

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

STEPHANIE LYNN STEIGERWALD,)
on behalf of herself and the class,)

Plaintiffs,)

v.)

NANCY A. BERRYHILL, ACTING)
COMMISSIONER OF SOCIAL)
SECURITY, ET AL.)

Defendants.)

CASE NO.: 1:17-CV-1516

JUDGE JAMES S. GWIN

SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES PURSUANT TO
42 U.S.C. § 406(b)

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At the April 4, 2019 hearing (the “Hearing”), the Court ordered Class Counsel to submit detailed hourly billing records for this case. We did on April 25, 2019. Doc. 111. The Court also granted Plaintiffs the right to take discovery. Class Counsel did so. As a result, Plaintiffs filed its Motion for Clarification or, in the Alternative, to Enforce Judgment. Doc. 113.

This Supplemental Memorandum addresses issues raised by the foregoing filings as well as issues and questions that were raised at the Hearing regarding the reasonableness of Class Counsel’s fee request. In this Memorandum we demonstrate, *inter alia*: (1) The hours Class Counsel dedicated to this case – including the pre-filing hours needed to prepare the case – were of high quality, and were reasonable, necessary and legally justifiable. It is not only the number of those hours but their quality that the Court should take into account. (2) The Court at the Hearing asked Class Counsel what the trend is regarding attorney’s fees awarded in common fund cases. Doc. 109 at 15:21-23. Although this technically is not a common fund case, “[t]he majority of common fund fee awards fall between 20% and 30% of the fund.” *Gooch v. Life Inv’rs Ins. Co. of Am.*, 672 F.3d 402, 426 (6th Cir. 2012) (quotation omitted). (3) The sample numbers relied on by Defendants at the Hearing to claim the presence of a “windfall” were unreliable. At the Agency’s 30(b)(6) deposition, SSA disavowed and discredited the sample.

In the end, the overarching issue for the Court to decide under § 406(b) is whether the requested 20% award is a “reasonable” fee for Class Counsel’s representation and work. The Supreme Court makes clear that the primary factor in determining reasonableness is the actual result achieved. *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983) (“[T]he most critical factor is the degree of success obtained.”). The result here is that, due solely to Class Counsel’s tenacious representation, tens of thousands of people will receive money that has been owed them. In deciding what fee is reasonable under the circumstances, the Court should take into account the

great social benefit that this case has bestowed by exposing the Agency's pervasive errors and forcing the Agency to fix them. The results from this litigation outweigh any lodestar test calculation, which in any case should not apply to the Court's 42 U.S.C. § 406(b) analysis.

Finally, public policy considerations support the fee award being granted as requested. Defendants have previously argued to this Court that "application of § 406(b) is not required to effectuate vigorous class-action representation against SSA." Doc. 52 at 23 (casing fixed). This simply is not true. SSA's stubborn opposition to § 406(b) fees and in complicating and extending a case that back *in February 2018* Defendants knew they should have conceded, undoubtedly has been for the purpose of deterring class actions such as this one. Existing legislation prevents government-funded legal services organizations from bringing class actions against the government. See <https://www.lsc.gov/about-statutory-restrictions-lsc-funded-programs>. This alone reduces the number of potential class actions that the Agency faces. It, therefore, is important for the Court to incentivize not only this Class Counsel but also to send a message to others that taking on large class actions against the Agency is worth the risk.

I. Class Counsel's Detailed Billing Records Demonstrate The Reasonableness Of The Time Expended In This Case, Especially Given The Results Achieved

Given comments raised by opposing counsel at the Hearing, we expect Defendants to criticize: (1) Class Counsel's time entries that account for research, strategy and investigation, especially prior to the filing of the Complaint, (2) Class Counsel's "billing judgment," *e.g.*, the appearance of several attorneys representing the Class at hearings, and (3) Class Counsel's billing rates. Defendants' anticipated nitpicking should not survive scrutiny.

However, before we respond to these specific arguments, it is appropriate to summarize what Class Counsel did and what was achieved. This was not an easy case or one previously

litigated by Class Counsel.¹ There always was risk and never any guarantee of a favorable outcome – neither on the merits nor as to whether there would be a viable class (and certainly not one that would have made the case financially feasible for Class Counsel if the class had turned out to be small). Defendants fought Plaintiffs at every turn. They continue to do so. Key members of Class Counsel’s team were forced to turn from other billable projects and focus on this case. Key members of Class Counsel’s team continue to expend extensive time on this case, and will likely be doing so for the foreseeable future. *See* Ex. A (revised billing records, updated as of May 9, 2019). This is especially so if Defendants make good on their threat to appeal the Court’s holding and request additional time beyond the eight-month deadline.²

A. Summary of Class Counsel’s Work and Results Achieved to Date

The following bullet points summarize, only in part, what the time records show concerning (i) the myriad issues we were forced to litigate due to Defendants’ aggressiveness, and (ii) the quality of Class Counsel’s representation and the results achieved:

- Early in this case, Defendants filed a Motion to Dismiss. Doc. 18. Defendants argued that lead Plaintiff Stephanie Lynn Steigerwald failed to present her claim to the Agency. Doc. 18-1 at 12-17. In support, Defendants attached a Declaration of Janet Walker with an Appendix totaling 138 pages. Doc. 18-2. The Appendix seemed to be a comprehensive record of Ms. Steigerwald’s benefits record. But Class Counsel’s diligent review of the Appendix revealed that Ms. Walker failed to include one specific page from Ms. Steigerwald’s actual record, which page conclusively proved that Ms. Steigerwald (through now deceased-Class Counsel Kirk Roose) had presented her claim. *See* Doc. 25-1.³ The Court thus rejected Defendants’ presentment argument. Doc. 32 at 6-7. But for Class Counsel’s discovery of this “smoking gun” the case may have been dismissed from the get-go.

¹ While the district court in *Greenberg v. Colvin* dealt with the issue of whether § 406(b) fees applied in the class action context (both this Court and the *Greenberg* court held that they do), the substantive factual and legal issues here are completely different from and unrelated to those in that case. *See Greenberg v. Colvin*, 63 F. Supp. 3d 37, 41-42 (D.D.C. 2014).

² It goes without saying that, other than the Court’s § 406(b) percentage award, Class Counsel will receive no payment in this case, no matter how long Defendants make it drag on.

³ Incredibly, at her 30(b)(6) deposition, Ms. Walker *disclaimed any knowledge that SSA had even filed a Motion to Dismiss this case*. Doc. 113-2 at 64:18-21 (“Q: [A]re you aware of the fact that the Agency moved to dismiss the case very early on? A: I’m not aware of that.”).

- Prior to filing the Motion to Dismiss, Defendants had engaged in what Class Counsel believed were good faith discussions to reach an expeditious settlement. In that regard, Defendants and Plaintiffs jointly requested a stay. Unbeknownst to Plaintiffs, the Agency used the time in which the case was stayed to perform the Subtraction Recalculation for Ms. Steigerwald and to pay her what the Agency claimed she was owed. Doc. 18-1 at 8. Defendants then argued that the “controversy [was] moot[.]” Doc. 18-1 at 8. Class Counsel was forced to brief and litigate the issue of mootness of a class. Class Counsel succeeded when the Court rejected Defendants’ mootness argument. Doc. 32 at 11-15.
- In January 2018, in response to Plaintiffs’ class certification discovery requests, and notwithstanding the deadlines imposed by the Federal Rules of Civil Procedure, Defendants unilaterally stated they would only provide one year of Class Member discovery, and would only do so in March 2018 (nearly five months after Plaintiffs served their discovery requests). *See* Doc. 34 at 2. Class Counsel objected, and Defendants’ recalcitrance necessitated a prolonged discovery dispute, which the Court referred to Magistrate Judge Ruiz. *See* Docs. 33-36, 40, 41-43. The issues were extensively briefed in multiple letter filings and were argued by Class Counsel in two telephonic hearings. Only after further negotiation did Defendants provide five years of class data **in April 2018**. This, even though Defendants already had that information by **February 2018**. *See* next bullet point.
- By February 2018, the Agency had become aware that the Subtraction Recalculation was not performed over a five-year period for approximately 37,000 individuals. Doc. 113-2 at 57:2-6. Despite this early knowledge, Defendants **in May and June of 2018** persisted in forcing Class Counsel to litigate the issue of whether a class existed. *See* Docs. 55, 55-1, 57, 59. In Opposition to Class Certification, Defendants argued that: (a) while lead Plaintiff Stephanie Lynn Steigerwald had presented her claim, the remainder of the class had not, (b) the proposed class definition was temporally overbroad, (c) the proposed class did not have common questions of law, (d) Ms. Steigerwald’s injury was not “typical” of the Class, and (e) the proposed class failed to satisfy Rule 23(b)’s requirements. Doc. 57 at 6-25. In Reply, Plaintiffs were forced to research and respond to each of these five arguments. Doc. 59. On July 12, 2018, the Court rejected all of Defendants’ arguments and granted Class Counsel’s Motion to Certify the Class. Doc. 66. The Court also agreed with Class Counsel that the Class includes Members starting from 2002. *See id.* at 16-18.
- Defendants refused to cooperate with Class Counsel in drafting the Proposed Notice. Class Counsel provided Defendants with the Proposed Notice in the hope that Defendants would agree on the language contained therein. Just days before the Proposed Notice was due, Defendants provided Class Counsel with a heavily altered version of the Proposed Class Notice, which contained biased information and mischaracterizations evidently included to induce Class Members to opt out of the Class. *See* Doc. 76. Class Counsel was thereby forced by Defendants to litigate the language of the Class Notice. Docs. 76-78. The Court substantially adopted Class Counsel’s Proposed Class Notice. Doc. 80.
- Class Counsel filed a summary judgment motion as to both the Agency’s liability and as to the applicability of § 406(b) fees. Doc. 50. Defendants opposed the motion in its entirety. Doc. 52. In opposition to its liability, the Agency alleged that Plaintiffs were required to show a deliberate “pattern and practice” on the part of the Agency to prevail. *Id.* at 6. Defendants alleged that Plaintiffs’ establishing “that some 28,510 people may be due

additional past-due benefits” was not enough. *Id.* at 12. Class Counsel was thereby forced to litigate whether Plaintiffs claim was a “pattern and practice” claim. *See* Doc. 54 at 10-13. The Agency also argued that summary judgment could not be granted, because it could delay the Subtraction Recalculation’s performance indefinitely. Doc. 52 at 14-15. Class Counsel was forced to deflate that argument as well. Doc. 54 at 13-14. Class Counsel succeeded. The Court awarded summary judgment to the Class on January 25, 2019. Docs. 88, 89.

- Class Counsel also succeeded in puncturing the Agency’s various contradictory arguments as to why 42 U.S.C. § 406(b) should not apply. Doc. 52 at 15-25. Class Counsel was forced to spend time picking apart these arguments as well. *See* Doc. 54 at 15-24. The Court found that § 406(b) applies in this case. Doc. 88 at 9.
- Nearly a month after the Court issued its Opinion and Order granting summary judgment, Defendants’ filed a Rule 59(e) Motion, in which the Agency argued, *inter alia*, that the Court did not have the authority to issue its Order. Doc. 96 at 1. Class Counsel was forced to spend time successfully re-litigating the issue of the Court’s jurisdiction, which the Court had already decided at the motion to dismiss stage.
- After the Court allowed Plaintiffs to take discovery, Class Counsel requested documents from, and took the 30(b)(6) deposition of, the Agency. That discovery showed that the Agency continues to slow walk the Subtraction Recalculation process. Therefore, Class Counsel filed a Motion for Clarification or, in the Alternative, to Enforce Judgment. Doc. 113. Class Counsel will continue to spend time briefing this and other issues as they arise.
- Class Counsel’s detailed billing records also reflect the time spent preparing for and participating in mediation and settlement sessions. They also partially reflect time spent communicating with Class Members. Class Counsel has striven to be transparent with the Class throughout this litigation. To that end, Class Counsel has created and with claims administrator KCC maintains a website dedicated to this case, www.steigerwaldclassaction.com, which contains links to virtually every brief and Order from this case – something unheard of in a social security class action case, where documents generally are not available to the public via PACER. To date, the website has received over 14,000 views. Class Counsel and their staff also constantly communicate with Class Members seeking information and updates regarding this case. *See* Ex. B.

This obviously is not the typical 30 to 40 hour social security case on appeal, under which courts in the past have analyzed “reasonableness” or “windfalls.” The above summary, and Class Counsel’s detailed billing records, documenting 3,800 hours of work, demonstrate the significant quality time and effort that Class Counsel has put into this case. Despite Defendants’ heated opposition, Class Counsel has successfully advocated for the Class every step of the way. Had Defendants chosen to pursue a different route, this case may have been easier. As it was, however, this was a difficult, complex case.

B. Class Counsel's Pre-Complaint Work Should Be Considered

Defendants likely will object to Class Counsel's pre-Complaint time. However, pursuant to Supreme Court and Sixth Circuit precedent, attorney work performed prior to the filing of a lawsuit counts. *Ray Haluch Gravel Co. v. Cent. Pension Fund of Int'l Union of Operating Eng'rs & Participating Emp'rs*, 571 U.S. 177, 189 (2014) ("The fact that some of the claimed fees accrued before the complaint was filed is inconsequential."); *Cox v. Shelby State Comm. College*, 194 Fed. App'x 267, 278 (6th Cir. 2006) (allowing recovery of time spent pre-complaint investigating facts and researching viability of potential claims); *Perotti v. Seiter*, 935 F.2d 761, 764 (6th Cir. 1991) (fee recovery permitted for work done before making appearance in case).

The initiating work of now-deceased Class Counsel Kirk Roose in discovering the potential Agency failure to perform the Subtraction Recalculation, reviewing his clients' records to determine whether they were affected by the Agency's mistakes and educating Kelley Drye lawyers – who in turn had to convince their executive committee to take this risky contingent case – as to the byzantine intricacies of the Agency's failures, was crucial to the Class Action's success. As reflected in Roose & Ressler's billing records, this work had to be performed prior to the filing of the Complaint (which has never needed to be amended). Because the work was performed– even over a period of years – to develop and bring what ultimately became this case, it should be considered when evaluating Class Counsel's hours.⁴

⁴ For example, Mr. Roose's recorded time mentions a number of his clients for whom he looked into whether the Subtraction Recalculation was performed. Those clients turned out to be part of the Class. *See* Ex. E.

Thus, the Agency's attack at the Hearing that Mr. Roose spent "numerous hours reviewing Social Security files in an attempt to find basically a named plaintiff," Doc. 109 at 31:9-11, is not true. In fact, Mr. Roose did the due diligence required pursuant to F.R.C.P. 11 to confirm his supposition that the Subtraction Recalculation had not been performed – including for many of his clients. Class Counsel then strategically chose Ms. Steigerwald as the sole lead

C. Class Counsel Did Not Engage in Improper Overstaffing or Duplicate Work

Class Counsel Kelley Drye primarily utilized three attorneys (plus local counsel) – partner Ira Kasdan, senior associate Bezalel Stern, and counsel Joseph Wilson – in this litigation, and primarily for the last year only the former two attorneys. Defendants may assert that the use of three attorneys to attend hearings and draft pleadings demonstrates poor billing judgment. Not so. “Given the complexity of modern litigation, the deployment of multiple attorneys is sometimes an eminently reasonable tactic . . . Effective preparation and presentation of a case often involve the kind of collaboration that only occurs when several attorneys are working on a single issue.” *Gay Officers Action League v. Puerto Rico*, 247 F. 3d 288, 297 (1st Cir. 2001). *See Democratic Party of Wash. State v. Reed*, 388 F. 3d 1281 (9th Cir. 2004) (granting attorneys’ fee request despite presence of three attorneys on billing entries; holding that “[p]articipation of more than one attorney does not necessarily amount to unnecessary duplication of effort” and that assistance from an associate attorney attending hearings is “most definitely necessary.”).

Courts also consider that a litigant’s staffing needs often are directly proportional to the “ferocity of her adversaries’ handling of the case” and “this factor weighs heavily in the balance” when analyzing a prevailing party’s fee request. *See Lipsett v. Blanco*, 975 F.2d 934, 939 (1st Cir. 1992). In this case, *the Agency* utilized its vast resources and employed multiple attorneys. *See* Doc. 113-2 at 10:10-16:4 (Agency’s 30(b)(6) witness testifying that three government attorneys attended, and helped her prepare for, her deposition and at least five others from the Office of General Counsel further assisted her). *See also* Doc. 90-1 at 5 n.5 (seven government attorneys attended mediation on behalf of SSA). “The government cannot litigate tenaciously

Plaintiff. *See* Doc. 109 at 35:12-14. As the Court has recognized, Ms. Steigerwald has been a “vigorous[]” representative for the Class. Doc. 66 at 12.

and then be heard to complain about the time necessarily spent by the plaintiff in response.” *City of Riverside v. Rivera*, 477 U.S. 561, 580 n.11 (1986) (quotation omitted).⁵

D. Class Counsel’s Rates Are Appropriate for this National Class Action

At the Hearing, Defendant’s counsel incorrectly stated: “there’s no authority to support the idea that a court can deem reasonable a fee that is wholly divorced from the standard rate in the district.” Doc. 109 at 29:22-25. In fact, the Sixth Circuit has stated that hourly rates may be determined with reference “to national markets, an area of specialization, or any other market [the court believes] is appropriate to fairly compensate attorneys in individual cases.” *McHugh v. Olympia Entertainment, Inc.*, 37 Fed. App’x 730, 740 (6th Cir. 2002) (collecting cases). *See also Bowman v. Colvin*, 2014 WL 1304914, at *6 (N.D. Ohio 2014) (“the practice of capping an hourly rate based on regional standards is precisely what the Sixth Circuit instructed against.”). (Citing *Hayes v. Sec’y of Health & Human Servs.*, 923 F.2d 418, 421 (6th Cir. 1990)). Defendants’ counsel’s assertions to the contrary simply are wrong.

Because this is a national Class Action, affecting 129,695 people in all 50 states, the District of Columbia, and overseas, taking D.C. Class Counsel’s normal billing rates into account is clearly appropriate under this Circuit’s precedent. *See McHugh*, 37 Fed. App’x at 740 (“All the evidence in the record shows that the rates charged by plaintiff’s Chicago attorneys were reasonable in national, regional, and local markets.”).

II. Even If This Was A Common Fund Case, The Requested Fee Would Be Reasonable

Because the attorneys’ fee provision at issue here is statutorily based in the language of 42 U.S.C. § 406(b), this is not *actually* a common fund case. Moreover, the Class Members will

⁵ The government flew between two and five attorneys from Washington, D.C. to Cleveland for each hearing, conference and mediation in this case. It would be particularly hypocritical for the government to accuse Class Counsel of overbilling for bringing a similar or lesser number of attorneys to the same.

not be compensated from a “common pool” of money. Instead, each Class Member’s Subtraction Recalculation must be performed individually, and some (perhaps many) Class Members will not be paid at all. Notwithstanding, if the Court looks to common fund cases to determine whether the requested 20% fee is reasonable, the Court should conclude that it is.

Historically, attorney fees were awarded from a common fund based on a percentage of that fund. After a period of experimentation with the lodestar method (based on the number of hours reasonably expended multiplied by the applicable market rate for the lawyer’s services), the vast majority of courts of appeals now permit or direct district courts to use the percentage-fee method in common-fund cases . . . Awarding attorneys 25% of a common fund represents a typical benchmark.

Manual of Complex Litigation § 14.121 (2004).

“The majority of common fund fee awards fall between 20% and 30% of the fund.” *Gooch*, 672 F.3d at 426 (6th Cir. 2012) (quotation omitted). Indeed, the recent trend in the Sixth Circuit is to generally uphold common fund awards of between 20% and 30%. *See, e.g., Gascho v. Glob. Fitness Holdings, LLC*, 822 F.3d 269, 276 (6th Cir. 2016) (affirming award of 20.9% of common fund as “reasonable”); *Pelzer v. Vassalle*, 655 F. App’x 352, 368 (6th Cir. 2016) (affirming common fund award of 28.8% as “within the bounds of reasonableness”).

District courts in the Sixth Circuit also have regularly awarded fees over 20% in common fund cases. *See, e.g., In re Skelaxin Lit.*, 2014 WL 2946459 (E.D. Tenn. 2014) (33% of \$73 million); *In re Se. Milk Lit.*, 2013 WL 2155387 (E.D. Tenn. 2013) (33% “within the range of fees often awarded in common fund cases, both nationwide and in the Sixth Circuit”); *Bessey v. Packerland Plainwell, Inc.*, 2007 WL 3173972, at *4 (W.D. Mich. 2007) (awarding 33% and noting “fee awards in class actions average around one-third of recovery”); *In re CMS Energy Sec. Litig.*, 2007 U.S. Dist. LEXIS 96786 (E.D. Mich. 2007) (22.5% of \$200 million); *In re DPL Inc. Sec. Litig.*, 307 F. Supp. 2d 947 (S.D. Ohio 2004) (20% of \$110 million).

III. The Contingent Fee Agreement Applies To The Class

Section 406(b) states that counsel may be awarded up to 25%, and, significantly, Class Counsel has a contingency fee agreement stating the same. Doc. 90-3. According to the Sixth Circuit, this agreement provides Class Counsel's with a "rebuttable presumption" of reasonableness, *Hayes*, 923 F.2d at 421, which Defendants have failed to rebut. Nonetheless, at the Hearing Defendants' counsel argued that the fee agreement Ms. Steigerwald signed on behalf of the Class should not govern the Class. Doc. 109 at 23:12-24. Defendants are wrong.

Ms. Steigerwald, whom the Court appointed as Class representative, Doc. 66, entered into her contingency fee agreement with Class Counsel on behalf of both herself and the Class. Doc. 90-3 at 3 (listing Ms. Steigerwald's "Duties as a Class Representative"). Any class member who did not wish to be represented by her or Class Counsel had ample opportunity to opt out. Indeed, 164 individuals chose to do so. On the other hand, Class Members who chose to stay in the class have consented to representation by Ms. Steigerwald and Class Counsel.

In the Class Notice that the Court approved, Class Counsel was clear about the fees it intended to seek: "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." Doc. 80-1 at 1. Even if Ms. Steigerwald's execution of the contingent fee agreement would not be enough to bind the Class (it should be), each Class Member's individual choice to stay in the Class, with the express knowledge of the fee award Class Counsel would be seeking, is no different than the execution of a contingent-fee agreement in which the attorney states his intention to seek a 25% Section 406(b) award. As the *Greenberg* court explained in the face of SSA's similar objection:

Given that class counsel represents absent class members who choose not to opt-out, allowing class counsel to seek a contingent fee without an explicit signed agreement from each absent class member is not 'unprecedented and

unwarranted,' as Defendants suggest . . . courts consistently award attorneys' fees in class actions where the absent class members are not apprised of the proposed fee arrangement until after either a preliminary settlement has been reached or the court has decided in favor of the plaintiffs. In such cases, courts have not required individual fee agreements, but have deemed it sufficient to notify absent class members of the proposed arrangement and allow for objections.

63 F. Supp. 3d at 51 (collecting cases).⁶

IV. Lodestar Does Not Apply In The § 406(b) Context

Both "Congress and the Supreme Court have considered the negative policy implications of allowing the lodestar methodology to drive SSDI fee awards . . . A district court's use of the lodestar to determine a reasonable fee [] ultimately works to the disadvantage of SSDI claimants who need counsel to recover any past-due benefits at all." *Crawford v. Astrue*, 586 F.3d 1142, 1149 (9th Cir. 2009). In *Rodriquez v. Bowen*, 865 F.2d 739 (6th Cir. 1989), this Circuit determined that lodestar is an inappropriate method for 406(b) cases even before the Supreme Court did so. The Sixth Circuit explained that district courts should focus on the contingent-fee agreement, as opposed to the lodestar. This was, the *Rodriquez* court explained, an:

attempt [] to bring a semblance of order to this chaotic battleground of inconsistency, one in which all parties are clamoring for an even, predictable approach in attorney's fee authorization. *The courts as well as the Social Security Administration are sometimes spending almost as much time reviewing and setting fees as they are in dealing with the merits of the benefits determination.* Our aim is to provide a clearer and therefore more efficient framework for guidance . . . of the courts of this circuit generally in determining fee awards in social security cases.

865 F.2d 739 at 746 (emphasis added). The Sixth Circuit later underscored the inapplicability of the lodestar method to 406(b) cases, explaining: "The district court employed a technique now thoroughly rejected by this circuit: limiting attorney's fees to whatever flat hourly rate a particular court deems reasonable . . . The statute, 42 U.S.C. § 406(b)(1), establishes a cap on

⁶ In any event, 42 U.S.C. § 406(b) would be applicable even in the absence of a contingent fee agreement. *See, e.g., Thomas v. Astrue*, 359 F. App'x 968, 975 (11th Cir. 2010).

attorney's fees of 25% of the claimant's award, not a cap on the hourly rate." *Hayes*, 923 F.2d at 421. *See also Shack v. Comm'r of Soc. Sec.*, 2013 WL 5755679, at *4 (N.D. Ohio 2013) ("While EAJA fees may be calculated using the hourly rate or 'lodestar' analysis, the Sixth Circuit has held that, in applications for attorneys' fees under 42 U.S.C. § 406(b), it is 'error for the district courts to reduce the attorney's fee award on the ground that the amounts called for by the [twenty-five percent] contingency agreements computed to high hourly rates.'" (Quoting *Hayes*). Per *Hayes*, even a hypothetical award more than two times the standard billing rate is *not per se* unreasonable, and must be rebutted. 923 F.2d at 422. *See also Lasley v. Comm'r of Soc. Sec.*, 771 F.3d 308, 309 (6th Cir. 2014) ("our precedent accords a rebuttable presumption of reasonableness to contingency-fee agreements that comply with § 406(b)'s 25-percent cap.").

In *Gisbrecht v. Barnhart*, the Supreme Court rejected once and for all the lodestar method in 406(b) cases. *See* 535 U.S. 789, 806-08 (2002). *See also Ratliff v. Comm'r of Soc. Sec.*, 2013 WL 633606, at *2 (N.D. Ohio 2013) (*Gisbrecht* "reject[ed] lodestar approach"); *Sykes v. Comm'r of Soc. Sec.*, 144 F. Supp. 3d 919, 925 (E.D. Mich. 2015) ("the Commissioner's fixation on the hourly rate is contrary to the plain holding of *Gisbrecht*, in which the Supreme Court rejected the lodestar method of fee review in non-fee-shifting cases.); *Everroad v. Astrue*, 2009 WL 363546, at *1 (S.D. Ind. 2009) ("When applying § 406(b), the court does not apply the familiar lodestar method that applies under federal fee-shifting statutes." (Citing *Gisbrecht*)). *Gisbrecht* explained: "It is [] unlikely that Congress, legislating in 1965, and providing for a contingent fee tied to a 25 percent of past-due benefits boundary, intended to install a lodestar method courts did not develop until some years later." 535 U.S. at 806.⁷ As opposed to

⁷ The current Section 406(b) was added in 1965. The legislative history demonstrates that the policy of collecting fees from a percentage of a plaintiff's recovery was designed to be mutually beneficial for both claimants and attorneys. The amendment was "designed to . . .

analyzing particular rates for particular hours billed, *Gisbrecht* mandates: “Within the 25 percent boundary the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” *Id.* at 808 (emphasis added).

Despite the difficulties Defendants have placed before Class Counsel, the services rendered and results achieved for the Class have been excellent. Indeed, Class Members have lauded counsel and support the 20% request. *See* Ex. C. As of May 8, 2019, based on letter notices Class Counsel has received from SSA, Class Counsel can confirm that the Subtraction Recalculation has been performed for 372 Class Members. Class Members already have received \$219,259.97. Ex. D. Over the next months, millions more will likely be paid to deserving Class Members. When accounting for Class Counsel’s § 406(b) attorneys’ fee percentage, this must be taken into account. *See Hensley*, 461 U.S. at 436 (“[T]he most critical factor is the degree of success obtained.”). *See also Brady v. Comm’r of Soc. Sec.*, 2019 WL 669853, at *3 (E.D. Mich. 2019) (granting § 406(b) motion after finding that “[a]lthough the resulting hypothetical [hourly] rate is high, plaintiff’s counsel achieved an excellent result for his client in this case . . . The work done by plaintiff’s counsel was not minimal and the amount of the resulting fee does not represent a ‘windfall’ or an inordinately large payment for that work.”).

Black’s Law Dictionary defines the term “reasonable” to mean “[f]air, proper, or moderate *under the circumstances*.” (10th ed. 2014) (emphasis added). Under the circumstances of this case, in which Class Counsel successfully represented 129,695 Class Members, many of whom will be paid hundreds or thousands of dollars due solely to Class Counsel’s advocacy, the

encourage effective legal representation of clients.” *Social Security Act: Hearing on H.R. 6675 Before the Comm. On Finance*, 89th Cong. 513 (1965). *See Crawford*, 586 F.3d at 1142 (amendments were designed “to embrace the use of contingent fees to compensate lawyers who represent [SSA] claimants.”).

20% Section 406(b) fee request is reasonable and not a windfall.

At the Hearing, Defendants contended that a 20% award would result in a windfall, stating “[t]he estimated amount [of fees] would total 28 million[.]” Doc. 109 at 8:17-18. This number has now been proven unreliable, as Defendants’ 30(b)(6) deponent has completely discredited the accuracy of Defendant’s counsel’s representation. *See* Doc. 113-1 at 11-12. Instead, based on the letter notices we have received to date, Class Members have obtained, on average, an underpayment of \$589.41. *See* Ex. D. Should the Court provide Class Counsel a 20% award pursuant to 42 U.S.C. § 406(b), Class Counsel would receive an average of \$155.85 per Class Member (not the prior, higher number provided by Defendants) *Id.*⁸

While the exact amount of § 406(b) attorney’s fees will not be known until the Agency completes performance of all of the Subtraction Recalculations, the parties have repeatedly expressed the desire for the Court to award a § 406(b) percentage sooner rather than later. *See, e.g.,* Doc. 95 at 12 n.8; Doc. 96-1 at 8 n.3. Indeed, Janet Walker testified at her 30(b)(6) deposition that once the Agency knows the percentage awarded, it will quicken the pace of the thousands of Subtraction Recalculations that still need to be performed. *See* Doc. 113-2 at 198:4-7 (“So my understanding of the process is – is no, we could not have done Phases I and II, not efficiently anyway, until we knew the – the [§ 406(b)] fee amount.”).

V. Public Policy Favors the Grant of Class Counsel’s 20% Fee Request

Defendants have previously argued that “application of § 406(b) is not required to effectuate vigorous class-action representation against SSA.” Doc. 52 at 23 (casing fixed). This simply is not true. As Defendants surely know, originally most class actions against SSA were

⁸ We have always been transparent with the Court. A 20% award, based on these numbers – *if they accurately represent the Class as a whole* – would equate to approximately \$20,000,000. However, Class Counsel continues to question whether the 372 letter notices received to date are a statistically reliable benchmark to determine a final fee total.

brought by pro bono legal aid groups, which are largely funded in part under the Legal Services Corporation Act, 42 U.S.C. 2996 *et seq.* (the “LSC Act”). The LSC Act now *prohibits* any organization who receives government funding from bringing class actions against governmental agencies, such as SSA. *See generally* <https://www.lsc.gov/about-statutory-restrictions-lsc-funded-programs>. Indeed, Defendants have referenced only five class action cases brought against SSA since the LSC Act was amended in 1996. Doc. 52 at 18-19.

The Agency knows that, without a true incentive of reward, private attorneys in large law firms on the whole will not spend the significant time and resources it takes to ready, file and litigate a risky, contingent class action against SSA. With legal aid groups largely excluded and small firms incapable of handling class actions, SSA has had virtually a free hand to continue bad behavior such as that outed by Class Counsel here.

This is why the Agency has been fighting this case so hard. Had SSA settled early the fee request would have been lower. But SSA does not want to be forced to fix its errors more often – or even settle and rectify errors quickly. The public policy here strongly favors full grant of the requested award. Cases like this will incentivize further class actions only if class counsels can expect a reasonable return on their investment *in the event that they win*. When they lose, the return on their investment will be zero. If they win and receive a return that does not provide a premium on their investment of time and resources – as is expected in contingency cases in all other areas of the law – others will not bring these cases. That is not in the public interest.

VI. Conclusion

The Court should grant Class Counsel’s Motion. *See* Docs. 90, 97.

Respectfully submitted,

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Attorneys for Plaintiff and the Class

Dated: May 9, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 2019, a copy of the foregoing Supplemental Memorandum in Support of Motion for Attorneys' Fees and supporting documents 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

Ira T. Kasdan
Attorney for Plaintiff and the class

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

The undersigned declares under penalty of perjury that the foregoing Supplemental Memorandum in Support of Motion for Attorneys' Fees complies with the page limitations for a Standard matter, and is 15 pages long.

/s/ Ira T. Kasdan

Ira T. Kasdan
Attorney for Plaintiff and the class

EXHIBIT A

CONFIDENTIAL PURSUANT TO COURT ORDER

EXHIBIT B

The Total Number of Persons Calling (not including multiple times) is as follows: 317

Class Members Name Redacted

Category	Notes:
2	11/13: spoke to to her and adviced her on consequences of Cat. 2 - she has decided to stay in (Ira advised her to call at any time)
1	11/13: CALLED HER BACK. EXPLAINED THE CASE BRIEFLY; MIGHT BE OWED \$; TOLD HER SHE DOES NOT HAVE TO DO ANYTHING TO STAY IN THE CASE AND TO CHECK THE WEBSITE AFTER JANUARY 14, 2019.
1	11/13: IK - CALLED HER BACK. EXPLAINED THE CASE BRIEFLY; MIGHT BE OWED \$; TOLD HER SHE DOES NOT HAVE TO DO ANYTHING TO STAY IN THE CASE AND TO CHECK THE WEBSITE AFTER JANUARY 14, 2019
1	11/13: CALLED HER BACK. EXPLAINED THE CASE BRIEFLY; MIGHT BE OWED \$; TOLD HER SHE DOES NOT HAVE TO DO ANYTHING TO STAY IN THE CASE AND TO CHECK THE WEBSITE AFTER JANUARY 14, 2019
1	11/13: Ik - told him briefly re case; told him he does not have to do anything at this point to stay in
1	11/13: IK - called him back and told him that he does not have to do anything to stay in the case
1	11/13: IK - called her back – she did not pick up; left her a message that she could call me back; she called back – explained she MIGHT be owed \$; told him that he does not have to do anything to stay in the case;
	Told her that she could call me back in the future (suggested post- January 14, 2019
2	11/14: IK - I CALLED AND EXPLAINED THE CASE BRIEFLY, HIS OPTION TO STAY IN OR OPT OUT, AND ESPECIALLY THAT HE IS IN CAT 2 AND THAT I CANNOT GUARANTEE ANYTHING INCLUDING THAT SSA MAY SEEK \$ BACK). HE SID THAT HE WANTS TO STAY IN THE CASE AND THANKED ME FOR CALLING HIM BACK
2	11/14: IK - I CALLED AND LEFT A MESSAGE
2	12/20 – called him * – he claimed that I had the wrong person and that he had not received the class action letter (though he said that he had received disability in the past). I gave him my name and apologized but told him that he can call me if he remembers about getting a letter and has any questions; 1/30 MSA he called to update his cell phone number and check on case status - spoek to him and informed him on Order and Opinion for Summary Judgment; 2/28 MSA spoke to Mr. [Name Redacted] and gave him case status - he said he would call in a couple of weeks to see if Def filed Appeal; 3/13 MSA Mr. [Name Redacted] called for status on case - informed on hearing for fees motion on April 4th; Def Motion to Alter/Amend and Opposition - he will be checking website and/or will call after April 4th; 4/16 MSA spoke to Mr. [Name Redacted] and gave him status on 4/1 Order and 4/4 Hearing
2	11/14: IK - I spoke with her. She wants not to be part of the case but thinks this is a scam and refuses to send a letter or note opting out. I told her to call the court but she refuses to do that either.
1	11/13: IK - I called him. Explained the case briefly. Told him to check website after Jan 14, 2019.

Class Members Name Redacted

1 11/13: IK - I called him. Explained the case briefly. Spoke to wife also. And explained to her as well. Told them to call me if they had questions. Told them I could not call them in future b/c 130,000 people got same notice as he did.

1 * 11/13: IK - I called. No answer. Will try again. 11/14: Returned his call. No answer. Left message.; AR- 12/4- called again, but no answer. Tried to leave voicemail but automated message asked for "remote access code" and ended call; 12/20 IK – called again; no one picked up and could not leave a message

1 11/13: IK - I explained the case to her.

1 11/14: Wants to be part of the case. Told him he does not have to do anything at this point and wait to see what the court decides in early 2019

2 11/14: I called him back. Explained him re cat. 2. Case was audited; attorney took 25% but court reduced it to 14%. And he got \$ back from his attorney. I told him that since SSA says he is in Cat. 2 and will not get \$ that it probably would be best to opt out – but that it was his choice. I told him that he could call back anytime with any further questions. He said he would drop me a note (probably to drop out).

1 11/14: IK Called her back. Told her she does not have to do anything to stay in the case and to check the website periodically after Jan 1, 2019 for any court orders.

1 * 11/14: IK called back. Explained briefly. Aunt was representative. . . . gets what the case is about. Explained that there is a website Asked re the fees. Explained about the 25% that we would ask for if we win. [He said he was subject to an overpayment already . . .]; 2/28 MSA spoke to Mr. [Name Redacted] updated him on SJ, Fees Motions and Defendants Motion to Alter/Amend; 3/18 MSA spoke to Mr. [Name Redacted] and updated him on case status - he will be calling back after the 4/4 for case status; 4/12 MSA returned his call left him a vm re 4/1 Order and 4/4 hearing status

2 11/14: IK I returned the call. I explained the case to him. Told him he is in Cat. 2 and said that it is his choice but if SSA says he will not get \$ he may want to avoid any problems by dropping out. I explained that he needs to drop me a card to that effect. I told him that her has until 1/14/19 to decide. I told him he could call me back at any time or consult with others. He said I would hear from again.

1 11/14: IK called back. Explained to him the case briefly. Onetime payment. Told him to monitor the website for any court orders.

1 11/14: IK called back. Explained to her the case briefly.

1 11/14: IK returned call and explained the case briefly. I explained that SSA will determine if he is entitled to \$ (if we win and they are ordered to do the calculation) and then he could appeal but through another lawyer.

1 * : 11/14: IK He wanted to make sure that this was legit. I explained him the case. He asked if he could lose money. I said that I could not guarantee anything though [b/c he is in Cat 1] I did not think so. I explained he could stay in by doing nothing or drop out with a short note to me.

Class Members Name Redacted

1 11/14: IK Answered her call. I told her she has nothing to do if she wants to stay in. [She is Cat. 1.] I told her to check the website periodically after 1/14/19 for any court decision.

1 11/14: Explained to him the case briefly. He thanked me for calling him.

1 11/14: I called back. He asked about the case and fees. I explained that court has not ordered SSA to do anything but that if we win we will ask for up to 25% of awards. I said that he could stay in by doing nothing or could drop out by sending a short note. He thanked me for the call.

* IK - 11/23: called; no answer ; AR-12/4 - called number listed here and was not Mr. [Name Redacted], individual said it was the wrong number, new number provided by Marvila is * - called new number and left message with KDW office phone number

* 11/14: IK Called back. Wanted to know what to do. Told him that he does not have to do anything to stay in. I also explained the case briefly. Told him he could call back at any time. He thanked me.

[Name Redacted] 11/14: IK Called her back. Husband passed away 30 months ago. Had trouble with SSA and the courts. Messed him over. . . . was disabled . . . got a lawyer per SSA . . . and messed with him too . . . six years of fighting . . . supposed to send \$12,000 and hen paid only \$800 and then claimed overpayment. Lawyer did not get paid . . . filed again on own. Second lawyer did get paid. Cat 1 – * . I sympathized and said she can drop out if she wants. She wants to stay in. I said that she can call back or look up on the web for a court decision.

1 11/14: * – IK Explained the case to him briefly. He asked if he could lose money – I said that I did not think so but could not guarantee anything. Told him that he does not have to do anything to stay in the case. [He is Cat. 1]. I told him that case would not be decided until early Jan. or February. He said that SSA did not anything when he called the main number

1 11/14: IK I explained the case to her. I explained her options but told her I guarantee anything other than we are asking the court to tell SSA to pay \$ to whomever is owed and to leave everyone else alone. She thanked me for calling back.; ITK 2/21 - I returned her call and left a message; ITK 2/21 I called again – and gave her an update – ct dec; our fee application; SSA’s anticipated opposition; ct hearing date of March 7; she thanked me very much for calling back

* : 11/14: IK I called back. Told him that if he wants to stay in the case – and he said he does – that he does not have to do anything. I told him he can call back anytime he wishes; 1/25 MSA Mr. [Name Redacted] called inquiring about cases status - told him case is at a Stay due to the government shutdown; 4/1 MSA spoke to Mr. [Name Redacted] and have him status of case - he will call back after the hearing 4/4 and/or he will check the website for further updates; 4/23 MSA spoke to Mr. [Name Redacted] and gave him status on the 4/1 Order

1 * 11/14: IK Returned his call. No answer. Left message.; AR-12/4 - called number but instantly went to voicemail, left message with KDW office phone number

1 * 11/14: I called and explained the case briefly and the future schedule. I gave him his options – he said he wants to stay in – and I told him to find more info on the website.

1 11/14: His brother [Name Redacted] called. [Name Redacted] had no spouse or kids. He will let it continue and see what happens. [I told him I did not know if he would be eligible for \$ if there was any.]

2 11/14: IK called - no answer; * 12/20 IK – CAT 2 – I explained the case and CAT 2 and the deadline for dropping out if she wants to; she still wants to stay in; she says that SSA (wrongly) claims that she was overpaid by \$20,000 on her disability; she thanked me for calling back and wished me a happy new year

2 * : 12/20 IK – called him and explained him the case briefly; (he said that he was subjected to an overpayment b/c SSA paid him but not his lawyer); explained CAT. 2 to him; explained that there are no guarantees and explained that if he wants to stay in he does not have to do anything but if he wants to drop out that he needs to write to me by 1/14/18; he indicated that he might drop out and thanked me for the call

1 11/14: IK Explained the case and the options. She thinks that she'll stay in (I explained that I could not guarantee anything including whether she was at risk for a reduction tho I said that she was in [Cat. 1] and I thought that those in that Category will either get \$ or nothing at all.

1 11/14: IK [Name Redacted] - She is the caretaker for him. Her # is – * . Very intelligent; went thru the pleadings. [Hopes we get paid.] Very supportive. Believes Hawkins is owed a lot of \$. I explained the case, abut guaranteed nothing. She thanked me for getting back to her so quickly

2 * 12/20 – IK – left a vm

2 11/14: IK I explained to her the options and all about category 2 - told her I could not guarantee anything - she felt strong that she would not owe money and she feels that possible people in cat 2 might be owed money - she is in - told her she could call me with any questions

1 * 11/18 -IK - called; no answer; left message; IK - 11/23: explained the case briefly; no guarantee; wants to stay in; ; told her I do not know the timing and that SSA could appeal and that we would be asking for fees; she appreciated my time in explaining the case and wished ma a happy Christmas

2 * 11/14: IK I called and left message; 2/24/19 - told no guarantee will get \$; she understands; explained CAT. 2; explained best to call nback after April 4; thanked me for what we are doing for everyone; 4/12 **MSA** returned her

1 * IK - 11/18 = returned call; explained the case briefly; told him that there are no guarentees (including that might lose \$); he spoke to his lawyer; lawyer advised to stay in

1 * 11/18: IK: explained the case briefly including that we may get fees;

1 * IK - 11/18 - explained the case including the difference between the two categories (I said we do not think that Cat 1 will lose \$ but there is no guarantee); told her we hope court will decide in Jan - Feb 2019 but there could be an appeal, etc. so I do not know timing

Class Members Name Redacted

1 11/16: Spoke to Mr. [Name Redacted] and explained the case to him. He sounded excited about it and wants to stay in the case, and thanked us for bringing the case.

2 11/16: IK I spoke to Mr. [Name Redacted] and explained the case to him. I explained the fact that because he's a Category 2 member, the SSA believes he will not receive money even if the recalculation is performed. He told me that he will still stay in the class to see what happens.

2 11/16: Spoke to Ms. [Name Redacted] and explained the case to her. I explained the fact that because hse's a Category 2 member, the SSA believes she will not receive money even if the recalculation is performed. She told me that she still wants to stay in the class.

1 * 11/16: IK I Spoke to [Name Redacted]. Explained the case to her. She is excited about the case, and will stay in; 3/11 **MSA** spoke to her and gave her case status on SJ, Motion for Fees; Def Motion to Alter/Amend; 4/10 **MSA** spoke to her and gave her update on 4/1 Order on recalculations by 8 months

2 deceased) [Name Redacted] wife - 11/16: Spoke to Ms. [Name Redacted]. Explained the case to her, and that her late husband is in Category 2. She said that she believes her husband would have wanted to say in the case, and would not opt out.

1 * IK - 11/23: explained the case including the that we are

2 11/16: IK Took her call – she had pay SSI money back for overpayment ; told her she is in Cat. 2; I suggested that she may want to drop out but that is her decision. I explained that to drop out she would have to that in writing by Jan 14. She said she would think it over and get back to me

1 c: * / h: * : IK - 11/23: wanted to know if he would lose \$; I explained that in Cat. 1 prob. Not but no guarantee in thatif SSA finds something then they will take action; wanted to know when this will resolved - I told him after Jan 14, 2019 but then I do not know how much more time since I am not SSA; he thanked me for calling back and "there should be more people like you . . ." [I had explained the case to him briefly]

1 * : IK - 11/23 - called: no answer; **AR**-12/4- called but no answer, left message and provided KDW office phone number

2 wife [Name Redacted] called * ; 12/26 ik - called and left message; 12/27 **MSA** wife called and indicated that her husband will be opting out of class - did let her know that we need written verification regarding so - she indicated that she will be mailing letter before due date

2 11/15: She is a category 2 member, who called me to ask about the case. I explained the case to her, and told her the SSA does not believe she will be owed money, even if the recalculation is performed. She said she would stay in the class for now but would probably call back in a few weeks to see if there's any updates.

1 * 11/15: BS- Left message for [Name Redacted](cat 1) about case. He should call me back; **AR**-12/4- called but no answer, left voicemail with KDW office number and my name ; **AR**- 12/21 called back and left another message

Class Members Name Redacted

1 * : IK - 11/23: I called; mailbox was full and could not accept messages; AR-12/4- called and mailbox is still full and cannot accept messages; 12/20 – ik – explained the case briefly to him and explained that he could drop out by 1/14/18; He asked how long the case would take and if he could lose \$; I explained that we expect (barring other developments) for the judge to rule after 1/14 but that there could be an appeal and that SSA says it will take a long time to do all the calculations, and that there were no guarantees about getting (or even losing \$; I pointed him to the website and the updated information in December). He indicated that he wants to stay in and thanked me for the call.

1 * 11/15: Called friend of [Name Redacted] – category 1 (voicemail). She wanted more information about the case, and was thankful for being provided with it.

2 11/16: IK returned call and left message; 12/20 IK – called and left message

1 11/16: IK Returned her call – explained her about the case. She wants to consult her lawyer -- which I encouraged -- and then will decide.

2 * : wife [Name Redacted] called: 11/16: called back twice. No answer. 11/21 [Name Redacted] called again inquiring about case; 12/19 MSA [Name Redacted] called and left vm - returned her call and left message for her to call again; 12/20 ITK called and left a message; 12/20 Ik – I explained the case briefly and CAT 2 and explained no guarantee and that acc. to SSA they could ask for \$ back; explained that can drop out by sending me note by 1/14/19; she said that she will explain to her H

1 11/16: IK Returned her call. Explained the case to her briefly. Including to check up on Internet for updates post-Jan 14, 2019; she thanked me for taking on SSA and for returning her call; 3/07 MSA spoke to Ms. Branch and updated her on case status - SJ, Fees Motion, and Def Motions to Alter/Amend and our opposition - she will call back and will be checking the website

1 11/16: IK Took his call – complained about how SSA treated him, and messed up his case; I explained the case to him briefly; and explained that we represent him only limited to this issue in the case; I could not refer him to anyone in MN that does ss wor; also explained to him what happens if we win. We would apply for fees, he could object, etc. [952 949 1314]

2 * : 12/20 IK – explained CAT. 2 and the case; but said that he still wants to stay in; (he was assaulted, and has headaches; anxiety; is frightened and other problems); complained about SSA (the “government”). Appreciated my calling

1 * IK 11/18 - returned call: no answer; left message; AR-12/4- called him and he said he had called us back already and left a message to let us know he is in, I provided him with the KDW office phone number and my name/ Ira's name as well (as listed on the Notice) in case he had any question, I also notified him that we will update the website listed on the Notice once the court makes a decision and that it would probably be around the end of January

2 * IK – 12/5: explained to her the case; was denied twice; got a lawyer who helped her get \$; I explained she is Cat. 2 and read her what SSA wrote about Cat. 2 and explained deadline to drop out = 1/14/19; she says she probably will stay in; 2/01 MSA - Ms [Name Redacted] called to inquire about case status - i did inform her of SJ ruling - she then asked when she would get her payment; spoke to Ms. [Name Redacted] and informed her of Defendants

Class Members Name Redacted

1 * / * : 11/18 - IK returned call: no answer; left message; 12/18 returned ITKs call and indicated that she was in a severe car accident and that is reason why she had not called back; 2/28 MSA explained case briefly - she does have more indepth questions that she would like speak to an attorney about; 2/28 ITK called her back and explained case gave her the updates and recommended she call Jon Ressler to see if he could help with respect to her particular problems in her case

1 * IK - 11/23: returned call: no answer; left message; she called back and I explained the case to her (she said she understood - "that was perfect") and timing re court decision that we expect in mid-Jan. 2019; she thanked me for calling back; 11/23 she called me back again and asked if there was a fee involved; I explained that we will be asking for up to 25% of any award; that she could object; that SSA was objecting;; but that in the end the court would make the decision; 2/07 MSA Ms. Name Redacted called for status on case - informed her re SJ being granted; 2/27 MSA left Ms. Name Redacted a vm returning her call; called to give me her email address ** to send her the website address for the class; 3/11 MSA returned her call - left her a vm; 4/11 MSA spoke to her and gave her status on 4/1 Order and 4/4 Hearing

1 * : IK - 11/23: wanted to know if she is part of the suit; told her no gurantee re getting money; explained to her the case briefly' explained the timing (hopefully a ct decision in Jan 2019; told her we would post it on the web; told she can call back anytime; she thanked me for calling her back; 3/12 MSA spoke to Ms. Name Redacted and gave her status of case SJ, Fees Motion and Def Motin to Alter/Amend and opposition - she will call back after the fees hearing; 3/26 MSA spoke Ms. Name Redacted and gave her status on case - let her know Judge has not ruled on Def Motion; IK 4/5/19 - she called and I updated her on yesterday's hearing

2 * ik 12/6 - explained the 2 categories; he says he wants to stay in b/c he is owed \$; I explained there is no gurantee; that SSA can claim he owes \$; that I will not have access to his files; I explained that if he wants to drop out he needs to do so by 1/14/19 in writing; he wanted to stay in; told him he can call back with any questions

2 * ik - 12/6 - left vm and said that if I am not available to ask for Joe Wilson

1 * : IK - 11/23: called; left, message: IK - 11/26 - I called again; explained the case briefly; including ability to opt out; no access to Web; told him to call back after Jan 14 to see if there is a decision by then; MSA 2/13 spoke to him and related status of SJ and motions fee and the possibility of SSA appealing - did tell him there is no gurantee of \$\$ due to him; 4/29 MSA spoke to Mr. Name Redacted gave him updates on case status 4/1

1 * IK - 11/23: wanted to know if he had to do anything to be part of the case - I told him no; he said that is all he wanted to know; I told him he could call me back if he had any other questions; he thanked me and we said good-bye

2 * 12/6 - ik: explained case briefly; explained Cat. 2; told him that if he wants to drop out he has to do so in writing by 1/14/19; told him to look on the web re updates; told him that there are no gurantees

Class Members Name Redacted

1 * IK - 11/23: called; had to pay back all of SSI including what had to pay lawyer; then got SSD(?); then went to court re SSI and was awarded; complaining re payments on taxes; [IK - not sure if she got the acronyms correct]; I could not answer her specific questions and advised to consult her lawyer; she said he was not good, etc.; I said there were no guarantees and that SSA said that when they open a case they can do with it as they please re adjustments, etc.; in the end she said she wanted to stay in and thanked me for calling back

1 * IK, 11/23: will be 53 next Friday, not sure if he should do this "class action" - lawyer got paid \$10,000; I explained the case to him and he said he understood; complained about his treatment at SSA , , etc.; was truck driver - getting only \$750+ a month . . . ; is disabled . . . ; wants to stay in the case if loses money "it will kill him"; lost a daughter 7 years ago; has another one 16 yrs. old.; told hm that he could try Roose & Ressler . . . - wants to stay in ("if I am in I am in"); I invited him to call back after Jan 14 (he has no access to Internet)

1 * : IK 11/23: wanted to understand the case: has been telling them; she says she wants to stay in; she appreciated our taking the case; I explained that there is no guarantee; that SSA says that if ordered to do the calculation that they would examine each case and made any corrections - including in their favor; told her to check the website after Jan 14 for a decision; 2/7 MSA Ms. [Name Redacted] called for status on case - informed her on status of SJ; ITK 2/21 – called her back; she has been following on line to best of her ability; understands that SSA has to do what they should within 90; trying to understand what she might get back; I explained her what the case and about the sample 100 and the average “return” – she thanked me for calling her back and for the explanation; 3/15 MSA gave Ms. [Name Redacted] an update re Def Motion to Alter/Amend, Opposition and Reply - she is checking website just doesn't quite understand all the pleadings but she will call back after April 4th for case status; 4/29 MSA spoke to Ms. [Name Redacted] and gave her status on case re 4/1 Order

1 * : IK 11/23 - wanted to understand the case; they held back \$7500; did not get SSI even though was awarded; I explained the case briefly; no guarantees; that SSA says they will review cases if they lose this case and are ordered to do the recalculation and they could even possibly take \$ back; she wants to stay in and said "thanks so much for returning my call"; 1/23 MSA spoke to Ms. [Name Redacted] as she wanted to know status on case - informed her of the Stay in the matter due to the government shutdown

1 * IK 11/23 - left message; he called back and left me a message; I called him back - [his message said: on disability for past 2 years; lawyer got 25%]; left message again; 12/5 ITK spoke to him advised him - he said he has an atty - told him he should absolutely speak to his atty - he may call me back with any questions - and if he wants to drop out he should do so by Jan 14 2019; 3/25 MSA spoke to Mr. [Name Redacted] re case status - and he will call back after 4/4 hearing

1 * : IK - 11/25: called and explained the case briefly and said that there are no guarantees; he said that he knows that; I told him that he can call back if he has any more questions.

Class Members Name Redacted

2 * IK 12/6 - I explained she is in Cat. 2; explained that per SSA in rare case she lose money; explained that if she want sto drop out then she ha sto write to me by 1/14/19. 3/18 **MSA** spoke to Ms. [Name Redacted] and updated her on SJ, Motion for Fees hearing, Defs Motion to Alter/Amend and the Opposition - she will call back after 4/4 to check on status; 3/29 **MSA** spoke to Ms. [Name Redacted] on case status and she wanted to know if the attorneys or SSA will be making those recalculations - i told her SSA would; 4/11 **MSA** spoke to her regarding 4/1 Order and 4/4 hearing

1 c: * / h: * : IK 11/23: left message on home line; called cell, he was out in the public and said would call me; 11/28: Wants to stay in; wanted an update on where things stand; told him that we expect a decision after 1/14/19; suggested that he call back on 1/21 to see if there is an update (since he does not have access to the web); 1/22 **MSA** spoke to Mr. [Name Redacted] as he is inquiring about the status on case - informed him on the Stay on the case due to the government shutdown

1 * : called again 11/21: IK - 11/22 - she called again on Thanksgiving; I explained the case briefly, including thtat there were no guarantees and that the SSA might review her case; she thanked me

1 * : IK 11/23: vet; read thru the web page;took 5 years to get SSI; filed an appeal on the attorneys fees but did not get \$ (app. \$3000) back; wanted to know if would be waiving his rghts, etc.; I explained that if he stays in then SSA would probably say so b/c they have been fighting us tooth and nail; but that his lawyer is not part of the case and probably there would be no waiver vis a vis him; he thanked me; siad is staying in the case

1 * : INFO LOST??? I spoke to him 2/26/19 and updated him completely. He had called previously as well; 3/4 **MSA** spoke to Mr. [Name Redacted] re SSAs Motion to Amend/Alter - he will be calling in three weeks or checking website

1 c: * / h: * IK- 11/23: left message on home number; tried cell, no answer; 12/13 **MSA** Ms. [Name Redacted] returned the call and wanted to know what category she is under - informed her of such and she indicated that she will stay in class action and will await outcome of recalculations - will call back in mid to late January to double check status; 2/3 ITK I answered and gave her an update; told her about the grant of sj; the fee application we will be filing; the website address; and that she is in CAT. 1. [She complimented my "dedication" for working on a Sunday. . . .]; 4/12 **MSA** spoke re 4/1 Order and 4/4 hearing - she will write to court and let judge know that KDW deserves 20%

1 (deceased) wife [Name Redacted] called - * ; IK - 11/23 - called, left message; IK - 11/26 - Called again; left message again for Linda; IK 11/27 - explained the case to wife, Linda; told her that her kids should check the website for an anticipated ct decision between Jan 15-Jan 30 2019; told her that I believe that she as a survivor would get any \$ owed; she asked if she could lose \$ - told her that there are no guarantees and that SSA could possibly say they are owed \$ though I doubted that; I told her she could call back anytime with any more questions; she thanked me

2 (deceased) wife [Name Redacted] called: * : IK - 12/6 - spoke to [Name Redacted]; told her Derick in Cat. 2; she wants to opt out; gave her my contact info to do so by email - her email is **

Class Members Name Redacted

1 * : IK - 11/23: called and left message; he wanted to know what category he is in (he had looked up the case on the web) ; he says "thank you" - appreciated my time; he asked great questions including it seems as though the case has been won already! - I explained why the judge was holding off until after the opt out period; ITK 1/15 I returned his call. Explained to him the "pause" – told him to check the web for any decision; explained that how long SSA will take to rectify errors is an issue for the court; explained we will ask for fees (SSA opposes); explained that I cannot predict timing. He appreciated my calling back; 2/14 ITK Called him back. Explained the status including our fees request. He said that he hoped we get the 20% - we "deserved it."; 3/21 **MSA** spoke to Mr. [Name Redacted] and have him case status - he will be checking the website but will call back after the hearing 4/4; 4/9 MSA spoke to Mr. [Name Redacted] and gave him status of 4/1 Order and Motion for fees

1 * / * : IK 11/23: I explained the case; she wanted to know why people would drop out; I explained including that people may lose \$; I spent about 25 minutes on the phone with her and answered all her questions; I explained her opt out right and invited her to visiy the website after Jan 14 for any update on a decision; her attorney did not want to get involved and I explkained why; I also explained that I would not represent her individually with rerspect to the actual recalculation or any appeal thereof; She said;"you spoke well" and appreciated my time [She had originally though this was a scam . . .]; 1/23 **MSA** spoke to Ms. [Name Redacted] as she wanted and update on case - informed her of Stay on case due to government shutdown; 2/11 **MSA** spoke to Ms. [Name Redacted] and spoke about SJ - Fees Motion and SSA possible appeal

1 * : IK - 11/22 - returned call - left message; he called back on Thanksgiving and I explained him the case briefly and he thanked me and Marvila for her professionalism; I explained no guarantees in th case and that SSA could finfd something in they re-open hios case, etc. and the opportunit to opt out etc.; I told him that we expect a decison from the court between mid to late Jan 2019; IK 11/23 - called me and asked about fees and percentages; I explained his right to get another attorney; I explained that we would apply for up to 25% and his right to object;

1 * : mailed letter to KCC: IK - 11/25: called - no answer; **AR**-12/4 called and no answer; ITA 12/20 called and left message

1 * : IK - 11/25 - explained to him the case briefly; complained about lawyer; wants to stay in; invited him to call back mid-January (had Googled me to get phone number but satys is not good at Internet . . .).

Class Members Name Redacted

(deceased) * : sister Name Redacted called and indicated that she would like to be exclude - does not want to participate in class action; IK - 11/25: called and left message that she needs to opt out on writing; AR- 12/4- spoke with Name Redacted and she at first wanted to be excluded but I explained the case to her briefly and that she did not have to pay for our legal services being part of the class- she is worried about having to pay for anything since she is on pension- she changed her mind and woud like to be included.She did ask if there is any money owed from the SSA who would recieve it since Mr. Name Redacted is deceased, I told her I wasnt sure and maybe it is whoever is the beneficiary, but that question could be better answered by Ira Kasdan. Informed her to check class action website on notice between Jan 14 and 30 to see court's decision. I provided the KDW office number if she had any questions and she was very appreciative that we took the time to call her back and explain.

1

* : IK - 11/23: wants to know would lose \$; doesn't think would lose \$; wants to stay in; I explained the case briefly; told him no guarentees; "lets go for it;" thank you for getting back to me . . . G Bless "

1

* : he is hard to get a hold of him - need to leave a detailed vm for him; 11/25 - IK - called and left message; 11/25: he called back - will go to ss office and ask them if he is owed \$; I told him it is his right as is his right to drop out of the suit; I spent 28 + minutes on the phone with him; explained no guarantees (includng SSA can say he owes them \$, etc.); in the nd he said that he will "ride the train" with us (i.e, does not expect to go the ss office or drop out)

1

* : 11/25 - IK - **Johnny Cocharan law firm** represented her; explained her the case briefly; she wants to stay in

1

* IK - 11/25: called and left message

1

* : ik - 12/6 - called but no answer; 12/18 **MSA** Ms. Name Redacted called will be opting out - we should be receiving her letter shortly

2

* or * : IK – 11/26: called him back; woman picked up the first number (*); told me to call cell (*); I did – he did not pick up and I called the first number again and left word to call me back ; Mr. Jones called again and I returned his call again – I explained the case briefly and he said he wants to stay in; I invited him to call mid-Jan to see what the court decides; **MSA** 2/27 spoke to Mr. Name Redacted and updated him on SJ, Fees Motion and Defendants motion to alter/amend; 4/10 **MSA** spoke to him re 4/1 Order on recalculations and 4/4 hearing

1

* IK – 11/26: called him back; explained the case and told him that he does not have to do anything to stay in; otherwise needs to opt out by 1/14/19 in writing; say she wants to stay in; he has access to web and I suggested that he check the web in Jan for updates

1

* IKT 11/27: I explained the case briefly including SSA can possiblly can open it up and say that he owes them money - I told him he has every right to ask SSA for his case and/or optout of this case and has until Jan 14 2019 to do so - he has researched the Steigerwald case - told him to call back anytime; 4/10 **MSA** returned his call and left him a vm for a returned call * ; 4/12 **MSA** returned his call left vm; 4/16 **MSA** spoke to Mr. Name Redacted spoke to him about 4/1 Order and 4/4 Hearing

1

Class Members Name Redacted

1 * IK – 11/26: LOOKED UP MY INFORMATION ON WEB; WANTED TO KNOW WHAT SHE HAD TO DO IF ANYTHING; – SHE WANTS TO STAY IN SO I TOLD HER SHE DID NOT HAVE TO DO ANYTHING; I TOLD HER SHE COULD CALL ANYTIME WITH ADDITIONAL QUESTIONS

1 * - IK – 11/26: EXPLAINED THE CASE BRIEFLY; I TOLD HIM NO THERE ARE NO GUARANTEES; WANTS TO STAY IN; THANKED ME FOR EXPLAINING THE CASE; I INVITED HIM TO CALL WITH ANY OTHER QUESTIONS

1 * IK – 11/26: CALLED AND LEFT MESSAGE; 12/05: She does know she is category 1 but would like a more in depth conversation as to her benefits and how this class action will affect her; 12/5 – IK – called again; left message again.

1 * 11/26: CALLED – SHE PICKED UP BUT WE GOT CUT OFF; I CALLED AGAIN: NO ANSWER; 3/15 ITK - She called back. I explained to her what happened since we last spoke in Nov. 2018; she complained about errors made by SSA (taking \$ back EVEN THOUGH the person in her local office admitted they made mistakes and told her SSA owes HER back . . . they kept on saying they could not do anything; and even though SHE sent back checks that she was not entitled to . . .). I gave her the address for the court and told her that she could write whatever she wanted . . . She said she appreciated our efforts; She called again. I called back. I answered her question: no interest on any back pay. She thanked me again.; 4/11 **MSA** spoke to her and gave her status on 4/1 Order and 4/4 hearing

2 from TN: * IK - 11/27 – wants to know if have to do anything? I said that she is in Cat. 2 and that SSA owes her no money; I told her that she could drop out; she complained about her former attorneys; claims they had crooked attorneys; I sympathized but explained that I cannot help (I explained she can complain to the local bar about her attorneys); she feels that she has nothing to lose and will stay in; I told her that she should feel free to call me back if she has any questions. She thanked me.

1 * ik - 11/27 - wanted to know if case would affect her check; I said it should not but that I could not guarantee anything and told her she drop out by sending me a note by 1/14/19 if she had any fear about losing \$.

2 * 12/20 – IK – called; no answer and then got a busy signal; **MSA** 12/28 Mr. Name Redacted called for new contact information - told him he should change it with SSA directly but told him i would make note of new address: 303 Pine Street, #D, Syracuse, NY 13210; Mr. Name Redacted indicated that he will be staying in the lawsuit (tried to briefly explain the categories but he said he did not need to know and hung up); 4/26 **MSA** returned his call left him a vm

1 * (said she emailed but I don't have her listed); IK - 11/27 - called back and left message that she can call me back; 12/5 **MSA** - understands she is category 1 - is staying in class action and will check in mid-January; 2/7 **MSA** Ms. Name Redacted called for status of case - informed her that SJ was granted

Class Members Name Redacted

- 1 * 11/27 ITK: I spoke with her and briefly explained the case and since she has Web access advised her to check the site in mid- January after the 14th. I told her she could call back if she had other questions. [I told her that if we won the case SSA ultimately would send her a letter.]
- 1 * 11/27 ITK: : went to website but did not understand; I explained the case and gave her options re staying in or opting out by 1/14/19 especially if she has any fear that SSA may say (if they open her case) that she may owe \$; told her that SSA has told us informally
- 1 * 11/27 ITK: I explained the case briefly and gave his options re staying in or opting out by 1/14/19; I explained why people may choose to opt out, especially if they have a fear that SSA may say (if they open their case) that he may owe \$; he does not have any such fear and says that he will stay in [I also explained the 2 categories.]
- 1 * JDW- Called back 12/3/18 at 4:08 PM - left message; 12/4 **MSA** will stay in class action and knows about category 1 but wants a CALLS BACK; IK – 12/5 – I called him back; tells me had malpractice suit vs a dr. and became crippled; was granted full disability; SSA gave him one month of SSI and split between himself and wife; told SSA that was not eligible for the check but SSA told him to cash it . . . kids got \$14000, etc.; claims that is owed \$; asked if he would be waiving claims if stays in; my Answer- I think only with respect to the issue in this case re calculation (b/c there is no settlement here and thus no release of claims clause); told him that he has until 1/14/19 to drop out; says is staying in but will do some additional research; had disability questions – gave him Jon Ressler’s name and number and suggested that he call him
- 2 * 12/20 – IK – called him back; said that SSA told him that they had never paid his lawyer and thus took out \$75/mo; I explained CAT 2 (i.e., that SSA says that even w/o the calculation they know already that he will get no \$) and explained that he could even possibly lose \$ but still he wants. He appreciated my time (in calling him)
- 2 * or ** ITK replied by email 12/3 indicating he is Category 2; 2/8 **MSA** Mr. Craig called for status of case - let him know status of Summary Judgment; 3/28 **MSA** spoke to Mr. Name Redacted and
- 1 * JDW- Called back 12/3/18 at 4:10 PM - left message. Dec 4 - JDW - spoke with her at 6:15 PM. Advised her that she doesn't have to do anything if she want to stay in class; needs to submit opt out if she wants out. Told her that staying in class doesn't necessarily mean she'll get money back; also said we're seeking to get up to 25% of any money we recover for our attorney fees. Also explained that there's a possibility that when SSA looks at her file, they could determine that she owes them money; told her that SSA could check her file at any time in that regard if it wanted to. She said she wants to stay in class.
- 1 * JDW- Called back 12/3/18 at 4:12 PM - left message.

Class Members Name Redacted

1 * 11/28 – IK – called and left message; IK – 11/28 – she called back and I spoke with her and explained the case briefly; no guarantees including SSA saying she owes \$; can't get her individuals records so I can't answer question about how much her kids are supposed to get; can opt put by 1/14/19; can call me back with any questions; she has access to web and told her to check for updates including after 1/14; 1/22 **MSA** returned Ms. **Name Redacted** call regarding case status and informed her of the case Stay due to government shutdown (see other entries in "emials tab")

1 * 11/28 - IK – called and explained the case briefly; explained she can opt out by 1/14/19; explained that here are no guarantees and that SSA could even say she is owed \$ (tho I doubt that) and it is her decision what to do; explained to check the website after 1/14 for an anticipated court decision and more information; told her she can call me back at any time; she thanked me and said she is staying in

1 * 11/28 – IK - I called back: I explained the case briefly; told him no guarantees of \$; explained that SSA takes position that if they find a mistake in their favor they will ask for \$ back; told him that if he wants to drop out he needs to write me by 1/14/19. Told him he can call back anytime; **MSA** 12/19 Mr. **Name Redacted** called to confirm that he will be staying in the class action; 3/11 **MSA** spoke to Mr. **Name Redacted** regarding case status - SJ, Fees Motion, Def Motion to Amend/Alter and our Opposition - said he would call after April 7th for case status; 4/1 **MSA** Mr. **Name Redacted** called for status on case - told him that Judge has not ruled on Def Motion - he will call back on the 9th; IK - 4/8 - explained to him that the judge did not rule on the fees and that he came down hard on SSA to pick up the pace pof recalculations

1 * 11/29 **MSA** - when I spoke to him he said he wanted in the class action - did not want information nor documents - he will call back mid-January 2019; 2/21 **MSA** spoke to Mr. **Name Redacted** and informed him of SJ; Fees Motion and the possibility of SSA appealing - he will call back mid-April for status of payment; 4/10 **MSA** returned his call and no answer

1 * 11/29 - She is category 1 – I called her back. Explained the case and advised her to check the site periodically especially after Jan 14, 2019, which I told her was the last day tio drop out. She says that she is staying in; 3/4 **ITK** - I called her back today – 3/4/19. She moved – I told her to contact SSA with her new address. I also updated her on the Judge's Order; SSA's objection to 90 days; our fees request for 20%; their objection; and her right to comment to the court. She intends to ask her sister to access the site and help her if she intends to write to the court. [She does not object to our seeking 20%.]; 3/7 **ITK** - Called her again today. She claims that SSA has a list for the Steigerwald case and the person she spoke to in Providence office looked her up and told her that she does not qualify b/c “she got her check” originally; she says that when she got her check she gave part of the \$ to her lawyer; she does not know whether she reported SSA that payment to her lawyer. I told her tio send me the original SSA letter so that I may be able to discern what is going on . . .

Class Members Name Redacted

(deceased) Name Redacted (husband) * - cell: * IK – 12/20 – spoke to her surviving husband and explained the case and that there are no guarantees; that if he wants to stay in for his deceased wife he need not do anything but otherwise should write to me otherwise before 1/14/19; he has access to the web and I told him that we would post any decision; he appreciated my time for calling him

1

* JDW- Called back 12/3/18 at 3:55 PM - line busy; ITK 12/5 called and left message

1

* JDW- Called back 12/3/18 at 3:55 PM - left message.

1

* JDW- Called back 12/3/18 at 4 PM - left message; 1/24 MSA spoke to Ms. Name Redacted as she was calling on status of case - informed her of the Stay in the case due to the government shutdown; MSA 2/11 she wanted an update on case - returned her call and left her a brief detailed message on SJ, possible appeal and fees motion and informed her that i could not guarantee any payment made to her or when she would receive or how she would receive it; MSA 2/21 Ms. Name Redacted called for status of case and i reiterated what i told her back on the 11th; MSA 3/21 spoke to Ms. Name Redacted and gave her status on case - she will call back after the Motions hearing to see if there is an undate on recalculations

1

* JDW- Called back 12/3/18 at 4:03 PM - left message.

1

* : JDW- Called back 12/3/18 at 4 PM - left message.

1

* Ik 11/30 - Called back – explained that to stay in he does not have to do anything; he wants to stay in; explained the case briefly; explained no guarantees; possible that SSA will review file and ask for \$ back. Invited him to call back after Jan 14 to see what judge may decide

1

* 12/20 – IK – called; no answer; vm not set up . . . 12/26 ik - explained case briefly and CAT 2 and explained why people might want to drop out Including the possibility of losing \$); nonetheless he wants to stay in.

2

* IK 12/4 – told him he could opt out by 1/14/19; he does not want to; has access to web; told him that he can check for updates periodically (like today's) and especially after 1/14/19 when we expect a court decision

1

11/14: I returned the call. I explained the case to him. Told him he is in Cat. 2 and said that it is his choice but if SSA says he will not get \$ he may want to avoid any problems by dropping out. I explained that he needs to drop me a card to that effect. I told him that her has until 1/14/19 to decide. I told him he could call me back at any time or consult with others. He said I would hear from again.

2

11/14: called back. Explained to him the case briefly. Onetime payment. Told him to monitor the website for any court orders.

1

11/14: called back. Explained to her the case briefly.

1

Class Members Name Redacted

2 * 12/5 – IK: wanted to know re whether if brother is on list; I said that if did not get mail then he’s not on case; explained to her Cat. 2; suggested that IF SSA is right – and I do not know – that she will not get \$ then she might consider dropping out; but told her it is her decision; she has access to the web and explained she should watch for updates esp. after 1/14. [She has mail problems . . .] 12/06 called and left vm that she will not be opting out of class action; 1/28 SF she's worried about nnot getting her U.S. mail because of neighbor issue, so she is wondering of an email update - responded not aware of an email update but to continue calling or check the website to which she said it was confusing and too much legal jargon to understand; she'll call back in March

1 * 12/5 - IK – explained case briefly; she is still on concurrent benefits (acc. to her); tells me about her medical history; tells me re getting check and then being asked to return it; explained that I cannot help with individual issues; explained no guarantees (including if SSA finds something they will ask for \$ back); explained our position that Court should order \$ back and SSA should eave everyone alone otherwise; suggested that she look at website after 1/14/19 orcall; told her she can call me anytime and can consult anyone; told her she can opt out by 1/14 – she said she is staying on; she thanked (and blessed!) me for the call back; 3/06 **MSA** spoke to Ms. [Name Redacted] regarding case status SJ, Fees Motion, SSAs Motion to Amend/Alter - she will call back in April and/or check website; 3/15 **MSA** spoke to Ms. [Name Redacted] and she is upset that she has to wait 2 years for something SSA did wrong; she said she will call back in a week to check on case status; 4/17 **MSA** spoke to Ms. [Name Redacted] regarding 4/1 Order

1 * IK - 12/5 – called him back: explained the case; explained no guarantees (can lose \$ possibly though “rare” per SSA); thinks is owed \$; wants to stay in; appreciates what our firm is doing; explained re website; told him he can call back anytime; 3/1 **MSA** spoke to Mr. [Name Redacted] and updated him on status of the case SJ, Motions Fee and Defendants motion to amend/alter judgment; 3/13 **MSA** spoke to Mr. [Name Redacted] and updated him on status of case - opposition and possible reply and hearing on April 4th; 4/8 IK - took call and updated daughter on hearing last week and pointed her to the website and the new court order.

2 * 12/5 **MSA** understands that he is category 2 and will decide if he wants to stay in class action and will mail in letter should he want to be excluded

1 * 12/6 IK – Explained to him the case briefly; that there are no guarantees but that if he gets \$ it would be a one-time lump sum; told him I will not see his individual file (he complained that he is being underpaid); went thru the two updates on the website with him; explained that he is in Cat 1; told him to check back after 1/14/19 (the last date to drop out) on the web; he says he wants to stay in’ told him he can call back anytime

2 * 12/6 **MSA** understands fully she is category 2 and will be sending in an "exclude from class action" letter (exclusion letter rec'd 12/12)

Class Members Name Redacted

1 * 12/6 **MSA** understands he is category 1 and would like to be included in class action - will keep checking website for updates - told him he can call anytime should he have questions or any concerns; 2/11 **MSA** - Mr. **Name Redacted** called on update of case - informed him regarding status of SJ and SSA having 90 days to make those recalculations and/or possibly filing an Appeal - told him we could not guarantee him of payment once SSA makes those recalculations - let him know of Fees Motions; 3/27 **MSA** spoke Mr. **Name Redacted** and gave him case status - did tell him he can write to the court re motins fees for a comment/objection - he will call back after the hearing 4/4 for case status; 4/12 **MSA** spoke to Mr. **Name Redacted** re 4/1 Order and 4/4 hearing outcome

2 * 12/6 **BS** Explained case to her. She will consider whether to opt out but for now sounds like she is going to stay in the class.

2 * IK – 12/6 - I called **Name Redacted** back. He is in Cat. 2 – he wants to opt out. He is mailing his request to opt out. He asks that we confirm receipt of the opt out by mail to his PO Box. [He may also call.] ***

1 * 12/7 **MSA** explained case briefly and she wants to stay in class action and will check website mid-January for updates; 2/5 **MSA** Ms. **Name Redacted** called inquiring on status of case - informed her of Summary Judgment being granted

2 * 12/7 **MSA** spoke to him briefly about category 2 but would like to speak with an attorney to better understand and his options; 12/18 Mr. **Name Redacted** left another vm regarding status; I explained that according tio SSA he will not get \$ since he is in Xta. 2 but that I caould not guarantee anything either way. I explained that he could drop out by writing to me by 1/ 14/19. He thanked me for talking to him.

1 * 12/7 **MSA** spoke to her and she wants to be included in the class action and will call periodically to check up as she does not have access to a computer or internet - said thank you to the attorneys for caring; 1/9 **MSA** Ms. **Name Redacted** called and wanted to status on case - let her know that the case was put on stay due to the government shut but to check back at the end of the month or check the website for updates as well; ITK 1/29 I called her and told her that the judge granted us summary j. but that I could not predict what SSA will do next; I told her also that we would be filing an application for fees soon; she does not have access to the web but I told her she could keep on calling with any questions; 2/19 **MSA** tried calling Ms. **Name Redacted** back but unfortunately her vm was full; 3/4 ITK - I returned the call. And updated him re ssa objection re 90 days; our fees motion seeking 20%; told him there is a fees hearing on 4/4; best to call back after 4/4.

1 * 12/7 **MSA** spoke to her and she understand she is catergory 1 and would like to participate in the lawsuit - she will keep checking the websites for further updates - told her she can call anytime should she have any questions or concerns - thank the attorneys for helping her and many more to collect what is due to them

Class Members Name Redacted

1 * 12/8 **MSA** spoke to her and will like to stay in class action - she understands she is category 1 and will be checking the website for any updates - did let her know if she has any questions or concerns to please call and speak to the attys and she said should she she would; 2/15 **MSA** informed her of SJ, Fees Motion and the possibility of SSA filing an appeal; 3/11 **MSA** spoke to Ms. **Name Redacted** on status of case Fees Motion and Def Motion to Alter/Amend - she will call after April 4th and check on status; 4/1 **MSA** spoke to Ms. **Name Redacted** as she was confused on the 90-day recalculation but Def motion asking for a two year extension; 4/23 **MSA** spoke to her and explained what the 4/1 Order was about

1 * 12/8 **MSA** would like to keep in class action and we need to keep him informed as he does not have a computer nor internet; 2/11 **MSA** Mr. **Name Redacted** wanted update on case - informed him of SJ, Fees Motion and the possibility of SSA appealing - he will call back at the end of March to see if there is any news

1 * 12/8 **MSA** left message for a return call from her for more contact information from her; 12/14 Ms. **Name Redacted** called back and left a vm; 12/14 **MSA** I returned her phone call and left another message along with website for her; 12/16 IK - called and left message; 2/14 **MSA** called re case status - informed her of SJ, Fees Motion and possibility of SSA appealing - reiterated no guarantee of her receiving \$\$; 3/18 returned Ms. **Name Redacted** call because she wanted to speak to lawyer more in depth - she has been reading the website but has concerns now - left message with ITKs email address as i thought it would be faster for her to communicate with him; 3/19 ITK - I called her back. Explained what was going on to the best of my knowledge . . . (I referenced my emails with questions to DOJ and told her we are waiting for answers from SSA . . .)

1 * 12/11 **MSA** left message for him for a return call to get more information from him; 12/16 IK - left message

1 * 12/11 **MSA** spoke to him and he is staying in class action and will await further instructions come end of January

1 * 12/12 **MSA** returned M. **Name Redacted** call and she indicated that she will stay in class action and will call back mid-January; 1/22 **MSA** returned Ms. **Name Redacted** call regarding case status and informed her of the Stay on case due to the government shutdown; 1/28 SF left vm of plaintiff's winning Summary Judgment, we know what is on the website, we'll file fee application in next couple of weeks and likely a fairness hearing; 2/04 ITK call. Explained that I cannot predict what SSA will do at this time (appeal; ask for a delay, etc.). Told her we expect to file motion for fees and to check the website for any updates. She appreciated my calling her back; 2/25 BS Spoke to **Name Redacted** again. She called again to ask about case updates. I updated her as to the latest developments in the case. 3/18 BS - Called for case updates. I spoke to her extensively, giving her updates as to what has happened since the Court's Order granting summary judgment on January 25. She thanked me very much for my help' 4/85 BS Cat. 1. Called to find out status of case. I updated her as to the events of last week, as to the Court's order on Friday, and as to next steps. She understood and thanked me for taking the time.

Class Members Name Redacted

* 12/12 **MSA** left message that attorney would return her call next week; 12/12 Ms. **Name Redacted** called back and indicated that she does not need a call back as she will be checking the website but would like to be included in class action; SF 2/19 **Name Redacted**, says she's Class 1, *

1 Wants to know where her check is basically (update on the settlement). I told her we are still in settlement with SSA, if anything different from what I just said we'll call her back. But I stated correctly that we are still in settlement stages; BS 2/19 I returned the call and left a message to explain the case (explained that the case did not settle, but that we won the case on January 25). Asked her to call me back; 2/19 BS She called me back. I explained the case to her in detail and provided her with the website address (she had not realized there was a website); 4/17 **MSA** left Ms. **Name Redacted** a vm re 4/1 Order

* 12/12 **MSA** left message for him indicating that ITK would return his call next week; 12/16 IK - returned call and left message; 12/17 ik - he called back' I explained that he is in Category 2 but that I cannot say for certain that SSA is right about their claim that Cat. 2 people will not get \$; I explained why people may want to opt out (i.e., in CAT. 2; do not want the hassle of dealing with SSA; do not want to risk SSA opening their case and then claiming that they owe SSA \$); I told him that I am not a guarantor of anything; I told him that he has until Jan 14 to opt out by writing to me; he can call back with any other questions he may have at any time

1 * 12/13 **MSA** returned his call and he said to keep him in the class action and will wait it out and call back mid-January for further instructions

1 * 12/13 **MSA** spoke to Mr. **Name Redacted** and informed him that he will be getting a call from the ITK next week to talk more in depth regarding this class action as he had questions regarding class action; 12/16 IK - returned call and left message

1 * called 12/13 as we mailed him requested court documents on 11/29 and he decided to call us back as he wants more in depth explanation of the case and what he will be gaining or losing from being involved with the class action; 12/16 IK - returned call: explained the case basically; no guarantees re \$; explained SSA's position re rare case that \$ will be asked for back; that SSA will review cases, etc.; explained that judge might rule by mid to late January; that he can call back then if he has no access to Internet; that he can call back anytime with questions; explained opt out date; he says he wants to stay in; 4/17 **MSA** spoke to Mr. **Name Redacted** and gave him status re 4/1 Order

1 * 12/14 **MSA** spoke to Mr. **Name Redacted** and he would like to speak to an attorney because he wants to know if participating in the class action will affect his monthly payments now; 12/16 IK - returned call, left message; he called back and I returned his call again; I explained to him what might happen - read and explained SSA's position re how might be affected; explained to him the sampling and results of 200 people that SSA did; explained no guarantees; explained that if he wants to stay in he need not do anything; that to drop out he has until 1/14/18 and to do so in writing; explained that he could call me anytime and / or consult with anybody; he thanked me for my time and for getting back to him

Class Members Name Redacted

1 * 12/16 IK - called - left message

2 * 12/14 she left a vm regarding change of address to: 590 Oats Grove Road, Flatrock, NC 28731; would like to speak with an attorney regarding how this class action will affect her; 12/20 IK – called but no answer; eventually got a busy signal; 12/26 - ik called and explained the case briefly; she claims that attorney got overpaid = 40%; explained I cannot help her with that; she wants to stay in regardless of CAT. 2 status

1 * 12/16 IK - explained the case; explained opt out option and deadline; explained no guarantee re getting \$; asked if he had more questions and inviting him to call back at anytime; 4/11 **MSA** spoke to Mr. [Name Redacted] gave him complete case status

1 * **MSA** 12/14 spoke to Mr. [Name Redacted] and he has gone to the website and would like to proceed and stay in the class action -- he called just to confirm his participation in the class action; 4/12 **MSA** returned his call and explained 4/1 Order and 4/4 Hearing outcome

1 * [Name Redacted] is the person who calles and says [Name Redacted] (son) should be the one getting SS but [Name Redacted] is the one listed on the list as category 1; Letter mailed to ex-husband who says that he is not owed \$; but son who has cerebral palsy does; I explained that I will never have access to individual files but that SSA has said that if the class action is successful and they are ordered to do the calculation that they will be reviewing the files (including to recover \$ if warranted). I told her that if her ex wants to stay in he does not have to do anything and she said that she imagined he would stay in. I invited any further calls and she said she will pass my number along to her ex. She thanked me for calling back and said that we had our work cut out in taking on SSA (to which I agreed).

2 * 12/26 ik - called - left message

1 * she mailed her file/notes 12/18 - 12/26 - we returned her file

2 * **MSA** 12/18 returned call and spoke to Ms. [Name Redacted] and indicated that although she is category 2 - she will stay in class action as she believes SSA owe's her money

1 * **MSA** 12/18 Ms. [Name Redacted] will stay in class action and will check website mid-January for updates

1 * **MSA** 12/19 Mr. [Name Redacted] called to confirm that he is staying in class action and will call back late January for further updates; 1/15 called and left message indicating that he has been diagnosed with terminal lung cancer - his sister-in-laws * or his brother's * ; ITK 1/15 Returned call and left message; ITK 1/17 – spoke with him; left message with Jon to be in touch with him; ResslerI told him that his potential surviving beneficiaries should contact Social Security on his passing and advise them that he was a member of the class action, that any past dues owed would be paid according to the statute, and that there was nothing else they needed to do unless they were directed further by Social Security; 2/01 **MSA** called and left vm for Mr. [Name Redacted] for a returned called to re-deliver message that Ressler gave him

Class Members Name Redacted

2 * **MSA** 12/19 returned her call and left message; 12/26 - ik - called and left message; 3/14 ITK - I spoke to her – she admitted that she rec'd my message but never called back. Waiting for hearing since 2016 . . . got money but now SSA says that she has to give it back ... For 3 yrs have been told lies by SSA . . . She got \$6,024 in Dec. 2018 . . . lawyer got more than 25% . . . Got on her "Express" account which is supposed to be her direct deposit from SSA ... told her re CAT. 2; she is in Mass. . . .; she claims that someone from SSA wanted her to do something illegal . . .; Congressman ? (does not know); is working with Congressman's office . . . She is wondering whether \$ came b/c of this lawsuit . . . sons got \$15,000 . . . ?? Googled and her Rep. is Rep. James "Jim" McGovern. I invited her to have her Rep. call me. . . . told her that no \$ came from us . . .

1 * **MSA** 12/19 spoke to Ms. [Name Redacted] and she will be staying in the class action and will call back late January updates; **MSA** 1/22 returned Ms. [Name Redacted] call inquiring about status of case - informed her that was on "Stay" due to government shutdown; **MSA** 2/22 called to say "thank you for the hard work into this case" and she will await for her payment; 4/10 **MSA** spoke to her and gave her status on 4/1 Order and 4/4 Hearing

1 * **MSA** 12/19 called to confirmed that he will stay in class action - you will check back mid/late January for further status

1 * **MSA** 12/19 returned his call and left vm for a returned call; 12/20 IK – called and left message

* **MSA** 12/19 called to indicated that she will be opting out of class action and will be mailing letter this week; **MSA** 12/20 Ms. [Name Redacted] called and indicated that she changed her mind and will be staying in the class action - ***
; 2/28 **MSA** spoke to updated her on SJ, Fees Motion and Defendants Motion to Alter/Amend; 4/10 **MSA** returned her call and gave her status on 4/1 Order and 4/4 hearing; 4/26 **MSA** returned her call left her a vm; 4/26 **MSA** spoke to regarding recalculations and letter coming from SSA

1 * 12/20 IK – returned his call; he said he was pleased that we are doing such "excellent work" in trying to get \$ back for people; I explained – no guarantees; possibly SSA could say he owes them \$; explained that he can drop out by 1/14/19; explained that we hope the judge will decide the case shortly after Jan 14 and that we will post any decision or he can call me back then (or any time). He said he wants to stay in and thanked me; 1/22 **MSA** Mr. [Name Redacted] called to inquire about case status - spoke to Mr. [Name Redacted] and told him that the case is on Stay due to the government shutdown; 2/14 **MSA** spoke to Mr. [Name Redacted] regarding status of SJ, Fee Motions and the possibility of SSA appealing - told him we could not guarantee him any \$\$

1 * 12/20 Ik – took his call; explained the case briefly; explained no guarantees; explained that if we win and SSA has to do the calculation then they will notify him of the disposition (\$; no \$; he owes \$); explained the drop out date and invited him to call back anytime with any further questions.

1 * **MSA** 12/21 spoke to Ms. [Name Redacted] and she will be staying in class action and will check on website for further updates or will call late January for further updates

Class Members Name Redacted

1 * 12/21 – IK - I called him back; explained the case briefly; explained that he has until 1.14 / 19 to opt out of he wants; otherwise I do not need any information from him; he has access to the web and I urged him to look at the info there including the updates and to call back if he g=had any questions He thanked me for the call and said he would look at the website.

1 * 12/21 ITK - called and left voicemail; 12/26 MSA Mr. [Name Redacted] called to confirm that he will be staying in the class action and will check status in late January; 4/10 MSA spoke to Mr [Name Redacted] re April 1st Order

2 * 12/26 ik - called and left message; 12/26 - she called back; I explained the case briefly; explained CAT ; explained SSA claim that if they find something in the file that they would ask for \$ back; stold her we would post a decision when it comes down (she has access to the web); told her to consult with her (former) lawyer; told her she has until 1/14/19 to pot out; explained that even in CAT 1 no guarantee of a pay day; told her she could call ne back with any questions

* called to indicated that he wants to be "removed" from class action; 12/26 MSA spoke to Mr. [Name Redacted] to inform him that we need written verficiation from him notfiying us that he wishes to be "excluded" from the class action - he will be emailing to do so

1 * 12/26 MSA spoke to Ms. [Name Redacted] and she indicated that she will be resuming with class action and will either check website or call back late January for further status on case; ITK 2/22 spoke to Ms. [Name Redacted] about SJ, Fees Motion and new filings re opposition for attys fees

1 * 12/27 ik - she called and I explained the case briefly to her and she said that she wants to stay in

1 * MSA 12/28 spoke to Mr. [Name Redacted] and he confirmed his participation in the class action and included his change of address: *** - advised him to call SSA and change it directly with them - he indicated that he will check the website in late January for status of case

1 * ITK 1/2/19 - I returned her call; shewanted an update; I explained that the opt out dedline is 1/14/19 and that we are hopeful that he court will rule shortly thereafter but I could not promise her anything on timing; I also noted that SSA may appeal; I explained that we would post any court decision on the website, but that she could call me anytime with any questions; I explained that SSA would ultimately inform her of any \$ due her if we won the case. She thanked me for calling; 3/1 MSA spoke to Ms. [Name Redacted] and gave her status of SJ, Fee Motion, and Defendants Motion to Alter/Amend; 4/5 ITK spoke to her

Class Members Name Redacted

1 * 1/2/19 IK – I returned her call and left a message for her to call back; 1/2/19 Ik - I called both numbers – I reached her on the 2nd line (*). She wanted to know how we would get paid. I explained that if we win and if \$ is awarded, that before then we would ask for fees up to 25%; that SSA has opposed our being able to ask for any percentage; that the court had n]=made no decision in that regard; that we had not decided how much we would ask for but that if \$ was awarded that it would come off the top from what SSA owed her. She wanted to know if she had to sign anything I told her that she is in the case w/o having to do anything and that only if she wants to opt out that she should write to me by 1/14/19. She said that she wants to stay in.

2 * 1/2/19 IK – I returned her call and explained the case briefly including re CAT. 2; I read her SSA’s response re the possibility of losing \$; she indicated that she will opt out and that she would mail me to that effect before 1/14/19.

1 * Ik – 1/2/19 – I called her back. I apologized that it took so long to call her back. I explained the case briefly; she believes she is entitled to some \$; I explained there is no guarantee; I explained that we hope the court will rule by the end of the month; her daughter has access to the web; I explained that we will post a decision when it comes down but that she can always call me. She thanked me “so much.”; ITK 2/19 I explained that we won the case but that SSA could appeal; I explained also that we have also filed a motion for fees; I will send her the court’s order; - SEE emails – I sent her the court order and our motion for fees - also emailed court documents - Opinion and Order SJ (**)

1 * 1/2/19 ik – explained the case briefly; explained that to stay in the case she does not have to do anything; she wants to stay in; she thanked me for returning her call.

1 * 1/2/19 ik – returned call; no answer; 1/7 ik - Returned call; [He said that he wrote to us to stay in the case (I explained that was not necessary); explained CAT. 1 (might get \$); notified his attorney; he was on web; explained we will post any decision; explained that he can call anytime; explained we will apply for a fee and that he could object – he said (paraphrase) – “why would; I would not have known about this w/o you.” He expressed appreciation and thanked me; 2/08 MSA Mr. Name Redacted called regarding status of case - informed him of status on Summary Judgment; 4/10 MSA spoke to Mr. Name Redacted gave him status on 4/1 Order and 4/4 hearing

1 * 1/3/19 ITK I returned her call but could not leave a message as her mailbox is full; ITK 1/3/19 she called back; I explained the case briefly; explained there is no guarantee she will get \$ (and that she might actually lose \$ though not probably); explained the opt out date and the possible delay due to the shutdown; explained that we want relief w/i 30-90 days for recalculation if Court decides in our favor, but that SSA says it will take longer); ITK 2/15 I explained her the status; told her that SSA is supposed to do the recalc w/I 90; also told he re our fee application; she said that she was following on the site but could not get in; I had no problem and told her to try again but to call in the future if she wanted any more info. She thanked me; 4/23 MSA spoke to Ms. Name Redacted and gave her update on 4/1 Order

Class Members Name Redacted

1 * ITK I called her back; explained the case to her briefly; explained the opt out deadline if she wants to get out; she wants to stay in; I told her that we would post any decision by the court and that she can call me back at any time with any questions she may have; 3/05 ITK - Returned her call today. Left message. 3/10 ITK - I called her again today – March 10 -- and gave her an update on everything (SSA wants more than 90 days; our fee request – she had no problem with it when I told her that she could write to the court –; and the fee hearing on April 4. I told her she should call after April 4 for another update.)

1 * wants information on class action - also wants to change her address to ***
* – called and explained the case briefly; explained the stay; explained “concurrent” benefits; explained we will post decision on web; explained she can call anytime; explained that she needs to contact SSA directly re change of address; thanked me “so much” – “appreciated everything we are doing”; hopes we win!

2 * wants to know if class action is legitimate; 1/7/19 – ik called and left message; 1/8 ik Houston – explained briefly the case; explained CAT. 2 (no guarantee of \$; could lose \$ if SSA reviews and thinks so, though we disagree and told the court not to allow); explained the temporary stay; explained we will post any decision on the web; told her she can call back anytime; assured her this is not a scam; she appreciated the call back (had wanted to talk to someone to assure not a scam); said she wants to stay in case; ITK 2/21 – called her back; gave her the update including re the court’s Jan 25 decision, our fees application, the anticipated SSA opposition and the current hearing date on fees for March 7; she thanked me for calling back

1 * wants to be part of the class action - what else do you need from him; 1/7/19 ik - called and explained the case briefly; has a 7 yr. old and a disabled 27 yr. old; explained no guarantee and possibility that SSA will ask for \$ back; explained we oppose that; explained the temporary stay but hopeful for a decision soon; said we would post on web but that he could call anytime; but don’t know about any appeal; mentioned we will ask for fees; mentioned SSA position that it will take long time; explained we are pushing as hard and as quickly as possible for a decision; he thanked me and expressed his appreciation that we are out there fighting for people such as himself

1 * 1/7 BS called me to ask about the case and the letter she received. I explained the case to her. She is excited about the case and will stay in the class. She thanked us for our good work as well; 1/28 SF she's a class memvber 1 wanting status update - gave her status re Summary Judgment and filing fee application and to continue checking website or give us a call

Class Members Name Redacted

1 * would like to know how he met the criteria and would like to know more about the case; 1/7 /719 ik – he was confused about who sent the letter and sent us a pix; I explained that the Notice came from us per Court order; I explained that the case is in abeyance for now but that we are still hopeful that the court will rule soon; told him he can call with any questions anytime; he wants to stay in; 3/13 ITK - I spoke to him. Explained to him that I cannot take his case (to get SSA) – I offered to give him Jon’s name and number but he did not take up the offer; explained that SSA has started the process; but he does not think it should not take 2 yrs and that she start with the oldest cases like his (I agree); also told him that he can call back after SSA’s filing today to see what they say. He said he would call back net week. 3/18 MSA spoke to Mr. **Name Redacted** who is upset that SJ was entered but he has not received any type of payment - re-explained to him that there is no guarantee of payment - he will call back 4/4 to check on status - as he believes he should not have to repay attys fees; 4/10 **MSA** spoke to him about 4/1 Order and 4/4 hearing

1 * **Name Redacted** calling on behalf of her father - would like to know how to submit paperwork for the class action and would like to speak to an atty; 1/7/19 – spoke with **Name Redacted** – explained that her father does not have to do anything to stay in the case; I explained that if we win we will apply for up to 25% of the award by that SSA is opposing and we have not won and we may not apply for the full 25%. She thanked me for returning her call.

1 * 1/7 **MSA** just wanted to confirm that she is staying in class - wanted to thank the attys for taking on SSA

2 * 1/8 ik I called him; he did not pick up and his vm box is not set up; 1/10 - I called Mr. **Name Redacted** (CAT. 2) again; he did not pick up again; vm box not set up . . .; 1/10 – ik – he returned my call; I explained the case to him briefly; I explained CAT. 2; explained that SSA takes the position that upon review they will ask \$ back if owed; explained the stay; explained the drop out date of 1/14/19; he said that he wants to stay in. I told him that he can call back at any time with any questions

2 * (wife called - **Name Redacted**) would like to know more about the case - they are both a little frightened by case that it will reduce their monthly payment - would prefer to speak to an atty for better clarification; 1/8 ik – explained the case briefly; spoke to his wife at length; explained CAT. 2; explained we will ask for fees; explained the stay; gave pros and cons in staying in or opting out; read to her from SSA’s answer re potential of asking for \$ back; explained should get letter to me by 1/14/19 if wants to opt out; she is not sure but will talk over with H again but thanked me for calling back so quickly

1 * would like to be in class action suit but does not understand how he is a claimant and does not want to lose his benefits should he participate - would like to speak with someone regarding this; ITK 1/15 I returned his call – explained that the case is on hold; told him I cannot predict the timing at this point; told him he could call back anytime; 3/4 **MSA** Mr. **Name Redacted** called for status of case - informed him of SSAs Motion to Amend/Alter; 4/30 MSA returned his call - left him a vm; 5/1 MSA returned his call - left him a vm; 5/2 MSA spoke to him and gave him status on 4/1 Order

Class Members Name Redacted

- 1 * 1/8 **MSA** he called to confirm that he wants to be included in the class action and will check the website for further updates; 3/29 MSA spoke to Mr. **Name Redacted** and gave him case status - SJ, Def Motion to Alter/Amend, Motion for Fees and any comments/objections should be mailed to the court with a cc to KDW - hearing on 4/4; and Opposition to Def Motion
- 1 * 1/8 **MSA** spoke to her and she wanted to confirm that she is staying in class action and indicated her address is now: *** - told her to pls call SSA and update her records to reflect new address - she will check back in late January and/or check website for status of case
- 1 * spoke to Ms. **Name Redacted** inquiring if the opt-out letter received is indeed from her - she confirmed that she mailed it and wants to be excluded from class action
- 2 * "**Name Redacted**": 1/9 **MSA** Ms. **Name Redacted** called to indicate that she would be opting out; 1/9 rec'd opt-out email
- 2 * 1/9 ik – returned her call; left a vm.
- * 1/10 Ik – returned call; doesn't won't to lose benefits; I explained the case briefly and CAT. 2 and that SSA says that they can review cases and will take \$ back if they think they are entitled to \$; He believes that SSA may be guilty of fraud . . . ; I suggested that he drop out under the circumstances to avoid hassle from SSA. [He does not trust SSA. He had to pay money back that he believes belongs to him . . .] {talks about the "Everret" (State of Washington) office.} He believes he should be in CAT. 1. "They do not like me. . . ." He understands that I cannot take his case individually . . . he is scared of them. Originally was told that a big check he got was no mistake; eventually they said that he should have known better and had to re-pay; was told it was a "computer error" which he does not believe so . . . he says he is disabled but is working now . . . At the end he said he "guesses" that he will leave alone and hope for a miracle . . . but later he said he was going to mull it over . . . "I really appreciate you guys doing this . . ." he hopes we win and create "shock waves"; he does not think he would owe \$; I explained he should get me something in writing if he wants to drop out by 1/14/19; but I also explained the stay and that I was not sure if that would extend the deadline; "you guys are helping a lot of people"
- 1 * would like to stay in class action but would like to speak with an atty has several questions
- * ITK 1/15 Returned her call and left message regarding status of the case as she asked (i.e., case on pause but hoping that court will issue opinion anyway soon; opt out deadline expired yesterday but unclear if affected by the pause); ITK 2/19 – I returned her call; told her judge entered sj on our behalf and ordered recal. and payments w/I 90 days of Jan 25; told her re our fees request for 20% and court date on March 7 for hearing; told her that no guarantee of \$; told her sSA might appeal or ask for extension; told her she can call back anytime for updates; 3/31 **MSA** spoke to Ms. **Name Redacted** and have her a status on the case and she will be calling back after the fees hearing 4/4; 4/26 MSA returned her call and left her a vm re 4/1 Order

Class Members Name Redacted

- 1 * 1/10 ITK called and left message; 1/14 ITK wanted to know if he needed to do anything; I explained only if he wanted to drop out. He said he did not and thanked me.
- 1 * IT 1/14 I called back (on my cell from home); explained the case briefly; explained to get he needs to write to me (by today). She wants to stay in. I told her that she can my office anytime if she has questions. She thanked me.
- 1 * called informing that she will be participating in class action and inquiring about status of case; 2/27 **MSA** called her back as she left vm - phone just rang 2/28 **MSA** called Ms. [Name Redacted] and left a vm returning her call; 3/11 **MSA** left a vm for Mr. [Name Redacted] re update of case - indicated if she had further questions for her to call back; 4/12 **MSA** spoke to her and gave status on 4/1 Order and 4/4 Hearing
- 1 * called to check on status of case; **MSA** 1/17 explained the Order to Stay on the case; **MSA** 2/11 Mr. [Name Redacted] called wondering when payment would be - explained SJ and possibility of SSA appealing - informed him of Fees Motions and he could call or check the website for further updates; 4/19 **MSA** spoke to Mr. [Name Redacted] and gave him status on 4/1 Order and 4/4 Hearing
- 1 * 1/15 ITK I called back – I gave her an update on the “pause” on the case. I told her she can check the site if and when an opinion comes down and to call in the future as well; 4/26 **MSA** returned her call left her a vm on case status
- 1 * 1/18 **MSA** Mr. [Name Redacted] called inquiring case status and I explained the Order to Stay on the case; 3/11 **MSA** spoke to Mr. [Name Redacted] and gave him status on case - he will call back after April 4th for another case status; 3/19 **MSA** left Mr. [Name Redacted] a message for a return call; 4/12 **MSA** returned his call and gave him status on the 4/1 Order and 4/4 hearing
- 1 * 1/22 ITK spoke to him and explained the case to him briefly
- 1 *
- 1 * ITK 1/25 I called and left a message; 2/11 **MSA** Ms. [Name Redacted] called inquiring of status of case - informed her re SJ and Fees Motion as well as SSA possbily appeals nor informed her that she has no guarantee of payment and that I could not confirm when or how she would be getting that payment should she have one - she will check the website for any further updates; 4/16 **MSA** spoke to Ms. [Name Redacted] and gave her status on 4/1 Order and 4/4 hearing
- 2 * 1/25 **MSA** - Mr. [Name Redacted] called to inform that he would be staying in the class action
- 2 * 1/30 **MSA** - Ms. [Name Redacted] called to update her contact information - told her she should call SSA directly to update her information with them - she indicated that she will be staying in the class action; 4/10 **MSA** gave her status on case re Order on recalculations

Class Members Name Redacted

1 * 1/30 **MSA** - Ms. [Name Redacted] call inquiring about case status - left her a vm regarding summary judgment; 3/25 **MSA** spoke to Ms. [Name Redacted] re Def Motion to Alter/Amend and Opposition, Motion for Fees 4/4 and she will be checking the website but will call back after the hearing on 4/4 - did also mention to her that should she have any comments or objections on the Fees Motion to please write to court and cc KDW; 4/18 **MSA** returned Ms. [Name Redacted] call - left her a vm regarding status of 4/1 Order

1 * 1/30 **MSA** - Ms. [Name Redacted] wanted to know status of case - gave her status re Summary Judgment; 3/07 **MSA** spoke to Ms. [Name Redacted] and have her status on case now - she will call back in April for further status

1 * 1/31 **MSA** - Ms. [Name Redacted] called to inquire about status of case - have her status regarding Summary Judgment - was very happy to hear and thanked the attorneys for their hard work; 3/18 **MSA** spoke to Ms. [Name Redacted] and have her current case status - she will be calling back weekly for cases status

2 * 2/04 **MSA** called to confirm that class members were indeed granted summary judgment - did confirm the news to Mr. [Name Redacted] - thanked the attys working on this matter and indicated "finally lawyers that care" - he will keep checking the website for further updates; IK 4/5 - he called on 4/3 - I called him back: I updated him; wanted to know if will come via direct deposit; I explained what CAT 2 is; wanted to know if he could get dinged - I explained our position that he should no and that we have told that to the Judge in our papers and at the hearing yesterday. He appreciated our work and my call back and wished us luck on the fees; 4/24 **ITK** - I returned his call and updated him the CAT 2 and our discovery that some have received money

1 * 2/04 **MSA** called to check up on status of case - gave her status regarding SJ; 2/27 **MSA** spoke to Ms. [Name Redacted] and advised her of opposing counsel filing a motion to alter/amend judgment; 4/11 **MSA** spoke to her and gave her status on 4/1 Order and 4/4 Hearing

1 * 2/05 **MSA** Ms. [Name Redacted] call on status of case - informed her status of summary judgment; 3/4 **ITK** - I returned her call today (March 4). I updated her re SSA opposition to 90 days; our motion for fees; the hearing scheduled for April 4; she right to write to the court (info on website); 5/9 **MSA** spoke to her and gave her status of case and 4/1 Order

1 * 2/05 **MSA** Mr. [Name Redacted] called for status of case - informed him of status for summary judgment; 2/26 **BS** Spoke to [Name Redacted]. He wanted updates as to the case status. I updated him as to the recent events; 3/29 **MSA** spoke to Mr. [Name Redacted] on case status; 4/9 **MSA** spoke to Mr. [Name Redacted] and gave status on case re Motion for Fees and 4/1 Order re recalculations

1 * 2/05 **MSA** Ms. [Name Redacted] left a vm regarding status of case - left her a vm asking for a return call; 4/12 **MSA** spoke to her and gave her status on 4/1 Order and 4/4 hearing outcome

1 * 2/05 **MSA** Ms. [Name Redacted] called on status on case - informed her on SJ; 3/8 **MSA** gave her status on Fee Motion and Defs Motion to Alter/Amend Judgement and our opposition - will call back in April for status; 4/10 **MSA** spoke to her and gave her case status on 4/1 Order on recalculations and 4/4 hearing nothing was entered on attys fees

Class Members Name Redacted

- * 2/06 ITK left a lengthy vm - 2/7 ITK I called him back and left a message.
- * 2/11 **MSA** Mr. [Name Redacted] called inquiring about when he can expect payment and how much it would be from SSA - informed Mr. [Name Redacted] that there is no guarantee that he would be receiving money nor when he can expect payment should he be receiving anything - also indicated that SSA would be the ones making those recalculations not KDW or ITK
- * 2/11 **MSA** Mr. [Name Redacted] called and said "thank you to everyone who cares enough to represent the people that got screwed - I genuinely appreciate you"; 3/11 MSA spoke to Mr. [Name Redacted] on case status - he will call again after hearing on April 4th for case status; 4/26 MSA returned call and gave him status on the 4/1 Order
- * 2/11 **MSA** Mr. [Name Redacted] called to double check that SM was ruled in class members favor - to which I confirmed and reminded him that there was no guarantee that he would be receiving payment nor could I tell him when he would be getting such payment should he get it - thank the attorneys for their hard work and dedication to making sure that something done wrong was fixed - he said he would wait patiently and see what if any amount due to him; 4/17 MSA spoke to Mr. [Name Redacted] re 4/1 Order - he will write to the court and indicate that counsel deserve the 20% its seeking
- * : 2/11 **MSA** Ms. [Name Redacted] called to ask when she would be getting payment due to her - informed her there is no guarantee of payment nor could I tell her when she could expect it - informed her that SSA would be making those recalculations and a fees motion would be filed next; 2/28 **MSA** left her a vm returning her call; 4/12 **MSA** returned her call and left detailed vm re 4/1 Order and 4/4 hearing
- * 2/11 **MSA** - Ms. [Name Redacted] called inquiring about class action suit - returned her call left a vm
- * 2/11 **MSA** - Mr. [Name Redacted] called asking for a return call regarding lawsuit against SSA - returned his call and left a vm; he called and I spoke to him re Summary Judgment; Fees Motion and the possibility of an appeal - he will be checking the website for further updates - thanks the attys for all their hard work and dedication to the people that need to be represented against SSA who think are untouchable and can do harm to people w/o consequences
- * 2/13 **MSA** Mr. [Name Redacted] called for status of case - informed him of SJ, Fees Motion and the possibility of SSA appealing and no guarantee that he will get any \$\$ - he said thank you and he will wait it out as he has waited this long for it; 4/10 **MSA** returned his call and left vm re 4/1 Order and 4/4 hearing
- * 2/13 **MSA** Mr. [Name Redacted] called to thank the attorneys involved with this class action for all their hard work and dedication to the class members
- 2/11/19: ITK - She called; wanted to know if she would get \$; I told her I did not know; only that she is in CAT. 2 which according to SSA – no one will get \$. . . She was disappointed but thanked me . . .

Class Members Name Redacted

1 * : **MSA** 2/15 spoke to Mr. **Name Redacted** who called to say "thank you to the people working on this case"; 2/28 **MSA** updated him on what is happening with case SJ, Fees Motion; and SSA filing a Motion to Amend/Alter; 3/18 **MSA** spoke to Mr. **Name Redacted** and gave him status - he will call back after 4/4; 4/23 **MSA** spoke to Mr. **Name Redacted** but he needs better clarification from attys regarding case; 4/23 **MSA** called and gave him contact information for Brizius; 4/23 - **ITK** - I spoke to Mr. **Name Redacted**- he is frustrated by the lack of information from SSA ; I told him to contact DOJ attorney (Erin B) with his complaint and instructed Marvila to call him back (he was driving and had no pen/paper) with the number; 5/1/1 – see email from Erin B - "Erin – It is incomprehensible, if not unconscionable, that the Agency refuses to respond to Mr. **Name Redacted** and update his case. If you or your client will not directly touch base with him, then furnish the specific information found in the “tracking system” to me and I will forward it to him. Any frustration that Mr. **Name Redacted**– who first called our office back on February 15 to say "thank you to the people working on this case", and who has called several times since then for updates -- has or has expressed stems directly from SSA’s refusal to give him or me the information he deserves to know." I called Mr. **Name Redacted** again today and left a message that if he sends me his email address I will forward my exchange of emails with opposing counsel over her refusal to give me information about his case; 5/02 **ITK** - He called back and thanked me for calling him back. . He complained about the fees that his former was paid, in full, even though she did little and he has not got his money. He explained his case in detail . . . and that he has complained to his Congressman. (Ted Bud?) I read to him the emails back and forth with Erin B and explained to him the background of our bringing the case, statutory fees and EAJA fees. I spent about an hour on the phone with him. I am FEDEXing briefs and Court Orders to him today regarding attorney’s fees. His address is *** 5/2 **ITK** - I called mr **Name Redacted** back again after receiving his call in the afternoon . He thanked me again several times for doing so. I told him that I will include EB’s address as he requested in my cover note with all the briefs. #7751 2305 5902

1 * **ITK** 2/19 – called back – her vm box is not set up yet; **ITK** 2/21 – called again – no answer; no vm box set up

1 BS 2/19 Category 1. Asked me about the case. I explained the current status of the case and our request for fees.

2 *

1 * 2/27 **MSA** spoke to Mr. **Name Redacted** and he indicated that he is checking on the webpage and wanted to congratulate **KDW** for winning **SJ**; 4/12 **MSA** returned his call and informed him on 4/1 Order and 4/4 hearing

1 * 2/27 **MSA** spoke to Ms. **Name Redacted** about case and what is happening now; 3/27 **MSA** spoke to Ms **Name Redacted** and gave her status on case - she will call back after hearing 4/4 to see if a ruling has been made on Def Motion to Alter/Amend and for Motion for Fees; 4/10 **MSA** returned her call and gave her status on 4/1 Order and 4/4 hearing

1 * 2/27 **MSA** spoke to Mr. **Name Redacted** about case and what is hapnneing now; 3/27 **MSA** returned his call and left him a detailed vm on case status

Class Members Name Redacted

1 * 2/28 **MSA** spoke to Ms. **Name Redacted** about case SJ, Motion Fees, Motion to Amend/Alter; 4/10 **MSA** spoke to Ms. **Name Redacted** and gave her status on case re Order 4/1 on recalculations

1 * 2/26/19 – ITK explained case is won; SSA has requested a stay; fees applic. and April 4 hearing; opportunity to comment etc.

1 * 2/26/19 ITK – I called but had to call back; I reached her – she has called before. She has been following o the web. I explained her the current status including fee applic; request fror stay; fee hearing

1 * 2/25/19 ITK - He called from * I said I would call back; I did and left a message. I then tried the second number below – * -- but no one picked up; 2/28 **MSA** Mr. **Name Redacted** called back and wanted to apologize for not answering but he is happy to stay in class action and "thank you for fighting the good fight"

2 * 3/05 **MSA** spoke to Mr. **Name Redacted** and gave him status of case - SJ, Fees Motion and Defs Motion to Alter/Amend Judgment - informed him that he is cat 2 - and no gurantee that he will receive an underpayment

2 * 3/06 **MSA** spoke to Ms. **Name Redacted** and gave her status of case - SJ, Fees Motion and Def Motion to Alter/Amend Judgement - she is checking the website and will call back in mid April to check on status; 3/25 ITK - I called her back. She was confusing . . . I could not understand her because she was not specific in any question . . . I explained her that SSA is asking for two years . . . Told her we have to wait to see what happens . . . I explained she is in CAT 1. Maybe she will get money . . . Appreciated that I called back . . .

1 * 3/06 **MSA** spoke to Ms. **Name Redacted** and gave her status of case - SJ, Fees Motion and Def Motion to Alter/Amend - she will call again in April to check on status; 4/10 **MSA** gave told her about April 1 Order on recalculations

1 * 3/8 **MSA** spoke to Mr. **Name Redacted** and have him status of case; 4/10 **MSA** spoke to Mr. **Name Redacted** and gave him status re April 1 Order on recalculations

2 * 3/11 **MSA** spoke to Mr. **Name Redacted** and gave him status of case - SJ, Fees Motion, Def Motion to Alter/Amend and Opposition - said he would call back on/about April 8th; 4/10 **MSA** spoke to him and gave him status on 4/1 Order on recalculations

1 * 3/11 ITK She called and I picked up – she wanted to know what happened at the hearing on the 7th; I explained that it was postponed to 4/4/19 and updated her on all the filings. She is following the case on the web and I told her that we will post SSA’s upcoming brief on Wed. when it comes in; I invited her to call at any time; she thanked me.

1 * 3/12 **MSA** spoke to Ms. **Name Redacted** and updated her on SJ, Fees Motion, Def Motion to Alter/Amend, and Opposition and hearing on April 4th - she will call back and/or check the website for further updates; 4/16 **MSA** spoke to Ms. **Name Redacted** re 4/1 Order adn 4/4 Hearing outcome

Class Members Name Redacted

- 1 * 3/13 **MSA** spoke to Mr. **Name Redacted** re SJ, Fees Motion, Def Motion to Alter/Amend, Opposition and Reply - he will check back after April 4th or check the website; 3/29 **MSA** Mr. **Name Redacted** called for status on Def Motions - let him know Judge has not make a ruling as of yet; 4/9 MSA spoke to Mr. **Name Redacted** and gave him status on 4/4 hearing and Order on recalculations of 8 months
- 1 * 3/13 **MSA** spoke to Mr. **Name Redacted** and had him speak with ITK directly as his local SSA office might have given him false information (see picture he sent re SSA letter he received); 3/14 ITK - I called Scott Edwards at the Alabama office together with Mr. **Name Redacted** patched in. I left a message for Edwards to call me back re the letter below. My vm message indicated that I represent the class and its member but not Mr. **Name Redacted** specifically in connection with his individual issues outside the class. I asked Edwards to call me back.
Edwards' # is 1-866-592-3734 Ext. 26622. Mr. **Name Redacted** # is *
- 1 * (deceased): 3/14 **MSA** spoke to his wife **Name Redacted** - updated her on case and told her she needed to call SSA to correct address (***)); 4/10 **MSA** gave her status on 4/1 Order and 4/4 hearing
- 1 * 3/15 **MSA** spoke to Mr. **Name Redacted** and updated him on case status - he will call back after April 4th hearing for status of case; 4/10 **MSA** spoke to him and gave him status on 4/1 Order and 4/4 Hearing
- 1 * 3/15 **MSA** spoke to Mr. **Name Redacted** and updated him on case status - SJ, Fees Motion, Def Motion to Alter/Amend, Opposition and Reply and hearing scheduled on April 4 - he will call after April 8 to check up on case status; 4/10 **MSA** spoke to Mr. **Name Redacted** and gave him case status re April 1 Order on recalculations
- 1 * 3/18 **MSA** returned Mr. **Name Redacted** call but could not leave message - phone rang but no vm was available; 3/25 **MSA** tried calling Mr. **Name Redacted** again, no answer; 3/27 **MSA** called again - no answer; 3/29 **MSA** returned Mr. **Name Redacted** call but again no answer (unfortunatly he is calling the Greenberg Class Action number) could not leave a vm as he does not have one
- * 3/18 ITK - I called twice; no answer or answering machine. Went to a fax-receiving sound; 3/19 ITK Her number is
* She called back. She is following the case on the web. I told her re SSA's position about the 2 yrs.; I said she can call anytime but recommended to see what the Judge might say after April 4; 4/28 ITK: She is CAT. 1 - her number - *
1 - I explained to her CAT 1 . . . Advised her to check out the website and call back if she has any questions . . . ; the line dropped and I called her back; I explained her that SSA wants two years to complete the recalculations . . . we are fighting that; she thanked me for calling back . . .
- 1 * 3/18 **MSA** - spoke to Mr. **Name Redacted** and gave him an update on case status - he is following it on the website but wanted to reach out and say "thank you"; 4/12 **MSA** returned his call and updated him on 4/1 Order and 4/4 Hearing
- 1 * 3/18 **MSA** spoke to Mr. **Name Redacted** and gave him an update on case status - first time calling - he just called to say he does not oppose the 20%; 4/17 MSA left him a vm re 4/1 Order and 4/4 hearing outcome

Class Members Name Redacted

- 1 * 3/19 **MSA** spoke to Mr. **Name Redacted** and gave him an update on case status - frist time calling - he will call back after 4/4 hearing; 4/11 **MSA** spoke to him and gave status on 4/1 Order and 4/4 Hearing
- 1 * 3/19 **MSA** spoke to Ms. **Name Redacted** briefly - she then spoke to ITK because she indicated that SSA had told her that she was excluded from the class action; 4/10 **MSA** spoke to her and gave her status on 4/1 Order and 4/4 hearing
- 1 * 3/19 **MSA** spoke to Ms. **Name Redacted** and updated her on case - SJ, Motion for Fees, Def Motion to Alter/Amend and Opposition - she will be calling back after the hearing on 4/4 - but she will be looking for updates on the website
- 1 * 3/20 **MSA** left him a message for returned call; 4/19 **MSA** returned his call and gave him status on case re 4/1 Order
- 1 * 3/22 **MSA** spoke to Mr. **Name Redacted** and updated him on case status - he has been checking the website and will call again after 4/4 hearing for case status
- 2 * 3/22 **MSA** spoke to Mr. **Name Redacted** and updated him on case status - he will call back after hearing 4/4
- 1 * 3/22 **MSA** gave her update on case status - and she said she will write to court as she agrees to the 20% - gave her website address and she will call back after the hearing for case status; 4/29 **MSA** spoke her to give her update on case re 4/1 Order
- 1 * 3/22 **MSA** spoke to Mr. **Name Redacted** and gave him case status SJ, Motion to Amend/Alter, Fees Motion and hearing and Opposition to Def Motion - gave him website address as well as he wants to keep up with the case that way - but will probably will back for case status re the Fees Motion
- 1 * 3/25 **MSA** spoke to Mr. **Name Redacted** and gave him status of case - he is checking website but does not follow "legal mumbo jumbo" - did tell he can call on a weekly manner for case status or after that 4/4 hearing; 4/10 **MSA** gave Mr. **Name Redacted** case status re 4/1 Order on recalculations to be done in 8 months
- 1 * 3/25 **MSA** returned her call - left a vm for a returned call; 3/28 **MSA** spoke to Ms. **Name Redacted** and gave status on case SJ, Motion for Fees, Def Motion to Alter/Amend and Opposition - she will call back after hearing;
- 2 * 3/25 **MSA** spoke to Ms. **Name Redacted** as she was just inquiring if Judge had made ruled on Def Motions - gave her status and she will continue to check the webstite but will also be calling
- 1 * 3/25 **MSA** spoke to Ms. **Name Redacted** on case status - and she will continue to check website but will also call back after 4/4 hearing for case status - is objecting Def Motion to Amend/Alter as she is now fighting cancer and might not make it two years - i told her that she should write to the court and copy us on her objections/comments
- 1 * 3/25 **MSA** spoke to Ms. **Name Redacted** about case status - SJ, Fees Motion, Def Motion to Amend/Alter; Opposition and Reply, hearing on 4/4 and told her that she could send the court any comment/objection re motion for fees

Class Members Name Redacted

- 1 * 3/27 **MSA** spoke to Mr. [Name Redacted] about case status - SJ, Fees Motion, Def Motion to Amend/Alter and Opposition - told him he could write to the court with any comment/objection re motion for fees - he will call back after hearing as he does not have internet access for case status then; 4/11 **MSA** spoke to [Name Redacted] re case status re 4/1 Order or 4/4 Hearing
- 1 * 3/27 **MSA** spoke to Mr. [Name Redacted] re case status - he is very appreciative with attys working on this case - he will call back after the 4/4 hearing for case status; 4/11 **MSA** spoke to Mr. [Name Redacted] regarding case status re April 1 Order and April 4 Hearing; 4/23 **MSA** spoke to him and he wanted to know when he would be receiving his letter re recalculations - told him i simply could not answer that question as SSA are the ones making those recalculations but they had 8 months from 1/25 Order to make them per 4/1 Order
- 2 * 3/27 **MSA** spoke to Ms. [Name Redacted] and gave her the website and update on case status - she will be checking the website for further updates; 4/19 **MSA** spoke to Ms. [Name Redacted] and gave her status on 4/1 Order
- 2 * 3/28 **MSA** returned her call and gave her status on case and cat 2 - she will be checking website for case status
- 2 * 3/29 **MSA** spoke to Mr. [Name Redacted] and gave him a case status - SJ, Def Motion, Oppo and Motion for Fees and hearing on 4/4 - he will call back after the hearing for case status; 4/12 **MSA** returned his call and gave him status re 4/1 Order 4/4 hearing
- 1 * 4/1 **MSA** spoke to Ms. [Name Redacted] and gave her status on case - she will call back mid-April for status of case. IK - 4/5 - I called her back; explained what happened yesterday and explained what the case is about
- 1 * 4/1 **MSA** spoke to Mr. [Name Redacted] and have him status on case (he wrote in) and he will be calling back mid-April for status; 4/30 **MSA** returned his call and gave him case status re 4/1 Order
- 2 * IK 4/5 - I returned his call - **no answer**
- 1 * - IK - 4/5 - I returned his call; wanted to know what happened yesterday. Explained what happened yesterday. Appreciated my calling back; 4/26 **MSA** returned his call left a vm for a return call; 4/29 gave Mr. [Name Redacted] and update on case
- 1 * 4/5 IK - explained CAT 1; told him about hearing yesterday; told him that he does not have to sign up; appreciated my time and help' told him he could call back with any questions
- 1 * 4/5 BS - CAT 1. Called and left vm. Let her know I called and asked her to call us back. IK - 4/8 - she called and I answered: explained that she is in CAT 1; explained that might or might not get \$. Just told her she has to wait for SSA to send a letter; explained that SSA says it needs 2 years; explained what the Judge ordered; 4/26 **MSA** spoke to her about 4/1 Order; 5/3 **MSA** spoke to her and told her there is no change in case
- ? * IK - 4/8/19 - took her call; explained the case; directed her to the website; explained the two Categories; told her she could call back when MAS returns

Class Members Name Redacted

1 * called to complain that I am listed as his representative; I explained how SSA has messed up; I explained the case;
 I explained our fee request as well; I referred him to the website he appreciated my time and thanked me;

1 * 4/9 MSA spoke to her and gave status on case and where it stands

1 * 4/10 MSA spoke to Ms. [Name Redacted] as she was very upset that SSA told her that she has an atty that she never asked for -
 she indicated that she never rec'd the notice so therefore could not opt out - she will call back after she is in a better mind frame as
 she was too upset

1 * 4/10 MSA spoke him regarding case and status - however he spoke to ITK for further details on his case as his
 benefits were removed because of this case

1 * 4/11 MSA returned Mr. [Name Redacted]'s call of 4/8 but no answer on 4/9 4/10 4/11

1 * *** - 4/11 MSA - she called to update her address and I gave her
 complete case status; 4/23 MSA returned her call - spoke to her on clarification of April 1st Order

1 * 4/12 MSA spoke to Ms. [Name Redacted] and gave complete status on case - she had not made contact before - she wants to
 thank all attorneys for their hard work and dedication

1 * 4/16 MSA spoke to Mr. [Name Redacted] and gave her status on case - she will be writing to court to comment on attys fees -
 email: **

1 * 4/16 MSA spoke to Mr. [Name Redacted] and gave him status on case - he indicated that he will be writing to the court and
 comment on attys fees

1 * 4/16 MSA spoke to Mr. [Name Redacted] and gave him status on 4/1 Order - he has been keeping track on the website - he did
 indicate that he will be writing to court as he is battling cancer and would like to see this resolved once and for all

2 * 4/15 ITK spoke to her - took her call; husband is following xase on web; explained to her Cat 2; she explained she
 had 2 lawyers but both got paid even though not both did anything; told her re Walker Declaration with error rate (4/2/19); told her
 not sure what Walker means); told her she can call back late May; she appreciated by my time and thank me - i call her again in the
 evening to let her know that we have proof that at least some people in Cat 2 have rec'd \$\$

1 * 4/18 MSA returned Ms. [Name Redacted] call - called and phone just rang no vm activated; she called back and gave her
 status of case and her being cat 1 also explained 4/1 Order

1 * 4/19 MSA spoke to Ms. [Name Redacted] re case status and 4/1 Order

2 * / ** 4/23 MSA spoke to Ms. [Name Redacted] regarding case status and she has no idea why
 she cannot make a claim with SSA - SSA told her that she is being represented by KDW since 2012 and according to her SSA gave
 her signature of representation that they have on file - she would like to speak with an atty because she cannot SSA to process her
 claim because KDW is listed as her atty - when she never signed anything giving KDW power of representation; 4/25 MSA spoke
 to Ms. [Name Redacted] and gave her contact information for Erin Brizius and email address

1 * / ** 4/26 MSA spoke to her and gave her case status and 4/1 Order

Class Members Name Redacted

1 * 4/26 MSA returned her call - left vm for her to return my call
1 * 4/29 MSA spoke to Mr. Charles updating on case and cat 1 and 4/1 Order
1 * 4/30 MSA spoke to her and gave her status on case and she will call when she receives her letter
1 * 4/30 MSA spoke to Mr. Medina and gave him status on case and 4/1 Order
1 * 4/30 MSA returned her call and left her a vm asking for a return call; 5/1 MSA returned her call and spoke to her
1 and gave her case status and re 4/1 Order

5/8 ITK - spoke to her at length and explained that (so far as we could understand) SSA could not (as someone there did) give her any numbers if (as they said) she was only in Phase 1 I also updated her on our Motion to Clarify, etc. and the fact that the judge has not decided a % award for us (which SSA is fighting)

Class Members Name Redacted

Address Redacted

The Total Number of Mail Received is as follows: 216

Notes

Category

Phone Number Redacted

11/16: wants information on case; IK - 11/25 - called and left message with male who picked up; 11/26 ik - returned call to her cell - left vm; 11/26 - she called back - explained the case briefly and invited a call back from her in mid-January 2019; told her there is no guarantee; does not think she was overpaid - maybe underpaid! says was charged 33% by lawyer - represented her in court; she asked about our fees and I explained that we will make an application for up to 25% and that the Judge will decide (and that SSA is opposing and might evebn appeal); she thanked me so much for calling back & said she wants to stay in and will call if she has any other questions; opt out letter rec'd 12/17

11/16: wants information on case: ITK called 11/18

11/17: wants information; 12/26 IK - called -left message syaing that per SSA hewill not get \$; said he can stay in or can opt out by Jan 14; invited him to call me back

11/17: wants information; JDW- Called back 12/3/18 at 4:16 PM - someone picked up and said this was a wrong #. Theirs is no phone # for her on her letter. 12/26 - lk called no one pucked up; someone called roght back but dod not respond when I answered

11/17: wants to be included in lawsuit; JDW- Called back 12/3/18 at 4:18 PM - left message. He called back; didn't need any info, said he wants to be in the case.

11/17: wants information; JDW- Called back 12/3/18 at 4:21 PM - left message.

11/17: wants to be included in lawsuit; 3/6 MSA spoke to Mr. Name Redacted on status of case - SJ, Fees Motion and SSAs Motion to Alter/Amend - he will be checking the website for further updates; 4/11 MSA spoke to Mr. Name Redacted re case status on April 1 and April 4 hearing

1
1
2
1
1
1
1

Class Members Name Redacted

Address Redacted

11/19: wants to be included in lawsuit; asked for contact information; 12/26 IK - called mail box = full but he called back; I explained that we can rep him only for limited purpose in the case; I called and gave him my number per his request; 1/9 ITK he wanted to update his phone number; I told him to notify SSA; je said he would; I also explained to him about the stay and told him that he could call me if he had any questions; 1/18 MSA called Mr. [Name Redacted] back as he was inquiring on status of case - left a vm about the stay in the case; 2/14 MSA Mr. [Name Redacted] called for status of case - talk to him about SJ, Fee Motino and the possibility of SSA filing an appeal - informed him that no guarantee was made to him getting receiving payment - he said he would call again April 25th to see if SSA filed an Appeal; 4/9 MSA spoke to Mr. [Name Redacted] and gave him status re 4/4 hearing and Order re recalculations

1

11/19: wants more information - please call him; JDW- Called 12/3/18 at 4:30 PM - # would pick up and then disconnect; I couldn't leave a message. 12/26 ik - called him; he explained re his case . . . Complained about SSA; explained the case briefly and gave him info re if wants to drop out - he says he wants to stay in; I explained that there are no guarantees and that he does not have to do anything to stay in; iexplained I could not take his individual case.

1

11/19: see letter; 12/3 - sent letter with court opinions and invite to call me

1

11/20: wants more information; ik - 11/27 - sent letter with ct opinions and invite to call me

1

11/20: 12/26 ik - no questions; no response needed

1

11/20: did not ask for any information; no response needed

1

11/20: wants to be included; no response needed

1

11/20: wants more information; ik 11/26: called and he had no questions but left my number for him to call on the future

1

11/20: wants more information; ik 11/26 - called and left my number for him to call back if he wants

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

(deceased): 11/20: wants more information - wife Name Redacted
wrote; ik 11/26 - called Brenda his wife; David passed away per her letter; no answer; 12/26 - called again: no answer again 1

11/20: wants more information; ik 11/26 - called - no answer; 12/21 called again = no answer 2

11/20: wants more information; ik 11/26 - called - no answer; 12/26 ik - called again = no answer again 1

11/20: wants to stay in the case; no response needed 1

11/20: wants more information; 12/26 ik - called and left a message to call me back; 12/27 ITK I explained category 2 and read to her SSA position re whether people could lose money - she thanked me very much for explaining all that and she wanted to stay in the case 2

11/20: wants to be included; no response needed 2

11/20: wants more information; ik - 11/26 - called and left message with my phone number 1

11/20: wants more information (wants copies mailed); 11/26 - IK - spoke with him and sent him court cases by mail with my card; ik - 11/26 - called and explained case briefly and answers questions he had re timing; I sent him my 1

11/20: wants to be part of the suit; no response needed; 1/9 we rec'd letter with new address - Address Redacted
[Redacted]; 2/25/19 - he called; and I explained the status, including CSAT. 1; explained that would be ebest for him to call back after 4/4 for any updatyes; 3/08 MSA spoke to Mr. Name Red. and gave him update on case status - he will call back in April for further updates; 4/17 spoke to him and have him status re 4/1 Order 1

11/20: wants to be included in the suit; no response needed 1

11/20: wants more informaiton; ik 11/26 - called and left message with my phone number 1

11/20: "please notify me of any rights/judgments due to me". ik 11/26 - called - no answer; left message 1

(deceased) 11/20: wants information - Estate Closed - see letter; 12/27 ITK no questions no response needed 2

Phone Number Redacted

Class Members Name Redacted

Address Redacted

(deceased) 11/20: wants more information - [Name Redacted]; is father- wants to be included if eligible - [Name Redacted]; 12/26 IK - sent her a letter.

1

11/20: wants more information - [Name Redacted] 12/26 ik -left message

2

11/20: wants to stay in case; no response needed

2

11/20: wants more information; ik 11/26 - called - no answer; 12/26 ik - called again and left message; 3/15 MSA spoke to Mr. [Name Redacted] and gave updates on case - he will be checking the website for further updates - did tell him that he can call at any time should he have any questions

1

11/20: wants more information; 12/26 - wants to join lawsuit asked to be called; 12/26 ik - called him back; explained Cat. 2 but he still wants to stay in after I explained the opt-out option available thru Jan 14, 2019

2

11/20: wants more information; 12/13 MSA Mr. [Name Redacted] called inquiring about case - told him ITK would return call next week as he is unavaible to discuss class action; IK 12/26 - returned file and called him and let him know about Cat. 2; he xplained that he has a stroke and has no money; I explained that I cannot take his case but that I am senbding back his file. He thabksed me and wished me a happy new year

2

11/21: indicates wants to be included; no response needed

1

11/21: wants to be included - wants more information about how to be included; JDW- Called 12/3/18 at 4:30 PM - # wouldn't pick up and then couldn't leave a message. 12/26 ik - same (but does not need anything to be included and thus is same a s no response needed)

1

11/21: wants more information - wants documents; 11/29 sent letter and court opinions

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

11/21: wants to know if he qualifies - wants our number; JDW - 12/3/18. Spoke to him at 4:35 PM. Informed him that if he wanted to stay in the class he didn't need to do anything; he only needed to take action if he wanted out of the class action. I advised that staying in the class action doesn't guarantee that he'll get money. He said the only papers he's received is the letter that he sent us. I'm sending him a copy of the class notice; 2/27 MSA spoke to Mr. [Name Redacted] gave him an update on what is happening in case now - he does not have a computer; 3/25 MSA spoke to Mr. [Name Redacted] on case status - he will call back after hearing on 4/4

1

11/21: wants to be included - wants more information; 11/29 sent letter with court opinions; ITK 12/6 - updated her regarding category 1 and 2 and re Dec 4 update regarding possibility of losing money - she said she wants to stay in case. I suggested she call back after Jan 14 to see if court issued decision - she thanked me for calling

1

(deceased) 11/21: mother wrote - wants to know if son can still qualify; 12/26 IK - spoke to mother and told her that I do not know if her son is eligible for \$ but if he is and is so notified she would have to fill out Form 1724. She said that she had Web access and would look up re the Form and thanked me for the call.

1

11/21: wants to be included - wants to know how this could affect him - if he is owed money and found it has affected him then he would like to stay in lawsuit; no response needed. 12/26 IK - called and left a message that there is no guarantee that he will get \$ but if he wants to stay in then he does not have to do anything; if he wants to drop out he should do so in writing to me by 1/14/19. I invited him to call me if he had any questions.

2

11/21: wants to know why she has not rec'd any checks; 12/6 ITK no response

1

11/21: wants to get court documents; ik - 11/27 - sent letter with court opinions and invite to call me

1

11/21: please call him with any questions (seems like he wants to be included); ITK 12/6 no response needed - no questions

1

11/21: wants to stay in class; no response needed

2

Phone Number Redacted

Class Members Name Redacted

Address Redacted

11/24: wants to know if there is anything he needs to do at this time; 12/26 ik - called and left message re CAT 2 and explained that he could stay in or drop by 1/14/19 - told him that he can call if he has any questions 2

(deceased) 11/24: father wrote Name Redacted thanks you for letting him know and hopes someone gets something out of it; no response needed 1

11/24: wants more information - wants court documents; ik - 11/27 - sent letter with ct opinions and invite to call me 2

11/24: wants court documents and more information; 11/29 sent letter with court opinions 1

11/24: wants to be included but wants to review court docs; ik - 11/27 - sent letter with ct opinions and invite to call me 1

11/24: mother wrote Name Redacted - wants to be included - pls mail everything to her - she is his representative: Address Redacted 1

Address Redacted; no response needed

11/24: wants more to know if she will receive anything from class action; ITK 12/6 called and left a vm 1

11/24: wants to be included but wants more information; ik - 11/27 - sent letter with ct opinions and invite to call me 2

11/24: wants to be included - wants to know more furture action; no response needed 1

11/24: wants better understanding about case; 12/26 ik - called - no answer; but sent letter 2

11/24: wants more information; 12/26 ik - called left message explaining CAT 2 and opt out option by Jan 14; said we would send info by mail; invited a call back; 1/2/19 ITK spoke to him and re-explained Category 2 and re-explained that SSA takes the position that he could possibly lose money and if he doesn't want to take any risks to drop out by 1/14 although I explained that that deadline might be extended because of the governemnt shutdown and he said he does not feel he owes the government money he is not dropping out and will be taking that chance 2

11/24: wants better understanding about case; 12/6 ITK has taken 10 years to get only \$6000 - explained case briefly - wants to stay in case - expalined the case briefly - explained the possibility of losing money but wants to stay in 1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

11/24: wants more information and how we got her name; 12/26 ik called - left message that sending her letter with more info and explained that we got her name from SSA per ct order; told her she can call me if she has questons 1

11/26: would like to be included - would like more information; ik - 11/27 - sent letter with ct opinions and invite to call me 1

11/26: would like more information - then will stay to stay; ik - 11/27 - sent letter with ct opinions and invite to call me 2

11/26: wants a better understanding about class action - wants to know if he qualifies - please call; IK 11/27 - called; ITK 12/6 called left message 1

11/26: would like to know how much would be taken out of her check or how much she would get; 12/26 IK - I explained re our fees (no application yet but will ask up to 25%) ; if she is eligible SSA would payher directly; 1

11/26: wants to hear good news; 12/26 ik - explained case briefly; explained Cat 2 and possibility of opting out by 1/14/19; explained that SSA takes position that they will review cases and if there is any thing to her ddetriment they will act accordngly; still, she wants to stay in ("one never knows what can happen"); I said she can call me if she has further questions 2

11/26: wants to be included asked for info; ik - 11/27 - sent letter with ct opinions and invite to call me 1

11/26: would like to be included in the class action; no response needed 1

11/26: letter only includes phone number - 11/29 MSA spoke to Mrs. Name Redacted and would like to be included but does not have access to internet or computer - would like a call back to understand the class action better and know where she stands. 12/26 - ik called back - left message 1

(deceased) 11/26: letter from Gina Price (grandmother - benefit must be sent to his estate) - to be included in class action; `12/26 - no questions - no response needed 1

11/28: wants to be included; no response needed; 12/26 - confirmed no response needed (no questions asked) 2

11/28: staying in; no response needed 2

Phone Number Redacted

Class Members Name Redacted

Address Redacted

11/28: wants to stay in unless he loses money - MUST CALL; 12/26 ik - left message for him to return my call; 12/26 -he called back and I explained him the case briefly and the possibilities (including SSA's position re asking for \$ back, etc.); explained he could drop out by 1/14/19; he said he will stay in; told him to check the website after 1/14/19 for any possible ct decision; he recognized that class actions can take a long time.... 1

11/28: wants to stay in class action; no response needed 1

11/28: wants to be included' 12/26 ik - no questions and no response needed 1

11/29: wants to be included; she's in - no response needed 1

11/29: wants to be included; stay in - no response needed 1

11/29: wants to be included - wants court papers: 11/29 sent letter with ct opinions; 4/16 MSA spoke to Ms. [Name Redacted] and gave her update on case mainly 4/1 Order and 4/4 Hearing - she indicated that she would write to the court re atty fees and why we should receive them 1

11/29: wants to be included - wants court papers: 11/29 sent letter with ct opinions' 12/16 - called and left message 1

11/30: letter indicates that she rec'd the notice and she wrote back to the best of her ability; 12/26 - no questions and no response needed 1

11/30: wants to be included and wants more information; 12/26 - sent letter with ct opinions; 1/10 ITK I spoke to him and explained the temporary stay (he wanted to know the next steps); I told him that I was still hopeful that the court would rule on the merits after Nov. 14 notwithstanding 1

11/30: wants to stay; 12/26 ik - no questions; no response needed 1

11/30: wants to stay in class action; no questions but asks to kept informed; 12/26 ik - left message that can get updates on website or by calling me' no expectation re court ruling until after 1/14/19; told her she could call me 1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

11/30: would like to be called and told what this paper/form is about does not understand how it involves or may not involve him; 12/26 ik - explained the case briefly; explained that he can drop out by 1/14/19; he explained that he does not want to stay in; is happy with what he has; does not want to create a rukos (sp); he will probably drop out; explained no gurantee; gave him the website; he said he will talk to his ss lawyer and think it over; explained that to stay in does not have to do anything; only if wants to drop out has to write to me; 1

11/30: does not understand what is going on - has dyslexia and is disabled - would like us to write back' 12/26 ik - called him; explained the case briefly; explained CAT 2; expalined no guarantees at all (he felt he did not owe any \$); explained that could drop out by 1/14/19; said we would send him letter with ct opinions; he thabked me and wished me a happy new year 2

11/30: would like to be called for confirmation that we received his letter(does not have access to internet/computer) and would like to be in class action; 1 12/26 IK - called and left message that we received his letter 1

11/30: would like information on how to sign up for class action; 12/26 ik - called 3 times - somone picked up twice and hung up; 3rd time no one picked up 2

12/3: would like to review court documents (letter indicates ACLU/Premerculle Elderly Alzheimers); 12/5 sent letter and court opinions; Mr. Name Redacted called asking about the ACLU 1

12/3: does not understand - if she rec'd notice does that mean she qualifies - what does she do now; 12/20 IK - I called her and explained that she does not have to do anything to stay in the case but if she wants to drop out she needs to do so by 1/14/19. She wants to stay in 1

12/3: deceased - mother Name Redacted) wrote - please advise me - thank you very much - no estate or executor - he was widowed and had no children; 12/6 ITK - called her and advised that she call SSA to see what to do as next of kin, if she wants to stay in the lawsuit for her son 1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

12/3: would like to be part of the class - would like more information to understand better - please call; 12/6 ITK - called her - wanted to know if her benefits could be affected. I read her what SSA wrote to res (see Dec 4 update on web) She will re-read the letter she received and will call me back 1

11/21: wants to know if he qualifies - wants our number; 12/5 sent letter and court opinions; JDW - 12/3/18. Spoke to him at 4:35 PM. Informed him that if he wanted to stay in the class he didn't need to do anything; he only needed to take action if he wanted out of the class action. I advised that staying in the class action doesn't guarantee that he'll get money. He said the only papers he's received is the letter that he sent us. I'm sending him a copy of the class notice. 1

11/24: wants more information - wants to know if he meets requirements; no response needed; 12/05: MSA spoke to him and he will stay in case understands he is category 1 1

12/3: would like to review court documents (letter indicates ACLU/Premmercurle Elderly Alzheimers); 12/5 sent letter and court opinions 1

12/4: would like to stay in class action - call her if you need any information - no access to internet, would like more information; 12/5 sent letter and court opinions 2

12/4: would like to stay in class action - call if we need more information from her; ITK 12/6 no response needed has not asked for info 1

12/4: would like to be included in class action; 12/7 ITK no response needed - no question asked 1

12/4: would like to be included in class action; 12/4: ITK no action needed 1

12/6: husband passed in 2008 - payments would not have fallen between 3/13/02 - 10/31/17 - if she needs to do anything else in this matter please let her know 2

12/6: did not ask for any information; "thank you for your help" 1

12/26 ik - no response needed

12/6: would like to be in the class action; 12/26 ik - no request for info; no response needed 2

Phone Number Redacted

Class Members Name Redacted

Address Redacted

12/6: wants to join the class; 12/26 ik - no questions asked; no response needed

1

12/7: would like to receive more information about the class action and what are the chances of winning class action and if he agrees to be represented by KDW what is he bound by - send more information and someone he could speak to; 12/17 sent letter with court opinions; 12/28 - ik - returned call; explained the case briefly; explained no guarantee that he would receive money; explained the sampling that SSA did of 200 cases (ave. return in first 100 for about 50-60 % = \$2000 and for second 100 = \$1800 (app); explained that we will post on website any decision of court (hopefully after 1/14/19 opt out date; said he can call back anytime; he thanked me for calling back and said he wants to stay in the case;

1

12/7: wants to participate in class action - doesn't know if she is included in this lawsuit; 12/17 ITK no response needed; 12/26 IK - called anyway burt mailbox eas full

1

12/17: would very much like to stay in class action and would like all future updates on case; 12/17 ITK no response; 12/20 ITK called and left voicemail

1

12/7: wants to be in the lawsuit - wants to review court documents about this lawsuit; 12/17 sent letter with court opinions

1

12/7: please include me in the lawsuit - keep me informed - send all relevant info; 12/17 sent letter with court opinions

1

12/7: wants to be in the action; 12/17 ITK no response

1

12/7: would like to join law suit - send all information on what he needs to do; 12/17 ITK no response

1

12/7: wants to stay in the lawsuit - would like more information as to what all it means - has NEW ADDRESS; 12/17 sent letter with court opinions

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

12/8: would like to know of a payment plan if lawsuit doesn't work out - doesn't have much after rent; 12/17 ITK no response; 12/27 ITK called and briefly explained the case; that I cannot help him with his individual issues; told him that he doesn't have to do anything to stay in the case (which he wants); i gave him my number and told him he can call if he has any questions; 1/22 MSA returned Mr. Name Redacted call inquiring on case status - informed him of the Stay in case due to the government

1

12/8: would like to be included in class action; 12/17 ITK no response
12/8: has always felt SSA had wronfully reduced her settlement and that payments are really due to her. Hopes that the courts can make a rightful decsion in this matter; 12/17 ITK no response
12/10: would like to stay in class action (no questions nor further documents requested); 12/16 ITK no response

2

1

1

12/10: would like to get more information - how would this affect her benefits now? What does she need to do to participate? Would like to receive documents and business card so that she can speak with someone; 12/17 sent letter with court opinions

1

12/10: does not know whether he meets the criteria for class actor would like to be included; 12/20 ITK spoke to him - told him I can't expand the class; explained the case briefly; no guarantees - he wants to stay in

1

2/11: would like to stay in lawsuit but would like to get more information; 12/17 sent letter with court opinions

1

12/11: would like to review court documents about case - would like to know if she is eligible for class action; 12/17 sent letter with court opinions

1

12/11: would like to be in the lawsuit; 12/16 ITK no response needed
12/12: keep me in lawsuit; 12/16 ITK no response needed (see also calls -)

2

2

12/12: does not want to be excluded and would like to be kept updated regarding class action; 12/16 ITK no response

1

12/14: would like to be included in law suit; 12/17 ITK no response needed

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

12/14: would like to know more, willing to stay in the class; 12/17 sent letter with opinions

1

12/14: wants to stay in would like confirmation that her letter was rec'd - 12/17 MSA called and left vm letting her know we rec'd her letter

2

12/15: wish to participate; 12/16 ITK no response

1

12/15: wants to stay in the class; 12/16 ITK no response

1

12/15: would like to participate in lawsuit - please send information concerning law suit; 12/17 sent letter with court opinons

1

12/15: wants to be part of the class action and would like to review court documents; 12/17 sent letter with court opinons; 1/2 - Ik - I returned her call (she had received our letter) - I gave her an update and explained that any court opinion would be posted on the weeb but that she could call me in any case in the future; 4/9 MSA spoke to Ms. [Name Redacted] and gave her update on case re 4/4 and Order re recalculations in 8 months

1

12/15: would like to know more about it; 12/17 sent letter with court opinions

1

12/15: wants more information; 12/17 sent letter with court opinions

12/17: wants to be included; 12/17 ITK no response needed;

12/26IK - called anyway; no answer

1

12/17: wants to be included and wants court documents; 12/17 ITK no resposne needed; 3/06 MSA spoke to Mr. [Name Redacted] and gave him update on case - SJ, Fees Motion and SSAs Motion to Amend/Alter - he will call back in April and check on status

1

12/17: wants more informatin on case; 12/17 sent letter and court opinons; 1/8 called and left vm indicating that he will be staying in the class action suit

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

Phone Number Redacted

12/18: please send a copy of my court document; 12/20 sent letter and court opinions; 1/7 ik - Spoke to him; explained CAT. 2; explained that SSA says that they will review and seek \$ if due them (we disagree); explained opt out deadline; that it might be extended b/c of government shutdown (but not sure); he said he wants to stay in; he wanted to know if we did SSA work on pensions; I gave him Jon's number; I told him he could call back with any questions

2

12/18: is asking to take on her case against SSA (see letter she wrote along with file/notes); 12/26 IK - called and left message; returned her files with a cover letter; 12/26 - she called back; I returned her call -no answer - left another meassge confirming she is in the case

1

12/19: needs more information about this matter - needs to know if she will get what SSA owes her or will she just receive an amount as everyone else will; 12/20 ITK I called and I answered her which was "will I get the amount of social security owes me; or will i just received an amount the same as all class members receive" explaining that if someone is entitled to \$\$ they will get that entitlement,not the same amount for everyone. I cautioned that SSA could possibly ask for \$\$ back and claims that her attorney got more than 25%. I told her that we will be asking for a fee also and she said she understood. She thanked me for calling her and answering her questions.;

1

12/20: writing to inform that she would like to be involved with the class action; 12/26 she did not ask for any information; no response needed

1

12/22: would like more information and wants to be included in lawsut; 12/26 ik - sent her letter with ct opinions

1

12/22: would like more information 12/26 -lk sent her letter with ct opinions

1

12/20 asked for a call; 12/26 IK - called and left message

1

(Nancy Rampino - mother) 12/22: asked for specifics in his role in lawsuit; 12/26 ITK called and left message that he is on the list we received, he can stay in or drop out per the Notice instructions, told him to call if he had questions

1

Class Members Name Redacted

Address Redacted

12/22: postcard - 12/26 ITK spoke to him and he wishes to be excluded; please see opt-out tab 2

12/27: wants to be included in class action - 12/27 MSA wrote her an email confirming receipt of her note (JDW had emailed her as well on 12/21) 1

(deceased) 12/27: wife - **Name Redacted** - would like to be part of the class action for her husband; 12/27 no questions no response needed 1

12/27: would like to be part of the class action; 12/27 ITK - I called; no answer (but no questions asked/and thus no response needed) 1

12/28: will my soc sec benefits be canceled if I a participate 2

1/2/19: would like to be included and would like more information; 1/2/19 send letter with court opinions 1

1/2: staying in; ITK 1/2 no questions no response 2

1/2: staying in; ITK 1/2 no questions no response 2

1/5: would like to know how to join the class action 2

1/7: would like more information - pls call; 1/8 – spoke to him; explained to him the case briefly; told him that if he wants to drop out he needs to do so by 1/14; he said he wants to stay in; gave him my phone number and told him he can call me if he had any more questions. 1

1/8: would like more information; 1/8 – called – no answer; no mail box; 1/9 sent letter with court opinions; 1/20 **MSA** returned **Name Redacted** call as she wanted to talk about case - called but no answer - tried to leave vm but phone dies after several rings 2

1/8: not clear on what to do at this point - will she be affected in any way with her SS; 1/8 ITK called and left message; 1/8 – she called back; I referred her to the Dec. 4 Update on the website (she has access) and read to her SSA’s position; told her she could call back after reading it in full herself; explained the temporary stay; told her to stay in she has nothing to do; only if she wants to drop out she should write to me by 1/14; she says she wants to stay in and thanked me very much for the call. 1

1/8: would like to be added to the SSA Class action lawsuit - 1/8 ITK no response needed 1

1/9: would like to be included in the lawsuit

Phone Number Redacted

Class Members Name Redacted

Address Redacted

1/9: is choosing to stay in class action - asked to be kept updated 1

1/10: wishes to stay in case; 1/10 ITK no response 1

1/10: would like to stay in case/ 1/10 ITK no response 2

1/10: would like to stay in case/ 1/10 ITK no response 1

1/10: would like to stay in case and would like more information; 2

1/10 sent letter with court opinions 2

1/15: would like more information 1

1/15: would like more information 1

(deceased) 1/15: Name Redacted - wife - as husband has passed their daughter Name Redacted also received benefits under her husband can Name Redacted collect past due - can her husband still be included in class action 1

1/15: would like to stay in class action - what steps does she need to take 1

1/15: would like to be in class action - needs more detail 1

1/15: would like to be included in class action 1

1/15: if she is owed money - send it to her 1

1/15: please read letter (doesn't ask questions nor indicate stay in or optout) 1

1/17: wants to be included; 1/17 ITK no response needed 1

1/22: would like to be part of the class action 1

1/22: sent file; 1/29 resent file 2

1/22: wants to know when the trial date is and if what kiplinger state on page 2 is correct; ITK 2/15 I spoke to him. He will be faxing to me papers that he wants me to send on to SSA. I told him I would do so though I could not guarantee anything or say that I am representing him beyond for the matter in the class action alone; 4/26 MSA spoke to him and gave him status of case and informed him of 4/1 Order 1

1/22: would like to get more information 2

1/22: doesn't ask question nor states if she wants to be included 1

1/22: (small note in Spanish) would like a resposne to the Notice that he received 1

1/25: wants to know status of case 1

1/16: (son wrote and was everything sent to him) (mom's address: Address Redacted) 1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

1/31: is inquiring about the lawsuit to determine if she is eligible for past due benefits - would like more information 2

1/31: would like to be a claimant but only if it does not jeopardize his benefits 2

1/31: would like to know how people will get paid by check or direct deposit and if her children will get anything as they were under 18 2

1/31: would like to be part of the class 1

2/2: did not indicate if he wanted to part of class action or wanted further information nor had questions 1

2/2: would like status of case (tried calling several times - rings and then goes into busy signal) 2

2/8: wants to know if he hearing on SSA has happened - 2/8 ITK called and him a message 1

2/9: wife, **Name Redacted** wrote inquiring what she needs to do or provide to us - please call or send additional information re process of lawsuit and what she needs to provide re her husband; 2/12 ITK Called his wife **Name Redacted** who wrote asking for info; told he re grant of sj and our fees request of 20%; told her she could write to court re our motion with a copy to us; told her that we update the website with info (her brother has access); re told her no guarantees even though he is in CAT 1; told her that she can call anytime with questions 1

2/12: **Name Redacted** wants to know status of **Name Redacted** case; 2/12 ITK called and no answer 2

2/12: would like to be included in lawsuit; 2/12 ITK called and updated her re we won SJ; we filed for fees hearing on 3/7; entitlement to comment; no idea if SSA will appeal; expalined to her Cat 2; she can call or write anytime for further updates 2

2/13: is interested in hearing more about the notice she rec'd - please contact her; ITK 2/15 called and left a message 2

2/13: wants to know if she will receive any money; ITK 2/13 called and explained to her the case; no guaranty; (she said her dad represented her for free -- I said that means she probably will not get \$) told her to to look for updates on web including our motion for fees 1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

2/13: mailed paperwork re old fee petition; ITK replied via email:
Dear Ms. Name Redacted.

I received your note and package in the mail regarding the above-referenced case. I tried to call you but the phone call did not go through.

You are not "late": To stay in the case, you did not have to do anything and thus you have remained in the case as a class member.

1

For full updates about the case please visit www.steigerwaldclassaction.com. Also feel free to call me directly at the number below if you have any questions

2/16: wants to know if Judge approved it - if so will she be contacted with the decision and amount if any owed to her

2

2/16: following up on class action

1

2/19: would like more information; ITK 2/21 I called - no answer, left vm; ITK 2/22 explained briefly what case is about and all that is happening with the case now

2

2/22: deceased - daughter wrote - Name Redacted - wants all information to be send to her; MSA spoke to Name Redacted and she has access to website and will check it

2

2/22: mailed in a copy of SSA letter re her disability benefits beginning April 2009

2/23: wants to know if court had this case - ITK 2/24 called and explained the status including SSA deseire to postpone the recalculations for 2 years and the upcoming hearing 4/4 (plus no guarantee)

1

2/23: wants to be a candidate for class action - ITK 2/24 called and left a message; 2/25 she called back and explained her Cat 2 and that SSA now wants 2 year to do the recalualtions; I explained she does nto have to submit anything she is in the class action already - she thanked me for calling her back

2

2/25: wants to be included in suit; ITK 2/25 called and told person there that he is in the case and is not "late"; 3/08 **BISA** spoke to Mr. Name Redacted and updated him on cases status - he also gave permission

1

for us to disclose any information to Name Redacted whenever she might call on his behalf

Phone Number Redacted

Class Members Name Redacted

Address Redacted

3/08: wants to know if she will receive money after the hearing;
3/11 ITK called but no one picked up

1

3/9: wants more information; 3/11 ITK called and left a message

1

3/9: wants more information; 3/12 mailed court opinions and
business card; 3/22 MSA spoke Ms. [Name Redacted] and gave her status of
case and she is very thankful - she will call back after the hearing in
April

1

3/11: wants to know if anything is owed to him; 3/11 ITK called and
no answer

1

3/13: has questions regarding classaction - 1) how are payments to
be disbursed, through your law firm or Social Security; 2) Will there
be another letter sent to us letting us know the details of this; 3/15
mailed letter answering her questions along with business card; 3/18
ITK - I updated her (though she has access to web and has reviewed
the Orders) she wanted to know whether if she called SSA that they
could tell her if she'll get \$\$; i told her that she can feel free to do so
but that i doubted it; I told her that SSA has ben to resolve some
cases but not very many so far - I told her she could call me and that
it might be best to do so after the 4/4 hearing from an update
(deceased) 3/13: Wife, Dolores Darby, wants to know what she
must do to be entitled to her husbands funds; 3/14 spoke to Mrs.
Darby and told her she needed to update address with SSA - updated
her on case status

1

1

3/15: looks further to updates on case; 3/15 email sent ITK - Dear
Ms. [Name Redacted]

I received your note in the mail about the Steigerwald case.
Regarding your request for updates, please visit the website
dedicated to the case, www.steigerwaldclassaction.com which
contains lots of information and updates on filings and court rulings.
If you do not have access to web, please feel free to call me with any
questions that you may have.

1

Thank you.

3/19: would like to know what is going on with case; 3/20 ITK -
called yesterday and today - no answer no vm

1

Phone Number Redacted

Class Members Name Redacted

Address Redacted

3/19: would like to know how much she is being award; 3/20 ITK -
called yesterday and today - no answer and no vm
3/27: wants to know status; 4/1 MSA left a message for a returned
call
3/29: wants to know if suit is over and if class members won; 4/1
spoke to Mr. **Name Redacted** and gave him case status - he will call back
mi-April for status
3/29: wants to change address; 4/1 **MSA** tried calling her and no
answer - phone just rings
4/01: wants information on case

4/1: wants to know when she will receive any judgment owed to her
4/12: would like to know status of case: 4/14 ITK spoke to her at
length re the case which hs is following on the web
4/12: mother wrote - **Name Redacted** - inquiring about her
son's status on case regarding BOTH windfalls; 4/14 ITK spoke to her
at length re case she is following on the web

1
2
1
2
1
2
1
1

Phone Number Redacted

EXHIBIT C

[REDACTED]
Longwood, FL 32750
[REDACTED]

14th, April 2019

case# 1:17-CV-1516

Ira T. Kasdan, Class Counsel

Kelley Drye & Warren LLP

3050 K Street NW, Suite 400

Washington, DC 20007

Dear Ira Kasdan,

I am writing you re: Steigerwald vs. Berryhill. I am one of the many Americans receiving SS Benefits affected by this Case. I have been trying to stay updated on the status and am writing this with a concern I have about the length of time the SSA needs to do these re-calculations. I am aware that the SSA wanted approximately 2 years to perform these re-calculations, but were Court ordered to have them done within 8 months from January 25, 2019.

As someone on SS Disability, it has been hard living hand to mouth. Especially when I was raising a son as a Single Mom. I can think of at least a hundred times that my family could have used just a little extra to get by for the month. Between my Mental Condition and Health issues, money is always tight.

This money that the SSA holds due to an incorrect calculation is the Taxpayers money. As working Americans, we paid into SSA with each paycheck. On time. I would expect nothing less from the SSA. I am hoping that you, Judge Gwin, can encourage the SSA to pay funds out in as timely a manner as they withdrew them from us, the Taxpayer. I personally feel 8 months is a huge allowance to the SSA and should be shortened.

I would also like to thank the Court for the 20% Attorneys fees. I know this is a reduction from their usual rates. The Attorneys involved, especially Mr. Kasdan, have gone above and beyond to help with any questions and concerns.

Sincerely,
[REDACTED]

Exact letter I sent to the Judge.

4-28-19

Dear Your Honor,

I'm writing to this court to let you know I totally support the 20% in attorney fees requested in the Steigerwald vs. Berryhill case. I am the mother and representative of my son who is part of this suit.

The attorneys for the plaintiffs, in my opinion, have done a great service for disabled people that do not have the knowledge or resources to fight for their own rights.

My experience with the SSA is: they will purposely lie to someone or they don't know what they're doing or talking about, and I think either is unacceptable.

I believe my son's case remains in Stage one and it's been ^{over} 90 days.

Thank You,



Kasdan, Ira

From: [REDACTED]
Sent: Wednesday, May 08, 2019 2:40 PM
To: Kasdan, Ira
Subject: Re: Steigerwald v Berryhill

CAUTION External Email

HI Ira I know you are a busy man but just wanted to say a couple of things, First of all thank you and your staff and Ms Steigerwald again for all your hard work i keep up with every update on your website, Second I wanted to let you know my wife [REDACTED] had called our local SS branch today and the lady she spoke with(Roseburg Oregon Branch) had no way to access anyone from the classes files to see where they are, she did say she had heard of the lawsuit but that is it, she had also told my wife their was NO WAY that all 130,000 class members would be done in even one year since the last class action that was brought on them took way over a year to complete with not near as many class members to complete, I think this 3 stage proses Social Security has come up with is rediculous and unnecessary, I can imagine many people over the last 17 year's have passed away without the subtraction recalculation being done for them many of whom the money would have made a big impact especially since most recipients of SS disability live close if not in poverty, I really think it's an injustice in every way for SS to be allowed anytime past the 8 month's they have already been given, I know if I am told by the courts I have so many day's, month's to comply with a court's order most likely I would be going to jail and or a fine, Again you and your staff are doing an amazing job keep it up, [REDACTED].

On Fri, Apr 19, 2019, 2:16 PM [REDACTED] <[REDACTED]> wrote:
Great, thank you so much!

On Fri, Apr 19, 2019, 1:51 PM Kasdan, Ira <IKasdan@kelleydrye.com> wrote:

Thank you for your kind note. I hope your case finally gets resolved favorably. I have forwarded your note to all my team members on the case and will plan to let Ms Steigerwald know of your appreciation as well. Sincerely IK.

Sent from my iPhone

On Apr 19, 2019, at 4:12 PM, [REDACTED] <[REDACTED]> wrote:

CAUTION External Email

Hello Ira my name is [REDACTED] I am a class member in the Steigerwald vs Berryhill case, I am emailing to thank all of you at your law office for your work on this case and also Ms Steigerwald, most if not all 130000 class members would have never known a subtraction recalculation is to be done after attorney fees are payed, After fighting for my disability for 5 year's(2003-2008) I finally received a favorable letter stating I had been approved for disability so after fighting for several year's it was a relief but I had also realized after I had received my

back pay that there was something wrong even according to my late mother who was a book keeper who had gone over my finances and told me thousands were not accounted for, I went into Social Security office in Albany Oregon where I lived at the time and inquired about the missing funds and I wasn't given any satisfactory explanation was just told it was because of a windfall offset and to leave it at that, I went in a couple times after and the lady I spoke with next told me "you shouldn't be asking about it because it could get you reevaluated and you could be found to not qualify for your benefits, at that point I should have stopped asking because every time after I asked about missing funds I would get a letter a few days later to reevaluate my disability and finally received a letter saying I was overpaid by almost 3 thousand dollars which had never happened, went to a hearing on the over payment where I received a favorable decision by the judge but every month after my hearing Social Security continued to take out of my monthly benefits to pay back the supposed overpayment, when I asked why the money was still being taken I was told "well you must have lost at your hearing" and was also told that was my only appeal so they just continued until they received all of what they said I owed was repaid, Again Thank all of you for standing up for our rights and for holding Social Security accountable for what they neglected to do for many people,

This message is subject to Kelley Drye & Warren LLP's email communication policy.

KDW-Disclaimer

EXHIBIT D

Amount Paid to Class Member	20% of Attorney Fees Withheld
\$4,725.40	\$945.08
\$721.00	\$144.20
\$359.50	\$71.90
\$830.68	\$119.85
\$538.00	\$107.60
\$2,640.62	\$528.12
\$1,331.00	\$266.20
\$1,208.88	\$241.78
\$951.00	\$190.20
\$961.34	\$192.27
\$733.00	\$146.60
\$721.00	\$144.20
\$311.50	\$62.30
\$473.34	\$94.67
\$2,219.00	\$443.80
\$721.00	\$144.20
\$2,608.26	\$521.65
\$757.80	\$151.56
\$2,500.68	\$500.14
\$1,311.00	\$262.20
\$1,861.36	\$372.27
\$930.68	\$186.14
\$95.00	\$19.00
\$710.00	\$142.00
\$1,137.50	\$227.50
\$5,182.74	\$1,036.55
\$1,846.50	\$369.30
\$977.34	\$195.47
\$710.00	\$142.00
\$117.00	\$23.40
\$0.00	\$390.94
\$3,328.04	\$665.61
\$2,884.02	\$576.80
\$157.00	\$31.40
\$1,797.36	\$359.47
\$1,954.68	\$390.94
\$710.00	\$142.00
\$3,448.58	\$961.93
\$698.00	\$139.60
\$2,163.00	\$432.60
\$5,937.41	\$1,187.48
\$0.00	\$488.67

Amount Paid to Class Member	20% of Attorney Fees Withheld
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$977.34	\$195.47
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$473.34	\$94.67
\$0.00	\$0.00
\$0.00	\$0.00
\$1,442.01	\$288.40
\$0.00	\$0.00
\$1,721.86	\$344.37
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$454.00	\$90.80
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$239.67	\$47.93
\$0.00	\$0.00
\$0.00	\$0.00
\$811.00	\$162.20
\$1,348.00	\$269.60
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00

Amount Paid to Class Member	20% of Attorney Fees Withheld
\$1,749.00	\$349.80
\$710.00	\$142.00
\$674.00	\$134.80
\$466.75	\$93.35
\$674.00	\$134.80
\$2,884.00	\$576.80
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$552.00	\$110.40
\$0.00	\$0.00
\$1,348.02	\$269.60
\$2,932.02	\$586.40
\$0.00	\$0.00
\$0.00	\$0.00
\$109.44	\$21.89
\$124.67	\$24.93
\$1,505.00	\$301.00
\$491.00	\$98.20
\$1,813.36	\$362.67
\$488.67	\$97.73
\$2,150.56	\$430.11
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$2,854.00	\$570.80
\$0.00	\$0.00
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Amount Paid to Class Member	20% of Attorney Fees Withheld
\$0.00	\$0.00
\$0.00	\$0.00
\$733.00	\$146.60
\$733.00	\$146.60
\$0.00	\$0.00
\$0.00	\$0.00
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\$0.00	\$0.00
\$0.00	\$0.00
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\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$918.16	\$183.63
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
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Amount Paid to Class Member	20% of Attorney Fees Withheld
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$1,298.02	\$259.60
\$1,158.68	\$231.74
\$1,466.00	\$293.20
\$2,118.48	\$423.70
\$2,292.70	\$458.54
\$2,427.35	\$485.47
\$1,427.35	\$285.47
\$1,402.02	\$280.40
\$4,092.00	\$818.40
\$1,893.36	\$378.67
\$4,366.97	\$1,091.74
\$480.00	\$96.00
\$405.00	\$81.00
\$1,450.01	\$290.00
\$733.00	\$146.60
\$141.33	\$28.27
\$614.52	\$122.90
\$473.34	\$94.67
\$701.34	\$140.27
\$721.00	\$144.20
\$423.61	\$84.72
\$34.00	\$6.80
\$698.00	\$139.60
\$465.34	\$93.07
\$267.67	\$53.53
\$518.00	\$103.60
\$473.34	\$94.67
\$287.34	\$57.47
\$473.34	\$94.67
\$0.00	\$0.00
\$0.00	\$0.00
\$1,797.36	\$359.47
\$473.34	\$94.67
\$0.00	\$0.00
\$721.00	\$144.20
\$465.34	\$93.07

Amount Paid to Class Member	20% of Attorney Fees Withheld
\$480.67	\$96.13
\$0.00	\$0.00
\$1,922.68	\$384.54
\$6,740.00	\$13,448.00
\$3,145.59	\$629.12
\$1,441.27	\$288.35
\$1,234.50	\$246.90
\$946.68	\$189.34
\$3,417.60	\$683.52
\$721.00	\$144.20
\$223.59	\$44.72
\$1,442.00	\$288.40
\$2,199.00	\$439.80
\$2,851.00	\$570.20
\$235.05	\$47.00
\$2,427.35	\$485.47
\$449.34	\$89.81
\$1,442.00	\$288.40
\$2,192.71	\$438.54
\$3,540.00	\$708.00
\$346.77	\$69.35
\$5,242.00	\$1,048.40
\$609.50	\$121.90
\$465.34	\$93.07
\$473.34	\$94.67
\$698.00	\$136.60
\$541.33	\$108.26
\$733.00	\$146.40
\$498.90	\$99.78
\$488.67	\$97.73
\$488.67	\$97.73
\$465.34	\$372.27
\$0.00	\$327.30
\$186.08	\$37.22
\$274.34	\$54.87
\$710.00	\$142.00
\$710.00	\$142.00
\$1,225.34	\$245.07
\$4,260.00	\$852.00
\$898.68	\$179.74
\$1,049.34	\$209.87
\$1,420.02	\$284.00

EXHIBIT E

REDACTED