

Oct 29 2018, 81028
Dear LLNL Retiree:

From May to November, has been a very busy time.

A New Judge:

Judge Hernandez retired from the bench at the end of 2017. Alameda Superior Court has assigned a new Judge to hear the case (Judge Winifred Y. Smith).

We have been back in Court (X)times this year for case management issues.

We are continuing two separate tracks.

One is the issue of damages, and the second is the obligation.

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I believe we can all agree that the primary reason for this action is that our medical benefits have been moved from a vested interest to a non-vested interest. This means that the benefit can be cancelled at any time, that the benefactor choses. This is not acceptable. Our benefit must continue for our lifetime.

The primary requirement is for the medical benefits to be returned to the UC as we were promised, as a vested interest. This is a matter that, apparently, is a conceived problem for the UC.

From the last status report

The Next Steps: The Order decertifying the class may be appealed to the Court of Appeal without waiting for a final judgment in the case. On January 17, 2018, the Petitioners file an appeal. Shortly thereafter, on January 31, 2018, the Petitioners asked the Court to expedite the appeal. The Court of Appeal granted the motion in part and set s short briefing schedule. The Petitioners' brief was filed on March 29, 2018.

An "E" mail, copy of the brief (60 pages) is available by request to (martycr@sbcglobal.net).

Request (80502 Appellants Opening Brief 3/29/18)

The Regents' brief was due on April 30, 2018, but was not filed. The Regents are trying to take advantage of a rule allowing a 15-day grace period if a brief is not filed on time. After the Regents file their brief, Petitioners will have 20 days within which to file a reply brief.

The Appeal: The Appeal will determine our next course of action. We are hopeful that the Court of Appeal will reverse the Order decertifying the class and direct the Alameda Superior Court to proceed with the class action. (The case is on hold in the Superior Court until the Court of Appeal makes a decision.)

We Are Continuing to Fight for You: In spite of the unfortunate ruling decertifying the class, we intend to follow every possible legal path to regain the lifetime benefits. The University promised these benefits. We are determined to do the right thing for retirees who spent their lives working at the Laboratory assuming they would get the benefits promised by the Regents.

The issue of damages continues to be a major issue. Our benefit does not include a COLA (cost of living adjustment) There has been a substantial increase since 2007, that we did not receive. How much continues to be an issue, and how to adjust for survivors' should be due. They must be also considered. We cannot forget any of the retirees that have passed on. The Lab can not be allowed to just wait us out. Yes we are getting older, but any amount of damages must be allowed to also go to the estates of any survivors.

Please Give What You Can. We must continue the fight! This battle has been going on since 2007 and we will continue, as long as possible. *Please give only what you can afford. Every contribution makes a difference. The Lab was built on the belief that we could make a difference. To limit our health care benefits because of a change in management is something we cannot accept. With your continued support, we will continue to press our case in the courts.*

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