

## **RETIREE HEALTH BENEFIT CLASS ACTION LAWSUIT NEWS**

As many of you know, in 2010 Briggs & Stratton announced changes in health insurance benefits for retirees with 30 years of service who retired before August 1, 2006 or who retired with disability pensions, in spite of its agreement with the Union to retain these benefits without change. Those changes went into effect on August 1, 2010 and more changes were implemented on January 1, 2011.

On August 16, 2010, United Steelworkers and retirees Michael Merrill, Gregory Weber, and Jeffrey Carpenter, on behalf of themselves and other similarly situated persons, filed a lawsuit in the U.S. District Court for the Eastern District of Wisconsin. The Complaint states that Briggs and Stratton and the USW negotiated that employees with 30 years of service who retired before August 1<sup>st</sup> of 2006 were eligible for full company paid medical, dental and vision benefits for up to 10 years but not beyond age 65 and that employees with 10 or more years of service who retired by reason of permanent and total disability were also eligible for company paid medical benefits.

The Complaint requested that the court certify a class consisting of retirees of Briggs and Stratton and their spouses and beneficiaries who retired from Briggs and Stratton facilities before August 1, 2006 with 30 years of service or disability pensioners with more than 10 years of service. The complaint seeks an injunction preventing Briggs' terminating or reducing insurance benefits, an award of retiree benefits and attorney's fees and costs. The case has been assigned to Judge Lynn Adelman.

In response, Briggs & Stratton Corporation and its group insurance plan filed a Motion to Dismiss on September 27, 2010 alleging that the collective bargaining agreement and the plan allow Briggs to modify or amend the level of insurance benefits provided to retirees. The Plaintiffs have filed a brief and declarations opposing the Motion to Dismiss. Briefing was completed on November 23, 2010. The court has not yet issued its decision on the Defendants' Motion to Dismiss.

If you are a disabled pensioner with 10 years or more of service or a retiree with 30 years of service who retired prior to August 1, 2006, you should keep copies of all records of medical charges and payments so that you can establish any damages you may have from the changes which Briggs made to health insurance on August 1, 2010 and again January 1, 2011.

Local 2-232 will update this website when Judge Adelman issues his decision on the Motion to Dismiss and thereafter from time to time to keep retirees informed of the status of the case.

Judge Adelman had ruled in favor of Briggs & Stratton and dismissed this lawsuit.

A Motion for Reconsideration was granted by Judge Adelman on August 24<sup>th</sup>, 2011.

**JUDGE ADELMAN GRANTS PLAINTIFFS' MOTION  
TO RECONSIDER AND REOPENS THE RETIREE HEALTH BENEFITS CASE**

On Wednesday, August 24, 2011, Judge Adelman granted the Motion for Reconsideration brought by the United Steelworkers and retirees Mike Merrill, Greg Weber and Jeff Carpenter and reopened the action brought against Briggs and Stratton for reducing retiree health benefits. The Court found that the collective bargaining agreement was ambiguous; while one provision stated health benefits "will be maintained during the term of this agreement," the provision which addressed health insurance for retirees "suggests that parties intended plaintiffs' benefits to vest" by providing benefits for periods exceeding the term of the collective bargaining agreement. Plaintiffs now look forward to completing discovery and pursuing their claims for violation of the collective bargaining agreement and ERISA.

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