

***PLEASE READ THIS NOTICE CAREFULLY.***

***THIS NOTICE MAY CONTAIN IMPORTANT INFORMATION ABOUT YOUR RIGHTS.***

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT REGARDING POSSIBLE  
REFUND OF PAYMENTS FOR SPECIAL EDUCATION, PRE-K AND EARLY  
INTERVENTION RELATED SERVICES**

***IF YOU WANT TO RECEIVE BENEFITS UNDER THE PROPOSED SETTLEMENT  
YOU DO NOT HAVE TO TAKE ANY ACTION NOW***

**WHAT IS THE LAWSUIT ABOUT?**

The lawsuit seeks a refund for all persons born after January 21, 1984 and still living as of January 21, 2002, who satisfied a Medicaid lien with the New York City Human Resource Administration (HRA) in connection with a personal injury lawsuit and had payments for Special Education, pre-kindergarten and/or Early Intervention Related Services included in that lien. The refund will equal the amount of Special Education, pre-kindergarten and/or Early Intervention Related Services included in satisfaction of such liens, plus interest. Special Education, pre-kindergarten and/or Early Intervention Related Services are services such as occupational therapy, physical therapy, speech therapy and counseling. The class action lawsuit also seeks certain changes to the policies and practices of HRA concerning the collection of such Medicaid liens.

**WHO BROUGHT THIS LAWSUIT?**

The named plaintiffs are: Celeste Green, as Parent and Natural Guardian of Alia Green, Marschell Ruggs, as Natural Guardian of Ashley Victoria Ruggs, and Jonathan and Randi Bolos, as Parents and Natural Guardians of Lauren Bolos. These people brought the lawsuit as a class action, on behalf of themselves and all people in a similar situation.

**WHO ARE THE DEFENDANTS?**

The defendants are the City of New York, HRA, and the Commissioner of HRA.

**WHAT IS THE PURPOSE OF THIS NOTICE?**

The purpose of this notice is to inform members of the settlement class of the pendency of the class action lawsuit and of the proposed settlement, and to describe what to do if you (or your child or a child for whom you are the legal guardian) are a member of the settlement class and you want to object to or be excluded from the proposed settlement. ***If you or your child wants to remain a member of the settlement class and you have no objection to the settlement, you do not need to take any action now.***

**IS MY CHILD OR AM I A MEMBER OF THE CLASS?**

You or your child (or a child for whom you are the legal guardian or a deceased child for whom you are the executor of his/her estate) are a member of the class for purposes of this settlement if you or your child fit the following definition:

All persons born after January 21, 1984 and still living as of January 21, 2002, who satisfied a Medicaid lien with the City of New York Human Resources Administration in connection with a personal injury lawsuit before December 31, 2006, and received Special Education, pre-kindergarten and/or Early Intervention Related services (as described by 20 U.S.C. §§ 1401(26), 1432(4), and/or Ed Law § 4410(1)(j)).

## **WHAT IS THE BENEFIT TO THE CLASS OF THE SETTLEMENT?**

If the Court approves the settlement, class members will receive a refund of the amount of Special Education, pre-kindergarten or Early Intervention Related Service charges collected by HRA as part of a Medicaid lien, plus interest at 6 % (less applicable legal fees, if ordered by the Court). To qualify for a refund, class members must supply certain information by a particular due date. If you do not exclude yourself as a class member, you will receive a future mailing explaining what information must be submitted and by when. Also, class members will benefit by procedures implemented by New York City and HRA to safeguard against future collection of Special Education, pre-kindergarten and Early Intervention Related Services as part of a Medicaid lien.

## **SHOULD I FILE A PROOF OF CLAIM FORM NOW?**

**NO.** The time to submit a Proof of Claim is after the Court approves the terms of the settlement. You will be mailed a Proof of Claim when and if the Court approves the settlement and will receive further directions about how to submit your claim.

## **DO I HAVE TO PAY AN ATTORNEY FOR BRINGING THIS LAWSUIT?**

Class members are not required to directly pay any money to the lawyers representing the class. The request for attorneys' fees will be submitted to the Court for approval. The Court will determine that the fees are either to be a percentage of the overall amount that defendants are required to pay all class members, or else the Court will require the defendants to pay an additional amount to the lawyers separate and apart from the amount it pays in refunds. You may retain an attorney to advise you at your own cost.

## **WHAT IF I WANT TO REMAIN A MEMBER OF THE SETTLEMENT CLASS?**

**You do not need to act to remain a settlement class member.** If you do not act, you are agreeing to the proposed settlement. If the Court approves the terms of the settlement, a Proof of Claim Form will be mailed to you at this address several months from now (it is also available online at [www.nyc.gov/html/hra](http://www.nyc.gov/html/hra), and by clicking on the link entitled "Green Settlement"). If you timely return the Proof of Claim form, you will become part of the refunds process and will receive a cash payment if you are entitled to such an award.

## **WHAT IF I OBJECT TO THE TERMS OF THE SETTLEMENT BUT WANT TO BE PART OF THE SETTLEMENT CLASS?**

As a settlement class member, you may appear, with or without your own counsel, at the Fairness Hearing to be heard in opposition to the terms of the Settlement, provided that you send a written Notice of Objection entitled: "Objection to the Settlement Class in *Green et. al v. The City of New York et. al*, 05-civ.-0429 (DLI)(ETB)," postmarked by July 30, 2008 to the following: (i) the Honorable Dora L. Irizarry, 225 Cadman Plaza East, Brooklyn, New York 11201; (ii) Adam D. Mitzner, Pavia & Harcourt LLP, 600 Madison Avenue, New York, New York 10022 (Class Counsel); and (iii) Office of Corporation Counsel, 100 Church Street, New York, New York 10007 (Defendants' Counsel).

**Your written objection must include:** (a) your name, address and social security number; (b) a notice of intention to appear and whether you will appear with or without an attorney retained by and paid for by you; (c) a detailed statement of each objection asserted; (d) the grounds on which you desire to appear and be heard; and (e) any documents and writings which you desire the Court to consider and a list of witnesses you may call by live testimony. If you object but the Court nonetheless approves the settlement, you will be barred from bringing your own lawsuit asserting individual claims related to the matters referred to in the class action lawsuit, and you will be bound by the judgment and release and all orders entered by the Court. Class members who do not make known their objections in

this manner will be deemed to have waived all objections and shall not be heard or have the right to appeal approval of the settlement.

### **WHAT IF I WISH TO BE EXCLUDED FROM THE SETTLEMENT?**

If you wish to be excluded from the Settlement, you must send a written Request for Exclusion to the Office of the Corporation Counsel; 100 Church Street; New York, New York 10007, stating your name, address, social security number, and the statement “Requests Exclusion from the Settlement Class in *Green et. al v. The City of New York et. al*, Case No. 05 Civ. 0429 (DLI)(ETB).” Requests for Exclusion must be signed and post-marked by August 29, 2008. If you exclude yourself from the settlement class, you will (i) not be bound by any settlement, judgment or disposition of this case; (ii) retain any claims you may have against defendants; and (iii) not share in the benefits of the settlement agreement.

### **IF I REMAIN A MEMBER OF THE CLASS, CAN I STILL BRING MY OWN LAWSUIT?**

**NO.** Unless members of the settlement class exclude themselves from the settlement class, they will be barred from bringing their own lawsuits against the City of New York, HRA or the current or former Commissioner of HRA concerning the Special Education or Early Intervention Related Service charges collected as part of Medicaid liens.

### **DOES CLASS COUNSEL THINK THAT THIS IS A GOOD SETTLEMENT?**

**YES.** Based on the uncertainties inherent in any litigation, and the value of the benefits provided to the members of the settlement class, Class Counsel believes that this settlement is fair and reasonable and that class members should accept it.

### **WILL THE COURT RULE ON THE FAIRNESS OF THE SETTLEMENT?**

**YES.** The hearing to determine if the proposed settlement is fair, reasonable and adequate will be held on September 10, 2008, at 9:30 a.m., in the Courtroom of the Honorable Dora L. Irizarry, United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201.

### **DO I HAVE TO ATTEND THE FAIRNESS HEARING?**

**NO.** You are not required to attend unless you are filing an objection, but you may do so if you wish.

### **WHAT IF I HAVE QUESTIONS?**

Any further questions that you may have concerning this Notice should be directed to Class Counsel, Adam D. Mitzner, Pavia & Harcourt LLP, 600 Madison Avenue, New York, New York 10022; (212)508-2404; or by logging on to [www.nyc.gov/html/hra](http://www.nyc.gov/html/hra) and clicking on the link entitled “Green Settlement”.

### **IS THERE MORE DETAIL IN THE COURT FILE?**

**YES.** The descriptions of the class action lawsuit and settlement agreement contained in this notice are only general summaries. All papers filed in this case, including the full settlement agreement, are available for you to inspect and copy (at your cost) at the office of the Clerk of the United States Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, during regular business hours. You must bring the name of the case and case number with you, because the Clerk will need to know this information in order to obtain the court file for you to inspect.