

8/21/15

### July August Update

On July 15, 2015, our attorneys filed briefs and related papers for the trial scheduled for September 11, 2015. The papers are available for your review on the UCLRG website.

Earlier, the court decided to conduct the trial in several phases. The first phase (on September 11, 2015) will involve two issues:

1. Were the Regents legally authorized to enter into bilateral contracts governing the employment relationship; and

2. Did the Regents enact legislation that clearly evinced a legislative intent to create private rights of a contractual nature enforceable against the governmental body

Generally, the court wants to consider evidence showing the Regents had the "legal authority" to enter into an implied contract and evidence that the Regents knew they would be legally bound if they offered health benefits during retirement.

The Regents will submit their brief on August 12, 2015. We then have the opportunity to submit our final brief on August 31, 2015. We will post the Regents' brief and our final brief on line when they are available.

If we win on these two issues, then the Regents have suggested that the court then consider three more issues:

3. Whether there is evidence showing "conduct on the part of the Regents and the individual class members that implies ... the offer and acceptance of mutual promises, creating a bilateral contract by implication; and

4. Whether there is evidence of an implied promise that retirees who worked at LLNL would be pooled together with all other UC retirees.

5. Whether there has been an "unreasonable" impairment of contractual rights.

The court may or may not accept the Regents suggestion. Most likely, the court's ruling on 1 and 2 will have an impact on the next phase of the trial.

### Next Steps

Our case was filed on August 11, 2010. When the Alameda Superior Court dismissed our case in May 2011, we appealed and won a significant victory in the Court of Appeal in December 2012. After the case was returned to the Alameda Superior Court, we amended the lawsuit to make it a class action covering all UC retirees who worked at LLNL. The Petitioners now represent approximately 4,500 retirees. (About 130 retirees decided not to be part of the class action.) The class was "certified" by the court on October 30, 2014.

Since the time the lawsuit was filed in 2010, our attorneys have spent well over 3,000 hours working on the case and have worked for much less than the "market" rate. To support this effort, we have raised more than \$375,000 and have paid more than \$40,000 to experts, court reporters and other service providers needed to support the lawsuit.

We do not know how long it will take to conclude this case. Regardless of how the court rules, there may be an appeal. Obviously, it has taken a huge amount of time, money and effort to challenge the Regents' decisions. But we will keep fighting as long as necessary to get justice for retirees who worked at the Lab.

### Who Are We?

We are an unusual group. We contributed to remarkable scientific achievements during our time at the Lab. We made a big difference toward a better world, cheaper and cleaner energy, better medical coverage and advancements in all fields. Now we face a new challenge – as a result of the Regents' terminating our University-sponsored group health coverage.

### Fund-raising / What You Can Afford

Your efforts to raise funds and keep fighting have been tremendous. Our Donors (you) have paid over \$420,000.00. so far. Without your support, we would never have gotten this far. We need your continued support at whatever level you can afford. We encourage everyone who can contribute \$30.00 a month to do so. Some can afford more; other less. Please just do what you can.

### E-mail Addresses

Please help us get e-mail addresses for all members of the class. At this point, we have approximately 1,000 e-mail addresses. There are approximately 3,573 members of the class that we do not have e-mail addresses for. It costs about \$2,000.00 to send a mailing to these 3,500 people. We can save a lot of money if you provide an e-mail address.

Please help, and we will continue

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