

Week of Feb 3, 2014

Our attorneys have notified the Regents that they plan to file the motion to certify the class shortly. The Regents have told our attorneys that they want all documents in petitioners have that are related to retiree health benefits and that they want to take the deposition of each petitioner.

Although this will be a time-consuming process, the law allows the Regents to ask for these documents and take petitioners' depositions before the court rules on the motion to certify the class. Our attorneys have been gathering the documents from petitioners and they expect the Regents to schedule the depositions of petitioners before the motion to certify the class is heard.

Our attorneys also recommend we revise the class definition. Currently, the class is defined in the Second Amended Petition as:

All persons: (1) who were hired by the Regents to work at Lawrence Livermore National Laboratory ("Livermore Lab"); (2) who worked at Livermore Lab until they retired; (3) who at retirement met the eligibility requirements for University-sponsored retiree group health care coverage; (4) who began receiving University-sponsored retiree group health care at retirement; (5) whose University-sponsored retiree group health care was terminated by the Regents in or about 2007; and (6) who after that date received retiree healthcare through LLNS.

The new definition, which follows, is to make it clear that the class includes not only retirees but their surviving spouses and dependents as well:

All persons:

- (1) who are retirees of the University of California who worked at the Lawrence Livermore National Laboratory or its predecessors (collectively, "LLNL"), who were eligible for University-of-California ("University")-sponsored group health plan coverage at retirement, and who received University-sponsored group health plan coverage until the Regents terminated coverage in late 2007 or early 2008 in connection with transfer of LLNL's management to Lawrence Livermore National Security (LLNS); or
- (2) who are spouses, surviving spouses or dependents, who were eligible for University-sponsored group health plan coverage as a consequence of a University employee's retirement after working at LLNL or death while working at LLNL, and who received University-sponsored group health

plan coverage until the Regents terminated coverage in late 2007 or early 2008 in connection with transfer of LLNL's management to Lawrence Livermore National Security (LLNS).

Please note that neither the original nor revised definition includes anyone who retired after LLNS assumed responsibility for retiree medical benefits in late 2007 or early 2008.

Our attorneys have asked the Regents to agree to this change. If they will not agree, the attorneys will file a motion to amend the petition.