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Attorneys for Petitioners and Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

Wendell G. Moen, et al.,

Petitioners,

v.

Regents of University of California, and Does, 1 through
99, inclusive,

Respondents.

**ENDORSED
FILED
ALAMEDA COUNTY**
JUN 19 2021
CLERK OF THE SUPERIOR COURT
By _____
CHRISTNA ROGERS ^{Deputy}

No. RG 10530492

**Declaration of Jay Davis ISO
Ex Parte Application to Close the
Class, Dispose of Unclaimed
Settlement Funds, and Release
Attorneys' Fees; and Order
[Proposed]**

Moen, et al. v. Regents of Univ. of Cal. et al., No. RG 10530492

Decl. of Jay Davis ISO Application to Close Class, Unclaimed Funds, Fees & Order

1 I say and declare:

2 1. My name is Jay Davis. I am one of the named Petitioners in this matter.

3 2. During a Zoom call on July 2, 2021, the named Petitioners (Greg Bianchini, Alan
4 Hindmarsh, Wendell Moen, Donna Ventura, Calvin Wood, Sharon Wood and myself) discussed
5 and considered what should happen to unclaimed settlement funds. The Settlement
6 Agreement signed December 11, 2019, and finally approved by the Court on April 10, 2020,
7 provides for three types of settlement funds: (a) an Initial \$1000 Payment to all class members
8 whether living or deceased; (2) Past Damages for class members who suffered economic loss as
9 a result of the difference between retiree health care benefits they received from the Lawrence
10 Livermore National Security (LLNS) Health and Welfare Benefit Fund for Retirees, on the one
11 hand, and the University-sponsored benefits, on the other; and (3) a Supplemental Payment to
12 enhance ongoing retiree health care benefits provided by the LLNS Health and Welfare Benefit
13 Plan for Retirees. See Settlement Agreement, ¶ V-A-3.

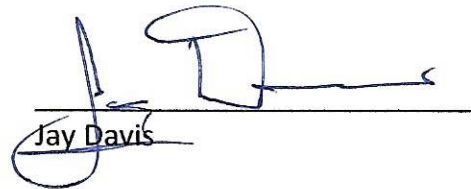
14 3. Based on data from the Settlement Administrator, ARCHER Systems, it seems
15 clear that a certain number of class members will not return a Class Member Data Form (which
16 is required to receive settlement benefits). See accompanying declaration from Blake Deady,
17 ARCHER Systems. Thus, there will be unclaimed settlement funds from the Initial \$1000 and
18 Past Damages Payments. (There will be no unclaimed settlement funds for the Settlement
19 Supplement because these funds are prospective only for living class members.)

20 4. Petitioners discussed the appropriate disposition of unclaimed funds. Unclaimed
21 funds could be re-allocated to (a) Past Damages; or (b) to the Supplemental Payment.
22 Petitioners are in unanimous agreement that unclaimed funds should be directed to the
23 Supplemental Payment rather than to Past Damages. The reason is that the main purpose of
24 the lawsuit was to restore University-sponsored retiree health care benefits for the class as a
25 whole. The Supplemental Payment will be provided to living class members for 20 years,
26 beginning in 2021 and extending through 2040, or until only 1,000 class members are still living,
27 at which time remaining funds will be distributed to living class members. See Settlement
28 Agreement, ¶ V-A, subparts 3, 6-7, 13, and Schedules A & C. Allocating unclaimed funds to the
Supplement Payment will provide the greatest benefit for the largest number of class members.

1 5. Petitioners understand and agree that the class needs to be closed so that
2 actuarial calculations can be carried out. Petitioners recognize the efforts made by ARCHER
3 Systems to locate class members (both living and deceased) but also recognize that it is unlikely
4 that all class members can be located. Petitioners agree that it is reasonable to establish a cut-
5 off date of April 10, 2022 for class members to submit a Class Member Data Form with respect
6 to the Initial \$1000 Payment and with respect to Past Damages (if any).

7 6. For the above reasons, Petitioners respectfully ask the Court to approve the
8 accompanying Ex Parte Application.

9 I declare under penalty of perjury and the laws of the State of California that the
10 foregoing declaration was executed by me on July 13, 2021, at Livermore, California.

11 
12 Jay Davis