

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STATE EMPLOYEE BARGAINING	:	CIVIL NO. 3:03CV0221(AVC)
AGENT COALITION, ET AL.	:	
<i>Plaintiffs</i>	:	
	:	
VS.	:	
	:	
JOHN G. ROWLAND, ET AL.	:	
<i>Defendants</i>	:	September 21, 2015

**DECLARATION OF MARGARET Q. CHAPPLE**

Margaret Q. Chapple does declare, under penalty of perjury, as follows:

I am an attorney licensed to practice law in the State of Connecticut. I was employed by the Connecticut Attorney General's Office as an Assistant Attorney General and an Associate Attorney General from December 1985 until my retirement from state service on April 1, 2015. I am currently employed by the Connecticut Attorney General's Office as a Temporary Worker Retiree/Assistant Attorney General and am counsel of record for the defendant State of Connecticut and for the individual defendants, in their official capacities only, in the above-captioned matter.

1. The Court's Order Preliminarily Approving Proposed Settlement, Authorizing Notice To The Class, And Setting Fairness Hearing (Doc. 272) ("Order") approved the proposed notice program set forth in the Settlement Agreement.
2. The Order required that Mail Notice, including the Election to Opt Out form, be sent by first class mail, postage prepaid, to certain members of the Settlement Class who had sustained economic damages. Utilizing databases maintained by the Connecticut Department of Administrative Services, the Office of the State Comptroller, various other

state agencies, and Class Counsel, such class members were identified and efforts were made to determine their current home and/or mailing addresses.

3. On or about July 24, 2015, the Connecticut Department of Administrative Services mailed, through a contracted vendor, a copy of a document entitled "Notice of Proposed Class Action Settlement" ("Notice") to approximately 3492 class members, who had previously been identified as those who had sustained economic damages. **Exhibit A**
4. On various dates on or after July 28, 2015, the Connecticut Department of Administrative Services mailed such Notice to at least 177 additional class members who were later identified as having had sustained economic damages and to class members whose original mailing had been returned as undeliverable and for whom updated home addresses had been obtained.
5. The Court's Order further required that Publication Notice be published no later than five (5) days after Mail Notice. The Office of the Attorney General caused such notice to be published in the following newspapers on July 23 and July 30, 2015:

Hartford Courant  
New Haven Register  
Connecticut Post  
Waterbury Republican American  
Manchester Journal Inquirer  
Stamford Advocate  
Norwich Bulletin  
New London Day  
USA Today

Samples of the published notices and confirmations are attached hereto as **Exhibits B, C, D and E**.

6. On or about July 20, 2015 the State of Connecticut sent an e-mail to all current state employees informing them of the proposed settlement. The e-mail contained links to the

Notice. **Exhibit F** On or about August 7, 2015, the Office of the State Comptroller send to an e-mail to all current state employees notifying them of a correction to the Notice with respect to the award to class members who are current state employees. The Notice originally stated on page 9 (paragraph 8.B.3.) that certain Class Members who are still employed by the State would receive an award of 1.25 vacation days for emotional distress and punitive damages. However, under the proposed settlement, such Class Members will receive 1.25 Personal Leave (PL) days (not vacation days). The e-mail contained a link to the corrected Notice. **Exhibit G**

7. In an effort to ensure that all current state employees received the Notice, the Department of Administrative Services sent an e-mail to the Human Resources Directors in all state agencies, requesting that copies of the Notice be distributed to state employees who are not on the state exchange e-mail system. In addition, the Office of the State Comptroller sent a similar e-mail to the lead payroll officers in all state agencies.
8. On July 20, 2015, the Attorney General sent an e-mail, with a copy of the Notice attached, to all Commissioners and agency heads, advising them of the notice being provided to state employees and requesting their cooperation in complying with the notice requirements. **Exhibit H**
9. The measure described above, along with those described in the Declaration Of Jonathan M. Levine, demonstrate that the Court's Order regarding notice to class members in this action has been complied with.

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

/s/ Margaret Q. Chapple  
MARGARET Q. CHAPPLE  
ASSISTANT ATTORNEY GENERAL

**CERTIFICATION**

I hereby certify that on September 21, 2015 a copy of the foregoing was filed electronically. Notice of this filing was sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Margaret Q. Chapple  
Margaret Q. Chapple (#ct05550)  
Assistant Attorney General  
55 Elm Street, P.O. Box 120  
Hartford, CT 06141-0120  
Tel.: (860) 808-5315  
Fax: (860) 808-5387  
E-mail: Margaret.Chapple@ct.gov

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STATE EMPLOYEES BARGAINING AGENT	:	
COALITION, et al,	:	
	:	
PLAINTIFFS,	:	
	:	
V.	:	NO. 3:03 CV 221 (AVC)
	:	
JOHN G. ROWLAND, et al	:	
	:	
DEFENDANTS.	:	AUGUST 1, 2015

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**If you were an employee of the State of Connecticut as of November 17, 2002 and were a member of a bargaining unit designated as an exclusive bargaining representative pursuant to the State Employee Collective Bargaining Act**

**YOU COULD GET A PAYMENT FROM A PROPOSED CLASS ACTION SETTLEMENT**

*A federal court authorized this notice.  
It is not a solicitation from a lawyer. You are not being sued.*

- A Class Action Lawsuit (the "Lawsuit") on behalf of individuals who were employees of the State of Connecticut as of November 17, 2002 and were members of a bargaining unit designated as an exclusive bargaining representative pursuant to the State Employee Collective Bargaining Act ("Settlement Class Members") has been pending in the United States District Court for the District of Connecticut. That Lawsuit claims that the State of Connecticut and its then-Governor and Secretary of the Office of Policy and Management (the "Defendants") took improper adverse employment action against State of Connecticut union employees in retaliation for their and their unions' exercise of their constitutionally protected freedoms of speech and association.
- This Notice is to inform you that the United States District Court for the District of Connecticut (the "Court") has preliminarily approved a proposed settlement of the Lawsuit (the "Proposed Settlement") which provides payments to eligible employees for economic and non-economic losses sustained as a result of those actions by the Defendants.

- This Proposed Settlement, if approved, will affect you. If the Proposed Settlement is approved and you do not exclude yourself from this class action, you will receive a sum of money and/or, if you are still employed by the State of Connecticut, additional vacation and/or personal time credit. You do not have to do anything at this time to receive such benefits.
- You do, however, have different rights and options under the Proposed Settlement.

**YOUR RIGHTS AND OPTIONS – AND THE DEADLINES TO EXERCISE THEM – ARE EXPLAINED IN THIS NOTICE. PLEASE READ THIS NOTICE CAREFULLY.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT**

<b>You May:</b>	<b>Result</b>	<b>Deadline</b>
Do Nothing  No action is necessary now to receive payment	You are eligible to receive a payment under the Proposed Settlement	N/A
Object to the Settlement	Write to the Court about what you do not like about the Proposed Settlement. You must be in the Settlement Class to object.	<b>Postmarked on or before September 14, 2015</b>
Go to a Hearing	Ask to speak in Court about the fairness of the Proposed Settlement. You must be in the Settlement Class to appear in Court	<b>Postmarked on or before September 14, 2015</b>
Opt-Out	Elect not to participate in the Proposed Settlement. Complete an Opt-Out Form to Opt-Out and preserve whatever rights you may have to pursue individual claims against Defendants	<b>Postmarked on or before September 14, 2015</b>

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<b>BASIC INFORMATION</b>
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**1. Why did I get this Notice?**

You received this Notice because the Defendants' records indicate that you may be a Settlement Class Member. If you are a Settlement Class Member, you will be entitled to benefits under this Settlement unless you exclude yourself.

The Court said that you should be sent this Notice because you have the right to know about this class action lawsuit and how it may affect you. The Court has not approved the Proposed Settlement yet. If the Court approves the Proposed Settlement and resolves any objections or appeals, an administrator (the "Claims Administrator") will ensure benefits to Settlement Class Members.

**2. Why is this Lawsuit a class action?**

In a class action, one or more persons called "Class Representatives" sue on behalf of other persons with similar claims. The Class Representatives and the persons on whose behalf they have sued are together a "Class" or "Class Members." They are also called the Plaintiffs.

The entities that have been sued are called the Defendants. In this case, the Defendants are the State of Connecticut and its former Governor and Secretary of the Office of Policy and Management.

In a class action lawsuit, one court resolves the issues for everyone in the Class.

The Court has decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court has found that:

- There are likely thousands of members of the Class with common legal or factual issues relating to the claims in this case.
- The claims of the Class Representatives are typical of the claims of the rest of the Class.
- The Class Representatives and the lawyers representing the Class will fairly and adequately protect the Class's interests.

- The common legal questions and facts are more important than questions affecting only individual members of the Class, and this class action will be more efficient than individual lawsuits.

The class action is known as *State Employees Bargaining Agent Coalition, et al. v. John G. Rowland, et al.*, Civ. No. 3:03-cv-221 (AVC). Judge Alfred V. Covello of the United States District Court for the District of Connecticut is overseeing this class action.

**3. What is this Lawsuit about?**

The lawsuit alleges that Defendants violated the Class Members' federal constitutional rights to freedom of speech, freedom of association, and rights guaranteed by Conn. Gen. Stat. § 31-51q by ordering the terminations of over 3,000 union members in retaliation for the unions' refusal to forego certain statutorily protected contract rights.

**4. Why is there a Proposed Settlement?**

In May 2013, after extensive litigation and appeals, the United States Court of Appeals for the Second Circuit issued a decision concluding that Plaintiffs had "made out a claim that Defendants violated their First Amendment rights to freedom of association by targeting union employees for firing based on their union membership" and instructed the United States District Court for the District of Connecticut to grant judgment to Plaintiffs on their First Amendment claim and to craft appropriate relief. The Defendants filed a petition for further review in the United States Supreme Court but withdrew the petition in order to pursue settlement discussions.

Both sides agreed to settle the Lawsuit in order to avoid the risk, delay and expense of continuing the litigation. This way, if the Proposed Settlement is finally approved by the Court, Settlement Class Members will be eligible to receive compensation without a trial.

The Class Representatives, on their own behalf and on behalf of all Settlement Class Members, have entered into a Proposed Settlement with the Defendants. The Court has preliminarily approved this Proposed Settlement. The Class Representatives and Class Counsel think the Proposed Settlement is best for all Settlement Class Members. This Notice summarizes the terms of the Proposed Settlement, your rights and obligations under the Proposed Settlement, and the process by which the Court will determine whether or not to finally approve the Proposed Settlement.

**5. What does it mean if I am a Settlement Class Member?**

If you are a Settlement Class Member, the decisions made by the Court in this Lawsuit will apply to you. If the Court approves the Proposed Settlement, you cannot sue any of the Defendants (or other entities covered by the Release of Claims) on your own for the claims in this Lawsuit and/or the Released Claims (defined below). It also means that you will be eligible for a payment and/or award of vacation and/or personal time credit under the Proposed Settlement.

**6. Can I file my own lawsuit or demand?**

No, unless you exclude yourself from this Lawsuit (discussed in Questions 16-18 below).

<p style="text-align: center;"><b>WHO IS COVERED BY THE PROPOSED CLASS ACTION SETTLEMENT?</b></p>
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**7. Am I part of the Settlement Class?**

*IMPORTANT: The Court's definition of the Class controls whether or not you are a Settlement Class Member. You are a Settlement Class Member and eligible for a Settlement Payment if one of the following situations applies to you:*

(a) You were an employee of the State of Connecticut as of November 17, 2002 and were a member of a State-recognized union and you were laid-off from state service for any length of time as a result of the lay-offs ordered by then-Governor Rowland in 2002 and 2003;

(b) You were an employee of the State of Connecticut as of November 17, 2002 and were a member of a State-recognized union and you were bumped or demoted to different positions as a result of the lay-offs ordered by then-Governor Rowland in 2002 and 2003;

(c) You were an employee of the State of Connecticut as of November 17, 2002 under a working test period or training program, or you were appointed to a durational position for six months or more, and you were designated for membership in a bargaining unit upon successful completion of the requirements of such working test period, training program or provisional appointment, and your State employment was terminated or you were demoted as a result of the lay-offs ordered by then-Governor Rowland in 2002 and 2003;

(d) You were an employee of the State of Connecticut as of November 17, 2002 and were a member of a State-recognized union, you elected retirement in response to the

terminations alleged in the Amended Complaint, and you had no option for a lateral transfer or faced bumping to a lesser paying position; or

(e) You were an employee of the State of Connecticut as of November 17, 2002 and were a member of a State-recognized union and, although your State employment was not otherwise changed, you were chilled in the exercise of their union rights as a result of the lay-offs ordered by then-Governor Rowland in 2002 and 2003.

<b>THE CLAIMS DISTRIBUTION PROCESS</b>
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**8. What does the Proposed Settlement provide / How much will my payment be?**

Under the terms of the Proposed Settlement, the State of Connecticut will provide benefits to Class Members for Economic Damages and for Emotional Distress based on whether the individual Class Member sustained actual economic loss as a result of the layoffs (or layoff orders).

A. Economic Damages:

Each class member who sustained an actual economic loss as a result of being laid-off, demoted or transferred will be entitled to receive a sum to compensate for that economic loss as follows:

Gross economic loss  
*less:* mitigation or replacement earnings  
*less:* 30% settlement discount  
*plus:* prejudgment interest calculated from the date of loss to the date of payment at a rate of 5% per year.

Gross economic loss includes, where applicable, lost wages, lost pension benefits and lost health insurance or damages resulting from loss of health insurance coverage.

Mitigation earnings includes any unemployment compensation benefits received or earnings from alternative employment which you had during the lay-off period.

Economic damages awards will be paid for Class Members still employed in the State's work force, at the State's option, either directly by check or in the form of an award of vacation pay and, in either case, will be paid out in equal yearly installments over four years. For Class Members who are no longer employed in the State's work force (or who do not receive vacation

pay as an element of their annual compensation), economic damage awards will be paid in equal yearly installments over four years.

**B. Emotional Distress and Punitive Damages**

Under the terms of the Proposed Settlement, each Class Member is also entitled to receive a benefit for emotional distress and punitive damages, based on whether the Class Member was laid-off, bumped or transferred, or not otherwise affected in his or her employment, as follows:

1. Each Class Member who was laid off as a result of the layoff orders shall, if the Class Member is still employed by the State, receive an award of ten vacation days and five personal leave days. Any eligible Class Member no longer employed by the State will receive an award of \$1,500.00 to be paid in two equal yearly installments.
2. Each Class Member who was demoted to a lower paying job shall, if the Class Member is still employed by the State, receive an award of four vacation days and three personal leave days. Any eligible Class Member no longer employed by the State will receive an award of \$700.00 to be paid in two equal yearly installments.
3. Any other Class Member who does not meet the requirements of sections 1 or 2 above shall, if the Class Member is still employed by the State, receive an award of 1.25 vacation days. Any Class Member no longer employed by the State will receive an award of \$100.00 payable within 30 days after the Court approves the Settlement.

**9. What is the process for determining each Class Member's economic damages?**

The Proposed Settlement creates a procedure for those Class Members who have suffered an actual loss as a result of having been laid off or demoted to a lesser paying position. Under the Proposed Settlement, the State will provide each Class Member with a statement setting forth the elements of each Class Member's net economic loss (including information about the Class Member's salary at the time of the lay-offs, any unemployment compensation received, and any adjustments to salary and pension calculations necessary to make the Class Member whole), and a proposal setting forth the amount the State offers to pay in economic damages pursuant to the Settlement.

If the Class Member agrees with the State's calculation, the Class Member will receive that amount under the payout terms set forth in Response No. 8, above.

If the Class Member disagrees with the State's calculation, the Class Member can make a counter-offer containing the Class Member's calculation of what will make him or her whole. If

the State agrees with the Class Member's counter-offer, the Class Member will receive the amount of the counter-offer under the payout terms set forth in Response No. 8, above.

If the State disagrees with the counter-offer, the Class Member and the State have the right to submit their dispute to the neutral Claims Administrator for a determination of the appropriate award of economic damages. If the State and the Class Member agree to some but not all of the aspects of the economic damages award, they can agree to submit to the Claims Administrator only those issues on which there is disagreement. Any award by the Claims Administrator is then paid out to the Class Member under the payout terms set forth in Response No. 8 above. In some circumstances, the parties also have the right to seek review of the Claims Administrator's determination by a three-member Claims Appeal Panel.

**10. Will the Proposed Settlement affect my earnings if I am still employed by the State?**

Potentially, yes. Even if you were restored to your old job after a layoff, if you missed a salary or longevity adjustment while laid off, you may be entitled to a salary adjustment, damages in lieu of such an adjustment, or, depending on where you are in your career, a pension adjustment. Likewise, if you were bumped and demoted as a result of the layoffs, you may also be entitled to seek reinstatement to your old position or, in lieu of such reinstatement, to obtain a salary adjustment, damages in lieu of such an adjustment, or, depending on where you are in your career, a pension adjustment.

**11. Will the Proposed Settlement affect my pension if I am now retired from State employment?**

Potentially, yes. Even if you were restored to your old job after a layoff, if you missed any salary or longevity adjustments while laid off which might have affected the calculation of your pension benefit, you may be entitled to a pension adjustment. Likewise, if you were bumped and demoted as a result of the lay-offs, you may also be entitled to seek an adjustment to your pension to the level you would have earned had you not suffered any such change in your employment as a result of the layoffs.

**12. I elected retirement as a result of the layoffs, am I eligible for economic damages?**

Potentially, yes. You may be entitled to economic damages if you can demonstrate that you retired because you received a lay-off notice and had no option for a lateral transfer OR you can demonstrate that you retired because you faced bumping to a lesser paying position as a result of a layoff notice to another class member.

13. **When will I get my payment?**

Payment is conditioned on several matters, including the Court's approval of the Proposed Settlement and such approval being final and no longer subject to any appeals to any court. Any appeal of the final approval could take several years. The Proposed Settlement may be terminated on several grounds, including if the Court does not approve or it changes the Settlement in material ways. If the Proposed Settlement is terminated, the Lawsuit will proceed as if the Proposed Settlement had not been reached.

<b>RELEASE OF RIGHTS AND DISMISSAL OF THE LAWSUIT</b>
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14. **What am I giving up if the Settlement is approved and I do not exclude myself from this Lawsuit?**

If the Proposed Settlement is approved, the Lawsuit will be dismissed with prejudice. This means that the Lawsuit cannot be re-filed. As a result, all Class Members give up all the claims covered in this Lawsuit and Settlement against the Defendants. This means you are releasing the Defendants (or other entities covered by the Release of Claims), and you will be bound by that release. You cannot sue any of the Defendants (or other entities covered by the Release of Claims) for the same claims.

This also means that your heirs, beneficiaries, agents or anyone who legally represents you, now or in the future, also give up their claims as covered in this Lawsuit and Settlement. They cannot sue any of the Defendants (or other entities covered by the Release of Claims) for these claims.

***If you are a Settlement Class Member you will be bound by the Proposed Settlement, including the Release and dismissal with prejudice.***

**If you do nothing**, you will be deemed a Member of the Class and will have the right to participate in the Settlement but will give up the right to start your own lawsuit. **If you want to pursue your own claims outside of this Settlement, you must exclude yourself from the class as discussed in questions 16-18 below).**



<b>OBJECTING TO THE PROPOSED SETTLEMENT</b>
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**15. How do I object to the Proposed Settlement?**

As a Settlement Class Member, you may object to any aspect of the Proposed Settlement, including:

- Final certification of the Settlement Class
- The fairness, reasonableness, or adequacy of the Proposed Settlement
- The adequacy of the representation by the Class Representatives or by Class Counsel
- The awards to the Class Representatives

Your objection must be in writing and must include:

1. The name of the case: "*State Employees Bargaining Agent Coalition, et al. v. Rowland*"
2. Your full name;
3. Your address and telephone number;
4. A statement of your objections), as well as the specific reasons for each objection, including any legal authority you wish to bring to the Court's attention;
5. A statement indicating if you intend to appear at the Fairness Hearing;
6. A list of witnesses whom you may call by live testimony; and
7. Copies of any documents or papers that you plan to submit.

Your objection must be sent by First-Class Mail, postage prepaid, and be postmarked no later than September 14, 2015. You must file your objection with the Court at the following address:

**United States District Court for the District of Connecticut  
Clerk of Court  
450 Main Street  
Hartford, CT 06103**

You must also mail a copy of your objection to:

**Class Counsel**  
Silver Golub & Teitell LLP  
184 Atlantic Street  
Stamford, CT 06904

***If you do not follow these procedures and submit your objection by the deadline, the Court may decline to hear your objection.***

<b>EXCLUDING YOURSELF FROM THE CLASS</b>
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**16. Why would I ask to be excluded?**

If you do not want to be bound by any judgment, whether favorable or unfavorable, that may be made in this case, do not want a payment from the Proposed Settlement, and you instead want to keep the right to sue the Defendants about the legal issues in this case, then you must take steps to exclude yourself from the class. This is sometimes referred to as “opting out” of the Class.

If you start your own lawsuit against the Defendants after you exclude yourself, you may want to hire your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start your own lawsuit against the Defendants, you should talk to a lawyer soon, because your claims may be subject to a statute of limitations.

**17. How do I get out of the Class?**

To exclude yourself from the Class, you must submit the attached Opt-Out Election Form to the address indicated on the form. Be sure to include your name, address, telephone number and your signature. Your Opt-Out Election Form must be postmarked on or before September 14, 2015.

The Court shall automatically grant all timely submitted Opt-Out Election Forms.

You cannot exclude yourself by telephone or by email.

If you ask to be excluded, you will not get any recovery from the Proposed Settlement. You will not be legally bound by anything that happens in the lawsuit, and you may be able to sue the Defendants in the future about the legal issues in this case, but you will be subject to any legal defenses that the Defendants may assert.

**18. If I don’t exclude myself, can I sue the Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims presented in this lawsuit. Remember, the Opt-Out deadline is September 14, 2015.

<b>THE LAWYERS REPRESENTING YOU - CLASS COUNSEL</b>
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**19. Do I have lawyers in this Lawsuit?**

Yes. The Court has appointed the following lawyers as “Class Counsel” to represent you and the other Settlement Class Members:

David S. Golub  
Jonathan M. Levine  
Silver Golub & Teitell LLP  
184 Atlantic Street  
Stamford, CT 06904  
(203) 325-4491  
[www.sgtlaw.com](http://www.sgtlaw.com)

**20. How will the lawyers be paid?**

At the Fairness Hearing (discussed in Questions 22-24 below), the Court will decide if it should approve the Proposed Settlement. It will also decide whether or not to approve Class Counsel’s attorneys’ fees and expenses. Under the Proposed Settlement, the State of Connecticut will pay Class Counsel attorneys’ fees equal to 17.5% of the amount awarded to each class member in damages. Pursuant to the Settlement Agreement, the State of Connecticut shall also pay Class Counsel \$400,000 in litigation expenses. Pursuant to the Proposed Settlement, no class member will be required to pay any attorneys’ fees or costs of the Litigation.

Class Counsel will also ask the Court to approve payments of \$10,000 to each of the Class Representatives for their services.

These payments for Class Counsel and the Class Representatives, as approved by the Court, would be paid directly by the State of Connecticut. No Settlement Class Member will be asked to pay attorneys’ fees or expenses out of pocket in connection with this Lawsuit and no award made to Class Members will be reduced by the amount of such fees and/or expenses.

The fees and payments will pay Class Counsel and the Class Representatives for investigating the facts and litigating the Lawsuit, negotiating the Proposed Settlement, and monitoring Class Members’ rights during approval and administration of the Proposed Settlement. Defendants have agreed not to oppose these payments.

**21. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, if you wish to do so, you may retain your own lawyer at your own expense.

<b>THE COURT'S FAIRNESS HEARING</b>
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**22. When and where will the Court decide whether to whether to approve the Proposed Settlement?**

The Court will hold a Fairness Hearing at 1:00 p.m. on October 1, 2015 at the Abraham A. Ribicoff Federal Building, Courtroom #1, Annex, 450 Main Street in Hartford, Connecticut. At this hearing, the Court will consider: (1) whether the Proposed Settlement is fair, reasonable, and adequate and if it should be approved; (2) the proposed payments to Class Members; (3) Class Counsel's application for an award of attorneys' fees and expenses; and (4) any payments to the Class Representatives for their services. If there are objections, the Court will also consider them.

Persons who have followed the procedures described below in Questions 16 and 22 may appear and be heard by the Court. After the hearing, the Court will decide whether to approve the Proposed Settlement. It is not known how long these decisions will take.

**23. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send a timely and proper objection, the Court will consider it whether or not you attend the hearing. You may also pay your own lawyer to attend, but it is not required.

**24. May I speak at the hearing? How do I appear in the Lawsuit?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must notify the Court and Parties in writing. This is called a Notice of Intent to Appear. Your Notice of Intent to Appear must contain:

1. The name of the case:
2. The words, "Notice of Intent to Appear"
3. Your full name, address, telephone number, and signature; and
4. If an attorney will appear on your behalf, the attorney's name, address, telephone number, and bar number.

**Your Notice of Intent to Appear must be sent by First-Class Mail, postage prepaid, and be postmarked no later than September 14, 2015. You must file your Notice of Intent to Appear by sending it to the addresses listed in Question 16 of this Notice.**

**You cannot speak at the hearing if you have submitted an Opt-Out Election Form and have excluded yourself from this Lawsuit.**

### WHAT IF I DO NOTHING

**25. What happens If I do not do anything at all in response to this Notice?**

If you do nothing in response to this Notice, then you are a Settlement Class Member. If the Proposed Settlement is approved, you will get money from the Proposed Settlement if you do nothing. You will also be bound by the Proposed Settlement, including the Release and dismissal with prejudice.

### TAX CONSEQUENCES

**26. Could there be tax consequences to the Proposed Settlement?**

Because the payments represent employment-related damages, the State of Connecticut will withhold taxes and other usual and customary deductions from any payments based on your withholding election on file with the State. Awards in the form of vacation pay will not be subject to withholding until the class member is paid for any such vacation day award actually used.

The tax consequences of the Proposed Settlement may vary, depending upon your individual circumstances. You should consult your own tax advisor regarding any tax consequences of the Proposed Settlement. Class Counsel is not providing any tax advice to Settlement Class Members.

<b>GETTING MORE INFORMATION</b>
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**27. What if I have questions or want more information?**

This notice summarizes the Proposed Settlement. The complete Settlement is set forth in the Settlement Agreement. You may obtain a copy of the Settlement Agreement and any other documents relating to the proposed Settlement by writing or calling Class Counsel at the contact information provided in Response 19 above, or by visiting the settlement website described below. A copy of the Settlement Agreement will also be posted on Class Counsel's website [www.sgtlaw.com/class-action-sebac-v-john-g-rowland/](http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland/) and on the website of each SEBAC union.

**PLEASE DO NOT WRITE OR CALL THE COURT  
OR THE CLERK'S OFFICE FOR INFORMATION.**

[AUGUST 1, 2015]

BY ORDER OF THE COURT

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Clerk of the Court  
United States District Court  
District of Connecticut  
450 Main Street  
Hartford,, Connecticut 06103

# **EXHIBIT B**

USA TODAY  
THURSDAY, JULY 23, 2015

MONEY 5B

GUEST COLUMN

# Diversity a big deal for tech companies

Joelle Emerson  
Special for USA TODAY

**PALO ALTO, CALIF.** As the push for diversity in tech continues, a growing number of companies and leaders are confronting the topic for the first time.

Diversity efforts are most successful when they're driven by a commitment from company leaders. And meaningful commitment requires leaders to understand why diversity matters. At Paradigm, we spend a lot of time brainstorming with CEOs and other company leaders about what is or should be driving their diversity and inclusion efforts.

Here are five themes emerging from those conversations:

## DIVERSE TEAMS ARE SMARTER AND MORE CREATIVE

Study after study in fields like organizational science, psychology and education indicate that diversity offers significant benefits for teams focused on creativity and innovation. According to Scott E. Page, professor of complex systems, political science and economics at the University of Michigan, "Diverse groups of people bring to organizations more and different ways of seeing a problem and, thus, faster/better ways of solving it."

At Intel, CEO Brian Krzanich

has said, "A fully diverse and inclusive workplace is fundamental to our ability to innovate and deliver business results."

## DIVERSE COMPANIES PERFORM BETTER

Given diverse teams are smarter and more creative than homogeneous ones, it's unsurprising a wealth of research shows a strong correlation between diverse organizations and positive financial outcomes. In a 2013 study of diversity in the top firms in Standard & Poor's Composite 1500 list, researchers found "female representation in top management leads to an increase of \$42 million in firm value."

In a 2008 study looking at 177 banks across the U.S., researchers found that for banks focused on innovation, racial diversity was clearly tied to better financial performance. Research also links gender representation at the executive and board level with better company performance.

We've spoken with a few leaders involved in the work above because, as they point out, some of the most successful and innovative companies are not very diverse. Just as the example of a smoker who lives to be 100

does not disprove smoking is bad for one's health, anecdotes of companies that have succeeded in spite of homogeneity are not a counterpoint to the overwhelming evidence that diversity makes teams smarter and is linked to positive business outcomes.

## COMPANIES ARE LOSING OUT ON GREAT TALENT

Failing to attract and hire employees from underrepresented backgrounds leads companies to miss out on incredible talent. In a recent blog post describing a partnership with Code2040, Slack Engineering Chief of Staff Nolan Caudill acknowledged that, "Like almost every tech company, our own upbringing, biases only stand to impact the quality and impact of our products if the people building them are representative of the user base and reflect the same diversity of geography, culture, life experiences and interests that makes our community so vibrant."

Walker & Company CEO Tristan Walker recently observed that, "If more black people were building features or striking partnerships at Twitter, perhaps they'd have a great idea" for more effectively engaging black users.

diverse candidates and designing interviewing processes that ensure a level field, companies have a better chance of ensuring the best idea is the right thing to do.

## DIVERSE COMPANIES BETTER SERVE A DIVERSE USER BASE

When the employees of an organization better represent their users and desired users, they will build more effectively for those groups. When YouTube's almost entirely right-handed developer team built the iOS app without considering how left-handed people would use it, for example, 5% to 10% of videos were uploaded upside down as a result. This factor may be relevant for leaders of consumer tech companies.

When Tracy Chou of Pinterest shared the company's demographic information last year, she said, "We only stand to improve the quality and impact of our products if the people building them are representative of the user base and reflect the same diversity of geography, culture, life experiences and interests that makes our community so vibrant."

Walker & Company CEO Tristan Walker recently observed that, "If more black people were building features or striking partnerships at Twitter, perhaps they'd have a great idea" for more effectively engaging black users.

## IT'S THE RIGHT THING TO DO

We've spoken with a few CEOs motivated primarily by a belief cultivating an inclusive tech community is the right thing to do.

Some of these leaders have noted that the tech industry is creating vast opportunity, and that by excluding certain groups from that opportunity the industry is perpetuating and exacerbating existing social inequality. Others have emphasized a concern that by failing to involve particular communities in the process of creating new technology, we as a society lose out on the benefits of those community members' ideas.

For company leaders beginning to consider diversity and inclusion, understanding these rationales and identifying one that resonates can be a helpful first step. But it's only a first step.

After deciding that diversity matters and articulating its importance, leaders must create a strategy for building a more diverse, inclusive company and an accountability plan to ensure that strategy is effective.

Emerson is co-founder and CEO of Paradigm, a strategy firm that helps tech companies build more diverse and inclusive organizations. Before launching Paradigm, Emerson practiced law as a Stanford Fellow at Equal Rights Advocates, where she represented women in employment discrimination and sexual harassment cases.

## 'Post' petitions U.N. to free jailed reporter in Iran

Newspaper alleges human rights violations

Anita Balakrishnan  
@anibalakrishnan  
USA TODAY

The Washington Post says Iran violated international laws by jailing American journalist Jason Rezaian and has filed a petition with the United Nations to free him, the media organization announced Wednesday.

The petition was filed with the U.N.'s Working Group on Arbitrary Detention (UNWGAD), which investigates "deprivations of liberty" that are inconsistent with international human rights standards, the Post said at a news conference Wednesday at the National Press Club in Washington. Rezaian, the newspaper's Tehran bureau chief, was arrested a year ago Wednesday and was later charged with espionage, collaborating with hostile governments, collecting and distributing information about foreign policies with malicious intent and conducting "propaganda against the establishment."



Iranian-American Washington Post correspondent Jason Rezaian, with his Iranian wife Yeganeh Salehi, has been jailed for more than a year.

"If Iran is serious about its human rights obligations, this is an opportunity to prove it," said David Bowker, an attorney who assisted with the petition. "We hope they won't wait."

The petition is the latest move in a long battle to free the reporter and reveals details of Rezaian's experience as a prisoner in Iran. Rezaian, who wrote for news outlets including Bloomberg News, The New York Times and the San Francisco Chronicle before joining the Post in 2012, was arrested in his home along with his wife, journalist Yeganeh Salehi, who was later released. He could face 10 to 20 years in prison if convicted.

His imprisonment marks the longest a Western journalist has been held in Iran, the National Press Club said in a statement.

Rezaian has had three closed hearings on the charges, and a fourth is expected.

Since diplomatic efforts to free Rezaian began, there have been dramatic changes on the international landscape. In a historic deal, Western countries agreed to lift economic sanctions against Iran in return for halting efforts to build nuclear weapons.

"I wake up every day disappointed that Jason is not free," said Ali Rezaian, who said he believed negotiations for his brother's release were complicated by the nuclear talks. "Now that those are over, so are the excuses."

Post executive editor Martin Baron called on President Obama to "work harder" for the journalist's release. Obama said Tuesday he would not "relinquish" until Iran frees Rezaian and two other Americans, former U.S. marine Amir Haniyeh and Christian pastor Saeed Abedini.

UNWGAD, composed of five independent experts, previously called for journalists to be released, if their case meets certain criteria. The Post's petition says Iran violated international legal agreements and local law during Rezaian's imprisonment by failing to provide a legal basis for his detention, failing to uphold due process and impeding fundamental human rights such as freedom of expression, association and participation in public affairs.

Rezaian is being held with two major pieces of evidence, the petition said, calling them "arbitrary" and "baseless."

One was an unsuccessful job application for the Obama-Biden transition team after the 2008 election, in which Rezaian offered to help "break down barriers" between the U.S. and Iran. The other is a letter in which Rezaian asked U.S. officials to expedite processing of his wife's visa, writing that Iran is not always "the best place for a journalist."

Rezaian was held for months without any charges, the petition said, and was finally notified of his charges in Farsi, a language he doesn't speak. He was unable to select his own attorney or meet privately with her before his trial.

The petition also reveals details about Rezaian's treatment in prison. As a prisoner, Rezaian was largely held in isolation, the petition said, facing near-daily interrogations of eight to 10 hours at a time. He was unable to see or speak to his wife for more than 45 days at a time. It is illegal to hold a prisoner in solitary confinement for more than 20 days in Iran, the petition said.

Additionally, Rezaian has not received medications for high blood pressure, respiratory illness and infections, resulting in a 50-pound weight loss.

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### NOTICES

#### LEGAL NOTICE

### YOU COULD GET A PAYMENT FROM A PROPOSED CLASS ACTION SETTLEMENT

The United States District Court for the District of Connecticut (the "Court") has given preliminary approval for settlement of a class action lawsuit against the State of Connecticut and the Office of the Attorney General of the State of Connecticut (the "Defendants"). The lawsuit is known as *State Employees Bargaining Agency Coalition, et al. v. John G. Rowland, et al.*, Civ. No. 2015-0014 (U.S. District Court for the District of Connecticut). It is filed in the Southern District of New York.

**Are You Affected?**  
You are a Settlement Class Member if you were an employee of the State of Connecticut as of November 17, 2002 and (a) you were a member of a bargaining unit designated as an exclusive bargaining representative pursuant to the State Employees Bargaining Act, or (b) you were employed by the State of Connecticut under a working time period or training program, including as a provisional employee or as an employee appointed to a provisional position for six months or less and were designated for membership in a bargaining unit upon successful completion of the requirements of such working time period, training program or provisional appointment.

**What Is the Class About?**  
The lawsuit alleges that the Defendants took improper adverse employment action against State of Connecticut union employees in retaliation for their and their union's exercise of their constitutionally protected freedom of speech and association. The lawsuit claims that such improper actions included the wrongful layoff of approximately 2,000 union members in violation of the union's right to bargain collectively protected contract rights, which in turn, also resulted in harming and retaliation to other class members. The lawsuit also claims that the Defendants violated the United States Constitution as well as a Connecticut law protecting the free speech rights of employees in the State.

There has not been a final determination that the Defendants are liable for any damages to the Settlement Class, but the Defendants have agreed to settle the lawsuit in order to avoid the risk, delay and expense of the lawsuit.

**What Are the Terms of the Settlement?**  
Under the terms of the Proposed Settlement, Defendants will provide benefits to Class Members for Economic Damages and for Emotional Distress based on whether the Individual Class Member received actual economic loss as a result of the layoff (or layoff order).

Each class member who sustained an actual economic loss as a result of being laid-off, demoted or transferred will be entitled to receive a sum to compensate for that economic loss equal to 70% of each Settlement Class Member's gross economic loss minus any replacement earnings. In addition, each Settlement Class Member will be entitled to receive projected interest calculated from the date of loss to the date of payment at a rate of 5% per year. For those Settlement Class Members still employed in the State's work force, such compensation will be paid either directly by check or by the form of an award of vacation pay and, in either case, will be paid within equal yearly installments over five years. For Class Members who are no longer employed in the State's work force (or who do not receive vacation pay as an element of their annual compensation), economic damage awards will be paid in equal yearly installments over five years.

Under the terms of the Proposed Settlement, each Class Member is also entitled to receive a benefit for emotional distress and punitive damages, based on whether the Class Member was laid-off, demoted or transferred, or not otherwise affected in lay-off or layoff order. Settlement Class Members who were laid-off as a result of the layoff order will receive an award of either \$1,500 or ten vacation days and the personal leave days (depending on whether the Class Member is still employed by the State at the time of the award). Settlement Class Members who were demoted to a lower paying job will receive an award of five vacation days and five personal leave days or \$750.00 (depending on whether the Class Member is still employed by the State and eligible for vacation pay). Any other Class Member will receive an award of \$100 or 1.25 personal leave days (depending on their continued employment eligibility for personal leave).

Under the Proposed Settlement, class members who missed salary or longevity adjustment while laid-off or who were returned to the State workforce at lower working levels may be entitled to further salary adjustments, damages in lieu of such an adjustment, and/or pension adjustments.

**Who Represents You?**  
The Court has approved the law firm of Silver Gluck & Tinkler, LLP as "Class Counsel." You do not have to pay any fees or expenses to Class Counsel. As part of the Proposed Settlement, Class Counsel will be paid directly by the State of Connecticut. You may hire your own attorney, if you wish. However, you will be responsible for that attorney's fees and expenses.

**What Further Proceedings Are Scheduled?**  
The Court has set and decided whether to give Final Approval to the Proposed Settlement. The Court will hold a Fairness Hearing at 1:00 p.m. on October 1, 2015 at the Jonathan M. Rifkin Federal Building, Courtroom 81, Annex, 400 Main Street in Hartford, Connecticut. At this hearing, the Court will consider: (1) whether the Proposed Settlement is fair, reasonable and adequate, and whether it should be approved; and (2) any payments to the Class that may be due to Class Members. If there are objections, the Court will also consider them.

Settlement Class Members who have followed certain procedures may appear and be heard by the Court at the Fairness Hearing. After the hearing, the Court will decide whether to approve the Proposed Settlement.

**What Are Your Legal Rights?**  
If the proposed Settlement is approved and you are a Settlement Class Member as defined in this Notice, you do not need to do anything more to receive the benefits set forth above.

If the Proposed Settlement is approved, the lawsuit will be dismissed with prejudice. This means that the lawsuit cannot be re-filed. As a result, all Settlement Class Members will be released from the lawsuit and settlement against the Defendants (or their entities covered by the Release of Claims). All Settlement Class Members are releasing the Defendants (or other entities covered by the Release of Claims) and will be bound by that release. No Settlement Class Member will be able to sue any of the Defendants (or other entities covered by the Release of Claims) for the same claims.

If you are a member of the Settlement Class, you may object to any aspect of the Proposed Settlement, including (1) the Fairness of the Settlement Class (2) the adequacy of the representation by the Class Representatives or by Class Counsel or (3) the amounts to be paid to Class Members. Your objection must be in writing, sent to the Clerk of the United States District Court, 400 Main Street, Hartford, CT 06103 as well as to Class Counsel, Silver Gluck & Tinkler, LLP, 160 Atlantic Street, Stamford, Connecticut 06901, and must be postmarked no later than September 14, 2015.

If you do not want to be bound by the judgment in this case, do not vote in payment from the Proposed Settlement, and you instead want to keep the right to sue the Defendants about the legal issues in this case, then you must exclude yourself from the class. To exclude yourself from the class, you must submit an Opt-Out Election Form to the address indicated on the form. The form to exclude your name, address, telephone number and your signature. Your Opt-Out Election Form must be postmarked on or before September 14, 2015. The Opt-Out Election Form is available on Class Counsel's website [www.silvergluck.com](http://www.silvergluck.com) and is also being provided to you by telephone or by email. If you do not wish to be excluded, you will not get any recovery from the Proposed Settlement. You will not be liable for anything that happens in the lawsuit, and you may be able to sue the Defendants in the future about the legal issues in this case, but you will be subject to any legal defense that the Defendants may assert.

**HOW CAN YOU GET MORE INFORMATION?**  
If you have questions or want a full, detailed notice or other documents about this lawsuit and your rights, write to Class Counsel, Silver Gluck & Tinkler, LLP, 160 Atlantic Street, Stamford, Connecticut 06901, or call toll-free 1-800-397-0070. You can also download copies of the Proposed Settlement and other documents related to the Proposed Settlement at Class Counsel's website: [www.silvergluck.com/class-action-what-you-need-to-know](http://www.silvergluck.com/class-action-what-you-need-to-know).

Advertise in USA TODAY!

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sales@russelljohns.com

Please see Supplemental to USA TODAY  
Class Action Settlement Notice

EXHIBIT B



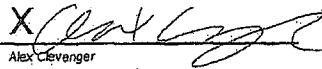
# **EXHIBIT C**



August 5, 2015

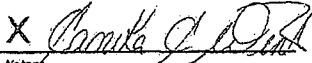
To Whom It May Concern:

1. I am Alex Clevenger, a duly authorized representative of Russell Johns Associates, the company handling the advertising matters for USA Today, a daily newspaper distributed within the United States.
2. On July 23<sup>rd</sup>, 2015, and July 30<sup>th</sup>, 2015, the notice was published in the Money Section Page 5B National Weekday Edition of USA Today titled "Legal Notice" A true and correct copy of the Notice, as published, is attached.
3. The USA Today National Weekday Edition is circulated in 50 states, and has an average daily print circulation of approximately 1.1 million.

X   
Alex Clevenger  
Senior Account Executive

State of Florida  
County of Pinellas

On this 5<sup>th</sup> day of August, I attest the attached document is a true, exact, complete, and unaltered  
tearsheet.

X   
Notary

CAMIKA C. WINTER  
Notary Public, State of Florida  
My Comm. Expires Apr 07, 2017  
No. PF-119235

MCA Russell Johns Associates 5020 West Linebaugh Avenue, Suite 210, Tampa, FL 33624

EXHIBIT C

# **EXHIBIT D**

EXHIBIT D

# **EXHIBIT E**



# **EXHIBIT F**

**Chapple, Margaret Q.**

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**From:** list <STATE-OF-CONNECTICUT@LIST.CT.GOV> on behalf of State Of Connecticut <stateofconnecticut@CT.GOV>  
**Sent:** Monday, July 20, 2015 1:28 PM  
**To:** STATE-OF-CONNECTICUT@LIST.CT.GOV  
**Subject:** Notice Of Proposed SEBAC Class Action Settlement

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

If you were an employee of the State of Connecticut as of November 17, 2002 and were a member of a bargaining unit designated as an exclusive bargaining representative pursuant to the State Employee Collective Bargaining Act, you could get a payment from a proposed class action settlement. Please read the Notice of Proposed Class Action Settlement by clicking on the link below:

<http://www.sgtlaw.com/wp-content/uploads/2015/07/class-member-mail-noticefrequently-asked-questions.pdf>

This e-mail is being sent from an unattended mailbox. Please do not reply. You may obtain a copy of the Settlement Agreement and any other documents relating to the proposed settlement by writing or calling Class Counsel at the contact information provided in Response 19 of the attached notice or by visiting the Class Counsel's website [www.sgtlaw.com/class-action-sebac-v-john-g-rowland](http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland)<<http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland>><<http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland>> or your state bargaining unit's website.

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# **EXHIBIT G**

**Chapple, Margaret Q.**

---

**From:** list <STATE-OF-CONNECTICUT@LIST.CT.GOV> on behalf of State Of Connecticut <stateofconnecticut@CT.GOV>  
**Sent:** Monday, August 10, 2015 3:07 PM  
**To:** STATE-OF-CONNECTICUT@LIST.CT.GOV  
**Subject:** Notice Of Proposed SEBAC Class Action Settlement (Correction)  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

On July 20, 2015 an e-mail was sent to current state employees regarding a proposed class action settlement. The e-mail contained a link to the Notice of Proposed Class Action Settlement ("Notice"). The Notice stated on page 9 (paragraph 8.B.3.) that certain Class Members who are still employed by the State would receive an award of 1.25 vacation days for emotional distress and punitive damages. Under the proposed settlement, such Class Members will receive 1.25 Personal Leave (PL) days (not vacation days). You may access the corrected Notice by clicking on the link below.

<http://www.sgtlaw.com/wp-content/uploads/2015/08/conformed-mail-notice-edited-080315.pdf>

This e-mail is being sent from an unattended mailbox. Please do not reply. You may obtain a copy of the Settlement Agreement and any other documents relating to the proposed settlement by writing or calling Class Counsel at the contact information provided in Response 19 of the attached notice or by visiting the Class Counsel's website [www.sgtlaw.com/class-action-sebac-v-john-g-rowland](http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland)<<http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland>><<http://www.sgtlaw.com/class-action-sebac-v-john-g-rowland>> or your state bargaining unit's website.

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# **EXHIBIT H**

GEORGE JEPSEN  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of the Attorney General  
State of Connecticut

July 20, 2015

Dear Commissioners and Agency Heads,

As you have likely heard, the State recently agreed to resolve the class action lawsuit that was brought by state employee unions, alleging that the 2003 layoffs of approximately 2,500 unionized state employees violated their rights guaranteed by the First Amendment of the U.S. Constitution. The Federal Court has granted preliminary approval to the proposed settlement agreement. The State is now required to provide notice of the proposed settlement to the members of the class. Notice will be provided to some class members via first class mail and to all state employees through the state e-mail system. In addition, notice of the proposed settlement will be published in several newspapers.

Attached for your information is a copy of the notice that is being sent via e-mail to all current state employees, many of whom may be class members. In addition, your agency's Payroll and/or Human Resources leads will be asked to forward this notice to any of your agency's employees who do not have access to the state's e-mail system. The notice specifically instructs class members to contact class counsel or click on a link provided in the notice for additional information. Employees in your agency are not expected to, and should not attempt to, answer any questions about the settlement but should refer such inquiries to class counsel, whose contact information is contained in the notice. We appreciate your assisting us in complying with the notice requirements.

If you have any questions or concerns, please feel free to contact Assistant Attorney General Margaret Chapple via e-mail at [margaret.chapple@ct.gov](mailto:margaret.chapple@ct.gov) or at 860-808-5045.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Jepsen", is written over the word "Sincerely,".

George Jepsen

EXHIBIT H