

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>STEPHANIE LYNN STEIGERWALD</b>	)	
<b>on behalf of herself and the class,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CASE NO.: 1:17-CV-1516</b>
	)	
<b>v.</b>	)	<b>JUDGE JAMES S. GWIN</b>
	)	
<b>NANCY A. BERRYHILL, ACTING</b>	)	<b>NOTICE REGARDING MAILING OF</b>
<b>COMMISSIONER OF SOCIAL</b>	)	<b>CLASS NOTICE</b>
<b>SECURITY, ET AL.</b>	)	
	)	
<b>Defendants.</b>	)	

Class Representative Stephanie Lynn Steigerwald, on behalf of herself and the class (collectively, “Plaintiffs”), by undersigned appointed Class Counsel, hereby gives notice that the Class Notice approved by the Court has been mailed to all 129,859 members of the subject class. Of this number, 129,388 mailings were sent out during the week of November 5, 2018. The final 471 mailings were sent out on November 14, 2018.<sup>1</sup>

Of the 129,859 members of the subject class, 100,513 are considered by Defendants to be “Category 1” class members and 29,346 are considered to be “Category 2” class members. Exhibit A hereto, which was previously prepared by Defendants, describes the class members in “Category 1” and “Category 2.” In a footnote in Exhibit A, Defendants stated, *inter alia*, that, for the 29,346 “Category 2” class members, “no underpayment would be due even upon performing the windfall offset recalculation to account for representatives’ fees.”

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<sup>1</sup> Defendants first provided Plaintiffs’ counsel the addresses of those 471 class members on November 13, 2018.

Respectfully submitted,

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s/ Ira T. Kasdan, admitted *pro hac vice*  
s/ Joseph D. Wilson, admitted *pro hac vice*  
s/ Bezalel Stern, admitted *pro hac vice*  
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*Attorneys for Plaintiff and the class*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

The undersigned declares under penalty of perjury that the foregoing Notice Regarding Mailing of Class Notice complies with the page limitations for a Standard matter, and is one page long.

*/s/ Ira T. Kasdan* \_\_\_\_\_

Ira T. Kasdan  
*Attorney for Plaintiff and the class*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of November, 2018, a copy of the foregoing Notice Regarding Mailing of Class Notice was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ Ira T. Kasdan*

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Ira T. Kasdan  
*Attorney for Plaintiff and the class*

**DEFENDANTS' PRODUCTION PURSUANT TO THE COURT'S JULY 12, 2018  
ORDER**

Pursuant to the Court's July 12, 2018 and August 3, 2018 Orders, ECF Nos. 66 & 74, Defendants hereby produce the total number, names, addresses, and telephone numbers of class members from March 13, 2002 to October 31, 2017:

**Category 1:** Individuals who became eligible to receive concurrent benefits for whom representatives' fees were paid out of retroactive benefits between March 13, 2002 and October 31, 2017, and for whom the Social Security Administration ("SSA") made a windfall offset determination before the amount of representatives' fees was determined and paid out of retroactive benefits, but, after the amount of fees was determined and paid out of retroactive benefits, SSA has not yet recalculated the windfall offset and therefore has not issued any underpayment due.

**Category 2:** Individuals who became eligible to receive concurrent benefits for whom representatives' fees were paid out of 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, after the amount of fees was determined and paid out of retroactive benefits, the records reflect that SSA has not yet recalculated the windfall offset,<sup>1</sup> but to whom no underpayment would be due even upon performing the windfall offset recalculation to account for representatives' fees.

<b>Category</b>	<b>Count of Individuals</b>
Category 1	100,513
Category 2	29,346
<b>Total Number of Class Members</b>	<b>129,859</b>

The names, addresses, and telephone numbers of the individuals in Categories 1 and 2 are being produced under the Protective Order entered December 13, 2017, ECF No. 23, and subject to the terms of the Protective Order.

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<sup>1</sup> Within this category, there are cases where there is no fee deduction posted on the record to indicate that the SSA recalculated the windfall offset to account for representatives' fees; however, the SSA may have correctly recalculated the windfall offset manually and determined that no underpayment was due and, as a result, did not adjust the initial windfall offset amounts. Due to time constraints, the SSA has not yet had the opportunity to manually review the comments in these records to determine whether there are indications that a manual recalculation was performed. There are other cases where the fee deduction that was posted was less than the approved fee amount on the Master Beneficiary Record ("MBR"), but even with the additional fee, no underpayment would be due. Nevertheless, Defendants have concluded that further review of these cases may be needed to determine whether the individuals' Title XVI benefits would be otherwise impacted by the exclusion of representatives' fees from Title II income.

**CERTIFICATION**

I, Elizabeth K. Graham, am a Lead IT Specialist. I believe, based on reasonable inquiry, that the foregoing information is true and correct to the best of my knowledge, information and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: 09/12/2018

By: /s/Elizabeth K. Graham  
Elizabeth K. Graham  
[LEAD IT SPEC (SYSANA)]