Case No. 97-cv-20657 (D. Minn.) |
| | <i>In Re: High Sulfur Content Gasoline Products Liability Litigation</i> | MDL No. 1632 (E.D. La.) |
| | <i>In Re: Ria Telecommunications and Afex Mexico Money Transfer Litigation</i> | Case No. 99-cv-0759 (San Louis Obispo, Cal.) |
| | <i>In Re: Salmonella Litigation</i> | Case No. 94-cv-016304 (D. Minn.) |
| | <i>In the Matter of Kushly Industries LLC</i> | FTC File No.: 202-3111 |
| | <i>Janet Figueroa, et al. v. Fidelity National Title Insurance Company</i> | Case No. 04-cv-0898 (Miami Dade County, Fla.) |
| | <i>Jerome H. Schlink v. Edina Realty Title</i> | Case No. 02-cv-18380 (D. Minn.) |
| | <i>Joel E. Zawikowski, et al. v. Beneficial National Bank, et al.</i> | Case No. 98-cv-2178 (N.D. Ill.) |
| | <i>John Babb, et al. v. Wilsonart International, Inc.</i> | Case No. CT-001818-04 (Memphis, Tenn.) |
| | <i>John Colin Suttles, et al. v. Specialty Graphics, Inc.,</i> | Case No. 14-505 (W.D. TX) |
| | <i>Kenneth Toner, et al. v. Cadet Manufacturing Company</i> | Case No. 98-2-10876-2SEA (King County, Wash.) |



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| | <i>Kiefer, et al. v. Ceridian Corporation, et al.</i> | Case No. 3:95-cv-818 (D. Minn.) |
| | <i>Kim Schroll et al. v Lakewood Residential Care LLC dba Lakewood Park Manor</i> | 18STCV29819 (Los Angeles County, CA) |
| | <i>Kobylanski et al. v. Motorola Mobility, Inc. et al.</i> | No. 13-CV-1181 (W.D. Pa.) |
| | <i>Lisa Ranieri et al.v AdvoCare International, L.P.</i> | Case No. 3:17-cv-00691 B (N.D. TX) |
| | <i>Long et al v. Americredit Financial Services, Inc.</i> | 0:2011-02752 (Hennepin County, MN) |
| | <i>Louis Thula, et al. v. Lawyers Title Insurance Corporation</i> | Case No. 0405324-11 (Broward County, Fla.) |
| | <i>Lynn Henderson, et al. v. Volvo Cars of North America, LLC, et al.</i> | No. 2:09-cv-04146-CCC-JAD (D.N.J.) |
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| | <i>Marks, et al. v. The Realty Associates Fund X, et al.</i> | CA No. SUCV2018-00056-BLS1 (Suffolk County, MA) |
| | <i>Melissa Castille Dodge, et al. v. Phillips College of New Orleans, Inc., et al.</i> | Case No. 95-cv-2302 (E.D. La.) |
| | <i>Michael Drogin, et al. v. General Electric Capital Auto Financial Services, Inc.</i> | Case No. 95-cv-112141 (S.D.N.Y.) |
| | <i>Michael Sutton v. DCH Auto Group, et al.</i> | (Essex County, NJ) |
| | <i>Michael T. Pierce et al. v. General Electric Capital Auto Lease</i> | CV 93-0529101 S |
| | <i>Mitchem, et al v. Illinois Collection Service, Inc.</i> | Case No. 09-cv-7274 (N.D. Ill.) |
| | <i>Northcoast Financial Services v. Marcia Webster</i> | 2004 CVF 18651 (Cuyahoga County, OH) |
| | <i>Olivia Savarino et al. v Lincoln Property Co.</i> | 14-1122C (Essex County, MA) |
| | <i>Oubre v. Louisiana Citizens Fair Plan</i> | No. 625-567 (Jefferson Parish, LA) |
| | <i>Patricia Faircloth, et a. v. Certified Finance, Inc., et al.</i> | Case No. 99-cv-3097 (E.D. La.) |
| | <i>Pistilli v. Life Time Fitness, Inc.</i> | Case No. 07-cv-2300 (D. Minn.) |
| | <i>Rawlis Leslie, et al. v. The St. Joe Paper Company</i> | Case No. 03-368CA (Gulf County, Fla.) |
| | <i>Regayla Loveless, et al. v. National Cash, Inc, et al.</i> | Case No. 2001-cv-892-2 (Benton County, Ark.) |
| | <i>Ricci, et al., v. Ameriquest Mortgage Co.</i> | Case No. 27-cv-05-2546 (D. Minn.) |
| | <i>Ronnie Haese, et al. v. H&R Block, et al.</i> | Case No. 96-cv-423 (Kleberg County, Tex.) |
| | <i>Sandra Arnt, et al. v. Bank of America, N.A.</i> | No. 27-cv-12-12279 (Hennepin County, MN) |
| | <i>Sara Khaliki, et al. v. Helzberg Diamond Shops, Inc.</i> | 4:11-cv-00010 (W.D. Mo.) |
| | <i>Shepherd, et al. v. Volvo Finance North America, Inc., et al.</i> | Case No. 1:93-cv-971 (D. Ga.) |
| | <i>Skusenas v. Linebarger, Goggan, Blair & Sampson, LLC.</i> | Case No. 1:10-cv-8119 (N.D. Ill.) |
| | <i>Smith v. NRT Settlement Services of Missouri, LLC</i> | Case No. 06-cv-004039 (St. Louis County, MO) |
| | <i>Terrell Ervin v. Nokia Inc. et al.</i> | Case No. 01-L-150 (St. Clair County, Ill.) |
| | <i>The People of the State of California v. Rainbow Light Nutritional Systems, LLC, et al.</i> | Case No. 19STCV28214 (Los Angeles County, CA) |
| | <i>Theresa Boschee v. Burnet Title, Inc.</i> | Case No. 03-cv-016986 (D. Minn.) |
| | <i>Thomas Geanacopoulos v. Philip Morris USA, Inc.</i> | Civil Action No. 98-6002-BLS1 (MA Superior Court) |
| | <i>Thomas Losgar, et al. v. Freehold Chevrolet, Inc., et al.</i> | Case No. L-3145-02 (Monmouth County, NJ) |
| | <i>Tiffany Ellis, et al. v. General Motors LLC</i> | Case No. 2:16-cv-11747 (E.D. Mich.) |
| | <i>Tom Lundberg, et al. v. Sprint Corporation, et al.</i> | Case No. 02-cv-4551 (Wyandotte County, Kan.) |



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| CryptoCurrency | <i>Truc-way, Inc., et al. v. General Electric Credit Auto Leasing</i> | Case No. 92-CH-08962 (Cook County, Ill.) |
| | <i>Trudy Latman, et al. vs. Costa Cruise Lines, N.V., et al</i> | Case No. 96-cv-8076 (Dade County, Fla.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Goldfinger")</i> | No. CV 09-1731 (C.D. Cal.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Kum Ventures")</i> | No. CV 09-1731 (C.D. Cal.) |
| | <i>U.S. v. David Merrick</i> | 6:10-cr-109-Orl-35DAB |
| | <i>U.S. v. Sixty-Four 68.5 lbs (Approx.) Silver Bars, et al.</i> | (E.D. Fla) |
| | <i>United States of America v. Alfredo Susi, et al.</i> | 3:07-cr-119 (W.D.N.Y.) |
| | <i>United States of America v. David Merrick</i> | 6:10-cr-109-Orl-35DAB |
| | <i>United States of America v. Elite Designs, Inc.</i> | Case No. 05-cv-058 (D. R.I.) |
| | <i>United States of America v. Evolution Marketing Group</i> | Case No. 6:09-cv-1852 (S.D. Fla.) |
| | <i>United States of America v. Regenesis Marketing Corporation</i> | No. C09-1770RSM (W.D. Wash.) |
| | <i>United States of America v. Sixty-Four 68.5 lbs (Approx.) Silver Bars, et al.</i> | (E.D. Fla.) |
| | <i>Vicente Arriaga, et al. v. Columbia Mortgage & Funding Corp, et al.</i> | Case No. 01-cv-2509 (N.D. Ill.) |
| | <i>Vittorio Blaylock v LVNV Funding LLC, et al.</i> | Case No. 13-L-562 (St. Clair County, IL) |
| | <i>William R. Richardson, et al., v. Credit Depot Corporation of Ohio, et al.</i> | Case No. 315343 (Cuyahoga County, Ohio) |
| Data Breach | <i>Zyburo v. NCSPlus Inc.</i> | Case No. 12-cv-06677 (S.D.N.Y.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Goldfinger")</i> | No. CV 09-1731 (C.D. Cal.) |
| | <i>U.S. v. \$1,802,651.56 in Funds Seized from e-Bullion, et al. ("Kum Ventures")</i> | No. CV 09-1731 (C.D. Cal.) |
| | <i>United States of America v. \$1,802,651.56 in Funds Seized from E-Bullion, et al.</i> | Case No. 09-cv-01731 (C.D. Cal.) |
| | <i>F.T.C. v. Choicepoint</i> | Case No. 06-cv-0198 (N.D. Ga.) |
| Data Breach/Privacy | <i>First Choice Federal Credit Union v. The Wendy's Company</i> | Case No. 2:16-cv-00506-NBF-MPK (W.D. Pa.) |
| | <i>In Re Equifax, Inc. Customer Data Security Breach Litigation</i> | 1:17-md-2800 TWT (N.D. GA) |
| | <i>In Re Hudson's Bay Company Data Security Incident Consumer Litigation</i> | Case No. 1:18-cv-08472 PKC (S.D. N.Y.) |
| | <i>Mitchell Lautman v American Bank Systems, Inc.</i> | Case No.: 2:20cv1959 (W.D. PA) |
| | <i>Sterling et al. v. Strategic Forecasting, Inc. et al.</i> | No. 2:12-cv-00297-DRH-ARL (E.D.N.Y.) |
| | <i>Veridian Credit Union v. Eddie Bauer LLC</i> | No. 2:17-cv-00356 (W.D. Wash.) |
| | <i>Village Bank et al. v Caribou Coffee Company, Inc.</i> | 0:19-cv-01640 (D. MN) |
| | <i>Anderson, et al. v. United Retail Group, Inc., et al.</i> | Case No. 37-cv-89685 (San Diego County, Cal.) |
| | <i>Baby Doe v Ann & Robert H. Lurie Children's Hospital of Chicago</i> | Case No.: 2020CH04123 Circuit Court Cook County IL (Chancery Division) |
| | <i>F.T.C. v. CEO Group, Inc.</i> | Case No. 06-cv-60602 (S.D. Fla.) |
| Discrimination | <i>In Re: U.S. Bank National Association Litigation</i> | Case No. 99-cv-891 (D. Minn.) |
| | <i>Chicago Teachers Union, Local.1, v Board of Education of the City of Chicago</i> | Case No.: 1:12cv01311 (N.D. Ill.) |
| | <i>Blaine Johnson v Napaidence Opco, LLC d/b/a Napa Post Acute</i> | Case No.: 21CV001248 (Napa County, CA) |
| Elder Abuse | <i>Brinkerhoff v Lifehouse San Diego operations LLC d/b/a The Shores Post-Acute</i> | Case No.: 202100021078 (San Diego, CA) |
| | <i>Aaron Riffle et al. v Cristy's Pizza, Inc.</i> | 2:19-cv-04750 GCS-CMV (S.D. OH) |
| | <i>Aaron Riley v Timiny R/R Construction, Inc.</i> | Case No.: 3:21cv02288 (N.D. OH) |
| | <i>Adam P. Kelly, et al v. Bank of America, N.A., et al.</i> | No. 10-CV-5332 (E.D. Ill.) |
| Employment | <i>Alequin, et al. v. Darden Restaurants, Inc. et al.</i> | Case No.: 12-61742-CIV (S.D. Fla.) |



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| | <i>Alice Williams, et al. v. H&R Block Enterprises</i> | RG 08366506, (County of Alameda, CA) |
| | <i>Alicia Ousley v CG Consulting d/b/a Scores Columbus</i> | Case No. 2:19-cv-01744 SDM-KAJ (S.D. OH) |
| | <i>Alma Anguiano v. First United Bank and Trust Co.</i> | Case No. CIV-12-1096 (D. Okla.) |
| | <i>Alona Brank v Med1Care, Ltd</i> | Case No.: 3:22cv00384-JZ (N.D. OH) |
| | <i>Amanda Fortin v Wise Medical Staffing, Inc.</i> | Case No.: 2:21cv01467 (S.D. OH) |
| | <i>Amber Oaks v Auria Holmesville, LLC</i> | Case No.: 3:22cv0008-JZ (N.D. Ohio) |
| | <i>Amber Young v I Love This Bar LLC</i> | Case No.: 2:20cv3971 (S.D. Ohio) |
| | <i>Amiee Tracy v Quantum Health, Inc.</i> | Case No.: 2:22cv00294-MHW-KAJ (E.D. Ohio) |
| | <i>Amy Brailer v Clearcomm Bawa, Inc.</i> | Case No.: 1:17cv01391-JFM (D. MD) |
| | <i>Andrew R. Rondomanski, et al. v. Midwest Division, Inc.</i> | No. 11-cv-00887 (W.D. Mo.) |
| | <i>Anita Adams v Aztar Indiana Gaming Company LLC d/b/a Tropicana Evansville</i> | Case No.: 2:20cv00143-RLY-MPB (S.D. Ind.) |
| | <i>Ann Ford v U.S. Foods, Inc.</i> | Case No.: 1:19cv05967 (N.D. Ill.) |
| | <i>Antwaun Jones et al. v United American Security LLC</i> | Case No. 1:20cv00440 JG (N.D. OH) |
| | <i>Arturo Reyes et al. v Ivory Management Co. dba Renaissance Stone Care and Waterproofing</i> | 19CV340357 (Santa Clara, CA) |
| | <i>Ashanti Sanchez v Agile Pursuits, Inc.</i> | Case No.: 2020CH02640 Circuit Court Cook County, IL |
| | <i>Balandran, et al. v. Labor Ready, et al.</i> | BC 278551 (Los Angeles County, Cal.) |
| | <i>Ballard, et al. v. CoreCivic of Tennessee, LLC</i> | Case No. 3:20cv418 (M.D. Tenn.) |
| | <i>Ballard, et al., v. Fogo de Chao, LLC</i> | Case No. 09-cv-7621 (D. Minn.) |
| | <i>Barbara Jane Freck et al. v Cerner Corporation</i> | 4:20-cv-00043 BCW (W.D. MO) |
| | <i>Batiste v. TopGolf International Inc. and TopGolf USA Spring Holdings, LLC</i> | Civil Action 4:20-cv-00655 (S.D. Tx.) |
| | <i>Beasley, et al. v. GC Services LP</i> | Case No. 09-cv-01748 (E.D. Mo.) |
| | <i>Berry v. Farmers Bank & Trust, N.A.</i> | Case No. 13-02020 |
| | <i>Berte v. WIS Holdings Corporation</i> | 07-cv-1932 (S.D. Cal.) |
| | <i>Bishop et al. v. AT&T Corp.</i> | Case No. 08-cv-00468 (W.D. Pa.) |
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| | <i>Bobbie Jarrett v. GGNHC Holdings, LLC</i> | Case No.: 12-CV-4105-BP (W.D. Mo.) |
| | <i>Bobbi-Jo Smiley et al. v E.I. DuPont De Nemours and Company</i> | 3:12-cv-02380 (M.D. PA) |
| | <i>Bonnie J. Pasquale v Tropicana Atlantic City Corporation</i> | Case No.: 1:20cv06909 (D. NJ) |
| | <i>Brenda Wickens, et al. v Thyssenkrupp Crankshaft Co. LLC</i> | Case No. 1:19-cv-06100 (S.D. IL) |
| | <i>Brian Smith et al. v Kellogg Company</i> | 1:18-cv-01341 PLM-RSK (D. NV) |
| | <i>Brittane Tupitza et al. v Texas Roadhouse Management Corporation</i> | Case No. 1:20-cv-00002 (W.D. PA) |
| | <i>Burbran Pierre v City of New York, et al.</i> | Civil Action No.: 20-cv-05116(ALC)(DCF) (S.D.N.Y.) |
| | <i>Cara Nasisi et al. v Comprehensive Health Management, Inc.</i> | Case No. 1:19-cv-4132 KPF (S.D. N.Y.) |
| | <i>Carlos Calderas, et al. v AK Tube, LLC</i> | Case No. 3:19-cv-02431 JZ (W.D. OH) |
| | <i>Carolyn Bledsoe et al. v LHC Group, Inc.</i> | 2:18-cv-02863 (D. AZ) |
| | <i>Carolyn M. Nicholson et al. v IOC-Boonville, Inc. dba Isle of Capri Casino Hotel, Boonville</i> | 2:19-cv-04084 (W.D. MO) |
| | <i>Chandler Glover and Dean Albrecht, et al., v. John E. Potter</i> | EEOC No. 320-A2-8011X; Agency No. CC-801-0015-99 |
| | <i>Chantel Headspeth et al. v TPUSA, Inc. dba Teleperformance USA</i> | 2:19-cv-02062 ALM-CMV (S.D. OH) |



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| | <i>Charles Fravel, et al. v General Mills Operations, LLC</i> | Case No. 2:20-cv-01094 EAS-CMV (S.D. OH) |
| | <i>Cheyenne Seiber at al.vManagement and Training Corporation</i> | 3:19-cv-02983 (N.D. OH) |
| | <i>Christian Alesius v Pittsburgh Logistics Systems, Inc. d/b/a PLS Logistics Services</i> | Case No.: 2:20cv01067 (W.D. PA) |
| | <i>Christopher Evins v. Glow Networks, Inc.</i> | Case No. 14-cv-00544 (W.D. Mo.) |
| | <i>Christopher Rawlings ae al. v BMW Financial Services NA, LLC</i> | 2:20-cv-02289 EAS-KAJ (S.D. OH) |
| | <i>Claudine Wilfong, et al. v. Rent-A-Center, Inc.</i> | Case No. 00-cv-680 (S.D. Ill.) |
| | <i>Coltogirone, et al. v. Gateway Health, LLC</i> | Case No. 2:20-cv-00605-MJH (W.D. Pa.) |
| | <i>Copher v. Motor City Auto Transport, Inc.</i> | 15-2500-CK (Macomb County, MI) |
| | <i>Creed, et al. v. Benco Dental Supply Co.</i> | 3:12-CV-1571 (E.D. Pa.) |
| | <i>Dania Pruess, et al. v Presbyterian Health Plan, Inc.</i> | Case No. 1:19-cv-629 KG-JFR (D. New Mexico) |
| | <i>Daniel O'Malley v Kass Management Services, Inc.</i> | Case No.: 1:20cv01331 (N.D. IL) |
| | <i>Darrin Dickerson et al. v Zayo Group, LLC</i> | 1:20-cv-02490 (D. CO) |
| | <i>Dawn Bellan, et al. v Capital Blue Cross</i> | Case No. 1:20-cv-00744 YK (M.D. PA) |
| | <i>Day, et al. v. KASA Delivery LLC.</i> | Case No. 01-17-0000-2142 (AAA) |
| | <i>De La Torre v. Colburn Electric Company</i> | Civil Action No. 4:20-cv-00127-JED-JFJ (N.D. Okla.) |
| | <i>Deborah Roberts v Arrow Senior Living Management, Inc.</i> | Case No.: 4:21cv01370 (E.D. MO) |
| | <i>Department of Consumer and Worker Protection v Dunkin Donuts</i> | |
| | <i>Doe, et al. v. Cin-Lan, Inc, et al.</i> | Case No. 4:08-cv-12719 (E.D. Mich.) |
| | <i>Doe, et al. v. Déjà Vu Services, Inc., et al.,</i> | No. 2:16-cv-10877 (E.D. Mich.) |
| | <i>Dominique Delva v Toast, Inc.</i> | Case No. C.A. 2284-CV-01464H (Suffolk County, MA) |
| | <i>Don Brooks et al. v C.H. Robinson International, Inc. et al.</i> | 4:16-cv-00939 (W.D. MO) |
| | <i>Donna Disselkamp at al. v Norton Healthcare, Inc.</i> | 3:18-cv-00048 CRS (W.D. KY) |
| | <i>Donna Marcum v Lakes Venture LLC dba Fresh Thyme Farmers Market LLC</i> | 3:19-cv-00231 DJH (W.D. KY) |
| | <i>DuBeau et al v. Sterling Savings Bank et al.</i> | No. 12-cv-1602 (D. Or.) |
| | <i>Dzianis Huziankou et al. v NY Sweet Spot Café Inc. dba Sweetspot Café</i> | 1:18-cv-05715 (E.D. N.Y.) |
| | <i>Ebony Jones at al. v CBC Restaurant Corp. dba Corner Bakery Cafe</i> | 1:19-cv-06736 (N.D. IL) |
| | <i>Edward Watson at al. v Tennant Company, a Minnesota Corporation</i> | 2:18-cv-02462 WBS-DB (E.D. CA) |
| | <i>EEOC v Oceanic Time Warner Cable LLC, et al.</i> | Case No. CV -18-00357 DKW-KJM (D. Hawaii) |
| | <i>Eli Balderas v Schutz Container Systems, Inc.</i> | Case No.: 3:21cv02427 (N.D. OH) |
| | <i>Elizabeth Border et al. v Alternate Solutions Health Network LLC</i> | Case No. 2:20-cv-01273 ALM-KAJ (S.D. OH) |
| | <i>Elizabeth Yorba v Barrington School, LLC</i> | Case No.: 2:21cv691 (S.D. OH) |
| | <i>Elvia Boyzo et al. v United Service Companies, Inc.</i> | 1:18-cv-6854 (N.D. IL) |
| | <i>Emma Guertin v Melbo Franchise Holdings, Inc. d/b/a Chick-fil-A Fulton Street</i> | Case No.: 604316/2022 (Nassau County, NY) |
| | <i>Equal Employment Opportunity Commission (EEOC) v. Star Tribune Company</i> | Case No. 08-cv-5297(D. Minn.) |
| | <i>Equal Employment Opportunity Commission v Faribault Foods, Inc.</i> | Case No. 07-cv-3976 (D. Minn.) |
| | <i>Eric Eisenberg v Conrad's Tire Service, Inc.</i> | Case No. CV-21-949506 (Cuyahoga County, OH) |
| | <i>Feiertag v. DDP Holdings, LLC d/b/a Apollo Retail Specialists, LLC,</i> | Case No. 2:14-cv-2643 (S.D. Ohio) |
| | <i>Felina Robinson v The Buffalo News, Inc.</i> | Case No. 801427/2019 (Erie County, NY) |



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| | <i>Ferreras, et. al v. American Airlines, Inc.</i> | 16-cv-2427 (D.N.J.) |
| | <i>Fisher, et al. v. Michigan Bell Telephone Company</i> | Case No. 09-cv-10802 (E.D. Mich.) |
| | <i>Frank De La Paz v. Accurate Courier NCA LLC</i> | Case No. 16CV00555 (County of Santa Cruz, CA) |
| | <i>Frank, Peasley, Waters, and Wilhelm, v Gold'n Plump Poultry, Inc.</i> | Case No. 04-cv-1018 (D. Minn.) |
| | <i>French v. Midwest Health Management, Inc.</i> | Case No.: 2:14-cv-2625 |
| | <i>Geelan, et al. v. The Mark Travel Coporation</i> | Case No. 03-cv-6322 (D. Minn.) |
| | <i>Gipson, et al. v. Southwestern Bell Telephone Company</i> | Case No. 08-cv-2017 (D. Kan.) |
| | <i>Goelz v Bud Antle, Inc.</i> | Case No.: 2022 CV 02 0068 (Tuscarawas County, OH) |
| | <i>Greene, et al. v. Shift Operations LLC, et al.</i> | Case No. CGC 16-552307 (County of San Francisco, CA) |
| | <i>Gregory Hernandez v. The Children's Place</i> | No. CGC 04-4300989 (San Francisco, CA) |
| | <i>Gretchen Valencia et al. v Armada Skilled Home Care of NM LLC</i> | 1:18-cv-01071 KG-JFR (D. NM) |
| | <i>Harrison v Blackline Systems, Inc.</i> | Arbitration |
| | <i>Hawkins v. JPMorgan Chase Bank, N.A.</i> | Case No. 8:19-cv-02174 (M.D. Fla.) |
| | <i>Heather Betts et. al. v Central Ohio Gaming Ventures, LLC</i> | 2:16-cv-00373 EAS-EPD (S. D. OH) |
| | <i>Heather Fitzgerald v Forest River Manufacturing LLC</i> | Case No.: 3:20cv01004 (N.D. IN) |
| | <i>Heather Lawrence v Benesys, Inc.</i> | Case No.: 1:22cv11517 (E.D. Mich) |
| | <i>Hector Farias v Strickland Waterproofing Company, Inc.</i> | Case No.: 3:20cv00076 (W.D. VA) |
| | <i>Helen Bernstein, et al. v. M.G. Waldbaum</i> | Case No. 08-cv-0363 (D. Minn.) |
| | <i>Helen Hamlin v Gorant Chocolatier, LLC</i> | 4:20-cv-00117 (N.D. OH) |
| | <i>Holt v. Living Social</i> | 1:2012cv00745 (D.D.C.) |
| | <i>Isabella Savini Merante v American Institute for Foreign Study, Inc.</i> | Case No.: 3:21cv03234 (N.D. CA) |
| | <i>Jacob Bartakovits et al. v Wind Creek Bethlehem LLC dba Wind Creek Bethlehem</i> | 5:20-cv-01602 (E.D. PA) |
| | <i>James Meyers et al. v Boomerang Rubber, Inc.</i> | 3:19-cv-00070 WHR (S.D. OH) |
| | <i>James Oakley et al. v The Ohio State University Wexner Medical Ctr.</i> | 2017-00845 (Oh state Court of Claims) |
| | <i>James Smith et al. v Oakley Transport, Inc.</i> | 3:19-cv-05854 EMC (N.D. CA) |
| | <i>James Walters v Professional Labor Group, LLC</i> | Case No.: 1:21cv02831-JRS-MJD (S.D. Ind.) |
| | <i>Jamise Collins et al. v Goodwill Industries of Greater Cleveland & East Central Ohio</i> | 1:19-cv-01433 (N.D. OH) |
| | <i>Janae Miller v HG Ohio Employee Holding Corporation</i> | Case No.: 2:21cv3978 (E.D. OH) |
| | <i>Jason Adams et al. v Wenco Ashland, Inc.</i> | 1:19-cv-1544 CEH (N.D. OH) |
| | <i>Jason Mass et al. v the Regents of the University of California et al.</i> | RG17-879223 (Alameda County, CA) |
| | <i>Javier Garza et al. v Wood Group USA, Inc.</i> | 4:20-cv-00253 (S.D. TX) |
| | <i>Jeffrey Allen Jones v Amazon</i> | Case No.: 1:15cv01106 |
| | <i>Jennifer Dennis et al. v Greatland Home Health Services, Inc.</i> | 1:19-cv-05427 (N.D. IL) |
| | <i>Jennifer Hardy et al. v DuPage Medical Group, LTD</i> | 1:19-cv-02265 (N.D. IL) |
| | <i>Jennifer Hayes, et al. v Thor Motor Coach Inc.</i> | Case No. 3:19-cv-375 DRL-MGG (N.D. IN) |
| | <i>Jeremiah Smith et al. v PPG Industries, Inc.</i> | 1:19-cv-01518 (N.D. OH) |
| | <i>Jessica Owens et al. v Hearthside Food Solutions, LLC</i> | 3:19-cv-02479 (N.D. OH) |
| | <i>Jimmy West v. PSS World Medical, Inc.</i> | Case No. 4:13-cv-00574 (E.D. Mo.) |



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| | <i>John Alba, et al. v. Papa John's USA, Inc.</i> | Case No. 05-cv-7487 (W.D. Cal.) |
| | <i>John Lewis et al. v Sentry Electrical Group, Inc.</i> | 1:19-cv-00178 WOB (S.D. OH) |
| | <i>Johnson, et al v. General Mills, Inc.</i> | Case No. 10-cv-1104 (W.D. Mo.) |
| | <i>Jordan Purvis v OSL Retail Services Corporation</i> | Case No.: 3:21cv01738-JZ (N.D. OH) |
| | <i>Joseph Connors v American Medical Response, Inc. Services, Inc.</i> | 1:20-cv-05046 (S.D. N.Y.) |
| | <i>Joseph Gallant et al. v Arrow Consultation Services, Inc.</i> | 1:19-cv-00925 (S.D. IN) |
| | <i>Justice v. Associated Materials, LLC</i> | Case No. 5:20-cv-00410-SL (N.D. Ohio) |
| | <i>Justin Tyson v Shake Shack Enterprises, LLC</i> | Case No.: 514220/2022 (Kings County, NY) |
| | <i>Kariseli Quinones v Magic Cleaning Solutions LLC</i> | Case No.: 1:22cv00197 (E.D.N.Y.) |
| | <i>Karyn Petersen, et al. v EmblemHealth, Inc. et al.</i> | Case No. 1:20-cv-2568 CBA-RLM (E.D.N.Y.) |
| | <i>Kelly Marie Camp, et al. v. The Progressive Corporation, et al.</i> | Case No. 01-cv-2680 (E.D. La.) |
| | <i>Kelly, et al v. Bank of America, N.A. et al.</i> | No. 10-5332 (N.D. Ill.) |
| | <i>Kendall Olin-Marquez v Arrow senior Living Management, LLC</i> | Case No.: 2:21cv00996-EAS-CMV (S.D. Ohio) |
| | <i>Kendra Brown v Rush Street Gaming, LLC</i> | Case No.: 1:22cv00392 (N.D. NY) |
| | <i>Kenyon Eubanks v Aurora Health Care, Inc.</i> | Case No.: 2:20cv01253 (E.D. WI) |
| | <i>Kevin Moitoso et al. v FMR LLC</i> | 1:18-cv-12122 WGY (D. MA) |
| | <i>Khadeza Pyfrom v ContactUS, LLC d/b/a ContactUS Communications</i> | Case No.: 2:21cv04293-EAS-CMV (S.D. Oio) |
| | <i>Kiley Thornburg v Reflektions, LTD</i> | 2:21cv3905 (S.D. OH) |
| | <i>Kim Anderson v Rent-A-Daughter Corporation</i> | Case No.: 1:22cv00143 (N.D. OH) |
| | <i>Kimberly Smith v ARG Resources, LLC</i> | Case No.: 2019CH12528 Circuit Court Cook County, IL |
| | <i>Kristin Swearingen v Amazon.com Services, Inc.</i> | Case No.: 3:19cv01156-JR (D. OR) |
| | <i>Kristina Drake v Chop Hospitality LLC</i> | Case No.: 1:20cv01574 (E.D. Ill.) |
| | <i>Krystal Wright v Majestic Care Staff LLC</i> | Case No.: 2:21cv02129-MHW-EPD (S.D. Ohio) |
| | <i>Kulauzovic et al. v. Citibank, N.A.</i> | Index No. 507538/2018 (County of Kings, NY) |
| | <i>Kusinski v. MacNeil Automotive Products Limited</i> | Case No. 17-cv-3618 (N.D. Ill.) |
| | <i>Lang, et al v DirecTV, Inc., et al.</i> | No. 10-1085 (E.D. La.) |
| | <i>Latanya Miles et al. v Variety Wholesalers, Inc.</i> | 1:19-cv-01714 PAB (N.D. OH) |
| | <i>Lavar Martin et al. v Summit County</i> | 5:19-cv-02641 JRA (N.D. OH) |
| | <i>Lee and Campion v. The City of Philadelphia</i> | NO. 001125 (Court of Common Pleas, Philadelphia County) |
| | <i>Lee Stephens v Auto Systems Centers, Inc. d/b/a/ Midas</i> | Case No.: 2:21cv05131-ALM-CMV (S.D. Ohio) |
| | <i>Leslie Avant v VXL Enterprises, LLC</i> | Case No.: 3:21cv2016 (N.D. Cal.) |
| | <i>Leslie Bethel v Bluemercury, Inc.</i> | Case No.: 21cv2743 (S.D. NY) |
| | <i>Linda J. Calhoun et al. v Aon Hewitt Health Insurance Solution, Inc.</i> | Case No. 1:19-cv-01810 (N.D. IL) |
| | <i>Lucas v Miller Products, Inc.</i> | Case No.: 4:21-cv-2355 (N.D. OH) |
| | <i>Luis Zhibri v Optimum Logistics Group, LLC</i> | Case No.: 2:21cv05877 (E.D. NY) |
| | <i>Lynn Lietz, et al. v. Illinois Bell Telephone Company, et al.</i> | No. 1:11-cv-0108 (N.D. Ill.) |
| | <i>Mallory v. Aclara Smart Grid Solutions, LLC</i> | Case No. 2:20-cv-0240 (S.D. Ohio) |
| | <i>Marcos D. Doglio v Boasso America Corporation</i> | Case No.: 2:18cv13448-KM- MAH (D. NJ) |



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| | <i>Mariah Smith v Advocate Health Care Network</i> | Case No.: 1:19cv05148 (E.D. IL) |
| | <i>Mark Satterly et al. v Airstream, Inc.</i> | 3:19-cv-00032 WHR (S.D. OH) |
| | <i>Mary Hutkai, et al. v. Penn National Gaming, Inc., et al.</i> | Case No. 4:16-cv-00906 (W.D. Mo.) |
| | <i>Mary Walburn et al. v Lend-A-Hand Services, LLC</i> | 2:19-cv-00711 ALM-CMV (S.D. OH) |
| | <i>Michael A. Rivota et al. v Bank of America Corporation</i> | 1:18-cv-03843 (N. D. IL) |
| | <i>Michael Fisher et al. v Dura-Line Corporation</i> | 1:19-cv-00286 (N. D. OH) |
| | <i>Michael Levine, et al. v Vitamin Cottage Natural Food Markets, Inc.</i> | Case No. 1:20-cv-00261 STV (D. CO) |
| | <i>Michelle Jackson, et al. v. Jamba Juice Company</i> | Case No. 8:02-cv-00381 (C.D. Cal.) |
| | <i>Mi'Jette Sirmons v Star Multi Care Holding Corporation</i> | Case No.: 2:21cv00456-CB (W.D. PA) |
| | <i>Monica Brunty et al. v Optima Health Plan</i> | 2:19-cv-00255 (E.D. VA) |
| | <i>Monte Endris v Hubler Chevrolet, Inc.</i> | Cause No.: 49D12-1810-PL-040781 Superior Court, Marion County, IN |
| | <i>Mudrich v The SYGMA Network, Inc.</i> | Case No. 2:21-cv-4932 (S.D. OH) |
| | <i>Nathaniel Boyce v SSP America MDW, LLC</i> | Case No.: 1:19cv02157 (N.D. IL) |
| | <i>Nicholas Jones v Memoryblue, Inc.</i> | Case No.: 2022-00319306-CV Superior Court, Sacramento County, CA |
| | <i>Nicholas O'Neil et al. v Miller Pipeline LLC</i> | Case No. 2:20-cv-04034 MHW-CMV (E.D. OH) |
| | <i>Nicole Kordie v Ohio Living</i> | Case No.: 2:21cv03791-SDM-CMV (S.D. Ohio) |
| | <i>Nikia Edwards v Optima Health Plan</i> | Case No.: 2:20cv00192 (E.D. VA) |
| | <i>Nikiesha Cleveland v Foundations Health Solutions, Inc.</i> | Case No.: 1:21cv01713 (N.D. OH) |
| | <i>Norma Marquez et al. v RCKC Corporation et al.</i> | 1:18-cv-07977 (N.D. IL) |
| | <i>OFCCP v. B&H Foto & Electronics Corp.</i> | Case No. 2016-OFC-0004 (Department of Labor) |
| | <i>Omar Malcolm v The City of New York</i> | Case No.: 1:20cv9641-ALC (S.D. NY) |
| | <i>Owen, et al. v. Punch Bowl Minneapolis, LLC</i> | Case No. 19-cv-0955 (D. Minn) |
| | <i>Pamela Adams, et al., v. MedPlans Partners, Inc</i> | Case No. 3:07-cv-259 (W.D. Ky.) |
| | <i>Parnell, et al. v. Academy Mortgage Corporation</i> | Case No. 01-17-0004-5311 (AAA) |
| | <i>Pedro Rodriguez Martinez v Alpha Technologies Services, Inc.</i> | 5:17-cv-628 (E.D. NC) |
| | <i>Phillip Busler, et al. v. Enersys Energy Products Inc., et al.</i> | Case No. 09-cv-0159 (W.D. Mo.) |
| | <i>Powell v. The Kroger Company and Dillon Companies, LLC</i> | Case No. 1:20-cv-01983 (D. Colo.) |
| | <i>Prentis Walton et al. v Oldcastle Building Envelope, Inc.</i> | 3:18-cv-02936 (N. D. OH) |
| | <i>Ray Cruz-Perez v Penn National Gaming, Inc.</i> | 1:20-cv-02577 (N.D. IL) |
| | <i>Rhonda Gresky v Checker Notions Company, Inc. d/b/a/Checker Distributors</i> | Case No.: 3:21cv1203 (N.D. Ohio) |
| | <i>Robert Eddings v. General Aluminum Manufacturing Company</i> | Case No. 1:17-CV-00362 (N.D. Ohio) |
| | <i>Robert Stock et al. v Xerox Corporation</i> | Case No. 6:16-cv-06256 EAW (W.D. N.Y.) |
| | <i>Rocher, et al. v. Sav-on Drugs, et al.</i> | Case No. BC 227551 (Los Angeles County, Cal.) |
| | <i>Roger James v Boyd Gaming Corporation</i> | Case No.: 2:19cv02260-DDC-JPO (D. KS) |
| | <i>Roger Stiles v Specialty Promotions, Inc.</i> | Case No.: 2020CH03766 Circuit Court Cook County, IL |
| | <i>Ronnie Loschiavo v Advanced Drainage Systems, Inc.</i> | Case No.: 2:21cv05069-MHW-CMV (S.D. OH) |
| | <i>Rosann Biagi v International Services, Inc.</i> | Case No.: 21CH00000311 Circuit Court of Lake County, IL |
| | <i>Russell Cain v JB Hunt Transport, Inc.</i> | Case No. D-202-CV-2019-00710 (Bernalillo County, NM) |



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| | <i>Russell, et al. v. Illinois Bell Telephone Company</i> | Case No. 08-cv-1871 (N.D. Ill.) |
| | <i>Ryan Cocca v Ping Identity Corporation</i> | Arbitration |
| | <i>Ryan Ransom et al. v Burrows Paper Corporation</i> | Case No. 2:20-cv-03824 MHW-CMV (S.D. OH) |
| | <i>Sakinah Kelly at al. v Evolent Health LLC</i> | 1:19-cv-00500 (N. D. IL) |
| | <i>Salamon v. Bayview Loan Servicing, LLC</i> | No. 01-17-0002-1424 (AAA) |
| | <i>Scott Snider et at. V Quantum Health, Inc.</i> | 2:20-cv-02296 CMV (E.D. OH) |
| | <i>Sequoia Moss-Clark, et al. v. New Way Services, Inc., et al.</i> | Case No. C12-1391 (Contra Costa County, CA) |
| | <i>Sergio Moreno et al. v Silvertip Completion Services Operating LLC</i> | Case No. 7:19-cv-00240 (W.D. TX) |
| | <i>Shannon Wheeler v. Cobalt Mortgage, Inc. et al.</i> | Case No. 2:14-cv-B1847-JCC (W.D. WA) |
| | <i>Sherman Wright et al. v The Kroger Co.</i> | 1:19-cv-00761 MRB (S.D. OH) |
| | <i>Smallwood, et al. v. Illinois Bell Telephone Company,</i> | Case No. 09-cv-4072 (N.D. Ill.) |
| | <i>Smith v. Family Video</i> | No. 11-cv-01773 (N.D. Ill.) |
| | <i>Smith v. Pizza Hut, Inc.</i> | No. 09--cv-01632-CMA-BNB (D. Colo.) |
| | <i>Speraneo v. BJC Health Systems, Inc. d/b/a BJC HealthCare</i> | Case No. 1322-CC09701 (St. Louis County, MO) |
| | <i>Stephanie Sanz, et al. v. Johnny Utah 51, LLC</i> | Case No. 14-cv-4380 (S.D.N.Y.) |
| | <i>Stephen DiGiorgio et al. v EOS Holdings, Inc.</i> | 1:16-cv-11069 (D. MA) |
| | <i>Steven Belt v P.F. Chang's China Bistro, Inc.</i> | 2:18-cv-03831 AB (E.D. PA) |
| | <i>Surette, et al. v SmartBear Software, Inc.</i> | Civil Action No. 2281-cv-00802 Middlesex County Superior Court |
| | <i>Tamare Fry v Pilot Plastics, Inc.</i> | Case No.: 5:22cv00465 (N.D. OH) |
| | <i>Tanielle Thomas vWalmart, Inc.</i> | 18-cv-4717 (E.D. PA) |
| | <i>Tasha Smith v Acceptance Solutions Group, Inc.</i> | Case No.: 1:21cv01675 (N.D. Ill.) |
| | <i>Teeter v. NCR Corporation</i> | Case No. 08-cv-00297 (C.D. Cal.) |
| | <i>Terri Powell et al. v IKEA Industry Danville, LLC</i> | 4:18-cv-00058 (W.D. VA) |
| | <i>Terrie Gammon et al. v Marietta OPCO, LLC dba Arbors at Marietta</i> | 2:19-cv-05140 JLG-EPD (S.D. OH) |
| | <i>The Fortune Society, Inc. et al. v. Macy's, Inc. et al.</i> | No. 19 Civ. 5961 (S.D.N.Y.) |
| | <i>Thomas Cramer et al. v. Bank of America, N.A. et al.</i> | Case No. 12-08681 (N.D. Ill.) |
| | <i>Thomas Dege, et al., v. Hutchinson Technology, Inc.</i> | Case No. 06-cv-3754 (D. Minn.) |
| | <i>Thomas v. Kellogg Company et al.</i> | Case No. 3:13 Civ. 05136 (W.D. Wash.) |
| | <i>Thompson v. Qwest Corporation, et al.</i> | Civil Action No.: 1:17-cv-1745 (D. Colo.) |
| | <i>Tiffany Williams v Bob Evans Farms, Inc.</i> | Case No.: 2:18cv01353 (W.D. PA) |
| | <i>Todd Coleman v Trophy Nut Co.</i> | 3:19-cv-00374 TMR (S.D. OH) |
| | <i>Tracie Ford et al. v Cardinal Innovations Healthcare Solutions</i> | Case No. 1:20-cv-00736 (M.D. NC) |
| | <i>Tracy Mattison et al. v Trubridge, Inc.</i> | 5:19-cv-01618 JRA (N.D. OH) |
| | <i>Trista L.Freeman, et al. v Crossroads Hospice of Northeast Ohio LLC</i> | Case No. 5:20-cv-01579 BYP (E.D. OH) |
| | <i>Twohill, et al. v. First Acceptance Corporation</i> | Case No. 3:17-cv-00284 (M.D. Tenn.) |
| | <i>Tyler Mudrich v The Sygma Network, Inc.</i> | Case No.: 2:21cv04932-EAS-CMV (S.D. OH) |
| | <i>Tylisha Allen v Flanders Corporation</i> | Case No. 2022-LA-154 Circuit Court Sangamon, IL |
| | <i>Vernon Roberts v Techserv Consulting and Training, LTD</i> | Case No.: 6:21cv00406 (E.D. Tex.) |



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| Environmental | <i>Victor Sanchez v Gold Standard Enterprises, Inc. d/b/a/ Binny's Beverage Depot</i> | Case No.: 1:21cv03349 (N.D. Ill) |
| | <i>Wallace Pitts at al. v. G4s Secure Solutions (USA), Inc.</i> | 2:19-cv-02650 MHW-CMV (E.D. OH) |
| | <i>Watkins, et al. v. I.G. Incorporated, etl a.</i> | Case No. 27-13-15361 (Hennepin County, MN) |
| | <i>Weeks v. Matrix Absence Management, Inc.</i> | Case No. 2:20-cv-884 (D. Arizona) |
| | <i>White et al. v. Edward Jones Co., L.P. dba Edward Jones</i> | No. 17 Civ. 02004 (N.D. Ohio) |
| | <i>Wilkinson, et al. v. NCR Corporation</i> | Case No. 1:08-cv-5578 (N.D. Ill.) |
| | <i>William Perrin, et al. v. Papa John's International</i> | No. 4:09-CV-01335 (E.D. Mo.) |
| | <i>William Whitlock, et. al v. FSH Management, LLC, et. al.</i> | 3:10-cv-00562-M |
| | <i>Williams v. DH Pace</i> | Case No. 4:14-cv-00161 (W.D. Mo.) |
| | <i>Williams, et al. v. Dollar Financial Group, et al.</i> | Case No. RG03099375 (Alameda County, CA) |
| | <i>Williams, et al. v. G4S Secure Solutions (USA) Inc.</i> | Civil Action No. 1:17-CV-00051 (M.D.N.C) |
| | <i>Williams, et al. v. H&R Block Enterprises, Inc.</i> | No. RG 08366506 (Alameda County, CA) |
| | <i>Wittemann, et al. v. Wisconsin Bell, Inc.</i> | Case No. 09-cv-440 (W.D. Wisc.) |
| | <i>Wlotkowski, et al. v. Michigan Bell</i> | Case No. 09-cv-11898 (E.D. Mich.) |
| | <i>Bernice Samples, et al. v. Conoco, Inc., et al.</i> | Case No. 01-0631-CA-01 (Escambia County, Fla.) |
| | <i>Billieson, et al. v. City of New Orleans, et al.</i> | No. 94-19231 (Orleans Parish, LA) |
| | <i>City of Greenville, et al., v. Syngenta Crop Protection, Inc., and Syngenta AG</i> | No. 3:10-cv-00188-JPG-PMF (S. D. Ill.) |
| | <i>In Re: Duluth Superior Chemical Spill Litigation</i> | Case No. 92-cv-503 (W.D. Wis.) |
| | <i>Keltner, et al., v. SunCokeEnergy, Inc., et al.</i> | Case No.: 2014-L-1540 (Madison County, IL) |
| | <i>Latta, et al. v. Hannibal Board of Public Works, et al.</i> | Case No. 16SL-CC01881 (St. Louis, MO) |
| ERISA | <i>McGruder, et al. v. DPC Enterprises</i> | No. CV2003-022677 (Maricopa County, AZ) |
| | <i>Mehl v. Canadian Pacific Railway, Limited</i> | Case No. 02-cv-009 (D.N.D.) |
| | <i>Michelle Marshall, et al. v. Air Liquide -- Big Three, Inc. et al.</i> | No. 2005-08706 (Orleans Parish, LA) |
| | <i>Perrine, et al. v. E.I. Dupont De Nemours and Company, et al.</i> | 01-0631-CA-01 (Harrison C., WV) |
| ERISA - 401k/403b Fee | <i>In Re: Broadwing Inc ERISA Litigation</i> | Case No. 02-cv-00857 (S.D. Ohio) |
| | <i>Leslie D. Nolan v The Detroit Edison Company</i> | Case No.: 2:18cv13359-DML-SDD (E.D. MI) |
| | <i>Michael Marzec v Reladyne, LLC</i> | Case No.: 2018CH14101 Circuit Court of Cook County, IL (Chancery Division) |
| | <i>Quince Rankin v. Charles C. Conway (Kmart ERISA Litigation)</i> | Case No. 02-cv-71045 (E.D. Mich.) |
| | <i>Anderson, et al. v. Coca-Cola Bottlers' Association, et al.</i> | Case No. 21-cv-02054 (D. Kan.) |
| | <i>André Clark, et al., v. Oasis Outsourcing Holdings, Inc., et al.</i> | Case No. 9:18-cv-81101- RLR (S.D. Fla.) |
| | <i>Anthony Abbott, et al. v. Lockheed Martin Corp., et al.</i> | Case No. 06-701 (S.D. Ill.) |
| | <i>Bacon, et al., v. Board of Pensions of the Evangelical Lutheran Church in America</i> | Case No. 27-CV-15-3425 (Hennepin County, MN) |
| | <i>Baker, et al. v. John Hancock Life Insurance Company (U.S.A.), et al.</i> | Civil Action 1:20-cv-10397-RGS (D. Minn.) |
| | <i>Beach, et al.v JPMorgan Chase Bank, N.A., et al.</i> | Case No. 17-00563-JMF (S.D.N.Y.) |
| | <i>Becker v. Wells Fargo & Co. et al</i> | Case No. 0:20-cv-02016 (D. Minn.) |
| | <i>Bhatia, et al. v. McKinsey & Company, Inc., et al.</i> | Case No. 1:19-cv-01466-GHW-SN (S.D.N.Y.) |
| | <i>Bouvy v. Analog Devices, Inc., et al.</i> | Case No. 19-cv-881-DMS-BLM (S.D. Cal.) |
| | <i>Brian Loomis v Nextep, Inc.</i> | Case No.: 5:21cv00199-HE (W.D. OK) |



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| | <i>Brotherston, et al. v. Putnam Investments, LLC, et al.</i> | Civil Action No. 15-13825-WGY (D. Mass.) |
| | <i>Brown-Davis et al v. Walgreen Co. et al</i> | Case No. 1:19-cv-05392 (N.D. Ill.) |
| | <i>Clifton Marshall, et al. v. Northrop Grumman Corp., et al.</i> | Case No. 16-6794 (C.D. Cal.) |
| | <i>Conte v. WakeMed</i> | Case No. 5:21-cv-00190-D (E.D.N.C.) |
| | <i>Cunningham, et al., v. Cornell University, et al.</i> | Case No. 16-cv-6525 (S.D.N.Y.) |
| | <i>David Clark, et al, v. Duke University, et al.</i> | Case No. 1:16-CV-01044-CCE-LPA (M.D.N.C.) |
| | <i>David Kinder, et al. v. Koch Industries, Inc., et al.</i> | Case No. 1:20 cv 02973 MHC (N.D. Ga.) |
| | <i>Dean et al. v. Cumulus Media, Inc. et al.</i> | No. 1:22-cv-04956-TWT (D. Ga) |
| | <i>Dennis Gordan, et al. v. Massachusetts Mutual Life Insurance Co., et al.</i> | Case No. 13-cv-30184-MAP (D. Mas.) |
| | <i>Diego Cervantes v. Invesco Holding Company (US), Inc., et al.</i> | Civil Action No. 1:18 cv-02551-AT (N.D. Ga.) |
| | <i>Dustin S. Soulek v Costco Wholesale Corporation</i> | Case No.: 20cv937 (E. D. Wis.) |
| | <i>Ford, et al. v. Takeda Pharmaceuticals U.S.A., Inc., et al</i> | No. 21-cv-10090 (D. Mass.) |
| | <i>Gleason et al v. Bronson Healthcare Group, Inc. et al.</i> | Case No. 1:21-cv-00379 (W. D. Mich.) |
| | <i>Henderson et al. v. Emory University et al.</i> | Case No. 16-cv-2920 (N.D. Ga.) |
| | <i>Hill et al v. Mercy Health System Corporation et al</i> | Case No. 3:20-cv-50286 (N.D. Ill.) |
| | <i>In re GE ERISA Litigation</i> | Master File No. 1:17-cv-12123-IT (D. Mass) |
| | <i>In re M&T Bank Corporation ERISA Litigation</i> | Case No. 1:16-cv-375 (W.D.N.Y.) |
| | <i>In re Northrop Grumman Corporation ERISA Litigation</i> | Case. No. 06-CV-6213 AB (JCx) (C.D. Cal.) |
| | <i>Intravaia, et al. v. National Rural Electric Cooperative Association, et al.</i> | Case No. 1:19-cv-00973-LO-IDD (E.D. Va.) |
| | <i>Johnson, et al v. Fujitsu Technology and Business of America, Inc. et al.</i> | Case No.: 5:16-cv-03698 NC (N.D. Cal.) |
| | <i>Karg et al v. Transamerica Corporation et al</i> | Case No. 1:18-cv-00134 (N.D. Iowa) |
| | <i>Karg, et al. v. Transamerica Corp., et al.</i> | Case No. 1:18-cv-00134-CJW-KEM (N.D. Iowa) |
| | <i>Karolyn Kruger, et al. v. Novant Health Inc., et al.</i> | Case No. 14-208 (M.D.N.C.) |
| | <i>Karpik, et al. v. Huntington Bancshares Incorporated, et al.</i> | Case No. 2:17-cv-01153-MHW-KAJ (S.D. Ohio) |
| | <i>Kimberly D. Traczyk v Aspirus, Inc.</i> | Case No.: 2:21cv00077 (W.D. MI) |
| | <i>Kinder et al v. Koch Industries, Inc. et al</i> | Case No. 1:20-cv-02973 (N.D. Ga.) |
| | <i>Kirk, et al. v. Retirement Committee of CHS/Community Health Systems, Inc., et al.</i> | Civil Action No. 3:19-cv-00689 (M.D. Tenn.) |
| | <i>Lauren Bence, et al. v. Presence Health Network, et al.</i> | Case No. 1:17-cv-08315 (N.D. Ill.) |
| | <i>Loomis, et al. v. Nextep Inc., et al.</i> | Case No. 5:21-cv-00199-HE (W.D.Ok) |
| | <i>Loren L. Cassell, et al. v. Vanderbilt University, et al.</i> | Case No. 3:16-CV-02086 (M.D. Tenn.) |
| | <i>Main, et al. v. American Airlines, Inc. et al.</i> | Civil Action No.: 4:16-cv-00473-O (N.D. Texas) |
| | <i>Marcia McGowan v Barnabas Health, Inc.</i> | Case No.: 2:20cv13119-KM-JRA (D.N.J.) |
| | <i>McNeilly, et al. v. Spectrum Health System, et al.</i> | No. 1:20-cv-00870 (W.D. Mich.) |
| | <i>Moitoso, et al. v. FMR LLC, et al.</i> | Civil Action No. 1:18-cv-12122-WGY (D. Mass.) |
| | <i>Munro v. University of Southern California</i> | Case No. 16-6191 (C.D. Cal.) |
| | <i>Pat Beesley, et al v. International Paper Co. et al.</i> | Case No. 06-703-DRH (S.D. Ill.) |
| | <i>Paul Andrus, et al. v. New York Life Insurance Company, et al.</i> | Case. No. 1:16-cv-05698 (KPF) (S.D.N.Y.) |
| | <i>Pledger, et al. v. Reliance Trust, et al.</i> | Case No. 1:15-cv-4444-MHC (N.D. Ga.) |



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| FACTA | <i>Price v. Eaton Vance Corp., et al.</i> | Civil Action No. 18-12098-WGY (D. Mass.) |
| | <i>Ramos et al. v. Banner Health et al. (Judgement)</i> | Case No. 1:15-cv-02556 (D. Colo.) |
| | <i>Ramos et al. v. Banner Health et al. (Slocum)</i> | Case No. 1:15-cv-02556 (D. Colo.) |
| | <i>Reetz v. Lowe's Companies, Inc. et al.</i> | No. 5:18-cv-075-RJC-DCK (W.D.N.C.) |
| | <i>Robert Sims, et al, v. BB&T Corporation, et al.</i> | Case No. 1:15-cv-732-CCE-JEP (M.D.N.C.) |
| | <i>Ronald Tussey, et al. v. ABB Inc., at al.</i> | Case No. 2:06-cv-4305-NKL (W.D. Mo.) |
| | <i>Smith et al. v. OSF Healthcare System, et al.</i> | Case No. 3:16-cv-00467-SMY-RJD (S.D. Ill.) |
| | <i>Smith v. GreatBanc Tr. Co.</i> | No. 1:20-cv-02350-FUV (N.D. Ill.) |
| | <i>Smith, et al. v. VCA Inc., et al.</i> | No. 2:21-cv-09140-GW-AGR (C.D. Cal.). |
| | <i>Soulek v. Costco Wholesale Corporation et al</i> | Case No. 1:20-cv-00937 (E.D. Wis.) |
| | <i>Stacy Schapker v. Waddell & Reed Financial, Inc., et al.</i> | Case No. 17-cv-2365 (D. Kan.) |
| | <i>Stevens v. SEI Investments Company, et al.</i> | Case No. 2:18-CV-09936 (E.D. Pa.) |
| | <i>Todd Ramsey, et al., v. Philips North America LLC</i> | Case No. 3:18-cv-01099-NJR-RJD (S.D. Ill.) |
| | <i>Toomey, et al. v. Demoulas Super Markets, Inc., et al.</i> | Case No. 1:19-CV-11633-LTS (D. Mass.) |
| | <i>Tracey, et al. v. Massachusetts Institute of Technology, et al.</i> | Case No. 1:16-cv-11620 (D. Mass.) |
| | <i>Traczyk v. Aspirus, Inc. et al.</i> | Case No. 2:21-cv-00077-RJJ-MV (W.D. Mich.) |
| | <i>Troudt et al v. Oracle Corporation et al.</i> | Case No. 16-cv-00175 (D. Colo.) |
| | <i>Velazquez, et al. v. Massachusetts Financial Services Company</i> | Case No. 1:17-CV-11249 (D. Mass.) |
| | <i>Walter v. Kerry Inc., et al.</i> | 2:21-cv-539-BHL (E.D. Wis.) |
| | <i>Woznicki v. Aurora Health Care, Inc.</i> | Case No. 20-cv-1246 (E.D. Wis.) |
| | <i>Albright v. Metrolink</i> | No. 4:11-CV-01691AGF (E.D. Mo.) |
| | <i>Ebert, et al. v. Warner's Stellan</i> | No. 11-cv-02325 JRT/ SER (D. Minn.) |
| | <i>Fouks, et al. v. Red Wing Hotel Corporation</i> | Case No. 12-cv-02160 (D. Minn.) |
| | <i>Jones v. Dickinson</i> | No. 11 CV 02472 (D. Mo.) |
| | <i>Linda Todd, et al. v. Medieval Times</i> | Case No. 1:10-cv-00120 (D. N.J.) |
| | <i>Masters v. Lowe's Home Centers, Inc.</i> | Case No. 3:09-cv--255 (S.D. Ill.) |
| | <i>Seppanen et al. v. Krist Oil Company</i> | Case No. 2:09-cv-195 (W.D. Mich.) |
| | <i>Waldman v. Hess Corporation</i> | Case No. 07-cv-2221 (D. N.J.) |
| FCRA | <i>Michael Stoner, et al. v. CBA Information Services</i> | Case No. 04-cv-519 (E.D. Pa.) |
| Insurance | <i>Ann Castello v. Allianz Life Insurance Company</i> | Case No. 03-cv-20405 (D. Minn.) |
| | <i>Boyd Demmer, et al. v. Illinois Farmers Insurance Company</i> | Case No. MC 00-017872 (Hennepin County, Minn.) |
| | <i>Christopher Meek v Kansas City Life Insurance Company</i> | Case No.: 4:19cv00471 (W.D. MO) |
| | <i>Chultern v. Ticor Title Insur. Co., et al.</i> | Case No. 2006-CH-09488 ((Cook County, IL)I.) |
| | <i>Colella v. Chicago Title Insur. Co., et al.</i> | Case No. 2006-CH-09489 ((Cook County, IL)I.) |
| | <i>Daluge, et. al., v. Continental Casualty Company</i> | No. 3:15-cv-00297 (W.D. Wis.) |
| | <i>Deborah Hillgamy, et al. v. Reliastar Life Insurance Company, et al.</i> | No. 11-cv-729 (W.D. Wis.) |
| | <i>Doan v. State Farm</i> | 108CV129264 (Santa Clara Co, CA) |
| | <i>Dorothea Pavlov v. Continental Casualty Company</i> | Case No. 07-cv-2580 (N.D. Ohio) |



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| Insurance - Force Placed | <i>Earl L. McClure v State Farm Insurance Company</i> | Case No.: 2:20cv01389-SMB (D. AZ) |
| | <i>Frank Rose, et al. v. United Equitable Insurance Company, et al.</i> | Case No. 00-cv-02248 (Cass County, ND) |
| | <i>Froeber v. Liberty Mutual Fire Insurance Company</i> | Case No. 00C15234 (Marion County, OR) |
| | <i>Garrison, et al., v. Auto-Owners Insurance Company</i> | Case No. 02-cv-324076 (Cole County, Mo.) |
| | <i>Harold Hanson, et al. v. Acceleration Life Insurance Company, et al.</i> | Case No. 3:97-cv-152 (D.N.D.) |
| | <i>In Re: Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litigation</i> | Case No. 99-md-1309 (D. Minn.) |
| | <i>Irene Milkman, et al. v. American Travellers Life Insurance Company, et al.</i> | No. 03775 (Philadelphia Court of Common Pleas, Pa.) |
| | <i>J. Gregory Sheldon v Kansas City Life Insurance Company</i> | Case No.: 1916CV26689 Circuit Court of Jackson County, MO |
| | <i>Jacobs v. State Farm General Insurance Company</i> | No. CJ-96-406 (Sequoyah County, Okla.) |
| | <i>James M. Wallace, III, et al. v. American Agrisurance, Inc., et al.</i> | Case No. 99-cv-669 (E.D. Ark.) |
| | <i>James Ralston, et al. v. Chrysler Credit Corporation, et al.</i> | Case No. 90-cv-3433 (Lucas County, Ohio) |
| | <i>Michael T. McNellis, et al. v. Pioneer Life Insurance Company, et al.</i> | CV 990759 (County of San Luis Obispo, Cal.) |
| | <i>Morris v. Liberty Mutual Fire Insurance Company</i> | CJ-03-714 (Pottawatomie County, OK) |
| | <i>Paul Curtis, et al v. Northern Life Insurance Company</i> | Case No. 01-2-18578 (King County, Wash.) |
| | <i>Ralph Shaffer v. Continental Casualty Company and CNA Financial Corp</i> | Case No. 06-cv-2253 (C.D. Cal.) |
| | <i>Raymond Arent, et al. v. State Farm Mutual Insurance Company</i> | Case No. 00-mc-16521 (D. Minn.) |
| | <i>Roy Whitworth, et al. v. Nationwide Mutual Insurance Company, et al.</i> | Case No. 00CVH-08-6980 (Franklin County, Ohio) |
| | <i>Sonia Gonzalez, et al. v. Rooms to Go, Inc., et al.</i> | Case No. 97-cv-3146 (S.D. Fla.) |
| | <i>Taqueria El Primo, LLC v Farmers Group, Inc.</i> | Case No.: 19cv03071 (D. MN) |
| | <i>Tow Distributing, Inc., et al. v. BCBSM, Inc., d/b/a Blue Cross and Blue Shield of Minnesota</i> | Case No. 02-cv-9317 (D. Minn.) |
| Legal Notice | <i>Arnett v. Bank of America, N.A.</i> | No. 3:11-CV-01372-SI (D. OR) |
| | <i>Clements, et al. v. JPMorgan Chase Bank, N.A., et al.</i> | No. 3:12-cv-02179-JCS (N.D. Cal.) |
| | <i>Hofstetter, et al. v. Chase Home Finance, LLC., et al.</i> | Case No. 10-cv-1313 (N.D. Cal.) |
| | <i>Jerome Walls, et al. v. JP Morgan Chase Bank, N.A., et al.</i> | Case No. 11-00673 (W.D. KY) |
| | <i>Anderson et al. v. Canada (Attorney General)</i> | 2011 NLCA 82 |
| | <i>Angell v. Skechers Canada</i> | 8562-12 (Montreal, Quebec) |
| | <i>Billieson, et al. v. City of New Orleans, et al.</i> | No. 94-19231 (Orleans Parish, LA) |
| | <i>Carnegie v. Household International, Inc.</i> | No. 98-C-2178 (N.D. Ill.) |
| | <i>Cazenave, et al. v. Sheriff Charles C. Foti, Jr., et al.</i> | Case No. 00-cv-1246 (E.D. La.) |
| | <i>City of Greenville, et al., v. Syngenta Crop Protection, Inc., and Syngenta AG</i> | No. 3:10-cv-00188-JPG-PMF (S. D. Ill.) |
| | <i>Evans, et al. v. Linden Research, Inc., et al.</i> | Case No. 4:11-cv-1078-DMR (N.D. CA) |
| | <i>F.T.C. v. NBTY, Inc.</i> | No. 05-4793 (E.D.N.Y.) |
| | <i>George Williams, et al. v. BestComp, Inc., et al.</i> | No. 09-C-5242-A (Parish of St. Landry, LA) |
| | <i>Griffin v. Dell Canada Inc</i> | Case No. 07-cv-325223D2 (Ontario, Superio Court of Justice) |
| | <i>In Re: Aftermarket Filters Antitrust Litigation</i> | No. 1:08-cv-4883, MDL No. 1957 (N.D. Ill.) |
| | <i>In Re: Asia Pulp & Paper Securities Litigation</i> | Case No. 01-cv-7351 (S.D.N.Y.) |
| | <i>In Re: Certainteed Fiber Cement Siding Litigation</i> | MDL 2270 (E.D. PA) |
| | <i>In Re: Duluth Superior Chemical Spill Litigation</i> | Case No. 92-cv-503 (W.D. Wis.) |



| Practice Area | Engagement | Citation |
|----------------------------|--|---|
| Medical/Drug | <i>In Re: Google Referrer Header Privacy Litigation</i> | No. 10-04809 (N.D. Cal.) |
| | <i>In Re: Salmonella Litigation</i> | Case No. 94-cv-016304 (D. Minn.) |
| | <i>Jerome H. Schlink v. Edina Realty Title</i> | Case No. 02-cv-18380 (D. Minn.) |
| | <i>Joel E. Zawikowski, et al. v. Beneficial National Bank, et al.</i> | Case No. 98-cv-2178 (N.D. Ill.) |
| | <i>Joshua Wasser, et al. v. All Market, Inc.,</i> | Case No. 1:16-CV-21238 (S.D. Fla.) |
| | <i>Kobylanski et al. v. Motorola Mobility, Inc. et al.</i> | No. 13-CV-1181 (W.D. Pa.) |
| | <i>Mary Plubell, et al. v. Merck and Co., Inc.</i> | Case No. 04-cv-235817 (Jackson County, MO) |
| | <i>McGruder, et al. v. DPC Enterprises</i> | No. CV2003-022677 (Maricopa County, AZ) |
| | <i>Mehl v. Canadian Pacific Railway, Limited</i> | Case No. 02-cv-009 (D.N.D.) |
| | <i>Michelle Marshall, et al. v. Air Liquide -- Big Three, Inc. et al.</i> | No. 2005-08706 (Orleans Parish, LA) |
| | <i>Pat Beesley, et al v. International Paper Co. et al.</i> | Case No. 06-703-DRH (S.D. Ill.) |
| | <i>Perrine, et al. v. E.I. Dupont De Nemours and Company, et al.</i> | 01-0631-CA-01 (Harrison C., WV) |
| | <i>Red Eagle Resources Corporation, Inc., et al. v. Baker Hughes Inc., et al.</i> | Case No. 91-cv-627 (S.D. Tex.) |
| | <i>Skold, et al. v Intel Corporation, et al.</i> | Case No. 1-05-cv-039231 (County of Santa Clara, CA) |
| | <i>The People of the State of California v. Rainbow Light Nutritional Systems, LLC, et al.</i> | Case No. 19STCV28214 (Los Angeles County, CA) |
| | <i>Thomas Geanacopoulos v. Philip Morris USA, Inc.</i> | Civil Action No. 98-6002-BLS1 (MA Superior Court) |
| | <i>F.T.C. v. CHK Trading Corp.</i> | Case No. 04-cv-8686 (S.D.N.Y.) |
| | <i>F.T.C. v. Christopher Enterprises, Inc.</i> | Case No. 2:01-cv-0505 (D. Utah) |
| | <i>F.T.C. v. Conversion Marketing, Inc.</i> | Case No. 04-cv-1264 (C.D. Cal.) |
| | <i>F.T.C. v. Enforma Natural Products, Inc.</i> | Case No. 00-cv-04376 (C.D. Cal.) |
| | <i>F.T.C. v. Goen Technologies</i> | FTC File No. 042 3127 |
| | <i>F.T.C. v. Great American Products</i> | Case No. 05-cv-00170 (N.D. Fla.) |
| | <i>F.T.C. v. Kevin Trudeau, et al.</i> | Case No. 03-cv-3904 (N.D. Ill.) |
| | <i>F.T.C. v. Latin Hut, Inc.</i> | Case No. 04-cv-0830 (S.D. Cal.) |
| | <i>F.T.C. v. QT, Inc.</i> | Case No. 03-cv-3578 (N.D. Ill.) |
| | <i>F.T.C. v. Seasilver USA, Inc.</i> | Case No. 03-cv-0676 (D. Nev.) |
| | <i>F.T.C. v. Smart Inventions, Inc.</i> | Case No. 04-cv-4431 (C.D. Cal.) |
| | <i>F.T.C. v. Sunny Health Nutrition Technology & Products, Inc.</i> | Case No. 06-cv-2193 (M.D. Fla.) |
| | <i>F.T.C. v. United Fitness of America, LLC</i> | Case No. 02-cv-0648 (D. Nev.) |
| | <i>In Re: Guidant Corp Implantable Defibrillators Products Liability Litigation</i> | Case No. 05-cv-1708 (D. Minn.) |
| | <i>In re: Nuvaring Products Liability Litigation</i> | 08-MDL-1964 |
| | <i>Karen Wright, et al. v. Milan Jeckle</i> | Case No. 98-2-07410-2 (Spokane County, Wash.) |
| | <i>Mary Plubell, et al. v. Merck and Co., Inc.</i> | Case No. 04-cv-235817 (Jackson County, MO) |
| Privacy/FCRA Securities | <i>St. Clair, et al. v MRB, et al.</i> | Case No. 12-cv-1572 (D. Minn.) |
| | <i>Adam C. Kassab , et al. v. Francis D. John, et al.</i> | Case No. 2:16-cv-00613-AJS (W.D. Pa.) |
| | <i>Alan Freberg, et al. v. Merrill Corporation, et al.</i> | Case No. 99-cv-010063 (D. Minn.) |
| | <i>Anderson v. Investors Diversified Services</i> | Case No. 4:79-cv-266 (D. Minn.) |
| | <i>Arkansas Teacher Retirement System, et al. v. Insulet Corp., et al.</i> | Civil Action No. 15-12345-MLW (D. Mass) |



| Practice Area | Engagement | Citation |
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| | <i>Bottlebrush Investments, LP, et al. v. The Lambveth Company, et al.</i> | Case No BC 407967 (County of Los Angeles, CA) |
| | <i>Charter Township Of Clinton v. OSI Restaurants</i> | Case No. 06-CA-010348 (Hillsborough County, Fla.) |
| | <i>Christopher Carmona, et al. v. Henry I. Bryant, et al. (Albertson's Securities Litigation)</i> | Case No. 06-cv-01251 (Ada County, Idaho) |
| | <i>Daryl L. Cooper, et al. v. Miller Johnson Steichen Kinnard, Inc.</i> | Case No. 02-cv-1236 (D. Minn.) |
| | <i>Dutton v. Harris Stratex Networks, Inc. et al</i> | 08-cv-00755-LPS (D. Del.) |
| | <i>Edith Gottlieb v. Xcel Energy, Inc., et al.</i> | Case No. 02-cv-2931 (D. Minn.) |
| | <i>Family Medicine Specialists, et al. v. Abatix Corp., et al.</i> | Case No. 3:04-cv-872B (N.D. Tex.) |
| | <i>Fisk, et al. v. H&R Block Inc., et al.</i> | 1216-CV20418 (Jackson County, MO) |
| | <i>Friedman, et al. v. Penson Worldwide, Inc.</i> | 11-cv-02098 (N.D. Tex.) |
| | <i>In Re Allergan PLC Securities Litigation</i> | Case No.: 18cv12089-CM-GWG (S.D. NY) |
| | <i>In re FX Energy Stockholders Litigation</i> | Case No. A-15-726409-B (Clark County, NV) |
| | <i>In Re Regulix Therapeutics Inc. Securities Litigation</i> | 3:17-cv-00182 BTM-RBB (S.D. CA) |
| | <i>In Re Universal Health Services, Inc. Derivative Litigation</i> | Case No.: 2:17cv02187 (E.D. PA) |
| | <i>In Re: American Adjustable Rate Term Trust Securities Litigation</i> | Case No. 4:95-cv-666 and 4:95-cv-667 (D. Minn.) |
| | <i>In Re: Ancor Communications, Inc Securities Litigation</i> | Case No. 97-cv-1696 (D. Minn.) |
| | <i>In Re: Asia Pulp & Paper Securities Litigation</i> | Case No. 01-cv-7351 (S.D.N.Y.) |
| | <i>In Re: Bayer AG Securites</i> | Case No. 03-cv-1546 (S.D.N.Y.) |
| | <i>In Re: Bio-One Securities Litigation</i> | Case No. 05-cv-1859 (M.D. Fla.) |
| | <i>In Re: Bioplasty Securities Litigation</i> | Case No. 4:91-cv-689 (D. Minn.) |
| | <i>In Re: Citi-Equity Group, Inc. Securities Litigation</i> | Case No. 94-cv-012194 (D. Minn.) |
| | <i>In Re: Citi-Equity Group, Inc., Limited Partnerships Securities Litigation</i> | MDL No. 1082 (C.D. Cal.) |
| | <i>In Re: Control Data Corporation Securities Litigation</i> | Case No. 3:85-cv-1341 (D. Minn.) |
| | <i>In Re: Cray Research Securities Litigation</i> | Case No. 3:89-cv-508 (D. Minn.) |
| | <i>In re: CV Sciences, Inc. Securities Litigation</i> | Case No.: 2:18cv01602-JAD-BNW (D. NV) |
| | <i>In Re: Cybex International Securities Litigation</i> | No. 653794/2012 (County of New York, NY) |
| | <i>In Re: E.W. Blanch Holdings, Inc. Securities Litigation</i> | Case No. 01-cv-258 (D. Minn.) |
| | <i>In Re: Encore Computer Corporation Shareholder Litigation</i> | Case No. 16044 (New Castle County, Del.) |
| | <i>In Re: EVCI Career Colleges Holding Corp Securities Litigation</i> | Case No. 05-cv-10240 (S.D.N.Y.) |
| | <i>In Re: Flight Transportation</i> | MDL No. 517 (D. Minn.) |
| | <i>In Re: Frontier Oil Corporation</i> | Case No. 2011-11451 (Harris County, Tex.) |
| | <i>In Re: HeartWare International, Inc. Securities Litigation</i> | No. 1:16-cv-00520-RA (S.D.N.Y.) |
| | <i>In Re: Hennepin County 1986 Recycling Bond Litigation</i> | Case No. 92-cv-22272 (D. Minn.) |
| | <i>In Re: McCleodUSA Incorporated Securities Litigation</i> | Case No. 02-cv-0001 (N.D. Iowa) |
| | <i>In Re: McKesson HBOC, Inc. Securities Litigation</i> | Case No. 99-cv-20743 (N.D. Cal.) |
| | <i>In Re: Merrill Lynch & Co., Inc. Securities Derivative and ERISA Litigation</i> | 07-cv-9633 (S.D.N.Y.) |
| | <i>In Re: Merrill Lynch Research Reports Securities Litigation</i> | Case No. 02-md-1484 (S.D.N.Y.) |
| | <i>In Re: Micro Component Technology, Inc. Securities Litigation</i> | Case No. 4:94-cv-346 (D. Minn.) |
| | <i>In Re: National City Corp. Securities, Derivative and Erisa Litig.</i> | MDL No. 2003 (N.D. Ohio) |



| Practice Area | Engagement | Citation |
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| | <i>In Re: New Century</i> | No. 07-CV-0931 (C.D. Cal.) |
| | <i>In Re: Novastar Financial, Inc. Securities Litigation</i> | Case No. 04-cv-0330 (W.D. Mo.) |
| | <i>In Re: OCA, Inc. Securities and Derivative Litigation</i> | Case No. 05-cv-2165 (E.D. La.) |
| | <i>In Re: Raytheon Company Securities Litigation</i> | Case No. 99-cv-12142 (D. Mass.) |
| | <i>In Re: Reliance Group Holdings, Inc. Securities Litigation</i> | Case No. 00-cv-4653 (S.D.N.Y.) |
| | <i>In Re: Retek Inc Securities Litigation</i> | Case No. 02-cv-4209 (D. Minn.) |
| | <i>In Re: Salomon Analyst Metromedia Litigation</i> | Case No. 02-cv-7966 (S.D.N.Y.) |
| | <i>In re: Sauer-Danfoss, Inc. Stockholder Litigation</i> | C.A. No. 8396-VCL (Court of Chancery of the State of Delaware) |
| | <i>In Re: Scimed Life Systems, Inc. Shareholders Litigation</i> | Case No. 94-mc-17640 (D. Minn.) |
| | <i>In Re: Sourcecorp Securities Litigation</i> | Case No. 04-cv-02351 (N.D. Tex.) |
| | <i>In re: Spectrum Pharmaceuticals Securities Litigation</i> | Case No. 2:13-cv-00433-LDG (D. Nev.) |
| | <i>In Re: SS&C Technologies, Inc. Shareholders Litigation</i> | Case No. 05-cv-1525 (D. Del.) |
| | <i>In re: SunEdison, Inc. Securities Litigation</i> | Case No. 1:16-md-2742-PKC (S.D.N.Y.) |
| | <i>In Re: Tellium Inc Securities Litigation</i> | Case No. 02-cv-5878 (D. N.J.) |
| | <i>In Re: The Sportsman's Guide, Inc. Litigation</i> | Case No. 06-cv-7903 (D. Minn.) |
| | <i>In Re: Tonka Corporation Securities Litigation</i> | Case No. 4:90-cv-002 (D. Minn.) |
| | <i>In Re: Tonka II Securities Litigation</i> | Case No. 3:90-cv-318 (D. Minn.) |
| | <i>In Re: Tricord Systems, Inc. Securities Litigation</i> | Case No. 3:94-cv-746 (D. Minn.) |
| | <i>In Re: VistaCare, Inc. Securities Litigation</i> | Case No. 04-cv-1661 (D. Ariz.) |
| | <i>In Re: Williams Securities Litigation</i> | Case No. 02-cv-72(N.D. Okla.) |
| | <i>In Re: Xcel Energy, Inc. Securities Litigation</i> | Case No. 02-cv-2677 (D. Minn.) |
| | <i>In Re: Xcelera.Com Securities Litigation</i> | Case No. 00-cv-11649 (D. Mass.) |
| | <i>In Re: Xybernaut Corp. Securities MDL Litigation</i> | Case No. 05-mdl-1705 (E.D. Va.) |
| | <i>In the Matter of BKS Advisors, LLC</i> | SEC Admin. Proc. File No. 3-18648 |
| | <i>In the Matter of deVere USA, Inc.</i> | SEC Admin. Proc. File No. 3-18527 |
| | <i>In the Matter of Focus Media Holding Limited, et al.</i> | SEC Admin. Proc. File No. 3-16852 |
| | <i>In the Matter of James Goodland and Securus Wealth Management, LLC</i> | SEC Admin. Proc. File No. 3-16878 |
| | <i>In the Matter of JL Capital Management</i> | SEC Admin. Proc. File No. 3-18171 |
| | <i>In the Matter of Ross, Sinclair & Associates, LLC, et al.</i> | SEC Admin. Proc. File No. 3-17315 |
| | <i>In the Matter of Securities America Advisors, Inc.</i> | SEC File No.: 3-20381 |
| | <i>In the Matter of Sica Wealth Management, LLC and Jeffrey C. Sica</i> | SEC Administrative Proceeding File No. 3-19716 |
| | <i>In the Matter of William D. King, CPA</i> | SEC Administrative Proceeding File No. 3-19991 |
| | <i>Inchen Huang v Assertio Therapeutics, Inc.</i> | Case No.: 4:17cv04830-JST (N.D. Cal.) |
| | <i>Ivy Shipp, et al. v. Nationsbank Corp.</i> | 19,002 (TX 12th Jud Dist) |
| | <i>Karl E. Brogen and Paul R. Havig, et al. v. Carl Pohlad, et al.</i> | Case No. 3:93-cv-714 (D. Minn.) |
| | <i>Kevin D. Mayer et al. v United Microelectronics Corporation</i> | 19-cv-02304 (S.D. N.Y.) |
| | <i>Lori Miller, et al. v. Titan Value Equities Group Inc., et al.</i> | Case No. 94-mc-106432 (D. Minn.) |
| | <i>Makor Issues & Rights, Ltd., et al. v. Tellabs, Inc., et al.</i> | 02-C-4356 (N.D. Ill.) |



| Practice Area | Engagement | Citation |
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| | <i>Montoya, et al. v. Mamma.com, Inc., et al.</i> | Case No. 1:05-cv-02313 (S.D.N.Y.) |
| | <i>Norwood v Lee, et al.</i> | C.A. No.: 2018-0056-KSJM Court of Chancery of the State of Delaware |
| | <i>Partridge v GreenStar Agricultural Corporation, et al.</i> | Ontario Superior Court of Justice (Toronto Region) |
| | <i>Paskowitz v James J. Hill</i> | Case No. 715541/2018 (Queens County, NY) |
| | <i>Resendes, et al.; Maher, et al.; Hawkins, et al.; Schooley, et al. v. Thorp, et al.</i> | Case No. 84-cv-03457, 84-cv-11251, 85-cv-6074, 86-cv-1916L (D. Minn.) |
| | <i>Richard Donal Rink, et al. v. College Retirement Equities Fund</i> | No. 07-CI-10761, (Jefferson County, KY) |
| | <i>Robert Trimble, et al. v. Holmes Harbor Sewer District, et al.</i> | Case No. 01-2-00751-8 (Island County, Wash.) |
| | <i>Sandi Roper, et al. v. SITO Mobile, Ktd., et al.</i> | NO. 2:17-CV-01106-ES-MAH (D.N.J.) |
| | <i>SEC v Colonial Tidewater Realty Income Partners, LLC</i> | 1:15-cv-2401 (D. MD) |
| | <i>SEC v MMR Investment Bankers LLC dba MMR, Inc.</i> | File No. 3-16753 and 3-16754 |
| | <i>Securities and Exchange Commission v Al-Raya Investment Company, et. al.</i> | No. 109-CV-6533 |
| | <i>Securities and Exchange Commission v Broadwind Energy, Inc.</i> | Case No.: 1:15cv01142 (N.D. IL) |
| | <i>Securities and Exchange Commission v. AIMSI Technologies, Inc., et al.</i> | 05 CV 4724 (LLS) (S.D.N.Y.) |
| | <i>Securities and Exchange Commission v. Alderson et al.</i> | No. 18-04930 (S.D.N.Y.) |
| | <i>Securities and Exchange Commission v. Broadwind Energy, Inc. et al.</i> | Civ. Act. No. 1:15-cv-01142 (N.D. Ill.) |
| | <i>Securities and Exchange Commission v. CKB168 Holdings Ltd., et al.</i> | Civil Action No. 1:13-cv-5584 (E.D.N.Y.) |
| | <i>Securities and Exchange Commission v. Harrison Katzen</i> | Case No. 16-cv-06606 (E.D.N.Y.) |
| | <i>Securities and Exchange Commission v. Intercontinental Regional Center Trust of Chicago, LLC</i> | Civil Action No. 13-cv-982 (N.D. Ill.) |
| | <i>Securities and Exchange Commission v. Myron Weiner</i> | 11-CV-05731 (E.D.N.Y.) |
| | <i>Securities and Exchange Commission v. Rockford Funding Group, LLC, et al.</i> | 09-10047 (S.D.N.Y.) |
| | <i>Securities and Exchange Commission v. United American Ventures, LLC, et al.</i> | Case No. 10-cv-00568-JCH-LFG (D.N.M.) |
| | <i>Superior Partners, et al. v. Rajesh K. Soin, et al.</i> | Case No. 08-cv-0872 (Montgomery County, Ohio) |
| | <i>Svenningsen, et al. v. Piper Jaffray & Hopwood, et al.</i> | Case No. 3:85-cv-921 (D. Minn.) |
| | <i>Three Bridges Investment Group, et al. v. Honeywell, et al.</i> | Case No. 88-cv-22302 (D. Minn.) |
| | <i>Tietz v Bridgemark Financial Corp.</i> | Action No.: S-197731 The Supreme Court of British Columbia |
| | <i>United States of America v. George David Gordon</i> | Case No. 4:09-cr-00013-JHP-1 (N.D. Okla.) |
| | <i>United States of America v. Zev Saltsman</i> | Case No. 04-cv-641 (E.D.N.Y.) |
| | <i>William Steiner, et al. v. Honeywell, Inc. et al.</i> | Case No. 4:88-cv-1102 (D. Minn.) |
| | <i>David Andino, et al. v. The Psychological Corporation, et al.</i> | Case No. A457725 (Clark County, Nev.) |
| | <i>Frankie Kurvers, et al. v. National Computer Systems</i> | No. MC00-11010 (Hennepin County, Minn) |

Test Score

Exhibit 4

Return Address

**NAME
ADDRESS
CITY STATE AND ZIP**

**NOTICE OF PROPOSED CLASS ACTION
SETTLEMENT**

Horein et al. v. Michigan Department of Health and Human Services

If you were an Employee or Staff Member who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place, you may be eligible for a payment from a class action settlement.

Please read this Notice carefully.

You have been sent this Notice of Proposed Class Action Settlement (the “Notice”) because you were identified as an Employee or Staff Member who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place.

You may be a Staff Plaintiff Class Member in the class action lawsuit *Horein et al. v. Michigan Department of Health and Human Services*, COC No. 23-000063-MM, pending in the Michigan Court of Claims (“the Court”). The Court approved this Notice.

Eligible members of the Staff Plaintiff Class under the Settlement Agreement may receive awards from a Compensation Fund for the trauma and emotional distress they suffered as a result of the December 21, 2022, unannounced “active shooter drill.” Each eligible member of the Staff Plaintiff Class who completes the confirmation forms and releases will receive a payment of at least \$5,000.

The easiest way to learn more and participate in this class action is to visit the website: www.HawthornClassAction.com or by scanning the QR Code below:



The enclosed Notice explains your legal rights **and the deadlines to exercise them.**

Questions? Visit <http://www.hawthornclassaction.com/>, call 877-930-3083, or email info@HawthornClassAction.com

Document received by the MI Court of Claims.

**NOTICE OF SETTLEMENT
HAWTHORN UNANNOUNCED “ACTIVE SHOOTER
DRILL” CLASS ACTION
STAFF PLAINTIFF CLASS**

To: NAME

**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.

A proposed Settlement has been reached to resolve a class action lawsuit regarding an unannounced “active shooter drill” that took place at the Hawthorn Center on the morning of December 21, 2022

If you are a Staff Plaintiff Class Member, there are benefits available to you from the proposed Settlement. **The easiest way to submit a claim is online at <http://www.hawthornclassaction.com/>.** You can find the Settlement Agreement on the Settlement Website, and all capitalized terms in this Notice have the same meaning as set forth in the Settlement Agreement.

You are receiving this Notice because you are eligible to receive a payment of at least \$5,000 from a proposed \$13,000,000 Class Action Settlement. Additional payments are possible based upon the results of a trauma assessment. **Please read this notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

The easiest way to learn more and participate in this settlement is to visit the website: www.HawthornClassAction.com or scan the QR Code below:



Questions? Visit <http://www.hawthornclassaction.com/>, call 877-930-3083, or email info@HawthornClassAction.com

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. Please be patient.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT | | DEADLINES |
|---|---|--|
| AUTOMATIC ELIGIBILITY | <p>You are automatically eligible if your name is already listed as an employee or staff member who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place. You are automatically eligible if your name appears at the top of this Notice.</p> <p>If you were present at the Hawthorn Center between 9 am and 11 am on December 21, 2022, and believe your name was erroneously omitted from the list of automatically eligible staff members, you may register with the Special Master to seek eligibility. For more detailed information, see Question 8 and 9.</p> | April 3, 2024 , to register with the Special Master to confirm eligibility (if needed). |
| OPT OUT | You can exclude yourself from the Settlement by informing the Settlement Administrator that you want to “opt-out” of the Settlement. If the Settlement becomes final, this is the only option that allows you to retain your rights to separately sue the State of Michigan. If you opt-out, you may not submit a Confirmation Form for benefits under the Settlement. For more detailed information, see Paragraphs 16 and 17, below. | May 1, 2024 |
| ACTIVATE YOUR ACCOUNT | Activate your Class Member account at www.HawthornClassAction.com to expedite communications and ease the process of claiming your award. | May 1, 2024 |
| OBJECT | You may object to the Settlement by writing to explain to the Court why you think the Settlement should not be approved. If you object, you will remain a Staff Plaintiff Class Member, and if the Settlement is approved, you will still be eligible for the benefits of the Settlement (if you submitted a timely and valid confirmation claim) and give up your rights to sue the State of Michigan on the claims described in the Settlement Agreement available at www.HawthornClassAction.com . For more detailed information, see Paragraphs 16 and 17, below. | September 27, 2024 |
| DO NOTHING | If you do nothing, you will not be entitled to any benefits provided under the Settlement and, if the Settlement becomes final, you will give up your right to sue the State of Michigan separately for the released claims on the claims described in the Settlement Agreement available at www.HawthornClassAction.com or to continue to pursue any such claims that you have already filed. | |

Document received by the MI Court of Claims.

IMPORTANT FACTS & INFORMATION

1. **The Hawthorn Unannounced Shooter Drill Lawsuit Settlement.** A settlement has been reached in a class action lawsuit that was filed in the Michigan Court of Claims in April of 2023 on behalf of the patients and employees present at the Hawthorn Center on the morning of December 21, 2022, alleging constitutional violations from an unannounced active intruder drill held that day. The lawsuit is entitled *Horein et al. v. Michigan Department of Health and Human Services*, COC No. 23-000063-MM. The defendant in the case is Michigan's Department of Health and Human Services ("MDHHS").

This notice explains the settlement of this lawsuit and your legal right to participate in the settlement or to exclude yourself from the settlement.

2. **Class Membership.** You are a member of the Class and **automatically eligible** to participate in the settlement of this case if:
 - 1) You were present as a staff person employed at the Hawthorn Center on December 21, 2022, between the hours of 9:00 am and 11:00 am;
 - 2) The State of Michigan Department of Health and Human Services has listed you as an employee or staff person who was present at the Hawthorn Center on December 21, 2022, between the hours of 9:00 am and 11:00 am.; and
 - 3) You do not exclude yourself from the Settlement.

If you believe you were **erroneously excluded from the list of Staff Plaintiff Class** members provided by the State of Michigan Department of Health and Human Services, you have an opportunity to **register and gain eligibility**. To do so, you must visit HawthornClassAction.com, create an account login, and then upload evidence that proves you were a staff person employed at the Hawthorn Center on December 21, 2022, and were present at the Hawthorn Center between 9:00 am and 11:00 am that morning. **This registration must be completed by April 3, 2024**, and the Special Master for this class action settlement will advise you within 14 days whether you have been determined to be an eligible member of the Staff Plaintiff Class.

You must be eligible—either automatically or as determined after registration—to be a Class Member. Only Class Members may participate in this Settlement. Class Counsel and the Claims Administrator can assist you in understanding your eligibility.

3. **Hawthorn Active Shooter Drill Class Confirmation and Releases:** A package of important legal documents is available for your review and can be downloaded or printed at HawthornClassAction.com. This website will provide a secure way to review documents and communicate with the legal team about your settlement options. These documents are very important and will greatly assist you in making decisions about your legal rights and the best course of action for you. If you are unable to access the documents online, the Claims Administrator will deliver to you hard copies of the documents via US mail or via email attachment. The Claims Administrator's contact information can be found below.

4. **Background of *Hawthorn* Lawsuit.** On April 23, 2023, Plaintiffs D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr. (collectively, *Horein* Plaintiffs) filed this class action lawsuit on behalf of themselves and other patients and staff who were present at the Hawthorne Center, 18471 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, alleging constitutional violations from an active intruder drill held that day. On December 21, 2022, approximately 50 children were confined at the Hawthorn Center for inpatient psychiatric treatment. Approximately 110 employees, including childcare workers, psychologists and social workers, nurses, physicians, maintenance workers, housekeepers, office staff, teachers, and food preparers, were also present and on duty.

Mid-morning on December 21, 2022, the Hawthorn leadership team planned and ordered an “active shooter drill.” However, this drill was designed to be a “surprise” or unannounced drill, with no advanced warning to the employees or the children patients, or even to local law enforcement and first responders. Several announcements over the building loudspeakers said that there were armed intruders in the building, one Black man and one white man, firing automatic weapons. Nearly all staff and patients believed the truth of the announcement. The announcer sounded very distressed, which further convinced the individuals in the building that they were truly in a life-threatening situation. Children patients throughout the building were panicked and frightened—just like the adults charged to protect them.

Employees, hiding under their desks and barricading the doors to the areas where they hid with the children in their care, called 911, texted their last messages of love to family, and waited in extreme fear, praying that they would not die. Because law enforcement had no advanced warning about this “drill,” some 50 police and state troopers from multiple jurisdictions sped to the Hawthorn Center, armed themselves with their own automatic weapons, riot shields, and armor, and prepared to confront the mass shooters. People in the Hawthorn Center who were not sure if this was a drill or not, saw the huge police response assembling outside the building and believed that this was a genuine mass-shooter attack. A news report with footage of the incident can be found at <https://www.nbcnews.com/now/video/active-shooter-drill-sparks-fear-and-confusion-atmichigan-children-s-facility-166159429854>.

Meanwhile, two maintenance workers were directed to walk through the entire building playing the “role” of the active shooters, had no idea that the children and colleagues at the Hawthorn Center did not know this was “only a drill” and were unaware that the police had been called and had arrived in great force to neutralize the mass shooters—themselves. Upon leaving the building after the “drill,” these two men faced police officers in armor and pointing weapons at them. They were arrested and held in custody until their identities were confirmed and the facts of the “drill” had been sorted out.

This unannounced mass-shooter “drill” may have lasted less than an hour but it has scarred the patients and adults at the Hawthorn Center that morning. Plaintiffs representing the class describe severe post-traumatic stress conditions that have caused

them to miss work, struggle in their family relationships, and suffer from numerous ailments related to severe anxiety and depression brought on by the horror they experienced.

The parties have negotiated to settle the lawsuits stemming from the December 21, 2022, active intruder drill. Through these negotiations, and consistent with the terms set forth in this Agreement, the Michigan Department of Health and Human Services (the Department) agreed to pay a sum total of thirteen million dollars (\$13,000,000.00) to resolve all claims that Plaintiffs and the putative class members could raise from the December 21, 2022 active intruder drill at the Hawthorn Center, including to compensate eligible staff members under the Worker's Disability Compensation Act, MCL 418.101, *et seq.*, for workplace injuries.

5. **The Settlement and Legal Proceedings.** The parties worked for months with a neutral mediator, William W. Jack, Jr., to arrive at the settlement of \$13,000,000. Class Representatives D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr., along with Brandon Woodruff and Hawk Kennedy, and the attorneys for the Class and for Mr. Kennedy, formally agreed to the Settlement on January 31, 2024.

This settlement includes two funds:

- a. Patient Compensation Fund of \$2,888,888.89 to be used for the compensation of the 50 individuals who were patients of the Hawthorn Center and present at the Hawthorn Center on the morning of December 21, 2022, when the unannounced "active shooter drill" took place, and
- b. Staff Compensation Fund of \$5,777,777.78 to be used for the compensation of the 110 individuals who were employed at the Hawthorn Center and present at the Hawthorn Center on the morning of December 21, 2022, when the unannounced "active shooter drill" took place.

Additionally, a pool of \$4,333,333.33 has been reserved to pay for the administrative costs of the settlement of this class action and the attorney fees.

On February 16, 2024, Honorable James Redford of the Michigan Court of Claims certified this case as a Class Action Settlement and Preliminarily Approved the terms of the Settlement, appointed William W. Jack, Jr., as Special Master, appointed a Claims Administrator, approved the Plan of Allocation, and approved Class Counsel's request for attorney fees and administrative costs. The Court has established a timeline for final resolution of all claims. Documents concerning these legal proceedings are part of the Package and available HawthornClassAction.com. The Settlement will resolve all claims of eligible Class Members. The Court will retain jurisdiction over the entire settlement process through final disbursements.

6. **The Claims Administrator.** The Court has approved Analytics Consulting LLC as the Class Action Claims Administrator. The Claims Administrator is responsible for providing information about the settlement to Class Members, managing legal documents related to the Settlement, and processing award payments from the Patient Compensation and Staff Compensation Funds established in the Plans of Allocation ("POA"). Contact information for Analytics Consulting LLC is Hawthorn Class Action, c/o Analytics Consulting LLC, P.O. Box 2002, Chanhassen, MN 55317-2002; Phone: 833-438-5028; Fax: 952-404-5750; Email: <mailto:info@HawthornClassAction.com>; Website: HawthornClassAction.com
7. **Status of the Settlement Funds.** The Settlement Funds will have been paid in full by the State of Michigan by March 1, 2024, through a transfer to the Qualified Settlement Fund. In addition to being the Court approved Claims Administrator, the Court has appointed Analytics Consulting LLC as the Administrator of a Qualified Settlement Fund ("QSF"). The settlement funds will be held in trust by the QSF Administrator. The settlement funds have been deposited with Huntington National Bank. Huntington Bank will hold the funds in a secure interest-bearing account until disbursement is authorized by the Court. The net interest will become part of the settlement funds to be distributed to eligible Class Members receiving awards. It is anticipated that disbursements will not occur before the third quarter of 2024.
8. **For Automatically Eligible Class Members:**

Visit <http://www.hawthornclassaction.com/> to learn about your rights, activate your account and receive additional information about the settlement. Or follow these steps:

 - a. Visit the Hawthorn Class Action Website at HawthornClassAction.com, where you can **review all the legal documents** related to this Class Action and activate your account. You will be asked to confirm your contact information and provide other information necessary to facilitate your participation in this settlement.
 - b. **Complete an optional confidential trauma assessment, also known as a forensic psychology assessment,** that will be used to award you a larger share of the Staff Compensation Fund based on the traumatic impact that the "active shooter drill" of December 21, 2022, had on you.

You must complete the trauma assessment by June 12, 2024.

This trauma assessment is performed through an online questionnaire that involves 132 short questions and 5 long-form questions related to your mental health and your experience of traumatic symptoms due to the December 21, 2022, incident. This assessment is being conducted by a team of experts in psychological trauma from Boston College who have significant experience diagnosing trauma and its related conditions.

The assessment is online and will take approximately 1.5 hours (one hour and thirty minutes) to complete. Its results will be reviewed and tabulated by the Boston College team of experts. The Boston College team will assign a point

value, between 1 and 100, with points being awarded to each individual proportionally to the traumatic impact on that person. This Boston College Trauma Assessment Team shall provide its point determinations to the Special Master, William W. Jack, Jr.. Mr. Jack is an experienced and highly regarded neutral attorney appointed by the court. He will review the results of the Trauma Assessment Team's assignments of points and then allocate the Staff Compensation Funds proportionately to each individual based on the points assigned to each individual by the Forensic Psychology team. The Special Master will compile an initial list of allocation awards based on the Trauma Assessment Team's determinations. Each Assessed Staff Plaintiff will then receive notice through the Claims Administration website of their preliminary allocation award, their forensic assessment score, and information on how to appeal the preliminary disbursement amount to the Special Master.

The entire process will **be used SOLELY for the purposes of the Class Action Settlement** and will only be shared with the Boston College Trauma Assessment team and the Special Master for the sole purpose of fairly allocating the settlement funds to the Staff Plaintiff Class members who seek compensation for the trauma they experienced. Each individual who participates in the Trauma Assessment will have the right to request a copy of their results. Otherwise, the answers and results will be strictly confidential.

The awards made through the Trauma Assessment process will be processed through the Michigan Worker's Disability Compensation Board as compensation for a workplace injury arising from the December 21, 2022, incident.

- c. Any Class Member who **does NOT complete the Trauma Assessment by June 12, 2024**, will receive a \$4,000 award processed through the Michigan Worker's Disability Compensation Board as compensation for a workplace injury arising from the December 21, 2022, incident.
9. **For Individuals who are not Automatically Eligible:** If you were present at the Hawthorn Center between 9 am and 11 am on December 21, 2022, and believe your name was erroneously omitted from the list of automatically eligible staff members, you may register with the Special Master to seek eligibility.

Visit www.HawthornClassAction.com to register and seek eligibility to participate in this settlement, or follow these steps:

- a. **Register for Participation in the Settlement.** Visit the Hawthorn Class Action Website at HawthornClassAction.com, where you can review all the legal documents related to this Class Action. You will be able to **register and establish eligibility**. Once you have registered, you will be asked to confirm your contact information and provide other information necessary to evaluate your eligibility to be a Staff Class Member.
- b. You will be required to **provide documentation** such as timecard records **that**

prove you were present at the Hawthorn Center during the “active shooter drill” on December 21, 2022.

This step must be completed by April 3, 2024.

- c. The Special Master, William W. Jack, Jr., **will review all registrations and determine eligibility** within 14 days of receipt of a registration. The Special Master’s determination of eligibility is final.
 - d. **If an individual is determined to be an eligible Staff Plaintiff Class Member** through this registration process, the individual must then **proceed to item 8 above** and complete all those steps.
10. **Class notifications and communications.** If you are an eligible Staff Plaintiff Class Member, you will receive updates and communications regarding the Settlement process and your award through the Claims Administrator; therefore, it is important to provide accurate contact information through the website, HawthornClassAction.com.
11. **Appeals and Supplements to the Award.** Once you are notified of the Special Master’s determination of your award amount, you will have a meaningful opportunity to dispute the award and to seek a supplement to the award based on your trauma and injuries arising from the December 21, 2022, “active shooter drill.” You may submit evidence of out-of-pocket expense related to your trauma and injuries with your appeal.
12. **The Plan of Allocation ("POA").** Eligible Class Members will receive awards from the settlement funds in accordance with the Court approved POA. **All eligible Staff Plaintiff Class Members will receive a check for \$1,000.**

The **remainder of the Staff Compensation Fund** will be distributed to the Staff Plaintiff Class Members as follows:

- 1) Class Members who have **Completed the Trauma Assessment by June 12, 2024** (see number 8.c, above) will receive a monetary award based on the points each individual was assigned for the trauma they experienced. This award will be distributed through worker’s compensation redemption process to settle each individual’s claims of workplace injury.
- 2) Class Members who do **NOT complete the Trauma Assessment by June 12, 2024** (see number 8.c, above) will receive a \$4,000 award, and this award will be distributed through worker’s compensation redemption process to settle each individual’s claims of workplace injury.

All Staff Plaintiff Class will be **provided at no cost with an attorney** to represent them with the worker’s compensation redemption process.

Each Eligible Class Member who does not Opt Out will receive at least \$5,000: \$1,000 for the release of claims and a \$4,000 worker’s compensation redemption for workplace injuries. Eligible Class Members who participate in the Trauma Assessment process may receive a far larger reward, depending on their individual experience of trauma and the

number of individuals who participate in the Trauma Assessment process.

The Plan of Allocation is available for your review at HawthornClassAction.com.

13. **Attorney Fees and Administrative Costs:** The Court has approved attorney fees in the amount of \$4,333,333.33, which is 1/3 of the Gross Settlement Fund. This includes over \$600,000 in costs and fees to administer the settlement and the remainder is fees to the Class Counsel. The Court awarded attorney fees and administrative costs will be held in the QSF and will not be paid to Class Counsel until the Court has entered its order of final approval of the settlement. The Court order preliminarily approving the Pool for Administrative Costs and Attorney's Fees is part of the Package and available for your review at HawthornClassAction.com.
14. **Creation of Net Settlement Fund and Pools:** Approved attorney fees and administrative costs will be deducted from the Gross Settlement amount of \$13,000,000, creating two net settlement funds: the Staff Compensation Fund of \$5,777,777.78 and the Patient Compensation Fund of \$2,888,888.89. The Court has approved the amounts in the Staff Compensation Fund and the Patient Compensation Fund. Earned interest will be added to the Settlement Pools.
15. **Legal Rights of a Class Member:** If you meet the definition of a Class member you have certain legal rights including the right to exclude yourself from this Class Action (also known as Opting Out). You have the right to hire a lawyer at your own expense to intervene in the Class Action. You are entitled to receive contact information about the Class Representatives, Class Counsel, Counsel for the Agency and the Court:

Class Representatives

Plaintiffs D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr. (collectively, *Horein* Plaintiffs) may be contacted through Class Counsel

Class Counsel

Robin B. Wagner, Michael L. Pitt, Beth M. Rivers

Pitt McGehee Palmer Bonanni & Rivers PC

117 W. Fourth Street Suite 200

Royal Oak, MI 48067 Phone: 248.398.9800

Fax: 248.268.7996

Email: rwagner@pittlawpc.com, mpitt@pittlawpc.com; brivers@pittlawpc.com

Website: www.pittlawpc.com

Counsel for Patient Class Members only:

Michele P. Fuller (P53316)

Michigan Law Center, PLLC

Attorney for Plaintiffs

45200 Card Road

Suite 108

Macomb, MI 48044

586-803-8500

michele@milaw.center

Counsel for the Michigan Department of Health and Human Services:

Neil A. Giovanatti, Bryan W. Beach, Ticara D. Hendley
Michigan Department of Attorney General
P.O. Box 30758
Lansing, MI 48909
Phone: 517-335-7603
Email: giovanattin@michigan.gov, beachb@michigan.gov, hendleyt@michigan.gov

The Court:

Honorable James Redford
The State of Michigan Building
350 Ottawa N.W.
Grand Rapids, MI 49503
Phone: 517.373.0807
Email: CClerksOffice@courts.mi.gov
Horein et al. v. Michigan Department of Health and Human Services, COC No. 23-000063-MM

- 16. Exclusion or Opt-Out Rights:** You may exclude yourself from this Class and Settlement by submitting a timely letter signed by you stating your wish to be excluded. Your right to exclude yourself from the Class and Settlement is often described as your "Opt Out" right. Your Opt Out letter should be addressed to Class Counsel and sent via US mail, hand delivered, overnight mail service, emailed, or submitted online at HawthornClassAction.com with an electronic signature and received no later than May 1, 2024. If sent by US mail, the envelope should clearly show it was deposited with the US Postal Service no later than May 1, 2024.

17. **Legal Consequences of Opting Out.** If you Opt Out/exclude yourself from the class action, you will not be able to participate in the Settlement. You should consult with an attorney of your choice before making the decision to exclude yourself from the Class and Settlement. Your ability to successfully bring your own lawsuit against the Agency is very limited and you should make an informed decision as to your best course of action. Do not contact the Court for legal advice. Do not send your Opt-Out letter to the Court.

Legal Consequence of Remaining in the Class. If you do not Opt Out of the Class and Settlement you will not be able to bring your own lawsuit for damages for harm caused by the “active shooter drill.” If you are eligible to be a class member and do not Opt Out, you will be bound by the Settlement. As a member of the Class, you will be able to receive a set award for your injuries and to participate in a Trauma Assessment to receive more substantial compensation from the Staff Compensation Fund. The final awards will be the only compensation you will receive because of the harm caused to you by the December 21, 2022, “active shooter drill.”

18. **The Fairness Hearing and Your Right to Object to the Settlement.** The Court has scheduled a Fairness hearing to take place on Friday, October 4, 2024, at the State of Michigan Building, 350 Ottawa N.W., Grand Rapids, MI 49503, Phone: 517.373.0807, Email: CClerksOffice@courts.mi.gov.

At the Fairness Hearing, the court will review the entire Settlement and consider any timely Objections. Disbursements to claimants and payment of attorney fees will occur shortly after the Court has entered its order of final approval of the case.

If you do not Opt Out of the Class Action Settlement but disagree with the amount of the Settlement, the terms of the Settlement Agreement, the Plan of Allocation, or the award of attorney fees and administrative costs, you may file your Objection with the Court. If you Opt Out of the Class Action and Settlement you may not file an Objection. The Court will review all timely objections at a Fairness Hearing. If you file a timely objection with the Court, you may be entitled to appear at the Fairness Hearing to address the Court regarding your objections. Class Counsel will not be permitted to represent you at the Fairness Hearing. You may hire an attorney at your own expense to present your objections to the Court.

Only timely written Objections will be considered by the Court. Your Objection letter should be addressed to Court using the Court's contact information listed above. Your Objection can be delivered to the Court via US mail, hand delivered, or by overnight mail service and received by September 27, 2024. If sent by US mail, the envelope should clearly show it was deposited with the US Postal Service no later than September 27, 2024. A copy of your Objection filed with the Court should be delivered to Class Counsel and Counsel for the MDHHS via US mail, hand-delivery, overnight mail service through the HawthornClassAction.com website portal. Late Objections will not be considered by the Court.

Your Objection letter must be dated, refer to the *Hawthorn* Class Action, contain

your complete contact information, and must describe which part of the settlement you are objecting to. You must state the reasons why you disagree with the part of the settlement you are objecting to.

19. There are no known counterclaims regarding this lawsuit or notices of intent to serve such a claim.
20. **Timeline of Key Events.** The Court has approved the Timeline printed below. Please take careful note of these important dates. Please check the Class Action website regularly for changes in the Timeline or to receive updates about the progress of the case.

Table of Important Dates

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| Filing of Motion for Preliminary Approval of Settlement before Judge Redford | January 31, 2024 |
| Hearing on Motion for Preliminary Approval before Judge Redford | February 16, 2024 |
| Preliminary Approval Order issued by Judge Redford | February 16, 2024 |
| Distribution of Notice to Class Members and Posting of Notice on Class Website | By March 1, 2024 |
| Deadline for Registration to seek eligibility | April 3, 2024 |
| Deadline for Special Master to determine eligibility | April 17, 2024 |
| Deadline for Eligible Members to Sign Confirmation Forms and Releases | May 1, 2024 |
| Deadline to Opt Out | May 1, 2024 |
| Deadline to Complete Trauma Assessment Questionnaires online | June 12, 2024 |
| Date by which Assessed Staff Plaintiffs will receive notice of their preliminary allocation award | July 26, 2024 |
| Date by which Assessed Staff Plaintiffs must appeal their preliminary allocation award | August 9, 2024 |
| Date by which Assessed Staff Plaintiffs will receive notice of their Final allocation award | September 6, 2024 |
| Deadline to complete documents for Worker's Compensation claims process | September 20, 2024 |
| Filing Date for Motion for Fairness Hearing and Final Approval | September 13, 2024 |
| Fairness Hearing to hear objections and approve settlement before Judge Redford Address: State of Michigan Building 350 Ottawa N.W. Grand Rapids, MI 49503 Phone: 517.373.0807 Email: CClerksOffice@courts.mi.gov | October 4, 2024 |
| Order of Final Approval by Judge Redford ¹ | October 4, 2024 |
| Effective Date of Order (assuming no appeal of Final Approval Order) ¹ | November 26, 2024 |
| Issuance of \$1,000 to each class member ¹ | By December 6, 2024 |
| Worker's Compensation Redemptions and Payments ¹ | January 17, 2024 |

¹ Assuming the Court issues Final Approval.

Return Address

parent/guardian
ADDRESS
CITY STATE AND ZIP

Re: NAME

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Horein et al. v. Michigan Department of Health and Human Services

If you, or an individual in your care, was a patient who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place, you may be eligible for a payment from a class action settlement.

Please read this Notice carefully.

You have been sent this Notice of Proposed Class Action Settlement (the “Notice”) because [Name] was identified as a patient who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place.

[Name] is an eligible Patient Class Member in the class action lawsuit captioned *Horein et al. v. Michigan Department of Health and Human Services*, COC No. 23-000063-MM, pending in the Michigan Court of Claims (“the Court”). The Court approved this Notice.

[NAME] is eligible to receive a payment of approximately \$55,000 from a proposed \$13,000,000 Class Action Settlement.

The easiest way to learn more and begin the process of claiming [Name]’s award is to visit: www.HawthornClassAction.com – or scan the QR Code below:



The enclosed Notice explains your legal rights **and the deadlines to exercise them.**

Please read the Notice carefully as your legal rights may be impacted.

Questions? Visit www.HawthornClassAction.com, call 877-930-3083, or email info@HawthornClassAction.com

Document received by the MI Court of Claims.

**NOTICE OF SETTLEMENT
HAWTHORN UNANNOUNCED “ACTIVE SHOOTER
DRILL” CLASS ACTION
PATIENT PLAINTIFF CLASS
Re: [name]**

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.

A proposed Settlement has been reached to resolve a class action lawsuit regarding an unannounced “active shooter drill” that took place at the Hawthorn Center on the morning of December 21, 2022

If you, or the child in your care, are a Patient Plaintiff Class Member, there are benefits available to you from the proposed Settlement. **The easiest way to submit a claim is online at www.HawthornClassAction.com.** You can find the Settlement Agreement on the Settlement Website, and all capitalized terms in this Notice have the same meaning as set forth in the Settlement Agreement. You are receiving this Notice because you, or the minor child in your care, **NAME, DOB (year only), SSN last 4**, is eligible to receive a payment of approximately \$55,000 from a proposed \$13,000,000 Class Action Settlement.

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 LAWSUIT | | Deadline(s) |
|---|---|---|
| AUTOMATIC ELIGIBILITY | <p>The Hawthorn Patient is automatically eligible to submit a claim if their name is already listed as a patient who was present at the Hawthorn Center on the morning of December 21, 2022, when an unannounced “active shooter drill” took place. The Patient is automatically eligible if their name appears at the top of this Notice.</p> <p>If you or the individual in your care was a patient and present at the Hawthorn Center between 9 am and 11 am on December 21, 2022, and you believe that individual’s name was erroneously omitted from the list of automatically eligible Patient Plaintiff Class Members, you may register with the Special Master to seek eligibility. For more detailed information, see Question 7 and 8.</p> | April 3, 2024 to register with the Special Master to confirm eligibility (if needed). |
| ACTIVATE YOUR ACCOUNT | Activate your Account at www.HawthornClassAction.com to expediting communications and easing the award process. | May 1, 2024 |

Document received by the MI Court of Claims.

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|------------------------|---|--------------------|
| ELECT THE AWARD | <p>Class Counsel Michele Fuller, an attorney who specializes in the rights of children and individuals with disabilities, will provide education in several formats that explains the options available for payment of the Hawthorn Patient's award, and any impact the \$55,000 may have on that individual's eligibility for other important benefits like Social Security or Medicaid.</p> <p>The information provided will also explain how to access funds and how they can be used to increase the quality of life of the Class Member.</p> | June 28, 2024 |
| OBJECT | <p>You may object to the Settlement by writing to explain to the Court why you think the Settlement should not be approved. If you object, you will remain a Patient Plaintiff Class Member, and if the Settlement is approved, you will still be eligible for the benefits of the Settlement (if you submitted a timely and valid confirmation claim) and give up your rights to sue the State of Michigan on the claims described in the Settlement Agreement available at www.HawthornClassAction.com. For more detailed information, see Question 14 and 15.</p> | September 27, 2024 |
| DO NOTHING | <p>If you do nothing, the Court will appoint a Guardian ad Litem—typically an attorney—to represent the interests of the Hawthorn Patient class member and make an election for the award on that individual's behalf.</p> | |

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. Please be patient.

1. **The Hawthorn Unannounced Shooter Drill Lawsuit Settlement.** A settlement has been reached in a class action lawsuit that was filed in the Michigan Court of Claims in April of 2023 on behalf of the patients and employees present at the Hawthorn Center on the morning of December 21, 2022, alleging constitutional violations from an unannounced active intruder drill held that day. The lawsuit is entitled *Horein et al. v. Michigan Department of Health and Human Services*, COC No. 23-000063-MM. The defendant in the case is Michigan's Department of Health and Human Services ("MDHHS").

This notice explains the settlement of this lawsuit and your legal right to participate in the settlement or to exclude yourself from the settlement.

2. **Class Membership.** NAME of Patient is a member of the Patient Plaintiff Class and eligible to participate in the settlement of this case because NAME of Patient was a patient at the Hawthorn Center and present in the Hawthorn Center on December 21, 2022, between the hours of 9:00 am and 11:00 am.

Only Class Members may participate in this Settlement.

If you believe you, or the former Hawthorn patient in your care, were **erroneously excluded from the list of Patient Plaintiff Class** members provided by the State of Michigan Department of Health and Human Services, you have an opportunity to **register and gain eligibility**. To do so, you must visit the HawthornClassAction.com, create an account login, and then upload evidence that proves you, or the

individual in your care, were a patient at the Hawthorn Center on December 21, 2022, and was present at the Hawthorn Center between 9:00 am and 11:00 am that morning. **This registration must be completed by April 3, 2024**, and the Special Master for this class action settlement will advise you within 14 days whether you, or the individual in your care, have been determined to be an eligible member of the Patient Plaintiff Class.

You must be eligible—either automatically or as determined after registration—to be a Class Member. Only Class Members may participate in this Settlement. Class Counsel and the Claims Administrator can assist you in understanding your eligibility.

Hawthorn Active Shooter Drill Settlement Package: A package of important legal documents is available for your review and can be accessed through the Class Action Website, HawthornClassAction.com This website will provide a secure way to review documents and communicate with the legal team about your settlement options. These documents are very important and will greatly assist you in making decisions about your legal rights and the best course of action for you. The Package is available to you even if you are later found to be ineligible to participate in the settlement. If you do not have access to email, the Claims Administrator or attorney Michele Fuller can be reached at the information provided below and will send you the documents via US mail.

3. **Background of Hawthorn Lawsuit.** On April 23, 2023, Plaintiffs D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr. (collectively, *Horein* Plaintiffs) filed this class action lawsuit on behalf of themselves and other patients and staff who were present at the Hawthorne Center, 18471 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, alleging constitutional violations from an active intruder drill held that day. On December 21, 2022, approximately 50 children were confined at the Hawthorn Center for inpatient psychiatric treatment. Approximately 110 employees, including childcare workers, psychologists and social workers, nurses, physicians, maintenance workers, housekeepers, office staff, teachers, and food preparers, were also present and on duty.

Mid-morning on December 21, 2022, the Hawthorn leadership team planned and ordered an “active shooter drill.” However, this drill was designed to be a “surprise” or unannounced drill, with no advanced warning to the employees or the children patients, or even to local law enforcement and first responders. Several announcements over the building loudspeakers said that there were armed intruders in the building, one Black man and one white man, firing automatic weapons. Nearly all staff and patients believed the truth of the announcement. The announcer sounded very distressed, which further convinced the individuals in the building that they were truly in a life-threatening situation. Children patients throughout the building were panicked and frightened—just like the adults charged to protect them.

Employees, hiding under their desks and barricading the doors to the areas where they hid with the children in their care, called 911, texted their last messages of love to family, and waited in extreme fear, praying that they would not die. Because law enforcement had no advanced warning about this “drill,” some 50 police and state troopers from multiple jurisdictions sped to the Hawthorn Center, armed themselves with their own automatic weapons, riot shields, and armor, and prepared to confront the mass shooters. People in the Hawthorn Center who were not sure if this was a drill or not, saw the huge police response assembling outside the building and believed that this was a genuine mass-shooter attack. A news report with footage of the incident can be found at <https://www.nbcnews.com/now/video/active-shooter-drill-sparks-fear-and-confusion-atmichigan-children-s-facility-166159429854>.

Meanwhile, two maintenance workers were directed to walk through the entire building playing the “role” of the active shooters, had no idea that the children and colleagues at the Hawthorn Center did

not know this was “only a drill” and were unaware that the police had been called and had arrived in great force to neutralize the mass shooters—themselves. Upon leaving the building after the “drill,” these two men faced police officers in armor and pointing weapons at them. They were arrested and held in custody until their identities were confirmed and the facts of the “drill” had been sorted out.

This unannounced mass-shooter “drill” may have lasted less than an hour but it has scarred the patients and adults at the Hawthorn Center that morning. Plaintiffs representing the class describe severe post-traumatic stress conditions that have caused them to miss work, struggle in their family relationships, and suffer from numerous ailments related to severe anxiety and depression brought on by the horror they experienced.

The parties have negotiated to settle the lawsuits stemming from the December 21, 2022, active intruder drill. Through these negotiations, and consistent with the terms set forth in this Agreement, the Michigan Department of Health and Human Services (the Department) agreed to pay a sum total of thirteen million dollars (\$13,000,000.00) to resolve all claims that Plaintiffs and the putative class members could raise from the December 21, 2022 active intruder drill at the Hawthorn Center.

4. **The Settlement and Legal Proceedings.** The parties worked for months with a neutral mediator, William W. Jack, Jr., to arrive at the settlement of \$13,000,000. Class Representatives D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr., along with Brandon Woodruff, Hawk Kennedy and Counsel for the Class and for Mr. Kennedy formally agreed to the Settlement on January 31, 2024.

This settlement includes two funds:

- a. Patient Compensation Fund of \$2,888,888.89 to be used for the compensation of the 50 individuals who were patients of the Hawthorn Center and present at the Hawthorn Center on the morning of December 21, 2022, when the unannounced “active shooter drill” took place, and
- b. Staff Compensation Fund of \$5,777,777.78 to be used for the compensation of the 110 individuals who were employed at the Hawthorn Center and present at the Hawthorn Center on the morning of December 21, 2022, when the unannounced “active shooter drill” took place.

Additionally, a pool of \$4,333,333.33 has been reserved to pay for the administrative costs of the settlement of this class action and the attorney fees.

On February 16, 2024, Honorable James Redford of the Michigan Court of Claims certified this case as a Class Action Settlement and Preliminarily Approved the terms of the Settlement, appointed William W. Jack, Jr., as Special Master, appointed a Claims Administrator, approved the Plan of Allocation, and approved Class Counsel's request for attorney fees and administrative costs. The Court has established a timeline for final resolution of all claims. Documents concerning these legal proceedings are part of the Package and available at HawthornClassAction.com. The Settlement will resolve all claims of eligible Class Members. The Court will retain jurisdiction over the entire settlement process through final disbursements.

5. **The Claims Administrator.** The Court has approved Analytics Consulting LLC as the Class Action Claims Administrator. The Claims Administrator is responsible for providing information about the settlement to Class Members, managing legal documents related to the Settlement, and processing award payments from the Patient Compensation and Staff Compensation Funds established in the Plans of Allocation ("POA"). Contact information for Analytics Consulting LLC is Hawthorn Class Action, c/o Analytics Consulting LLC, P.O. Box 2002, Chanhassen, MN 55317-2002; Phone: 833-438-5028; Fax: 952-404-5750; Email: info@HawthornClassAction.com; Website: HawthornClassAction.com.

6. **Status of the Settlement Funds.** The Settlement Funds will have been paid in full by the State of Michigan by March 1, 2024, by electronic transfer to the Qualified Settlement Fund for this class action. In addition to being the Court approved Claims Administrator, the Court has appointed Analytics Consulting LLC as the Administrator of a Qualified Settlement Fund ("QSF"). The settlement funds will be held in trust by the QSF Administrator. The settlement funds have been deposited with Huntington National Bank. Huntington Bank will hold the funds in a secure interest-bearing account until disbursement is authorized by the Court. The net interest will become part of the settlement funds to be distributed to eligible Class Members receiving awards. It is anticipated that disbursements will not occur before December of 2024.

7. **For Automatically Eligible Class Members:**

Visit www.HawthornClassAction.com to learn about your rights and confirm your contact information to secure the rights of the Patient Plaintiff Class Member.

a. Attorney Michele Fuller, a specialist in the rights of children and persons with disabilities, and members of her team will reach out to each Patient Plaintiff Class Member or their Next Friend, guardian, or legal representative, to review each individual's circumstances, discuss the settlement options for receiving the Class Member's award and assist each Class Member in selecting the option most appropriate for that individual. Once a selection is made, Ms. Fuller's team will assist the Plaintiff Class Member or their legal representative in completing the necessary forms.

b. Three options will be available to choose from:

i. **Pooled Special Needs Trust (SNT)** is the mandatory selection for individuals who are currently on Supplemental Security Income (SSI) or will be applying for SSI as adults. This type of trust protects benefit (SSI and Medicaid) eligibility for anyone who meets the Social Security Administration's definition of disability. There is a non-profit trustee who understands the government benefit rules and will help make sure the funds enhance the life of the beneficiary while making sure the funds last as long as possible.

ii. **Pooled Settlement Preservation Trust (SPT)** option for all other individuals. This type of trust allows time for minors to grow up and gain maturity before being responsible for a large sum of money, and it protects them from creditors and predators when they become adults. The trust allows the trustee to make payments for anything the beneficiary needs. The trustee can also pay for college tuition or other types of training, as well as transportation, or other things that enhance someone's life. Like the pooled special needs trust, there is a non-profit trustee to provide professional guidance and administration.

iii. Patient Plaintiff Class Members who are adults and are not Legally Incapacitated or Incompetent Individuals, have a third option to receive their award as a direct payment that is not held in a trust.

c. All Patient Plaintiff Class Members must **confirm their award selection by June 28, 2024.**

d. For each Patient Class Member who does not respond to this notice and does not make an election by June 28, 2024, the Court will appoint a Guardian ad Litem to represent that individual's interest and make an award election for them as deemed most appropriate by that Guardian ad Litem.

8. **For Individuals who are not Automatically Eligible:** If the patient was present at the Hawthorn Center between 9 am and 11 am on December 21, 2022, and you believe that patient's name was erroneously omitted from the list of automatically eligible Patient Plaintiff Class members, you may register that individual with the Special Master to seek eligibility.

Visit www.HawthornClassAction.com to register and seek eligibility to participate in this settlement, or follow these steps:

- a. **Register for Participation in the Settlement.** Visit the Hawthorn Class Action Website at HawthornClassAction.com, where you can review all the legal documents related to this Class Action. You will be able to **register and establish eligibility**. Once you have registered, you will be asked to confirm your contact information and provide other information necessary to evaluate the eligibility of the patient in your care to be a Patient Plaintiff Class Member.
- b. You will be required to **provide documentation that proves the individual patient was present at the Hawthorn Center during the “active shooter drill” on December 21, 2022.**
This step must be completed by April 3, 2024.
- c. The Special Master, William W. Jack, Jr., **will review all registrations and determine eligibility** within 14 days of receipt of a registration. The Special Master’s determination of eligibility is final.
- d. **If an individual is determined to be an eligible Patient Plaintiff Class Member** through this registration process, the individual must then **the process in item 7 above will apply.**
- e. **If an automatically eligible Patient Plaintiff Class Member cannot be reached and has not opted out by May 1, 2024:** class counsel will have a Guardian ad Litem appointed for that individual to execute all documents on that individual’s behalf, make the appropriate election for that individual, and exercise due diligence to locate that individual and inform them of their rights under this class action settlement.

9. **Class notifications and communications.** Eligible Patient Plaintiff Class Members, or their parents or guardians when applicable, will receive updates and communications regarding the Settlement process and award through the Claims Administrator and class counsel; therefore, it is important to provide accurate contact information through the website, HawthornClassAction.com.
10. **The Plan of Allocation ("POA").** Eligible Class Members will receive awards from the settlement funds in accordance with the Court approved POA. **All eligible Patient Plaintiff Class Members will receive an equal share of the Patient Compensation Fund**, less two payments of \$5,000 each to class representatives D.H. and A.B. Each Patient Class Member will receive individual counseling by class counsel to assist them in electing the award format most appropriate to their needs.

Attorney Michele Fuller will provide counsel and represent all Patient Plaintiff Class Members who participate in this settlement to ensure that their rights are protected and they receive adequate information regarding the impact of their award election on their eligibility for any public benefits. Class counsel will have a Guardian ad Litem appointed by the court for any and all Patient Plaintiff Class Members who do not have a parent or guardian available to represent their interests regarding this class action settlement. The funds for each Patient Plaintiff Class Member will be distributed within 50 days of the date on which the Court issues its Order providing Final Approval of this class action settlement.

The Plan of Allocation is available for your review at HawthornClassAction.com.

11. **Attorney Fees and Administrative Costs:** The Court has approved attorney fees and Administrative costs in the amount of \$4,333,333.33, which includes costs of fees for administration of the class action expected to exceed \$800,000 as well as the fees for the attorneys. The Court-awarded attorney fees and administrative costs will be held in the QSF and Class Counsel’s attorney’s fees will not be paid to Class Counsel until the Court has entered its order of final approval of the settlement. The Court order preliminarily approving the Pool for Administrative Costs and Attorney’s Fees is part of the Package and available for your review at HawthornClassAction.com.

12. **Creation of Net Settlement Fund and Pools:** Approved attorney fees and administrative costs will be deducted from the Gross Settlement amount of \$13,000,000, creating two net settlement funds: the Staff Compensation Fund of \$5,777,777.78 and the Patient Compensation Fund of \$2,888,888.89. The Court has approved the amounts in the Staff Compensation Fund and the Patient Compensation Fund. Earned interest will be added to the Settlement Pools.
13. **Legal Rights of a Class Member:** If you meet the definition of a Class member you have certain legal rights including the right to exclude yourself from this Class Action (also known as Opting Out). You have the right to hire a lawyer at your own expense to intervene in the Class Action. You are entitled to receive contact information about the Class Representatives, Class Counsel, Counsel for the Agency and the Court:

Class Representatives

Plaintiffs D.H., by and through parents David and Kortni Horein, A.B., by and through parents and next friends Mollie and Brent Bonter, NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, and Chauncey Payne, Jr. (collectively, *Horein* Plaintiffs) may be contacted through Class Counsel

Class Counsel

Robin B. Wagner, Michael L. Pitt, Beth M. Rivers

Pitt McGehee Palmer Bonanni & Rivers PC

117 W. Fourth Street

Suite 200

Royal Oak, MI 48067

Phone: 248.398.9800

Fax: 248.268.7996

Email: rwagner@pittlawpc.com, mpitt@pittlawpc.com; brivers@pittlawpc.com;

Website: www.pittlawpc.com

Counsel for Patient Class Members only:

Michele P. Fuller (P53316)

Michigan Law Center, PLLC

Attorney for Plaintiffs

45200 Card Road

Suite 108

Macomb, MI 48044

586-803-8500

michele@milaw.center

Counsel for the Michigan Department of Health and Human Services:

Neil A. Giovanatti, Bryan W. Beach, Ticara D. Hendley

Michigan Department of Attorney General

P.O. Box 30758

Lansing, MI 48909

Phone: 517-335-7603

Email: giovanattin@michigan.gov, beachb@michigan.gov, hendleyt@michigan.gov

The Court:

Honorable James Redford

The State of Michigan Building

350 Ottawa N.W.

Grand Rapids, MI 49503

Phone: 517.373.0807

Email: CClerksOffice@courts.mi.gov

Horein et al. v. Michigan Department of Health and Human Services, COC No. 23-000063-MM

14. **Exclusion or Opt-Out Rights:** You may exclude yourself from this Class and Settlement by submitting a timely letter signed by you stating your wish to be excluded. Your right to exclude yourself from the Class and Settlement is often described as your "Opt Out" right. Your Opt Out letter should be addressed to Class Counsel and sent via US mail, hand delivered, overnight mail service, emailed, or submitted online at HawthornClassAction.com with an electronic signature and received no later than May 1, 2024. If sent by US mail, the envelope should clearly show it was deposited with the US Postal Service no later than May 1, 2024.
15. **Legal Consequences of Opting Out.** If you Opt Out/exclude yourself from the class action, you will not be able to participate in the Settlement. You should consult with an attorney of your choice before making the decision to exclude yourself from the Class and Settlement. Your ability to successfully bring your own lawsuit against the Agency is very limited and you should make an informed decision as to your best course of action. Do not contact the Court for legal advice. Do not send your Opt-Out letter to the Court.

Legal Consequence of Remaining in the Class. If you do not Opt Out of the Class and Settlement you will not be able to bring your own lawsuit for damages for harm caused by the "active shooter drill." If you are eligible to be a class member and do not Opt Out, you will be bound by the Settlement. As a member of the Class, you will receive a set award for your injuries as described above. The final awards will be the only compensation you will receive because of the harm caused to you by the December 21, 2022, "active shooter drill."

The Fairness Hearing and Your Right to Object to the Settlement. The Court has scheduled a Fairness hearing to take place October 4, 2024, at the State of Michigan Building Courtroom, 350 Ottawa NW, Grand Rapids, MI 49503, Phone: 517.373.0807, Email: CClerksOffice@courts.mi.gov.

At the Fairness Hearing, the court will review the entire Settlement and consider any timely Objections. Disbursements to claimants and payment of attorney fees will occur shortly after the Court has entered its order of final approval of the case.

If you do not Opt Out of the Class Action Settlement but disagree with the amount of the Settlement, the terms of the Settlement Agreement, the Plan of Allocation, or the award of attorney fees and administrative costs, you may file your Objection with the Court. If you Opt Out of the Class Action Settlement you may not file an Objection. The Court will review all timely objections at a Fairness Hearing. If you file a timely objection with the Court, you may be entitled to appear at the Fairness Hearing to address the Court regarding your objections. Class Counsel will not be permitted to represent you at the Fairness Hearing. You may hire an attorney at your own expense to present your objections to the Court.

Only timely written Objections will be considered by the Court. Your Objection letter should be addressed to Court using the Court's contact information listed above. Your Objection can be delivered to the Court via US mail, hand delivered, or by overnight mail service and received by the Court by September 27, 2024. If sent by US mail, the envelope should clearly show it was deposited with the US Postal Service no later than September 27, 2024. A copy of your Objection filed with the Court should be delivered to Class Counsel and Counsel for the MDHHS via US mail, hand-delivery, overnight mail service through the HawthornClassAction.com website. Late Objections will not be considered by the Court.

Document received by the MI Court of Claims.

Your Objection letter must be dated, refer to the *Hawthorn* Class Action, contain your complete contact information, and must describe which part of the settlement you are objecting to. You must state the reasons why you disagree with the part of the settlement you are objecting to.

16. There are no known counterclaims regarding this lawsuit or notices of intent to serve such a claim.
17. **Timeline of Key Events.** The Court has approved the Timeline printed below. Please take careful note of these important dates. Please check the Class Action website regularly for changes in the Timeline or to receive updates about the progress of the case.

Table of Important Dates

| | |
|--|--------------------|
| Filing of Motion for Preliminary Approval of Settlement before Judge Redford | January 31, 2024 |
| Hearing on Motion for Preliminary Approval before Judge Redford | February 16, 2024 |
| Preliminary Approval Order issued by Judge Redford | February 16, 2024 |
| Distribution of Notice to Class Members and Posting of Notice on Class Website | March 1, 2024 |
| Deadline for Registration to seek eligibility | April 3, 2024 |
| Deadline for Special Master to determine eligibility | April 17, 2024 |
| Deadline for Eligible Members to activate account | May 1, 2024 |
| Deadline to Opt Out | May 1, 2024 |
| Deadline to Make Award Elections | June 30, 2024 |
| Filing Date for Motion for Fairness Hearing and Final Approval | September 13, 2024 |
| Fairness Hearing to hear objections and approve settlement before Judge Redford Address: State of Michigan Building Courtroom 350 Ottawa NW Grand Rapids, MI 49503 Phone: 517.373.0807 Email: CClerksOffice@courts.mi.gov | October 4, 2024 |
| Order of Final Approval by Judge Redford ¹ | October 4, 2024 |
| Effective Date of Order ¹ (assuming no appeal of Final Approval Order) | November 26, 2024 |
| Distribution of Awards to Patient Plaintiff Class Members ¹ | December 6, 2024 |

¹ Assuming the Court issues Final Approval.

Exhibit 5

notices of intent with the Court of Claims for 27 additional class-member clients who were not Class Representatives. (See Exhibit 6 to Plaintiffs' Motion.)

5. In the spring of 2023, the Core Team researched and analyzed novel legal theories to bring constitutional claims against the State and interviewed several dozen victims to provide a framework for a successful class action. We drafted the Class Action Complaint and companion complaint in the Wayne County Circuit Court against the individual actors on that was filed in the Court of Claims on April 28, 2023.

5. The team regularly interviewed additional potential plaintiffs and filed Notices of Intent with the Court of Claims for them through the six-month limitations period, which ended on or about June 21, 2023.

6. The Department of Health and Human Services, immediately reached out to the Core Team and the parties agreed to seek a stay of proceedings while we sought a meaningful and early resolution of the patients and employees' claims.

7. Between May and November of 2023, the parties exchanged multiple demands, offers, counter-demands, and counter-offers. Ultimately, with the assistance of Mediator William W. Jack, Jr., the parties reached at agreement to settle all claims for \$13,000,000.

8. The settlement process involved the Core Team's engagement of a film maker to interview the Class Representatives extensively and put together a presentation that convinced the initially skeptical Department of the severity of the trauma suffered from their unannounced "active shooter drill."

9. The Core Team has also engaged a widely regarded expert in children's and disability law, Michele Fuller (see Exhibit 2 to Plaintiffs' Motion), to ensure that appropriate measures were taken to protect the rights of the Patient Plaintiff Class members, and engaged a well-regarded expert in worker's compensation law to work with each member of the Staff

Plaintiff Class on preparing their awards as worker's compensation redemptions. (Appendix D to this Affidavit.)

10. The Core Team also engaged a preeminent forensic psychology team out of Boston College to conduct trauma assessments for each member of the Staff Plaintiff Class in order to ensure that each individual receives a compensatory award proportional to their injuries. (Exhibit 1 to Plaintiffs' Motion, Appendix B to the Settlement Agreement.)

11. The structure of this settlement, due to the nature of the Patient Plaintiff Class, which comprises mostly minors and in all cases persons with disabilities, and the fact that the members of the Staff Plaintiff Class all suffered workplace injuries, has required a high degree of sophistication to ensure that each class member's rights are protected and the maximize the benefit for each individual.

12. As part of the preparation of the settlement documents, the Core Team tasked me with drafting all the motions for the preliminary approval of the settlement agreement, certification of the settlement classes, and other necessary motions for the resolution of a Class Action, including the Motion for Approval of Attorney Fees, Costs of Litigation and Administrative Costs.

13. As part of that process, I personally reviewed records of the firm's out of pocket expenditures on this matter. If I did not recognize a particular entry, I sought clarification. After my review, I am satisfied that the firm did in fact expend \$29,208.91 as of January 16, 2024. (Appendix A to this document). The firm's expenditures will increase dramatically as the settlement is administered, as outlined in the Motion brief, the Settlement Agreement, and the documentation of administrative fees and costs expected

additional costs of administration and for attorney's fees to Ms. Fuller and Mr. Stilman for their services to class member.

14. The parties have created a Plan of Allocation which provides for a process in which claimants who disagree with their awards can present evidence and argument to the Special Master. Pitt McGehee has retained Analytics Consulting, LLC to administer the claims process and ensure that the funds are properly distributed through the special needs trusts and preservation trusts for the Patient Plaintiff Class members and through the Worker's Compensation redemption process for the Staff Plaintiff Class Member. Analytics Consulting, LLC estimates its costs at \$14,728. (Appendix C to this Affidavit.)

15. I have reviewed the scope of responsibilities for the Special Master with William W. Jack, Jr., and he has prepared an estimation of his fees and costs to perform this responsibility at \$ _____. (Appendix B to this Affidavit.)

I have nothing further to declare.

1/30/2024

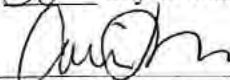
Date

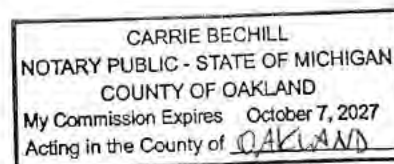


Robin B. Wagner

Subscribed and sworn to before me

This 30th day of January, 2024


Carrie Bechill, Notary Public
County of Oakland, State of Michigan
My commission expires: 10/7/2027
Acting in the County of OAKLAND



APPENDIX A

PITT MCGEHEE PALMER BONANNI & RIVERS, PC

Inquiry Activity Worked/Billed Report (Inception-to-Date)

Client: 23-0029 Hawthorn

Billing Attorney: RBW Robin B Wagner

| | <u>Hours</u> | <u>Fees</u> | <u>Cash Exp.</u> | <u>Non-Cash Exp.</u> | <u>Total</u> |
|------------------------|--------------|-------------|------------------|----------------------|------------------|
| Unbilled: | 0.00 | 0.00 | 32,104.00 | 31.07 | 32,135.07 |
| Billed (Worked): | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Worked Totals: | 0.00 | 0.00 | 32,104.00 | 31.07 | 32,135.07 |
| Mark Up/Down: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Discount: | | 0.00 | 0.00 | 0.00 | 0.00 |
| Billed: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Billable: | 0.00 | 0.00 | 32,104.00 | 31.07 | 32,135.07 |
| Non-Billable: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Admin: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total: | 0.00 | 0.00 | 32,104.00 | 31.07 | 32,135.07 |
| <u>Employee Recap:</u> | <u>Hours</u> | <u>Fees</u> | <u>Cash Exp.</u> | <u>Non-Cash Exp.</u> | <u>Total</u> |
| RBW Robin B Wagner | 0.00 | 0.00 | 32,104.00 | 31.07 | 32,135.07 |

Document received by the MI Court of Claims.

| ID | Date | Tkpr/Exp | Activity Description | Worked Values | | | Billed Values | | |
|----------|------------|----------|--|---------------|------|--------|---------------|------|--------|
| | | | | Qty | Rate | Amount | Qty | Rate | Amount |
| Expenses | | | | | | | | | |
| 54589 | 04/21/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 54847 | 04/28/2023 | E110 | Filing Fee Business Card-Filing Fee Account #: 1674-BMR. | 267.80 | 1.00 | 267.80 | 0.00 | 0.00 | 0.00 |
| 54848 | 04/28/2023 | E110 | Filing Fee Business Card-Filing Account #: 1674-BMR. | 180.25 | 1.00 | 180.25 | 0.00 | 0.00 | 0.00 |
| 54937 | 05/01/2023 | E106 | Legal Research April 2023 Thompson Reuters-West Payment Ctr.-848291744. | 195.45 | 1.00 | 195.45 | 0.00 | 0.00 | 0.00 |
| 54938 | 05/01/2023 | E106 | Legal Research April 2023 Thompson Reuters-West Payment Ctr.-848291744. | 15.90 | 1.00 | 15.90 | 0.00 | 0.00 | 0.00 |
| 54939 | 05/01/2023 | E106 | Legal Research April 2023 Thompson Reuters-West Payment Ctr.-848291744. | 502.02 | 1.00 | 502.02 | 0.00 | 0.00 | 0.00 |
| 54839 | 05/02/2023 | E101 | Copy/Print Charges | 51.00 | 0.10 | 5.10 | 0.00 | 0.00 | 0.00 |
| 55184 | 05/11/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55185 | 05/11/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55197 | 05/11/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55198 | 05/11/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55477 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55478 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55479 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55480 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55481 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55482 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55483 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |

ment received by the MI Court of Claims.

| <u>ID</u> | <u>Date</u> | <u>Tkpr/Exp</u> | <u>Activity Description</u> | <u>Worked Values</u> | | | <u>Billed Values</u> | | |
|-----------|-------------|-----------------|---|----------------------|-------------|---------------|----------------------|-------------|---------------|
| | | | | <u>Qty</u> | <u>Rate</u> | <u>Amount</u> | <u>Qty</u> | <u>Rate</u> | <u>Amount</u> |
| 55484 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55485 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55486 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55488 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55490 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55503 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 55504 | 05/16/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 55505 | 05/16/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 59152 | 05/16/2023 | E108 | Postage. | 0.60 | 1.00 | 0.60 | 0.00 | 0.00 | 0.00 |
| 55527 | 05/17/2023 | E101 | Copy/Print Charges | 50.00 | 0.10 | 5.00 | 0.00 | 0.00 | 0.00 |
| 55528 | 05/17/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 56225 | 06/01/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 56226 | 06/01/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 56227 | 06/01/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |
| 59160 | 06/01/2023 | E108 | Postage. | 0.60 | 1.00 | 0.60 | 0.00 | 0.00 | 0.00 |
| 56299 | 06/05/2023 | E106 | Legal Research May Thompson Reuters-West Payment Ctr.-848450091. | 358.52 | 1.00 | 358.52 | 0.00 | 0.00 | 0.00 |
| 56311 | 06/05/2023 | E106 | Legal Research Thompson Reuters-West Payment Ctr.-848450091. | 242.97 | 1.00 | 242.97 | 0.00 | 0.00 | 0.00 |
| 56491 | 06/14/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-31289. | 312.50 | 1.00 | 312.50 | 0.00 | 0.00 | 0.00 |
| 56768 | 06/28/2023 | E101 | Copy/Print Charges | 55.00 | 0.10 | 5.50 | 0.00 | 0.00 | 0.00 |
| 56777 | 06/28/2023 | E101 | Copy/Print Charges | 2.00 | 0.10 | 0.20 | 0.00 | 0.00 | 0.00 |

| ID | Date | Tkpr/Exp | Activity Description | Worked Values | | | Billed Values | | |
|-------|------------|----------|--|---------------|------|----------|---------------|------|--------|
| | | | | Qty | Rate | Amount | Qty | Rate | Amount |
| 56747 | 06/28/2023 | E110 | Filing Fee Business Card- Account #: 1674-BMR. | 267.80 | 1.00 | 267.80 | 0.00 | 0.00 | 0.00 |
| 56751 | 06/28/2023 | E110 | Filing Fee Business Card- Account #: 1674-BMR. | 188.05 | 1.00 | 188.05 | 0.00 | 0.00 | 0.00 |
| 61832 | 06/29/2023 | E118 | Litigation support vendors-Outside Capron Video Inc-062923. | 625.00 | 1.00 | 625.00 | 0.00 | 0.00 | 0.00 |
| 57084 | 06/30/2023 | E101 | Copy/Print Charges June 2023 Thompson Reuters-West Payment Ctr.-848614843. | 16.74 | 0.10 | 1.67 | 0.00 | 0.00 | 0.00 |
| 61831 | 07/07/2023 | E118 | Litigation support vendors-Outside Capron Video Inc-071223. | 2,850.00 | 1.00 | 2,850.00 | 0.00 | 0.00 | 0.00 |
| 56981 | 07/11/2023 | E126 | UPS/FedEx Business Card-UPS Account #: 1674-BMR. | 7.99 | 1.00 | 7.99 | 0.00 | 0.00 | 0.00 |
| 57094 | 07/12/2023 | E109 | Mileage/Parking Carrie Bechill-. | 9.55 | 1.00 | 9.55 | 0.00 | 0.00 | 0.00 |
| 61833 | 07/13/2023 | E118 | Litigation support vendors-Outside Capron Video Inc-071323. | 5,400.00 | 1.00 | 5,400.00 | 0.00 | 0.00 | 0.00 |
| 57843 | 08/04/2023 | E118 | Litigation support vendors-Outside Capron Video, Inc.-071323. Video #1 | 5,400.00 | 1.00 | 5,400.00 | 0.00 | 0.00 | 0.00 |
| 57844 | 08/04/2023 | E118 | Litigation support vendors-Outside Capron Video, Inc.-062923. Northville MI | 625.00 | 1.00 | 625.00 | 0.00 | 0.00 | 0.00 |
| 57845 | 08/04/2023 | E118 | Litigation support vendors-Outside Capron Video, Inc.-071223. Video #2 | 2,850.00 | 1.00 | 2,850.00 | 0.00 | 0.00 | 0.00 |
| 57874 | 08/07/2023 | E113 | Subpoena fees State of Michigan-CR-31275478. | 7.82 | 1.00 | 7.82 | 0.00 | 0.00 | 0.00 |
| 58405 | 08/15/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-32263. | 1.55 | 1.00 | 1.55 | 0.00 | 0.00 | 0.00 |
| 58399 | 08/15/2023 | E126 | UPS/FedEx United Parcel Service-8303. | 21.05 | 1.00 | 21.05 | 0.00 | 0.00 | 0.00 |
| 61834 | 08/18/2023 | E118 | Litigation support vendors-Outside Capron Video Inc-081823. | 225.00 | 1.00 | 225.00 | 0.00 | 0.00 | 0.00 |

| ID | Date | Tkpr/Exp | Activity Description | Worked Values | | | Billed Values | | |
|-------|------------|----------|--|---------------|------|----------|---------------|------|--------|
| | | | | Qty | Rate | Amount | Qty | Rate | Amount |
| 58888 | 08/28/2023 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 58889 | 08/28/2023 | E123 | Records James O'Dea-Case Copies. | 34.00 | 1.00 | 34.00 | 0.00 | 0.00 | 0.00 |
| 58926 | 08/30/2023 | E101 | Copy/Print Charges | 7.00 | 0.10 | 0.70 | 0.00 | 0.00 | 0.00 |
| 59240 | 09/14/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-32742;32865. | 1.55 | 1.00 | 1.55 | 0.00 | 0.00 | 0.00 |
| 59742 | 10/06/2023 | E119 | Experts Cindy Bilinsky PhD-Woodruff. | 2,800.00 | 1.00 | 2,800.00 | 0.00 | 0.00 | 0.00 |
| 60069 | 10/17/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-33231. | 1.55 | 1.00 | 1.55 | 0.00 | 0.00 | 0.00 |
| 60097 | 10/18/2023 | E106 | Legal Research Thompson Reuters-West Payment Ctr.-849088430. | 80.92 | 1.00 | 80.92 | 0.00 | 0.00 | 0.00 |
| 60098 | 10/18/2023 | E106 | Legal Research Thompson Reuters-West Payment Ctr.-849088430. | 69.27 | 1.00 | 69.27 | 0.00 | 0.00 | 0.00 |
| 60655 | 11/08/2023 | E101 | Copy/Print Charges | 5.00 | 0.10 | 0.50 | 0.00 | 0.00 | 0.00 |
| 60656 | 11/08/2023 | E101 | Copy/Print Charges | 4.00 | 0.10 | 0.40 | 0.00 | 0.00 | 0.00 |
| 60821 | 11/15/2023 | E106 | Legal Research Thompson Reuters-West Payment Ctr.-849254013. | 31.68 | 1.00 | 31.68 | 0.00 | 0.00 | 0.00 |
| 60806 | 11/15/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-33708. | 1.55 | 1.00 | 1.55 | 0.00 | 0.00 | 0.00 |
| 60805 | 11/15/2023 | E121 | Arbitration/Mediation Smith Haughey Rice & Roegge-955186 Account #: 103734.206246. | 5,568.75 | 1.00 | 5,568.75 | 0.00 | 0.00 | 0.00 |
| 61433 | 12/18/2023 | E118 | Litigation support vendors-Outside Lexbe Inc-34170. | 1.55 | 1.00 | 1.55 | 0.00 | 0.00 | 0.00 |
| 61548 | 12/22/2023 | E123 | Records Pacer Business Card- Account #: 1674-BMR. | 8.50 | 1.00 | 8.50 | 0.00 | 0.00 | 0.00 |
| 61698 | 01/04/2024 | E101 | Copy/Print Charges | 7.00 | 0.10 | 0.70 | 0.00 | 0.00 | 0.00 |
| 61748 | 01/10/2024 | E101 | Copy/Print Charges | 10.00 | 0.10 | 1.00 | 0.00 | 0.00 | 0.00 |

| <u>ID</u> | <u>Date</u> | <u>Tkpr/Exp</u> | <u>Activity Description</u> | <u>Worked Values</u> | | | <u>Billed Values</u> | | |
|-----------------------|-------------|-----------------|--|----------------------|-------------|------------------|----------------------|-------------|---------------|
| | | | | <u>Qty</u> | <u>Rate</u> | <u>Amount</u> | <u>Qty</u> | <u>Rate</u> | <u>Amount</u> |
| 61749 | 01/10/2024 | E101 | Copy/Print Charges | 7.00 | 0.10 | 0.70 | 0.00 | 0.00 | 0.00 |
| 61750 | 01/10/2024 | E101 | Copy/Print Charges | 47.00 | 0.10 | 4.70 | 0.00 | 0.00 | 0.00 |
| 61751 | 01/10/2024 | E101 | Copy/Print Charges | 1.00 | 0.10 | 0.10 | 0.00 | 0.00 | 0.00 |
| 61816 | 01/12/2024 | E123 | Records Northville Township-Records. | 25.00 | 1.00 | 25.00 | 0.00 | 0.00 | 0.00 |
| 62003 | 01/19/2024 | E118 | Litigation support vendors-Outside Lexbe Inc-34751. | 0.46 | 1.00 | 0.46 | 0.00 | 0.00 | 0.00 |
| 62227 | 01/29/2024 | E121 | Arbitration/Mediation Smith Haughey Rice & Roegge-958976 Account #: 103734.206246. | 2,925.00 | 1.00 | 2,925.00 | 0.00 | 0.00 | 0.00 |
| Totals: | | | | 32,403.94 | | 32,135.07 | 0.00 | | 0.00 |
| Report Totals: | | | | | | 32,135.07 | | | 0.00 |

APPENDIX B



SMITH HAUGHEY
RICE & ROEGGE

ATTORNEYS AT LAW

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January 23, 2024

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Flint, MI 48502

RE: Hawthorne Class Action
Our File No. 213573

Dear Counsel:

I wanted to take this opportunity to thank all of you for your hard work in helping resolve this matter. As the mediator, I always appreciate working with counsel who are strong advocates for their respective positions, do it in a professional manner, and reach a hard-fought compromise that brings closure to all involved.

A couple of points; First and foremost, I accept the appointment of me as the Special Master moving forward and understand the timeline and responsibilities inherent in that role. I assume you all know this after the mediation process, but it is my intention to act with impartiality and a commitment to a fair and just conclusion for all concerned. My hourly rate will stay the same at \$450 an hour. Per settlement agreement, all Special Master fees, along with all other admin costs of the settlement, come out of the Administrative Costs and Attorney's Fees Pool that is 1/3 of the \$13M settlement (or \$4,333,333.33). So actually, I shall send an invoice to Claims Administrator, cc'ing Plaintiff and Defense counsel, but just to approve payment by the Claims administrator.

In giving all of you some estimate of the time that will be involved, here are some preliminary thoughts.

January 23, 2024

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1. I understand that there may be up to three individuals will seek eligibility which would roughly take an hour a piece: 3 hours.
2. Estimating that 70 class members will undergo forensic assessments, I anticipate a review of those of those assessments and allocation of settlement funds to take approximately 30 minutes each: 35 hours.
3. Not everybody will be happy with the initial award and a rough approximation would be that five members may want to appeal the preliminary award requiring an hour each for my review: 5 hours.
4. There is a sub class made up of Mr. Woodruff, represented by the Pitt law firm, and Mr. Kennedy, who is represented separately by Nancy Chinois of the law firm of Cline, Cline & Griffin and the sub class may require separate review: 1.5 hours.
5. Preparation of a final distribution of awards and preparation of the Report to the Court: 2 Hours.
6. Total hours anticipated: circa 50 hours.
7. Out of pocket costs associated with the work, absent extraordinary circumstances, would be mostly copying expenses that I can't imagine would exceed \$250.00.

Again, thank you for the opportunity to work with all of you.

Very truly yours,



William W. Jack

WWJ:dlv

APPENDIX C



Case Name: **Active Shooter Drill**
Date: January 4, 2024
Estimate Valid Through: April 3, 2024
Firm Submitted to: Pitt McGehee
Firm Contact: Robin B. Wagner

Summary Estimate: Fees and Expenses

Fees

| | |
|-----------------------------------|---------|
| Distribution of Notices | \$2,455 |
| Toll Free Phone and Email Support | \$1,100 |
| Internet Support | \$2,400 |
| Claims Processing | \$2,510 |
| Distribution Services | \$5,120 |
| Tax Reporting Regarding Payments | \$607 |

Total Fees **\$14,192**

Expenses

| | |
|---------------|-------|
| Postage | \$210 |
| Printing | \$311 |
| Miscellaneous | \$15 |

Total Expenses **\$536**

Total Fees and Expenses **\$14,728**



Schedule A

Projected Settlement Administration Fees and Expenses

| Activity | Estimated Volume | Hours or Units | Rate | Estimated Total |
|--|---------------------|----------------|--------|--------------------|
| Distribution of Notices | | | | |
| Project Management: Initial Project Design, Implementation, and Supervision of Distribution of Notices | 8 | Hours | \$150 | \$1,200 |
| Database Management: Receive, Load, and Process Database of Class Members. | 4 | Hours | \$150 | \$600 |
| Graphic Design: Set Up, Format, and Proof the Notice Documents | 2 | Hours | \$150 | \$300 |
| Pre-Mailing Address Updates | | | | |
| Address Standardization and Update Using National Change of Address Database | | | | Included |
| Email and Text Message Notice | 2 | Hours | \$150 | \$300 |
| Print and Mail Notice | | | | |
| Print, Personalize and Mail Notice Package (Notice and Claim Form) | 110 | Notices | \$1.00 | \$110 |
| Print, Personalize and Mail Notice Package (Notice Only) | 50 | Notices | \$1.00 | \$50 |
| First Class Postage | 160 | Notices | \$0.68 | \$109 |
| <i>Projected Results of Mailing:</i> | | | | |
| <i>Notices Returned As Undeliverable</i> | 10% | 11 | | |
| <i>Notices Returned With Address Corrections</i> | 2% | 3 | | |
| Process Bounced Email Notices | | | | Included |
| Receive and Log In Mail Returned as Undeliverable Mail and Address Corrections | 1 | Hour | \$55 | \$55 |
| First Class Postage | 3 | Notices | \$0.68 | \$2 |
| Class Member Location Services | | | | |
| Research New Addresses for Class Members Whose Notices are Returned as Undeliverable | 11 | Searches | \$0.25 | \$3 |
| Remail Notices To Updated Addresses | 9 | Notices | \$1.50 | \$14 |
| First Class Postage | 9 | Notices | \$0.68 | \$6 |
| Total Projected Fees - Distribution of Notices | | | | \$2,748 |
| Toll Free Phone and Email Support | | | | |
| Initial Configuration of Call Center | | | | \$500 |
| Call Center Agent Support (Calls and Correspondence) | 12 | Months | \$50 | \$600 |
| Total Projected Fees - Toll Free Phone and Email Support | | | | \$1,100 |

Schedule A

Projected Settlement Administration Fees and Expenses

| Activity | Estimated Volume | Hours or Units | Rate | Estimated Total | | | | | | | | | | | | | | | | | | | | |
|--|---------------------|----------------|--------|--------------------|---|-----|----|--------|--|--------|-----|----|--|--|---|-----|----|--|--|------------------------------|--|-----------|--|--|
| Internet Support | | | | | | | | | | | | | | | | | | | | | | | | |
| Website Design and Implementation (Per Language) | | | | \$1,200 | | | | | | | | | | | | | | | | | | | | |
| Website Hosting at Tier IV Data Center | 12 | Months | \$100 | \$1,200 | | | | | | | | | | | | | | | | | | | | |
| Total Projected Fees - Internet Support | | | | \$2,400 | | | | | | | | | | | | | | | | | | | | |
| Claims Processing | | | | | | | | | | | | | | | | | | | | | | | | |
| Project Management: Oversight of Claims Processing and Quality Control | 8 | Hours | \$150 | \$1,200 | | | | | | | | | | | | | | | | | | | | |
| Information Systems: Claims Processing Applications Development, Ongoing Support, and Reporting; Programming, Customization, and Testing of Online Claims Filing | 8 | Hours | \$150 | \$1,200 | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td>Estimated Claims Received</td><td>50%</td><td>55</td><td>Claims</td><td></td></tr> </table> | | | | | Estimated Claims Received | 50% | 55 | Claims | | | | | | | | | | | | | | | | |
| Estimated Claims Received | 50% | 55 | Claims | | | | | | | | | | | | | | | | | | | | | |
| Initial Claims Receipt, Review, and Triage | 55 | Claims | \$2.00 | \$110 | | | | | | | | | | | | | | | | | | | | |
| Total Projected Fees - Claims Processing | | | | \$2,510 | | | | | | | | | | | | | | | | | | | | |
| Distribution Services | | | | | | | | | | | | | | | | | | | | | | | | |
| Project Management: Distribution of Settlement Proceeds | 14 | Hours | \$150 | \$2,100 | | | | | | | | | | | | | | | | | | | | |
| Information Systems: Check Programming and Calculation of Final Distribution Amounts; Ongoing Engagement Support | 8 | Hours | \$150 | \$1,200 | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="5"><i>Projected Results of Distribution:</i></td></tr> <tr> <td>Checks</td><td>75%</td><td>41</td><td></td><td></td></tr> <tr> <td>Digital Payment (ACH/PayPal/Venmo/Virtual Mastercard)</td><td>25%</td><td>14</td><td></td><td></td></tr> <tr> <td>Total Payments Issued</td><td></td><td>55</td><td></td><td></td></tr> </table> | | | | | <i>Projected Results of Distribution:</i> | | | | | Checks | 75% | 41 | | | Digital Payment (ACH/PayPal/Venmo/Virtual Mastercard) | 25% | 14 | | | Total Payments Issued | | 55 | | |
| <i>Projected Results of Distribution:</i> | | | | | | | | | | | | | | | | | | | | | | | | |
| Checks | 75% | 41 | | | | | | | | | | | | | | | | | | | | | | |
| Digital Payment (ACH/PayPal/Venmo/Virtual Mastercard) | 25% | 14 | | | | | | | | | | | | | | | | | | | | | | |
| Total Payments Issued | | 55 | | | | | | | | | | | | | | | | | | | | | | |
| <i>Initial Distribution</i> | | | | | | | | | | | | | | | | | | | | | | | | |
| Print and Mail Settlement Checks | 41 | Checks | \$1.00 | \$41 | | | | | | | | | | | | | | | | | | | | |
| First Class Postage | 41 | Checks | \$0.68 | \$28 | | | | | | | | | | | | | | | | | | | | |
| Digital Payments | 14 | Payments | \$0.45 | \$6 | | | | | | | | | | | | | | | | | | | | |
| Post Distribution Activities: Claimant Queries and Check Reissues | 2 | Hours | \$55 | \$110 | | | | | | | | | | | | | | | | | | | | |
| Post Distribution Activities: Account Reconciliation and Reporting | 2 | Hours | \$150 | \$300 | | | | | | | | | | | | | | | | | | | | |



Schedule A

Projected Settlement Administration Fees and Expenses

| Activity | Estimated Volume | Hours or Units | Rate | Estimated Total |
|---|---------------------|------------------|--------|------------------------|
| <i>Second Distribution</i> | | | | |
| Print and Mail Settlement Checks | 41 | Checks | \$1.00 | \$41 |
| First Class Postage | 41 | Checks | \$0.68 | \$28 |
| Digital Payments | 14 | Payments | \$0.45 | \$6 |
| Post Distribution Activities: Claimant Queries and Check Reissues | 2 | Hours | \$55 | \$110 |
| Post Distribution Activities: Account Reconciliation and Reporting | 2 | Hours | \$150 | \$300 |
| Tax Reporting: Qualified Settlement Fund | | | | |
| Annual State and Federal Tax Return | 2 | Tax Returns | \$500 | \$1,000 |
| Total Projected Fees - Distribution Services | | | | \$5,270 |
| Tax Reporting Regarding Payments | | | | |
| Project Management: Tax Reporting | 2 | Hours | \$150 | \$300 |
| Information Systems: Tax Reporting and Ongoing Engagement Support | 2 | Hours | \$150 | \$300 |
| Tax Reporting: Distribution | | | | |
| TIN Matching - IRS Verification of SSNs | 41 | TINs | \$0.10 | \$4 |
| Letters and W-9 Forms to Class Members With Mis-Matched TINs | 5% | 2 Letters | \$1.00 | \$2 |
| First Class Postage | | 2 Letters | \$0.68 | \$1 |
| Class Members Receiving 1099 Form | 100% | 55 Class Members | | |
| Print and Mail 1099 Forms (If Required/Payments Exceed Reporting Threshold) | | 55 1099 Forms | \$1.00 | \$55 |
| First Class Postage | | 55 1099 Forms | \$0.68 | \$37 |
| Total Projected Fees - Tax Reporting Regarding Payments | | | | \$700 |
| Total Projected Fees and Expenses, All Phases | | | | <u>\$14,728</u> |



TERMS AND CONDITIONS

All services to be provided by Analytics Consulting LLC ("Analytics"), including services provided to Client as set forth in the attached Proposal, are subject to the following Terms and Conditions. For purposes hereof, the Proposal and the Terms and Conditions are hereinafter referred to as the "Agreement"

1. **SERVICES.** Subject to the terms and conditions herein, the Client agrees to retain Analytics to provide services (the "Services") necessary to perform the tasks specified in the foregoing Proposal (the "Proposal"), and Analytics agrees to provide such Services for the Client subject to these terms and conditions. The parties agree and understand that none of the Services constitute legal advice.

2. **TERM.** This Agreement between the parties shall be effective on the date that the Client accepts the Proposal by (a) signing the Proposal, (b) sending a confirmation to Analytics by electronic mail that it has reviewed and agrees to the Proposal and agrees to engage Analytics on the terms and conditions of the Proposal, or (c) by acknowledging by letter or electronic mail that Analytics was appointed by the applicable court to provide the Services and that such appointment and the Services are subject to the terms and conditions of the Proposal, and, unless earlier terminated in accordance with Section 3 hereof, will remain in effect until completion of the Services.

3. **TERMINATION.** The Client may terminate the Services to be provided under this Agreement at any time on at least thirty (30) calendar days' prior written notice to Analytics. Analytics may terminate this Agreement (a) with ten (10) calendar days' prior written notice if the Client is not current in payment of Fees and/or Reimbursable Expenses, or (b) in any event, upon at least three (3) months' prior written notice to the Client. Termination of this Agreement for any reason or no reason at all shall in no event relieve the Client from tendering full and timely payment to Analytics for work performed or expenses incurred prior to the date of termination.

4. **CHARGES FOR SERVICE.** The Client agrees to pay Analytics its fees as outlined in this Proposal (the "Fees") for the Services provided by Analytics. The Client acknowledges that the rates (both unit prices and hourly rates) contained therein were negotiated at arm's length and may vary depending on the circumstances of each case. The Client acknowledges that the fees quoted therein (and any fees quoted in any proposal for additional services executed by the parties) are estimates based on information provided to Analytics by the Client and actual fees and charges may vary depending on the circumstances and length of the case. The Client shall be responsible for payment of all state and local sales and use taxes, if any, levied upon the charges payable by the Client hereunder. Analytics' prices are inclusive of commission and other charges and are generally adjusted periodically to reflect changes in the business and economic environment. Analytics reserves the right to reasonably increase its prices, charges and rates annually. If any such increase exceeds 10%, Analytics will give thirty (30) days written notice to Client. The Client agrees that, unless otherwise agreed to in writing, the Fees and Reimbursable Expenses outlined in this Proposal shall not be subjected to court approval. Fees and expenses will be the client's responsibility to pay regardless of court approval.

5. **EXPENSES.** In addition to the compensation set forth in Section 4, the Client shall reimburse Analytics for all out-of-pocket expenses reasonably incurred by Analytics in connection with the performance of the Services ("Reimbursable Expenses"). The Reimbursable Expenses may include, but are not limited to, postage, banking fees, brokerage fees, costs of messenger and delivery service, travel, filing fees, and other similar expenses. The Client acknowledges and understands that Analytics may derive financial benefits from financial institutions resulting from settlement funds and other moneys on deposit or invested with them. These benefits include, for example, discounts provided on certain banking services and service fees. In some cases, Analytics may also receive a rebate at the end of a year from a vendor. The Client hereby waives any claim or right to any such discounts or rebates received by Analytics.

6. **PAYMENT OF CHARGES.** Analytics shall bill the Client for its Fees and Reimbursable Expenses on a regular basis and the Client agrees that the amount invoiced is due and payable upon receipt. If any amount is unpaid as of thirty (30) days from the receipt of the invoice, the Client further agrees to pay a late charge (the "Service Charge"), calculated as one and one-half percent (1-1/2%) of the total amount unpaid every thirty (30) days. In the case of a dispute in the invoice amount, Client shall give written notice to Analytics within twenty (20) days of receipt of the invoice by Client. Decisions of the court and actions of the parties, including but not limited to objection, rejection, disapproval or withdrawal of a settlement, do not affect the Client's liability to Analytics for payment of the Fees and Reimbursable Expenses. Services are not provided on a contingency fee basis. Notwithstanding the foregoing, where total charges are expected to exceed \$10,000 in any single month, Analytics may require advance payment from Client due and payable upon demand and prior to the performance of services. Unless otherwise agreed to in writing, the costs of print notice and media publication (including commissions) as well as for certain expenses, such as postage, must be paid at least ten (10) days in advance of those expenses being incurred.

7. **DEFERRAL OF PAYMENT.** Analytics may, at its discretion and upon the written request of the Client, defer payment of Fees and Reimbursable Expenses for the requested length of time. This deferral is subjected to a service charge of 1% per month or, if less, the highest rate permitted by law, and may last no longer than twelve (12) months. Failure of the Client to fully pay the deferred Fees and Reimbursable Expenses after twelve (12) months shall constitute a material breach of this Agreement, and, unless otherwise agreed upon in writing, Analytics may take legal actions to collect any amount unpaid. Analytics approval of any deferral shall not constitute or be construed as future approval of future deferral requests.

8. **FURTHER ASSURANCES.** Client agrees that it will use its best efforts to include provisions reasonably acceptable to Analytics in any relevant court order, settlement agreement or similar document that provide for the payment of Analytics' fees and expenses hereunder. No agreement to which Analytics is not a party shall reduce or limit the full and prompt payment of Analytics' fees and expenses as set forth herein and in the Proposal.

9. **INDEPENDENT CONTRACTOR.** Analytics is an independent contractor and no agency, partnership, joint venture or employment relationship shall arise, directly or indirectly, as a result of the Services or these Terms and Conditions.

10. **CONFIDENTIALITY.** Each of Analytics and Client, on behalf of themselves and their respective employees, agents, professionals and representatives, agrees to keep confidential all non-public records, systems, procedures, software and other information received from the other party in connection with the Services; provided. Should Analytics ever be notified of any judicial



order or other proceedings in which a third party seeks to obtain access to the confidential data created by or for the Client, Analytics will promptly notify the Client, unless prohibited by applicable law. The Client shall have the option to (i) provide legal representation at the Client's expense to avoid such access, or (ii) promptly reimburse Analytics for any of its costs, including attorneys' fees reasonably incurred in avoiding, attempting to avoid, or providing such access and not paid by the entity seeking the data. If Analytics is required, pursuant to a court order, to produce documents, disclose data, or otherwise act in contravention of the obligations imposed by this Agreement or otherwise, with respect to maintaining the confidentiality, proprietary nature and secrecy of the produced documents or disclosed data, Analytics will not be liable for breach of said obligation. These provisions shall survive termination of Services.

11. STANDARD BANKING PROCEDURES. In accordance with Analytics' standard banking procedures, Analytics will establish a demand deposit checking account (i.e. non-interest bearing) for funds received related to a distribution, unless directed otherwise in writing by the parties or unless the settlement agreement stipulates otherwise. When directed to invest funds in an interest bearing or investment account, Analytics intends to invest all funds in U.S. government backed securities, unless directed by the Client in writing or the settlement agreement or distribution plan to invest in other types of securities; however, even in cases where funds are temporarily placed in interest bearing or investment accounts, funds will eventually be migrated to a demand deposit checking account prior to a fund distribution.

12. RIGHTS IN DATA. Analytics does not convey nor does the Client obtain any right in the programs, system data, or materials utilized or provided by Analytics in the ordinary course of business in the performance of this Agreement.

13. DOCUMENT RETENTION. Unless directed otherwise in writing by Client, Analytics will destroy undeliverable notice mail on the effective date of the settlement or the date that the disposition of the case is no longer subject to appeal or review, whichever is later. Analytics will maintain claim forms and other correspondence for one year after final distribution of funds or benefits, or until the date that the disposition of the case is no longer subject to appeal or review, whichever is later. Analytics will retain all bank and tax documents for such period of time as it determines is required to maintain compliance with various federal and state requirements. This provision shall not pertain to routine data back-ups nor shall it adversely affect Analytics' right to retain copies of materials it deems necessary to comply with applicable laws, corporate retention policies, or audit requirements.

14. LIMITATIONS OF LIABILITY AND INDEMNIFICATION. Client shall indemnify and hold Analytics, its affiliates, members, directors, officers, employees, consultants, subcontractors and agents (collectively, the "Indemnified Parties") harmless, to the fullest extent permitted by applicable law, from and against any and all losses, claims, damages, judgments, liabilities and expenses (including reasonable counsel fees and expenses) (collectively, "Losses") resulting from, arising out of or related to Analytics' performance of Services. Such indemnification shall exclude Losses resulting from Analytics' gross negligence or willful misconduct. Without limiting the generality of the foregoing, Losses include any liabilities resulting from claims by any third-parties against any Indemnified Party. Client shall notify Analytics in writing promptly upon the assertion, threat or commencement of any claim, action, investigation or proceeding that Client becomes aware of with respect to the Services provided by Analytics. Except as provided herein, Analytics' liability to Client or any person making a claim through or under Client or in connection with Services for any Losses of any kind, even if Analytics has been advised of the possibility of such Losses, whether direct or indirect and unless due to gross negligence or willful misconduct of Analytics, shall be limited to the total amount billed or billable for the portion of the particular work which gave rise to the alleged Loss. In no event shall Analytics' liability for any Losses, whether direct or indirect, arising out of the Services exceed the total amount billed to Client and actually paid to Analytics for the Services. In no event shall Analytics be liable for any indirect, special or consequential damages such as loss of anticipated profits or other economic loss in connection with or arising out of the Services. Except as expressly set forth herein, Analytics makes no representations or warranties, express or implied, including, but not limited to, any implied or express warranty of merchantability, fitness or adequacy for a particular purpose or use, quality, productiveness or capacity. The provisions of this Section 13 shall survive termination of Services.

15. NOTICE. Any notice required or permitted hereunder shall be in writing and shall be delivered personally, by, or sent by registered mail, postage prepaid, or overnight courier service to the responsible officer or principal of Analytics or the Client, as applicable, and shall be deemed given when so delivered personally, or, if mailed, five days after the date of deposit in United States mail, or, if sent by courier, one business day after delivery to such courier service.

16. FORCE MAJEURE. To the extent performance by Analytics of any of its obligations hereunder is substantially prevented by reason of any act of God or by reason of any other matter beyond Analytics' reasonable control, then such performance shall be excused and this Agreement, at Analytics' option, be deemed suspended during the continuation of such condition and for a reasonable time thereafter.

17. NONWAIVER OF RIGHTS. No failure or delay on the part of a party in exercising any right hereunder will operate as a waiver of, or impair, any such right. No single or partial exercise of any such right will preclude any other or further exercise thereof or the exercise of any other right. No waiver of any such right will be effective unless given in a signed writing.

18. GOVERNING LAW; JURISDICTION. This Agreement will be governed by and construed in accordance with the laws of the State of Minnesota (without reference to its conflict of laws provisions). The parties hereto irrevocably and unconditionally submit to the jurisdiction of the courts of the State of Minnesota, County of Hennepin, or, if it has or can acquire jurisdiction, in the United States District Court – District of Minnesota for purposes of any suit, action or proceeding to enforce any provision of, or based on any right arising out of, this Agreement. The parties hereto hereby irrevocably and unconditionally waive any objection to the laying of venue of any such suit, action or proceeding in such Court.

19. SURVIVAL. All accrued payment obligations hereunder, any remedies for breach of this Agreement, this Section and the following Sections will survive any expiration or termination of this Agreement: Section 10, 12, 13, 17, and 18.

20. ENTIRE AGREEMENT. These Terms and Conditions and the Proposal embody the entire agreement between the parties with respect to the subject matter hereof, and cancels and supersedes all prior negotiations, representations, and agreements related thereto, either written or oral, except to the extent they are expressly incorporated herein. No changes in, additions to, or waivers of, the Terms and Conditions set forth herein will be binding upon any Party, unless approved in writing by such Party's authorized representative.

APPENDIX D



30300 Northwestern Hwy, 3rd Floor
Farmington Hills, Michigan 48334
Telephone: (248) 847-4000
Fax: (248) 847-4010

Steven H. Stilman
sstilman@stilmanlaw.com
Cell: (248) 790-1236

Barry D. Adler
Of Counsel

Joanne M. Howard, Legal Office Manager
Donna S. Fox, Administrative Assistant
Julia Przyborowski, Paralegal
Duncan T. Kalinin, Clerk

AFFIDAVIT OF WORKERS' COMPENSATION
PRACTITIONER ATTORNEY STEVEN H. STILMAN

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

Steven H. Stilman, Esq, being first duly sworn, deposes and says:

I am a member of good standing of the State Bar of Michigan.

I have concentrated my practice in the field of workers' compensation for over thirty-one (31) years.

I am a member of the State Bar of Michigan in the workers' compensation section and have been for the entirety of my practice.

I represented thousands of claimants in my workers' compensation practice over the last thirty-one (31) years.

I am representing several of the claimants at the Workers' Disability Compensation Agency concerning claims resulting from the subject matter of this class-action lawsuit.

I am very experienced at managing a large caseload and have an excellent and experienced staff in my office to handle the expected work that will be required from a workers' compensation perspective in this class-action.

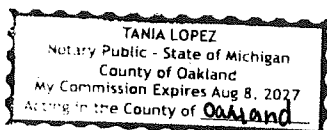
Dated: 1.25.24

STEVEN H. STILMAN (P46902)

Subscribed and sworn to before me on
this 25 day of 2024

_____, Notary Public

State of Michigan, County of Oakland
My Commission Expires: August 8, 2027



Document received by the MI Court of Claims.

Exhibit 6

| | | |
|---|---------------------|---|
| STATE OF MICHIGAN COURT OF CLAIMS | NOTIFICATION | C/COC/MI CASE NO. 23-200159-0 |
|---|---------------------|---|

Court address 925 W. OTTAWA ST., P.O. BOX 30185
LANSING, MI 48909

Court telephone no.
(517) 373-0807

Judge: _____

Date: 5/25/2023

TO: [

ROBIN BETH WAGNER
117 W 4TH ST
STE 200
ROYAL OAK MI 48067-3848

]

| | | |
|---|----------|--|
| Plaintiff/Petitioner SHARIF BACON ET AL | v | Defendant/Respondent STATE OF MICHIGAN ET AL |
|---|----------|--|

Comments: This notification acknowledges the notice of claim received on May 24, 2023 has been processed by the Court of Claims.

Your notice of claim was assigned tracking number 23-200159-0. Please note that this is a tracking number rather than a case number. Filing a notice of intent or a notice of claims DOES NOT initiate a case in the Court of Claims. [MCL 600.6431].

Acceptance of your notice of claims by the clerk's office does not signify that it meets the pertinent statutory requirements. You are responsible for ensuring that the notice of claim complies with the requirements for the type of claims you intend to file, including a signature and notarization.

See MCL 600.6431(1). Requirements for certain types of claims may also be found at MCL 691.1404 and MCL 691.1406.

| | | |
|---|---|-----------------------------|
| This notice has also been sent to: | | |
| DEF 2 | DEPARTMENT OF HEALTH AND HUMAN SERVICES | |
| DEF 3 | HAWTHORN CENTER CHILDREN'S PSYCHIATRIC HOSPITAL | |
| | ROBIN BETH WAGNER | P 79408 Attorney for PTF 16 |

Document received by the MI Court of Claims.

Bundle Cover Sheet

| | | |
|---|-----------------------------|-----------------------------|
| Lower Court: | L Ct No.: | COC No.: NOTICE-X3Q3YP3X |
| Case Title: SHARIF BACON v. MI DEPARTMENT OF HEALTH & HUMAN SERVICES | | |
| Priority: NONE | Filing Option: File Only | |

Filer Information

| | |
|--|--|
| <u>Filer</u> Robin Wagner 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com | <u>Attorney</u> Robin Wagner, 79408(MI) 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com |
|--|--|

Filing Summary

| Filing Type | Filing Name | Fee |
|------------------|--|--------|
| Notice of Intent | Hawthorn (COC) - Notices of Intent (to file 5-24-23) | \$0.00 |
| Total: | | \$0.00 |

Alternate Payment Reason: None

The document(s) listed above were electronically filed with the Michigan Court of Claims.

NOTICE-X3Q3YP3X-33132763

Document received by the MI Court of Claims.

RECEIVED by MCOC 5/24/2023 3:54:44 PM

TrueFiling Case Initiation - Notice of Intent

Case Title:

SHARIF BACON V. MI DEPARTMENT OF HE

Case Type:

O

Case Description:

Notice of Intent

Party 1 (Plaintiff)

Name: Sharif Bacon **Phone:**

Address: 681 East Kirby St. Unit 50

City: Detroit **State:** Michigan **Zip:** 48202

Attorney(s) for Party 1

Name: Robin Wagner **Bar Number:** 79408 **(Lead Counsel)**

Party 2 (Defendant)

Business: MI Department of Health & Human Services **Phone:**

Address: 333 S. Grand Ave. P.O. Box 30195

City: Lansing **State:** Michigan **Zip:** 48909

Party is Pro Se

Party 3 (Defendant)

Business: Hawthorn Center Children's Psychiatric H **Phone:**

Address: 18471 Haggerty Rd

City: Northville Twp. **State:** Michigan **Zip:** 48168

Party is Pro Se

Party 4 (Plaintiff)

Name: Mia Barrow **Phone:** (248) 398-9800

Address: 2172 Lone Wolf Lane

City: Canton **State:** Michigan **Zip:** 48188

Attorney(s) for Party 4

Name: Robin Wagner **Bar Number:** 79408

Party 5 (Plaintiff)

Name: Kelsey Blevins **Phone:** (248) 398-9800

Address: 22485 Madison

City: Dearborn **State:** Michigan **Zip:** 48124

Attorney(s) for Party 5

Name: Robin Wagner **Bar Number:** 79408

Party 6 (Plaintiff)

Name: Christal Bonner **Phone:**

Address: 5923 Blue Hill St.

City: Detroit **State:** Michigan **Zip:** 48224

Attorney(s) for Party 6

Name: Robin Wagner **Bar Number:** 79408

Party 7 (Plaintiff)

Name: Tampeka Boyles **Phone:**

Address: 424 Valencia Drive

City: Pontiac **State:** Michigan **Zip:** 48342

Attorney(s) for Party 7

Name: Robin Wagner **Bar Number:** 79408

Party 8 (Plaintiff)

Name: Deidre Brown **Phone:**

Address: 4324 Knightsbridge Lane

City: West Bloomfield **State:** Michigan **Zip:** 48323

Attorney(s) for Party 8

Name: Robin Wagner **Bar Number:** 79408

Party 9 (Plaintiff)

Name: Tramaine Butler **Phone:**

Address: 9334 Riverview St.

City: Redford **State:** Michigan **Zip:** 48239

Attorney(s) for Party 9

Name: Robin Wagner **Bar Number:** 79408

Party 10 (Plaintiff)

Name: Hannah Collard **Phone:**

Address: 22311 Swan St., Apt. 312

City: South Lyon **State:** Michigan **Zip:** 48178

Attorney(s) for Party 10

Name: Robin Wagner **Bar Number:** 79408

Party 11 (Plaintiff)

Name: Kevin Davis **Phone:**

Address: 26750 E. Carnegie Park Drive

City: Southfield **State:** Michigan **Zip:** 48034

Attorney(s) for Party 11

Name: Robin Wagner **Bar Number:** 79408

Party 12 (Plaintiff)

Name: Albana Hoxha **Phone:**

Address: 2100 Golfview Drive, Apt. 103

City: Troy **State:** Michigan **Zip:** 48084

Attorney(s) for Party 12

Name: Robin Wagner **Bar Number:** 79408

Party 13 (Plaintiff)

Name: Christopher Parrish **Phone:**
Address: 2415 Ferris Ave.
City: Lincoln Park **State:** Michigan **Zip:** 48146

Attorney(s) for Party 13

Name: Robin Wagner **Bar Number:** 79408

Party 14 (Plaintiff)

Name: Kevin Quince **Phone:**
Address: 31177 Morlock St., Apt. 515
City: Livonia **State:** Michigan **Zip:** 48152

Attorney(s) for Party 14

Name: Robin Wagner **Bar Number:** 79408

Party 15 (Plaintiff)

Name: Trevor Robinson **Phone:**
Address: 17166 Kinloch
City: Redford **State:** Michigan **Zip:** 48240

Attorney(s) for Party 15

Name: Robin Wagner **Bar Number:** 79408

Party 16 (Plaintiff)

Name: Terence Snowden **Phone:**
Address: 253 Erskine, Apt. 203
City: Detroit **State:** Michigan **Zip:** 48201

Attorney(s) for Party 16

Name: Robin Wagner **Bar Number:** 79408

Party 17 (Plaintiff)

Name: Angeliqua Strong **Phone:**
Address: 2034 Hyde Park Road

City: Detroit **State:** Michigan **Zip:** 48207

Attorney(s) for Party 17

Name: Robin Wagner **Bar Number:** 79408

Party 18 (Plaintiff)

Name: Antonio Ward **Phone:**

Address: 9974 Garfield

City: Redford **State:** Michigan **Zip:** 48239

Attorney(s) for Party 18

Name: Robin Wagner **Bar Number:** 79408

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICES OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individuals listed below and hereby file their notices of intention:

- Sharif Bacon;
- Mia Barrow;
- Kelsey Blevins;
- Christal Bonner;
- Tampeka Boyles;
- Deidre Brown;
- Tramaine Butler;
- Hannah Collard;
- Kevin Davis;
- Albana Hoxha;
- Christopher Parrish;
- Kevin Quince;
- Trevor Robinson;
- Terence Snowden;
- Angeliqua Strong; and
- Antonio Ward

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Sharif Bacon ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Financial Analyst for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Outburst of Crying, Anxiety, Loss of Sleep and Appetite, Depression, Fatigue, Withdrawals,

Incident keeps playing back in my mind, hearing the laughter from Laurretta Daqq (she made the

the announcement over public speaker and State Adm Jose Philip laughing as well, causes me to have panic

attacks. Some days I am very Angry or Sad causes headaches. That day really cause mental injuries.

I don't believe that I can ever work again. Now I scared of the Police. Complete Emotional Distress.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

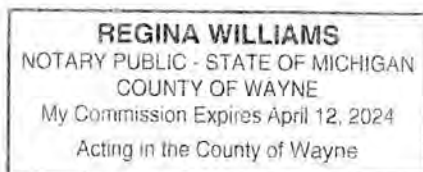
Sharif M. Bacon

Printed Name: Sharif M. Bacon

Notary Public Subscribed and sworn to before me this

16 day of May, 2023.

Regina Williams
Notary Public



Document received by the MI Court of Claims.

RECEIVED by MCOC 5/24/2023 3:54:44 PM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Nia Barlow ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child Care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I Now suffer from anxiety
When leaving my child, going to work, and
anytime an announcement is called on the
loud speaker at work I also suffer from
recurring thoughts and fears from that day.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Printed Name: Nia Barrow

Notary Public Subscribed and sworn to before me this

15th day of May, 2023.


 Notary Public

HEATHER DEHART
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF WAYNE
 My Commission Expires Sept. 22, 2028
 Acting in the County of Wayne

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48201

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
925 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Kelsy Blevins ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Document received by the MI Court of Claims.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Childcare worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Stress/anxiety induced migraines, emotional outbursts (crying) when thinking about returning for next shift, lashing out at family, looking for a new job, more frequent call offs than prior to event, avoiding programming in easily accessible open areas while on and avoiding leisure shift activities previously enjoyed that are in public areas.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Kelsey Blevins

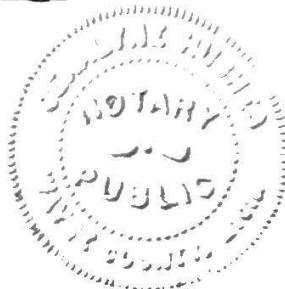
Printed Name: Kelsey Blevins

Notary Public Subscribed and sworn to before me this

17th day of MAY, 2023.

Geraldine Hughes
Notary Public

GERALYNE HUGHES
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 7, 2026
ACTING IN COUNTY OF WAYNE



Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Christal Bonner ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Teacher for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

After the event my anxiety was greatly increased, nervousness, fear about unknown people in and outside of building, adrenaline rush, some loss of appetite and nightmares.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Christal Bonner

Printed Name: Christal Bonner

Notary Public Subscribed and sworn to before me this

11th day of May, 2023.

Regina V. Bell

Notary Public

REGINA V. BELL

NOTARY PUBLIC, STATE OF MI

COUNTY OF OAKLAND

MY COMMISSION EXPIRES Jan 4, 2029

ACTING IN COUNTY OF

Oakland

Document received by the MI Court of Claims.

RECEIVED by MCOC 5/24/2023 3:54:44 PM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Tampeka Boyles ("Claimant")
Tampeka Boyles

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child Care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I was put in a traumatic situation in which I did not know what was happening. I did not know if I would make it out alive, so I called my mom's sister to let them know what was going on. During this time I became anxious, shaken & I could feel my heart rate racing. all while try to stay calm for myself & the kids that were under my care.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Tamara Boyle

Printed Name: Tamara Boyle

Notary Public Subscribed and sworn to before me this

10 day of MAY, 2023.

[Signature]
Notary Public

Jeffrey M Mitchell
Notary Public, State of MI
County of Oakland
My Commission Expires Oct. 25, 2028
Acting in the County of Wayne

Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Deidre Brown ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Teacher Aide for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Experienced inability to sleep for several days afterwards.
Recurrent trauma: fear when Public Announcement
system uploads, nervous regarding being in isolated
areas of building, phobia/paranoia regarding visitors
entering building, anger towards person who organized
drill

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Deidre Brown

Printed Name: Deidre Brown

Notary Public Subscribed and sworn to before me this

18th day of May, 2023.

Regina V. Bell
 Notary Public

REGINA V. BELL
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Jan 4, 2029
 ACTING IN COUNTY OF Oakland

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Tramaine Butler ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a child care worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

At the moment, I feared for my life. It's hard for me to sleep now. My anxiety has gotten worse. It's hard for me to be at work, because every time I hear intercom, I don't know if it's a real crisis or a drill.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Tramaine Butler

Printed Name: Tramaine Butler

Notary Public Subscribed and sworn to before me this

16 day of May, 2023.

Regina V. Bell

Notary Public

REGINA V. BELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jan 4, 2029
ACTING IN COUNTY OF Oakland

Document received by the MI Court of Claims.

RECEIVED by MCOC 5/24/2023 3:54:44 PM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Hannah Collard ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Clinical Social Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I have experienced fear, tearfulness, dissociation, racing heart, tightness in my chest, and migraines. I feel confusion and minimization about active shooter threats and drills, questioning what is real and what is not. I worry this could lead me to inaction when faced with real threat. I experience distrust of authority for my safety. I left my position at Hawthorn Center 4/14/23.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

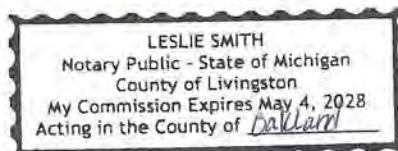
Hannah Collard

Printed Name: Hannah Collard

Notary Public Subscribed and sworn to before me this

15th day of May, 2023.

Leslie Smith
Notary Public
Acting in Oakland County



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Kevin Davis ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Laborer E5 for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I have no physical damages but I do have Mental damages. Everyday I walk into work my heart starts to race. I get nervous when I'm around police after knowing what they did, and most importantly I am now having trouble sleeping. I am constantly thinking on the situation giving me Anxiety.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Kevin Davis

Printed Name: Kevin Davis

Notary Public Subscribed and sworn to before me this

12th day of May, 2023.

Radha Balasubramanian
Notary Public

RADHA BALASUBRAMANIAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 7, 2024
ACTING IN COUNTY OF OAKLAND

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Albana Hoxha "Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I was scared for my life, trigger my PTSD from previous assaults
high anxiety, seeking counseling, medicated from Psychiatrist,
went to ER the following day because of chest pain, had to see
cardiologist, nightmares, flashbacks, crying spells, severe
migraines, never returned applied for retirement. Fear that if
I return to work I will die.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

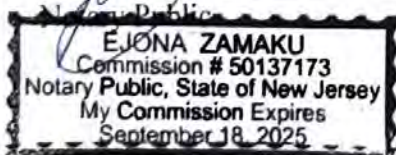
Albana Hoxha

Printed Name: Albana Hoxha

Notary Public Subscribed and sworn to before me this

14th day of may, 2023.

Ejona Zamaku



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, CHRISTOPHER J. PARRISH ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a HOUSEKEEPER for the Hawthorn Center. (Domestic Service Aid)

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

LOSS OF SLEEP, LOSS OF APETITE, NIGHTMARES,
ANXIETY WHILE WORKING, DISCOMFORT & STRESS EVERYTIME
I HEAR P.A. SYSTEM AT WORK OR OTHERWISE, OVEREMOTIONAL
WHEN EVER NEWS OF MASS SHOOTINGS ON NEWS OR OTHERWISE.
AND MOST OF ALL, THE FEAR MY FAMILY ENDURES ALL THROUGHOUT

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Christopher J. Parrish

Printed Name: CHRISTOPHER J. PARRISH

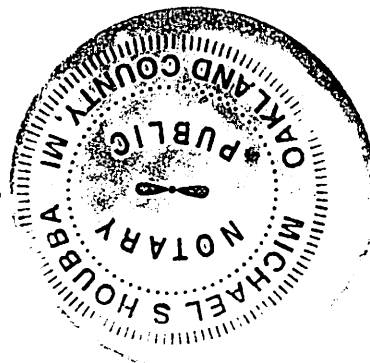
Notary Public Subscribed and sworn to before me this

14 day of May, 2023.

[Signature]

Notary Public

my Commission Exp. 3-4-27



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, KEVIN QUINN ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a child care worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I've had Trouble sleeping, I've had Trust issues w/ the agency keeping clients and staff safe, I've had Flashbacks of Gun shots, due to a previous Gun shot injuries, I get nervous anytime the loudspeaker comes on and makes announcements, thinking it could be an active shooter

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Kevin Quince

Printed Name: Kevin Quince

Notary Public Subscribed and sworn to before me this

15 day of may, 2023.

[Signature]
Notary Public

SHEILA A. TUYNMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Dec 28, 2028
ACTING IN COUNTY OF Wayne

Document received by the MI Court of Claims.

RECEIVED by MCOC 5/24/2023 3:54:44 PM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Trevor Robinson ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

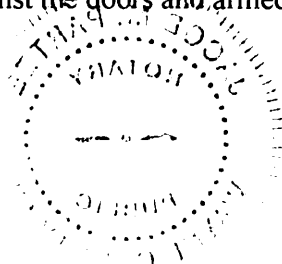
This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.



Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Teacher Aide for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Loss of sleep. Persistent and intense feelings of
anger towards those responsible for this incident.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.



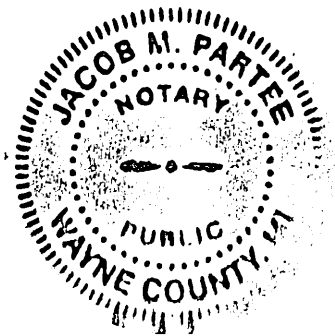
Printed Name: Trevor Robinson

Notary Public Subscribed and sworn to before me this

13th day of May, 2023.



Notary Public



JACOB M. PARTEE
Notary Public, State of Michigan
County of Wayne
My Commission Expires Oct. 09, 2028
Acting in the County of Wayne

Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Terence Snowden ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Pediatric Mental Health Behavior Technician for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I have trouble sleeping, for which I am
prescribed medication by my doctor, I have nightmares, cold sweats
and become nervous around law enforcement as well as confined spaces.
I am more anxious and constantly checking in people around me.
This incident has caused me to drink more.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

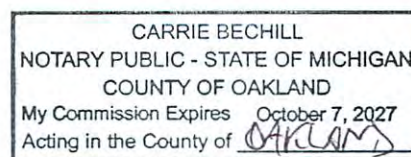
Perence Snowden

Printed Name: Perence Snowden

Notary Public Subscribed and sworn to before me this

17th day of May, 2023.

[Signature]
 Notary Public



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Angelique Strong ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

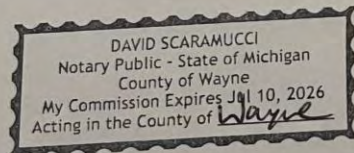
Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a CCW for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Since the rise of the events on 12/21/22 I feel anxiety every time we have a practice drill that it may be an active shooter. I am constantly on alert because it made me realize how easy it would be for a shooter to access the building. On that day I was in fear for my life and I contacted my family members, it has caused my child to worry every time I am
COPIES OF NOTICE at work in regards to my safety.

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.



I declare that the statements above are true to the best of my information, knowledge and belief.

Angela Strong

Printed Name: Angela Strong

Notary Public Subscribed and sworn to before me this

17th day of May, 2023.

David Scaramucci
 Notary Public



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Antonio A. Ward ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child Care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I feared for my life during the drill. I
fit the shooter's description that was announced
and feared I could be shot by the Police.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Printed Name: Antonio A. Ward

Notary Public Subscribed and sworn to before me this

12th day of May, 2023.

Darian Janae Johnson
 Notary Public

DARIAN JANAEE JOHNSON
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF WAYNE
 My Commission Expires Dec. 28, 2023
 Acting in the County of Wayne

| | | |
|---|---------------------|---|
| STATE OF MICHIGAN COURT OF CLAIMS | NOTIFICATION | C/COC/MI CASE NO. 23-200172-0 |
|---|---------------------|---|

Court address 925 W. OTTAWA ST., P.O. BOX 30185
LANSING, MI 48909

Court telephone no.
(517) 373-0807

Judge: _____

Date: 6/5/2023

TO: [

ROBIN BETH WAGNER
117 W 4TH ST
STE 200
ROYAL OAK MI 48067-3848

]

| | | |
|---|----------|--|
| Plaintiff/Petitioner CHIEDO AKALEFU ET AL | v | Defendant/Respondent STATE OF MICHIGAN ET AL |
|---|----------|--|

Comments: This notification acknowledges the notice of claim received on June 1, 2023 has been processed by the Court of Claims.

Your notice of claim was assigned tracking number 23-200172-0. Please note that this is a tracking number rather than a case number. Filing a notice of intent or a notice of claims DOES NOT initiate a case in the Court of Claims. [MCL 600.6431].

Acceptance of your notice of claims by the clerk's office does not signify that it meets the pertinent statutory requirements. You are responsible for ensuring that the notice of claim complies with the requirements for the type of claims you intend to file, including a signature and notarization.

See MCL 600.6431(1). Requirements for certain types of claims may also be found at MCL 691.1404 and MCL 691.1406.

| | | |
|---|---|----------------------------|
| This notice has also been sent to: | | |
| | ROBIN BETH WAGNER | P 79408 Attorney for PTF 4 |
| DEF 2 | DEPARTMENT OF HEALTH AND HUMAN SERVICES | |
| DEF 3 | HAWTHORN CENTER CHILDREN'S PSYCHIATRIC HOSPITAL | |

Document received by the MI Court of Claims.

Bundle Cover Sheet

| | | |
|---|-----------------------------|-----------------------------|
| Lower Court: | L Ct No.: | COC No.: NOTICE-WDNJMSYV |
| Case Title: CHIEDO AKALEFU v. MICHIGAN DEPT OF HEALTH & HUMAN SERVICES | | |
| Priority: NONE | Filing Option: File Only | |

Filer Information

| | |
|--|--|
| <u>Filer</u> Robin Wagner 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com | <u>Attorney</u> Robin Wagner, 79408(MI) 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com |
|--|--|

Filing Summary

| Filing Type | Filing Name | Fee |
|------------------|---|--------|
| Notice of Intent | Hawthorn (COC) - Notices of intent (to file 6-1-23) | \$0.00 |
| Total: | | \$0.00 |

Alternate Payment Reason: None

The document(s) listed above were electronically filed with the Michigan Court of Claims.

NOTICE-WDNJMSYV-33345330

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/1/2023 10:53:01 AM

TrueFiling Case Initiation - Notice of Intent

Case Title:

CHIEDO AKALEFU V. MICHIGAN DEPT OF

Case Type:

O

Case Description:

Notice of Intent

Party 1 (Plaintiff)

Name: Chiedo Akalefu **Phone:**

Address: 17123 Bonstelle Avenue

City: Southfield **State:** Michigan **Zip:** 48075

Attorney(s) for Party 1

Name: Robin Wagner **Bar Number:** 79408 **(Lead Counsel)**

Party 2 (Defendant)

Business: Michigan Dept of Health & Human Services **Phone:**

Address: 333 S. Grand Avenue PO Box 30195

City: Lansing **State:** Michigan **Zip:** 48909

Party is Pro Se

Party 3 (Defendant)

Business: Hawthorn Center Children's Psychiatric H **Phone:**

Address: 18471 Haggerty Road

City: Northville **State:** Michigan **Zip:** 48167

Party is Pro Se

Party 4 (Plaintiff)

Name: Jean Mancuso **Phone:** (248) 398-9800

Address: 479 Helen

City: Garden City **State:** Michigan **Zip:** 48135

Attorney(s) for Party 4

Name: Robin Wagner **Bar Number:** 79408

Party 5 (Plaintiff)

Name: James Thompson **Phone:**

Address: 11121 Messmore Road

City: Utica **State:** Michigan **Zip:** 48317

Attorney(s) for Party 5

Name: Robin Wagner **Bar Number:** 79408

Party 6 (Plaintiff)

Name: Michael Vanier **Phone:**

Address: 300 Eagle Pond Drive Apt. 417

City: Commerce Twp. **State:** Michigan **Zip:** 48390

Attorney(s) for Party 6

Name: Robin Wagner **Bar Number:** 79408

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICES OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individuals listed below and hereby file their notices of intention:

- Chiedo Akalefu;
- Jean Mancuso;
- James Thompson; and
- Michael Vanier

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/1/2023 10:53:01 AM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Chiedo Akalefu ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Childcare worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

1. Anxiety anytime there is an announcement on the Public address system.

2. Nighmares

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

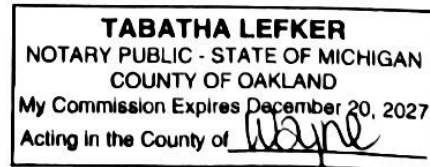
Chiedo Akalefu

Printed Name: **CHIEDO AKALEFU**

Notary Public Subscribed and sworn to before me this

30th day of May, 2023.

Tabatha Lefker
Notary Public



Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Jean Mancuso ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a DSA for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Trouble sleeping at night. Stress & Anxiety, headaches
Neck & shoulder pain due to tension. On anti-anxiety
med. since Jan. 2023

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Jean Mancuso

Printed Name: Jean Mancuso

Notary Public Subscribed and sworn to before me this

26 day of MAY, 2023.

[Signature]
 Notary Public

BORIS RISTEVSKI
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
MY COMMISSION EXPIRES JULY 26, 2029
ACTING IN THE COUNTY OF WAYNE

Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909
Dana Nessel

Attorney General, State of Michigan
G. Mennen Williams Building 525
W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL

600.6431 RE: Our Client, James Thompson

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person •
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves

with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what they thought may be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child Care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages: Sleep disturbance, worry, fear and anxiety while on duty, and nightmares,

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Claimant's Name

JAMES THOMPSON

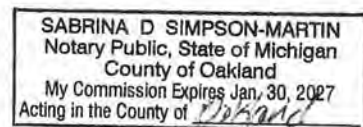
Claimant's Signature

[Signature]

Notary Public Subscribed and sworn to before me this

30th day of May, 2023.

Sabrina Simpson-Martin
Notary Public



Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Michael Vanier ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Mr. Vanier was not informed that this was a drill, but he was instructed to follow his supervisor out of the building and immediately found himself facing a large group of police officers in tactical gear and armed with long guns. These officers yelled at Mr. Vanier to "get on the ground." Mr. Vanier, who is 70 years old, has a hearing impairment and has health issues that restrict his breathing. He did not immediately understand what the officers were telling him to do and was unable to lie on his stomach as commanded because of his breathing issues. He struggled, had the skin on his face burn from the rock salt on the ground, and was kicked by one officer when he tried to move and lift his face off the ground.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages: He has suffered immense trauma and severe emotional distress. He has had to take medications for panic attacks and experienced frequent nightmares and heightened anxiety since the incident.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

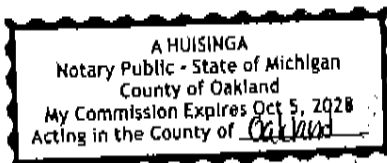
Michael J. Vanier

Printed Name: Michael J. Vanier

Notary Public Subscribed and sworn to before me this

24 day of May, 2023.

A. Huisinga
Notary Public



| | | |
|---|---------------------|---|
| STATE OF MICHIGAN COURT OF CLAIMS | NOTIFICATION | C/COC/MI CASE NO. 23-200182-0 |
|---|---------------------|---|

Court address 925 W. OTTAWA ST., P.O. BOX 30185
 LANSING, MI 48909

Court telephone no.
 (517) 373-0807

Judge: _____

Date: 6/13/2023

TO:

| |
|---|
| TONI CROSBY-DUNLAP 117 W. FOURTH STREET ROYAL OAK MI 48067 |
| DERRICK SCROI 117 W. FOURTH STREET ROYAL OAK MI 48067 |
| FELICIA WRIGHT-WILLIAMS 117 W. FOURTH STREET ROYAL OAK MI 48067 |

Plaintiff/Petitioner

TONI CROSBY-DUNLAP
 ET AL

v

Defendant/Respondent

STATE OF MICHIGAN, DEPARTMENT OF HEALTH AND
 HUMAN SERVICES
 ET AL

Comments: This notification acknowledges the notice of claim received on June 9, 2023 has been processed by the Court of Claims.

Your notice of claim was assigned tracking number 23-200182-0. Please note that this is a tracking number rather than a case number. Filing a notice of intent or a notice of claims DOES NOT initiate a case in the Court of Claims. [MCL 600.6431].

Acceptance of your notice of claims by the clerk's office does not signify that it meets the pertinent statutory requirements. You are responsible for ensuring that your notice of claim complies with the requirements for the type of claims you intend to file, including a signature and notarization.

See MCL 600.6431(1). Requirements for certain types of claims may also be found at MCL 691.1404 and MCL 691.1406.

This notice has also been sent to:

PTF 1 TONI CROSBY-DUNLAP
 PTF 2 DERRICK SCROI
 PTF 3 FELICIA WRIGHT-WILLIAMS

Document received by the MI Court of Claims.

COURT COPY

| | | |
|---|--|---|
| STATE OF MICHIGAN COURT OF CLAIMS | PROOF OF SERVICE FOR NOTIFICATION | C/COC/MI CASE NO. 23-200182-0 |
|---|--|---|

Court address 925 W. OTTAWA ST., P.O. BOX 30185
LANSING, MI 48909

Court telephone no.
(517) 373-0807

Judge: _____

Date: 6/13/2023

Plaintiff/Petitioner
TONI CROSBY-DUNLAP
ET AL

v

Defendant/Respondent
STATE OF MICHIGAN, DEPARTMENT OF HEALTH AND
HUMAN SERVICES
ET AL

Comments: This notification acknowledges the notice of claim received on June 9, 2023 has been processed by the Court of Claims.

Your notice of claim was assigned tracking number 23-200182-0. Please note that this is a tracking number rather than a case number. Filing a notice of intent or a notice of claims DOES NOT initiate a case in the Court of Claims. [MCL 600.6431].

Acceptance of your notice of claims by the clerk's office does not signify that it meets the pertinent statutory requirements. You are responsible for ensuring that the notice of claim complies with the requirements for the type of claims you intend to file, including a signature and notarization.

See MCL 600.6431(1). Requirements for certain types of claims may also be found at MCL 691.1404 and MCL 691.1406.

CERTIFICATE OF MAILING

The following parties were served by mail:

| | |
|---|---|
| Name PTF 1 TONI CROSBY-DUNLAP | Complete address of service 117 W. FOURTH STREET ROYAL OAK MI 48067 |
| Name PTF 2 DERRICK SCROI | Complete address of service 117 W. FOURTH STREET ROYAL OAK MI 48067 |
| Name PTF 3 FELICIA WRIGHT-WILLIAMS | Complete address of service 117 W, FOURTH STREET ROYAL OAK MI 48067 |

The following parties were served by personal service:

| | |
|------|-----------------------------|
| Name | Complete address of service |
|------|-----------------------------|

The following parties were served by attorney (or inter office) mail:

| | |
|------|-----------------------------|
| Name | Complete address of service |
|------|-----------------------------|

Document received by the MI Court of Claims.

COURT COPY

| | | |
|--------------------------------------|--------------------------------------|----------------------------------|
| STATE OF MICHIGAN COURT OF CLAIMS | PROOF OF SERVICE FOR NOTIFICATION | C/COC/MI CASE NO. 23-200182-0 |
|--------------------------------------|--------------------------------------|----------------------------------|

Court address 925 W. OTTAWA ST., P.O. BOX 30185
LANSING, MI 48909

Court telephone no.
(517) 373-0807

6/13/2023

Date

Kristy Jackson

Clerk
KRI STY JACKSON

Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICES OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individuals listed below and hereby file their notices of intention:

- Toni Crosby-Dunlap;
- Derrick Scroi; and
- Felicia Wright-Williams

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

□

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Toni Crosby-Dunlap ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/9/2023 11:04:54 AM

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

23-200182-O

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a ^{Domestic}
~~Service~~ Aid for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Lost of Sleep, from the stress I suffered a heart
attack 6 days later, I believe I have post-traumatic
stress and anxiety, doctor bills from the heart attack.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Toni Crosby-Dunlap

Printed

Name:

Toni Crosby-Dunlap

Notary Public Subscribed and sworn to before me this

31 day of May, 2023.

Kelly A. Petrlich
Notary Public

KELLY A. PETRLICH
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Feb 11, 2024
ACTING IN COUNTY OF Wayne

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/9/2023 11:04:54 AM

May 31, 2023

To Whom It May Concern

I am a worker in the Food Services department at Hawthorne for over 20 years. I was working on the date when the unannounced active shooter drill occurred. As a result of the unannounced active intruder drill, I have suffered physical, emotional, and psychological trauma. These traumatic conditions have been both immediate and ongoing.

The first and most life-threatening was that I suffered a massive heart attack on December 27, 2022, just days after the drill. During the drill I was so terrified, my heart was pounding harder and faster than I'd ever experienced and I was so scared I was shaking uncontrollably. I had to have emergency surgery to save my life and I had to wear a 24-hour heart monitor for months, I am also on medication for the rest of my life. I have no medical or family history of heart problems and am a very healthy woman who is diligent about keeping up with my preventive care.

I now have post-traumatic stress as a result of the drill. I have regular sleepless nights which I never had before. I feel anxious and fearful whenever I hear any loud or unexpected noises like sirens, helicopters, or even doors closing loudly. My lack of sleep obviously affects me throughout my days. I'm tired all day and I'm concerned about my well-being as I am no longer feeling well-rested and as alert as I used to.

My mental and emotional health is suffering greatly. I now have anxiety attacks whenever I hear about a shooting incident at a school or public place. I'm constantly dealing with feeling like something violent is going to happen to me. I'm more afraid than I ever was for my granddaughter to go to school, I'm always worrying that there will be a shooting at her school or if there's a drill and she experiences the same thing I did at Hawthorne. I purchased her a cell phone so she can call for help if she is in danger. I had to have a difficult conversation with her about bad things that happen. She was very upset and afraid.

Since the drill I'm afraid of being home alone, I'm startled by almost every noise and I feel like I'm in a constant state of anxiety. I never feel relaxed anymore. I was never like this before, I've always been a calm and steady person who was not easily upset.

As far as working goes, I'm afraid to work at Hawthorne Center, especially on the weekends. Food Services is the only department working inside the main building on the weekends and with only four staff members. We have two phones but only one works and the intercom hasn't worked for at least a month, the one phone that is working rings very low. I'm very concerned that if something was happening, Food Services would not be contacted.

Sadly, I will never be the same because of the unannounced active intruder drill at Hawthorne Center. My health and well-being are forever changed and I can only pray that this never happens again.

Toni Crosby-Dunlap

Document received by the MI Court of Claims.

RECEIVED by MCCOC 6/9/2023 11:04:54 AM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Derrick Sora ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Child Care Worker for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Feelings of guilt, and anxiety. Fear is another one.
Agitation, irritability in social settings which
has lead to social isolation and loss of interest,
Severe anxiety and mistrust at work. Insomnia, nightmares
unwanted thoughts daily. Therapy sessions bi-weekly to weekly.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.



Printed Name: Derrick Scrofi

Notary Public Subscribed and sworn to before me this

8th day of June, 2023.


 Notary Public

SEAN KAVANAUGH
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Sep 7, 2028
 ACTING IN COUNTY OF Oakland

Document received by the MI Court of Claims.

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, ~~Felicia Wright Williams~~ ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a HN-Educator for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

mistrust of safety; anxious in stairwells;
unknown of leadership capability to keep
staff and patients best interest as a priority.
anxiety when office door is open; must
always remain closed.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Felicia Wright-Williams

Printed Name: Felicia Wright-Williams

Notary Public Subscribed and sworn to before me this

6th day of June, 2023.

Derek Meek
 Notary Public

DOMINICK MACK
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF WAYNE
 MY COMMISSION EXPIRES 11-AUG-2029
 ACTING IN THE COUNTY OF Wayne

Document received by the MI Court of Claims.

Bundle Cover Sheet

| | | |
|---|-----------------------------|-----------------------------|
| Lower Court: | L Ct No.: | COC No.: NOTICE-02Q129R9 |
| Case Title: TONI CROSBY-DUNLAP v. MICHIGAN DEPT OF HEALTH & HUMAN SERVICES | | |
| Priority: NONE | Filing Option: File Only | |

Filer Information

| | |
|--|--|
| <u>Filer</u> Robin Wagner 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com | <u>Attorney</u> Robin Wagner, 79408(MI) 117 W. Fourth Street Royal Oak, MI 48067 rwagner@pittlawpc.com |
|--|--|

Filing Summary

| Filing Type | Filing Name | Fee |
|------------------|--|--------|
| Notice of Intent | Hawthorn (COC) - Notice of intent (to file 6-9-23) | \$0.00 |
| Total: | | \$0.00 |

Alternate Payment Reason: None

The document(s) listed above were electronically filed with the Michigan Court of Claims.

NOTICE-02Q129R9-33572317

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/9/2023 11:04:54 AM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICES OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individuals listed below and hereby file their notices of intention:

- Dekayla Davis; and
- Heather Foster

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/15/2023 11:26:16 AM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Dekayla Davis ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/15/2023 11:26:16 AM

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a staffing coordinator for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Anxiety, trouble sleeping, fear of being shot, difficulty performing job duties, anxiety when I hear an alarm (which leads to chest pain, stomach pain and headaches), nightmares/bad dreams, fear of life.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Dekayla Davis Dekayla Davis 6/14/23

Printed Name: Dekayla Davis

Notary Public Subscribed and sworn to before me this

14th day of June, 2023.

[Signature]
Notary Public



Document received by the MI Court of Claims.

RECEIVED by MCOC 6/15/2023 11:26:16 AM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Heather Foster ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

Pursuant to MCL 600.6431(1), Claimant by their attorneys, files this Notice of Intent to File Claims against the State of Michigan, Department of Health and Human Services, as operator of the Hawthorn Center Children's Psychiatric Hospital.

Claimant's potential claims include, but are not limited to the following:

- Violation of Michigan Constitution, Article 1, § 11, unreasonable seizure of their person
- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life

Claimant's claims arise out of an unannounced active-shooter drill that took place on December 21, 2022, shortly after 10 am. At that time, a frantic call went out over the Hawthorn Center paging system announcing for everyone to hear—children and employees alike—that there were active intruders in the building. Then a second announcement came through the overhead system confirming that there were shooters in the building, one Black man and one white man, armed with AR-15's and that shots had been fired. These announcements set off panic in the building. Childcare workers and other adults gathered the children and moved them to defensible locations within the facility. The frantic adults barricaded themselves into spaces with no windows like the television rooms and closets. They stacked heavy furniture against the doors and armed themselves with whatever they could find.

Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Domestic Service Aide for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

I have had many sleepless nights since this incident has happened. I have tremendous fear for my granddaughters safety at their school. On weekends that I work, I worry about safety as the kitchen is isolated from the main building, with only one phone that works and no speaker for overhead announcements.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services

I declare that the statements above are true to the best of my information, knowledge and belief

Heather L Foster

Printed Name: Heather L Foster

Notary Public Subscribed and sworn to before me this

5 day of JUNE 2023.

[Signature]
Notary Public

BORIS RISTEVSKI
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
MY COMMISSION EXPIRES JULY 26, 2029
ACTING IN THE COUNTY OF Wayne

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICES OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individuals listed below and hereby file their notices of intention:

- Mamoon Khan; and
- Laura Jane King

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/21/2023 2:59:29 PM

Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909

Dana Nessel
Attorney General, State of Michigan
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL 600.6431

RE: Our Client, Mamoon Khan ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

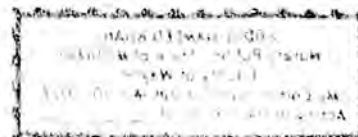
This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

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- Violation of Michigan Constitution, Article 1, § 17, for denial of their liberty and putting them in fear for their life.

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Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a registered nurse for the Hawthorn Center.

As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

My first day at Hawthorn could be my last day in this world. That fake intruder drill left me
scared to death, traumatised and terrified. I have blackout sometimes and panic attacks. I started
counseling & paid a lot of money for the treatment. I wanted I saw death is coming that day that's why
I think about death all the time now and I am depress and anxious, & have PTSD from that trauma
I am too scared to put my 5 year old in school. At the time of drill I had 5 months old. I thought
I would never see my kids again. This mental trauma Hawthorn gave me will stick to me lifetime.
I still can feel the pain & fear of death. I can never be the same what I used to be after that
incident -

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.

Mamoonah H Khan

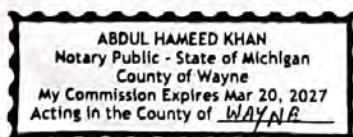
Printed Name: Mamoonah H Khan

Notary Public Subscribed and sworn to before me this

16 day of JUNE, 2023.

ABDUL HAMEED KHAN

Notary Public



Court of Claims Clerk's Office
Hall of Justice
925 W. Ottawa Street
Lansing, Michigan 48909
Dana Nessel

Attorney General, State of Michigan
G. Mennen Williams Building 525
W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

NOTICE OF INTENTION TO FILE CLAIM PURSUANT TO MCL

600.6431 RE: Our Client, Laura Jane King ("Claimant")

Potential Adverse Parties: The State of Michigan, Department of Health and Human Services, Hawthorn Center Children's Psychiatric Hospital

Potential Claims: Violations of Michigan Constitution, Article 1, §§ 11, 17, for unreasonable seizure of their person and denial of their liberty and putting them in fear for their life.

The law firm of Pitt McGehee Palmer Bonanni & Rivers, P.C. represents the individual listed above.

This notice is filed on behalf of Claimant, who was present inside the Hawthorn Center, 18741 Haggerty Road, Northville, Michigan, on the morning of December 21, 2022, was required to be present inside the Hawthorn Center at this time as a condition of their employment or as an authorized visitor, and was not provided with prior notice that there would be an active-shooter drill in the building that morning.

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Some employees called 911, their voices hushed and broken with fear for their lives. Staff and children alike could see that a mass of police and emergency responders from multiple local and state

police forces had arrived, armed with long guns, and knew this was the real deal. Others heard helicopters circling the building. Many sent what might be their final text messages to loved ones.

Although the terror, panic and mortification of those trapped inside Hawthorn was real, there were no intruders, there were no AR-15s and there were no "shots fired." Rather, the State of Michigan created the terror and panic at Hawthorn Center as an ill-conceived "safety" drill.

On December 21, 2022, Claimant was working as a Secretary for the Hawthorn Center.

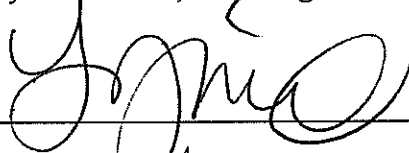
As a direct and proximate result of the Hawthorn Center's actions, Claimant has suffered the following injuries and damages:

Damage to my psyche and emotions due to believing I might get shot and die but additionally, the triggering of post-traumatic memories from abuse suffered during my childhood/adolescence at the hands of my alcoholic father who routinely threatened/held my family in terror with loaded weapons threatening to harm us. Since the December incident, I now feel an automatic sense of dread and panic whenever I hear police sirens, even on television - I have to turn it off. I experience recurrent nightmares/waking up yelling out/jerking awake - my heart racing. I frequently can't get back to sleep. I experience the inability to concentrate and focus as I used to due to anxious and racing thoughts that I can't seem to control. I no longer trust staff or feel safe at work. I'm **scared all the time now** and I wasn't like this before this event - I'm trying so hard to function somewhat normally. I have been very depressed - depressed in ways that I can't recall ever feeling before. I've lost interest in things that used to bring me joy and I push myself to still try to do some of them. I am frequently and easily tearful. I don't choose to associate with friends or family like I used to, or at all. My claustrophobia is heightened to such a degree that I have to ascertain all my exits at all times. My fibromyalgia has been consistently flared since this incident.

COPIES OF NOTICE

Attached are two copies for transmittal to the Attorney General and to the Department of Health and Human Services.

I declare that the statements above are true to the best of my information, knowledge and belief.



Printed Name:

Laura Jane King

Document received by the MI Court of Claims.

RECEIVED by MCOC 6/21/2023 2:59:29 PM

Notary Public Subscribed and sworn to before me this

20 day of JUNE, 2023.

Lisa A. Cartier
Notary Public

LISA A. CARTIER
NOTARY PUBLIC, STATE OF MI
COUNTY OF GENESEE
MY COMMISSION EXPIRES Jan 6, 2026
ACTING IN COUNTY OF Genesee



Document received by the MI Court of Claims.

RECEIVED by MCOC 6/21/2023 2:59:29 PM

Exhibit 7

STATE OF MICHIGAN
COURT OF CLAIMS

DAVID AND KORTNI HOREIN, PARENTS AND
NEXT FRIENDS TO MINOR CHILD D.H., ET AL.,

Plaintiffs,

v

MICHIGAN DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendant.

COC NO. 23-000063-MM

HON. JAMES REDFORD

Robin B. Wagner (P79408)
Michael L. Pitt (P24429)
Beth M. Rivers (P33614)
Pitt McGehee Palmer Bonanni & Rivers, PC
Attorneys for Plaintiffs
117 W. Fourth Street,
Suite 200
Royal Oak, MI 48068
(248) 398-9800

Michele P. Fuller (P53316)
Michigan Law Center, PLLC
Attorney for Plaintiffs
45200 Card Road Suite 108
Macomb, MI 48044
586-803-8500
michele@milaw.center

Neil A. Giovanatti (P82305)
Bryan W. Beach (P69681)
Ticara D. Hendley (P81166)
Attorneys for Defendant
Health, Education & Family Services
Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7603
giovanattin@michigan.gov
beachb@michigan.gov
hendleyt@michigan.gov

**ORDER GRANTING PLAINTIFFS' MOTIONS FOR
PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT DATED JANUARY 31 2024,
CERTIFICATION OF SETTLEMENT CLASS UNDER MCR 3.501(B)(3)(B), APPOINTMENT
OF CLASS REPRESENTATIVES AND CLASS COUNSEL, APPOINTMENT OF SPECIAL
MASTER, APPOINTMENT OF CLAIMS ADMINISTRATOR AND QUALIFIED
SETTLEMENT FUND, APPROVAL OF PROPOSED CLASS NOTIFICATION PLAN,
APPROVAL OF PROPOSED CLASS NOTICES, APPROVAL OF PROPOSED PLAN OF
ALLOCATION, PRELIMINARY APPROVAL OF POOL FOR ADMINISTRATIVE
COSTS AND ATTORNEY'S FEES, AND
APPROVAL OF CASE MANAGEMENT ORDER AND TIMELINE**

On January 31, 2024, Plaintiffs David and Kortni Horein, parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf

of D.H. and A.B. and a class of similarly situated Minor Children; and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., individually and in their capacity as putative class representatives, filed an unopposed motion to certify a settlement class, appoint themselves, along with Brandon Woodruff and Hawk Kennedy for a special sub-class, as class representatives, and appoint Pitt McGehee Palmer Bonanni & Rivers PC and Michele P. Fuller of Michigan Law Center, PLLC as class counsel. Plaintiffs also filed a contemporaneous unopposed motion seeking approval of the Settlement Agreement, appointment of William W. Jack, Jr., as special master, appointment of Analytics Consulting LLC as Claims Administrator and Huntington National Bank as Qualified Settlement Fund, approval of the proposed class notification plan, approval of the proposed class notices, approval of the plan of allocation, approval of an Administrative Costs and Attorney's Fees pool, and approval of the case management order and timeline.

On February 16, 2024, the Court conducted a hearing on Plaintiffs' unopposed motions. Both prior to and during the hearing, Defendant State of Michigan, Department of Health and Human Services, informed that Court that Defendant does not oppose Plaintiffs' motions. For the Reasons set forth below, the Court grants Plaintiffs' Motions.

I. Class Certification

First, as to class certification, Plaintiffs request that the Court certify the settlement classes, defined as:

A. Patient Plaintiff Class or Patient Plaintiffs means individuals who were patients at the Hawthorn Center and were present in the Hawthorn Center on December 21, 2022, between the hours of 9:00 a.m. and 11:00 a.m.

B. Staff Plaintiff Class or Staff Plaintiffs means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between

the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes includes a special subclass whose Class Representatives are Brandon Woodruff and Hawk Kennedy and whose only members are Brandon Woodruff and Hawk Kennedy.

This Court's power to certify the class is conferred by MCR 3.501(B)(3)(b), which provides that "[t]he court may allow the action to be maintained as a class action." MCR 3.501 (B)(3)(b). Classes certified for settlement purposes, like classes certified for the litigation process, must meet the requirements of MCR 3.501(A)(l), which authorizes certification of a class where: " (a) The class is so numerous that joinder of all members is impracticable; (b) There are questions of law or fact common to the members of the class that predominate over questions affecting only individual class members; (c) The claims or defenses of the representative parties are typical of the claims or defenses of the class; (d) The representative parties will fairly and adequately assert and protect the interests of the class; and (e) The maintenance of the action as a class action will be superior to other available methods of adjudication in promoting the convenience administration of justice." MCR 3.501(A)(l).

The Court finds that all requirements of MCR 3.501(A)(l) have been satisfied here.

A. Numerosity.

The Court finds that the numerosity requirement is satisfied because the Settlement Class is so numerous as to make joinder impracticable. 110 employees and 50 minors who were patients of the Hawthorn Center were present at the time of the "active shooter drill." General knowledge and common sense dictate that 50 minors with diverse custody and familial statuses, along with over 100 adults is substantial enough in size to satisfy the numerosity requirement, or else risk 150 individual lawsuits to the Department of Health and Human Services. Plaintiffs have therefore satisfied the numerosity requirement.

B. Commonality.

The Court finds that the commonality requirement is satisfied because all members of the Settlement Class share a common question of fact and law that predominates over any question affecting only individual members. Plaintiffs have adequately alleged that both the Patient Class members and the Staff Class Members were all subjected to violations of their rights under the Michigan Constitution and had a common injury related to those alleged violations. Therefore, commonality is satisfied.

C. Typicality.

The Court finds that the typicality requirement is satisfied because the claims of representatives are the same as those of the Settlement Class members. Plaintiffs have alleged that the State engaged in the same wrongful conduct—the unannounced “active shooter drill”—toward the Plaintiffs as it did the members of the two classes. The Plaintiffs’ claims are typical cases with essential characteristics that are reflected across the entire class.

D. Adequacy.

The Court finds that the adequacy requirement is satisfied, both as to the named Class Representatives, and as to their Counsel. Plaintiffs have proven themselves to be zealous advocates of the class and have committed themselves to fulfilling this duty for the Settlement Classes. Plaintiffs have suffered the same injury as the prospective Class Members. Plaintiffs and class members share identical interests of recovery, and therefore Plaintiffs’ interests are not antagonistic to the Settlement Class as a whole. The Court also finds that class counsels Michael L. Pitt, Robin B. Wagner, and Beth M. Rivers possess the required experience with class action litigation. The Court finds that Plaintiffs’ counsel satisfy the adequacy requirement of MCR 3.501(A)(l).

E. Superiority.

The Court finds that the maintenance of the action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice. The impracticality of 160 individual recovery actions—50 of them involving minors who are persons with disabilities and have special legal requirements for safeguarding their rights and any assets awarded to them—demonstrates that a class action is the superior method of adjudication that would promote the convenient administration of justice for all parties and for the Court. The central question of law and fact at issue here is shared by every Settlement Class member. While the Adult claimants' recoveries may differ from each other, the proposed settlement process provides for an equitable process for each individual. A class action provides the most equitable and efficient pathway to ensure settlement funds are disbursed to eligible claimants regardless of their damage amount. For these reasons, a certified Settlement Class is the superior method of resolution.

In sum, Plaintiffs have satisfied all requirements for certification of the settlement class under MCR 3.501(A). Defendant does not oppose certification of the settlement class. The Court will therefore grant the motion for class certification.

II. Appointment of Class Representatives

Second, for the reasons set forth in the analysis of the adequacy requirement, above, the Court finds that Plaintiffs David and Kortni Horein, parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf of D.H. and A.B., and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., along with Brandon Woodruff and Hawk Kennedy, should be appointed Class Representatives and will grant Plaintiffs' motion to appoint them as Class Representatives.

III. Appointment of Plaintiffs' Counsel as Counsel for the Class

Third, for the reasons set forth in the analysis of the adequacy requirement, above, the Court finds that Plaintiffs' counsel Michael L. Pitt, Robin B. Wagner, and Beth M. Rivers should be appointed as counsel for the Settlement Class and the Court will grant Plaintiffs' motion to appoint them as counsel for the Settlement Class.

IV. Preliminary Approval of Class Action Settlement

Fourth, the Court will grant preliminary approval of the proposed class action settlement. The Court finds that the parties reached an Settlement Agreement dated January 31, 2024. The Court finds that the Settlement Agreement was reached in good faith after a well-informed, arms-length negotiation process. The parties engaged in extensive arms-length negotiations over the period of several months, starting in May 2023. After months of negotiations, on November 16, 2023, the Parties informed the Court that they accepted the recommendation of Mediator William W. Jack, Jr. that the State of Michigan pay \$13,000,000 as a fair and reasonable resolution of this case.

The Court finds that the proposed class settlement is the product of patient, arms-length negotiation, and that it should be approved. The Court also finds, for the reasons set forth in Plaintiffs' unopposed motion and brief, that the proposed class settlement is fair, reasonable, and adequate. Specifically, the Court finds that the proposed settlement achieves meaningful compensation for injuries to the patients and the employees while avoiding the expense, complexity, and extended duration of litigation. The Court finds that the gross settlement amount of \$13,000,000 is fair, reasonable, and adequate compensation for the Class members, in light of the potential value of their claims, because such an amount provides for (1) compensation for their physical and psychological injuries, plus (2) attorneys' fees and costs, as well as (4) the costs of claims and notice administration. The Court also finds that the parties had sufficient information

to make an informed decision about settlement. The facts of the “active shooter drill” were well known and reported by the media and the Department provided Plaintiffs with FOIA responses that further clarified the facts of the litigation. Plaintiffs provided the Mediator and the Department with substantial testimony regarding their injuries, which allowed for an accurate assessment of the damages and losses.

Thus, the parties had access to the information necessary to make an informed decision about settlement. In granting preliminary approval, the Court has also considered and given weight to the experienced attorneys for both Plaintiff and Defendant, all of whom agree that the proposed class settlement is fair, reasonable, and adequate. The Court finds no reason to dispute that conclusion.

V. Approval of Class Notice

The Court finds that the proposed Class Notice, submitted with Plaintiffs' motion, fully satisfies the requirements of MCR 3.501(C)(1-7). The parties' proposed Notice satisfies MCR 3.501(C)(4) and (C)(5) as to the Manner and Content of the Notice, respectively. Defendant does not oppose the approval of Notice. As such, the proposed Notice will be approved.

VI. Approval of Class Notification Plan

Along with their Motion, Plaintiffs filed with the Court the declaration of Richard W. Simmons, the President of Analytics Consulting, LLC. In their motion, Plaintiffs request that the Court approve the Class Notification Plan set forth in Mr. Simmons's declaration. Defendant does not oppose this request. Plaintiffs proposed class notification plan, which Mr. Simmons refers to in his declaration as the "Notice Program," provides for: 1) a Class Notice via U.S. Mail for all Settlement Class Member for whom a mailing address is available; and 2) direct notice via email (the Email Notice) to all Settlement Class Members for whom the Defendant has email addresses. Additionally, the full-length notice will be mailed upon request, and will all be available for

download at the Settlement Website. The Notice Program also includes a Settlement Website and toll-free telephone line where individuals can learn more about their rights and responsibilities in the litigation. The Court finds that the Plaintiffs' proposed class notification plan should be approved because it will provide the best practicable notice to settlement class members under the circumstances, and it is fully consistent with due process and MCR 3.501.

VII. Appointment Analytics Consulting LLC as Claims Administrator and Huntington National Bank as QSF

The Court finds that Analytics Consulting LLC should be appointed as Claims Administrator. This finding is based on the merits of Mr. Simmons's declaration, which establishes that Analytics is well-suited to administer the claims at issue in this matter. The Court also finds that Huntington National Bank should be approved as the Qualified Settlement Fund. Defendant does not oppose these appointments. The Court will therefore appoint Analytics Consulting LLC as Claims Administrator and Huntington National Bank for the QSF.

VIII. Approval of Plan of Allocation

The Court finds that the Plan of Allocation is fair, reasonable, and adequate, and further finds that it satisfies all due process requirements. Defendant does not oppose the Plan of Allocation. The Court will therefore approve Plaintiffs' proposed Plan of Allocation.

IX. Appointment of William W. Jack, Jr. as Special Master

The parties have jointly proposed and the Court will approve the appointment of attorney William W. Jack, Jr. as Special Master. As Special Master, Mr. Jack shall have the authority to decide eligibility disputes and appeals of awards with finality.

X. Approval of the Administrative Costs and Attorney's Fees

Plaintiffs' counsel request approval of the Administrative Costs and Attorney's Fees Pool of \$4,333,333.33, which is 1/3 of the Gross Settlement Amount. All the costs of the settlement,

including QSF administration, Notice Administration, Claims Administration, all costs and fees of the Special Master, litigation costs of Class Counsel, all fees and costs for Patient-Class co-counsel Michele Fuller and worker's compensation counsel Steve Stilman, along with fees and costs for counsel to Mr. Kennedy, will first be paid from this Pool, with Class Counsel receiving as its fee the remainder from the pool. The Court finds that each of these requests are fair, reasonable, and consistent with applicable law, and will grant Plaintiffs' motion for approval of attorney fees, reimbursement of costs, and set-aside of administrative costs.

XI. Approval of Service Awards to Class Representatives

The Court finds that the Class Representatives should each be paid \$5,000 as a service award. The Court finds that this amount reflects the time and effort Plaintiffs expended in bringing and assisting in this litigation. The amount of the incentive awards is aligned with and proportional to the expected recovery for the class members, and therefore the Court is satisfied that the interests of the Class Representatives, including their interest in receiving a service award, is fully aligned with the interests of the other Class Members.

XI. Approval of Case Management Order and Timeline

The parties have jointly proposed, and the Court hereby approves the following Case Management Order and Timeline for further proceedings with respect to Class Notification, Claims Administration, Final Approval, and Payment of Class Settlement Awards, all of which are consistent with the Plan of Allocation approved in this Order:

Table of Key Dates

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| Filing of Motion for Preliminary Approval | January 31, 2024 |
| Hearing on Preliminary Approval Motion | February 16, 2024 at 11 am – Court Room, State of Michigan Building, 350 Ottawa NW, Grand Rapids 49503 |
| Preliminary Approval Order Issued | February 16, 2024 |
| Distribution of Notice | By March 1, 2024 |
| Registration deadline for Individual not Automatically Eligible | April 3, 2024 |
| Determination of Eligibility for Individuals who Register | April 17, 2024 |
| Opt Out Deadline | May 1, 2024 |
| Motions for Next Friends and GAL appointments for Patient Class Members | May 1, 2024 |
| Forensic Assessments Must Be Completed by | June 12, 2024 |
| Patient Class Members' Award Elections | June 28, 2024 |
| Forensic Assessment Scores to Special Master | July 12, 2024 |
| Preliminary Allocations to Staff Plaintiffs | July 26, 2024 |
| Appeals due to Special Master | August 9, 2024 |
| Final Allocations and Special Master Report | September 6, 2024 |
| Motion for Final Approval Filed | September 13, 2024 |
| Hearing on Motion for Final Approval | Friday, October 4, 2024 at 11 am – Court Room, State of Michigan Building, 350 Ottawa NW, Grand Rapids 49503 |
| Effective Date (after appeals deadline, assuming Final Approval is Ordered) | November 26, 2024 |
| Distribution of funds other than Worker's Compensation redemptions (assuming Final Approval is Ordered) | By December 6, 2024 |
| Worker's Compensation Redemptions complete (assuming Final Approval is Ordered) | January 17, 2025 |

XII. CONCLUSION AND ORDER OF THE COURT

The Court having considered the parties' pleadings and exhibits, having heard from the parties during the motion hearing on January 9, 2023, having considered the applicable and controlling law, and the Court being otherwise advised in the premises,

IT IS HEREBY ORDERED:

1. Plaintiffs motion to certify settlement class and appoint settlement class is GRANTED., with the classes defined as follows:

A. Patient Plaintiff Class or Patient Plaintiffs means individuals who were patients at the Hawthorn Center and were present in the Hawthorn Center on December 21, 2022, between the hours of 9:00 a.m. and 11:00 a.m.

B. Staff Plaintiff Class or Staff Plaintiffs means Department employees and DK Security employee(s) who were present in the Hawthorn Center on December 21, 2022 between the hours of 9:00 a.m. and 11:00 a.m., excluding Victoria Petti, Derek Leppek, Wayne Soucie, and Dr. George Mellos. The Staff Plaintiff class includes includes a special subclass whose Class Representatives are Brandon Woodruff and Hawk Kennedy and whose only members are Brandon Woodruff and Hawk Kennedy.

2. The Court APPOINTS David and Kortni Horein parents and next friends to minor child D.H., and Mollie and Brent Bonter, parents and next friends to minor child A.B., on behalf of D.H. and A.B., and NaQuana Jones, Jason Smith, Jennifer Vance, Kai Mason, Annette Padula, Chauncey Payne, Jr., Brandon Woodruff, and Hawk Kennedy Class Representatives for the Settlement Classes.

3. The Court APPOINTS Plaintiffs' counsel Michael L. Pitt, Robin B. Wagner, and Beth M. Rivers and Michele P. Fuller as Class Counsel for the Settlement Class.

4. The Court GRANTS PRELIMINARY APPROVAL of the Proposed Class Action Settlement, as reflected in the parties Amended Settlement Agreement.

5. The Court GRANTS APPROVAL of the Proposed Class Notices, filed with the Court as Exhibit to Plaintiffs' Motion.

6. The Court GRANTS APPROVAL of the Class Notification Plan.

7. The Court APPOINTS Analytics Consulting LLC as Claims Administrator and Huntington National Bank as QSF.

8. The Court APPROVES Plaintiffs' proposed Plans of Allocation.

9. The Court APPOINTS attorney William W. Jack, Jr. as Special Master and FURTHER ORDERS that, as Special Master, Mr. Jack shall have the authority to decide eligibility disputes and appeals of awards with finality.

10. The Court APPROVES the Pool of \$4,333,333.33 set aside for Administrative Costs and Attorneys fees and the estimated costs and fees providing in Plaintiffs' motion.

11. APPROVES service awards of \$5,000 to each of the ten Class Representatives.

12. The Court APPROVES the Case Management Order and Timeline set forth above.

IT IS SO ORDERED.

Hon. James Redford

Dated: _____