

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

If you became eligible to receive Concurrent Payments from the Social Security Administration, and Representative's fees were paid for you between March 13, 2002 and October 31, 2017, and you meet certain other criteria, a class action lawsuit may affect your rights.

THE CLASS ACTION LAWSUIT

You may be affected by a class action lawsuit about whether the Social Security Administration ("SSA") owes you past-due money benefits. You are receiving this notice because you must decide if you want to be part of the class.

The lawsuit is called *Steigerwald v. Berryhill*, Case No. 1:17-CV-1516 (the "Lawsuit") and is in the United States District Court for the Northern District of Ohio. The Court decided that this lawsuit should be a class action on behalf of a "Class," or group of people, that could include you.

There is an upcoming trial set for February 2019 to decide the lawsuit. The Court may also decide the case without a trial before then.

If you are receiving this notice, you have to decide whether to stay in the Class and be bound by the results of the lawsuit, or ask to be excluded and keep your right to sue SSA on your own. **There is no guarantee that you will receive any money from this lawsuit.**

ARE YOU AFFECTED?

The Class certified by the Court is comprised of: individuals who became eligible to receive Concurrent Payments for whom Representatives' fees were paid out of the individual's retroactive benefits between March 13, 2002 and October 31, 2017, and for whom SSA made a Windfall Offset determination before the amount of Representatives' fees was determined and paid out of retroactive benefits, but for whom, after the amount of Representatives' fees was determined and paid out of retroactive benefits, SSA did not perform the Subtraction Recalculation and therefore has not issued any Retroactive Underpayment that may be due. [The capitalized terms are defined on the other side of this notice.]

WHAT IS THIS CASE ABOUT?

The lawsuit claims that SSA wrongly reduced payments to individuals who qualified for both past-due Supplemental Security Income ("SSI") benefit payments under Title XVI of the Social Security Act (the "Act") and Old Age Survivors and Disability Insurance ("OASDI") benefit payments under Title II of the Act, for any of the same months concurrently. **SSA denies that it owes money to the Class as a whole and has sought to dismiss the lawsuit.**

The Court has not made a final decision whether the Class or SSA is right.

WHO REPRESENTS THE CLASS?

The Court has appointed the law firms of Kelley Drye & Warren LLP of Washington D.C. and Roose & Ressler, a Legal Professional Association, of Lorain, Ohio to represent you as "Class Counsel" and Plaintiff Stephanie Steigerwald as the Class Representative. You may hire your own lawyer at your own expense to represent you in this case at any time and to appear in court. You may also appear in person yourself.

You do not have to pay Class Counsel now to participate as a Class member. Instead, if the Class obtains past-due money from SSA, Class Counsel intend to ask the Court for an order to deduct attorneys' fees from Class members' past-due money benefits of not more than 25% of each individual award to a Class member. SSA has opposed the award of any fees to Class Counsel. The Court will decide what percentage, if any, to award Class Counsel after a hearing on fees.

You also have an opportunity to submit written comments or an objection to the Court in advance instead of making an appearance at the hearing on fees. The time, date and location of the fees hearing will be posted at www.steigerwaldclassaction.com shortly after the information becomes available.

WHAT ARE YOUR OPTIONS?

You must decide whether to stay in the Class by no later than January 14, 2019.

If you choose to stay in the Class, you do not have to do anything now. You will be legally bound by all orders and judgments of the Court. You won't be able to sue, or continue to sue, SSA for the past-due benefits that the lawsuit seeks. If past-due money benefits are awarded, you will be notified about what to do, if anything, to obtain any owed money benefits.

You may also ask to be excluded from the class. If you do, you cannot get any past-due benefits from this lawsuit, but you will keep any rights you may have to sue SSA for these claims. You will not be bound by any orders or judgments of the Court. To ask to be excluded, send a letter or postcard postmarked by January 14, 2019, including your name, address, and telephone number to the address below. It should say words to the effect of "I want to be excluded from the Class in *Steigerwald v. Berryhill*."

HOW CAN YOU GET MORE INFORMATION?

If you have any questions or want to review court documents about this lawsuit, visit www.steigerwaldclassaction.com, or write to: SSA Class Action, Attn: Ira T. Kasdan, Kelley Drye & Warren LLP, 3050 K Street NW, Washington, DC 20007.

Who's affected?

Individuals who became eligible to receive Concurrent Payments for whom Representatives' fees were paid out of the individual's retroactive benefits between March 13, 2002 and October 31, 2017 and who meet certain other criteria.

Defined Terms

Concurrent Payments: Payments that a claimant becomes eligible to receive, or to have received, for both past-due SSI Payments and Title II Payments for any of the same months concurrently.

Representative: An attorney or non-attorney who represented you before the Social Security Administration (“SSA”) or in federal court to help you obtain Concurrent Payments

Retroactive Underpayment: The past-due benefits payment that SSA is required to make to a claimant following completion of the Subtraction Recalculation.

SSI Payments: Supplemental Security Income payments under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381, *et seq.*

Subtraction Recalculation: The calculation SSA is required to make after a court or the SSA determines the amount of fees to which an attorney or qualified non-attorney representative (a “Representative”) is entitled for having represented a claimant in obtaining Concurrent Payments, and after the Representative is paid such fees out of retroactive benefits. This calculation, when properly performed, yields the total amount of Retroactive Underpayment(s) payable to the claimant.

Title II Payments: Old-Age, Survivors, and Disability Insurance Benefit payments under Title II of the Social Security Act, 42 U.S.C. §§ 201, *et seq.*

Windfall Offset: A calculation SSA is required to apply when a claimant receives Concurrent Payments in order to ensure that the claimant does not receive more benefits than he or she would have been entitled to if the benefits had been paid when due.