

## Q and A re: Class Action Settlement Checks

Settlement checks in *Merrill V. Briggs & Stratton Corp.*, Case No. 10-C-0700, previously pending in the U.S. District Court, Eastern District of Wisconsin, were mailed to class members, by Settlement Administrator, KCC, LLC on December 16, 2016. Here are answers to the questions some people have asked:

**Q:** Can class members expect future distributions or is this the only distribution they will receive?

**A:** As the enclosure letter states, the check is "your share of the class action settlement." There will be no further distributions; the check you received is your full share of the settlement; all settlement funds have been distributed.

**Q.** Why did some class member receive more than others?

**A.** Under the Plan of Allocation described in the notice provided to class members in the spring and approved by Judge Lynn Adelman in August, the largest portion of the Settlement Fund, "will be distributed so that each individual Class member's portion is based on a calculation of the ratio of *his or her out-of-pocket costs for medical services under the Briggs Medical Plan for himself or herself and his or her dependents from January 1, 2011 to July 31, 2016* to the total out-of-pocket costs for all Class #1 and Class #2 members over that time frame." (emphasis added). Thus class members received more if they had more out-of-pocket expenses while they were a member of a class.

There were also smaller portions of the settlement that were distributed to compensate those class members who paid premiums in 2010 and for future reduction of benefits which will be experienced by disabled Class 2 members who are not yet age 65.

**Q.** Why are some Briggs retirees not included in the class action settlement?

**A.** The action against Briggs and Stratton which was settled by the USW and named plaintiffs concerned changes Briggs made to retiree health insurance starting in August of 2010 for two classes of retirees under age 65, who retired prior to August 1, 2006: Class 1 which had 10 years fully paid insurance after 30 years of service and Class 2 who retired because of disability after ten years of service. Retirees who were not in either class were not part of the settlement. For example, those who retired after July 31, 2006, or who retired with less than 30 years of service and not for disability or those who retired before August 1, 2000 and had completed their 10 years of fully paid insurance or who turned 65 before August of 2010 are not in Class 1 or Class 2 and were not included in the settlement.

**Q.** Will class members receive tax forms for their settlement checks?

**A.** Certain disabled retiree Class 2 members who are not yet age 65 and receive settlement payments for future losses will be sent form 1099 for those future loss payments. We are not aware of any other class members who will receive tax forms. As the enclosure letter states, "[n]either Class Counsel nor the Claims Administrator can provide you with tax advice."

**Q:** My check is damaged or lost. How can I arrange for my check to be reissued?

**A:** Please write or email Nathan Eisenberg, The Previant Law Firm, S.C, Merrill v Briggs & Stratton Corporation Settlement, 310 West Wisconsin Avenue, Suite 100 MW, Milwaukee, WI 53203 or [nde@previant.com](mailto:nde@previant.com). He will contact KCC, which will determine if the check has been cashed and if not will arrange to stop payment and reissue the check.

**Q:** How can I arrange to change or correct the name as it appears on the check?

**A:** It is recommended the person requesting the name change check reissue **first** check with his or her financial institution and see what it requires to cash the check made out as it is. Every financial institution has a procedure for doing this, and they are accustomed to doing so. For example, where there has been a change in name on account of divorce or marriage, the financial institution can review the appropriate legal documents and process the check under the old name. Similarly, when the Class Member is deceased, the beneficiary can follow the financial institution's procedure to have the check deposited to the person's estate account.

If you have additional questions or have not been able to cash your payment, please write or email Nathan Eisenberg, The Previant Law Firm, S.C, Merrill v Briggs & Stratton Corporation Settlement, 310 West Wisconsin Avenue, Suite 100 MW, Milwaukee, WI 53203; [nde@previant.com](mailto:nde@previant.com).