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Order Directing Provision of Notice to Class Members (WILLIAM A. WILLIS)

Alice D. Bonner
Superior Court of Fulton County

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COPY

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

WILLIAM A. WILLIS, *et al.*,	)(	
	)(	**CIVIL ACTION**
Plaintiffs,	)(	**FILE NO. 2007-CV-128923**
	)(	
v.	)(	
	)(	
EMPLOYEES RETIREMENT SYSTEM OF GEORGIA, *et al.*,	)(	
	)(	**CLASS ACTION**
	)(	
Defendants.	)(	
	)(	

FILED IN OFFICE
SEP - 4 2008
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

ORDER DIRECTING PROVISION OF NOTICE TO CLASS MEMBERS

Plaintiffs having moved the Court to provide notice to members of the class pursuant to O.C.G.A. § 9-11-23, and the Court having considered the matter, the Court finds and ORDERS as follows:

1) Defendants shall furnish to Plaintiffs' counsel immediately, to the extent they have not already done so, the following information in computerized form with respect to each class member:

(a) The names and addresses of all living class members, including designated beneficiaries and spouses of members of the Employees Retirement System ("ERS") who died in service;

(b) The names, Social Security numbers, and last known addresses of (i) all deceased ERS option plan retirees who retired on and between

members of the class certified in this action by this Court's Order dated August 27, 2007.[2]

Notice shall be mailed to all living class members at the addresses furnished by Defendants, and shall further be mailed to the last known addresses of all deceased individuals identified in the class description.

With respect to any mailings returned non-deliverable with forwarding or corrected addresses provided, the Notices shall be re-mailed to such corrected and forwarding addresses.

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[2] The Court's Order dated August 27, 2007 defines the class as follows:

> All member beneficiaries and beneficiaries designated by members pursuant to O.C.G.A. § 47-2-121, and the estates of both groups to the extent they can be identified and located by Plaintiffs' counsel, who are owed either back-pay of benefits or prospective future correction of benefits, or both, in accordance with the ruling of the Georgia Supreme Court in its Order of October 30, 2006, *Plymel v. Teachers Retirement System of Georgia,* 281 Ga. 409, 637 S.E.2d 379 (2006), which the parties acknowledge constitutes binding precedent in this action, establishing that ERS has calculated optional retirement benefits that were not actuarially equivalent to the benefits otherwise payable to those beneficiaries had they selected the maximum plan of retirement upon their retirements.
>
> The parties acknowledge that the class description set forth above is in the broadest terms, and that Defendants reserve and do not waive the defense of statute of limitations as to the class members identified herein. The form and the timing of notice to class members and the issue of payment shall be resolved by subsequent order of this Court.

The Notice has affixed a questionnaire requesting information regarding the heirs and estates of deceased retirees or beneficiaries to be completed and returned by recipients of notices mailed to deceased claimants. Upon receipt of completed questionnaires, the Notice shall be mailed to the additional addresses and persons identified therein.

3) In addition to the mailing specified above, Plaintiffs' counsel shall procure the assistance of a firm that regularly provides class action administration services to conduct a computerized database search (the "Search") to identify, to the extent reasonably practicable, the estate representative or a close relative of any deceased option plan retiree or deceased option plan beneficiary. Thereafter, a copy of the Notice shall be mailed to the estate representative, if identified, or to the close relative identified by the Search, if any such estate representative or close relative is so identified. If an estate representative is identified by the Search, the copy of the Notice shall be mailed to such estate representative. If no estate representative is identified by the Search, the copy of the Notice shall be mailed to at least one close relative identified, if such relative is identified by the Search. It is further provided that failure of the Search to identify an estate representative or a close relative shall in no way invalidate the propriety of the notice directed in this Order.

4) Plaintiffs' counsel shall, with the assistance of a firm that regularly provides class action administration services, create and administer an Internet website at which the Notice is posted.

5) Defendants are further ordered to post and maintain prominently, at a reasonable time to be agreed upon between the parties, on the Internet website of Defendant ERS, until further order of this Court, the following language, along with a computerized link to access a copy of the Notice:

> Pursuant to the Order of the Fulton County Superior Court in the class action case of *William A. Willis, et al., Plaintiffs v. Employees Retirement System of Georgia, et al., Defendants*, Civil Action File No. 2007-CV-128923, all interested persons may obtain a copy of the Legal Notice approved by the Court in this case either by accessing the link provided to this Notice on this website or by contacting _____.

6) In addition to the foregoing, notice to class members in substantially the same form identified in Exhibit B hereto will be published on two separate days, including a Sunday, in the ten (10) newspapers published in Georgia with the highest circulation in the State of Georgia.

7) A call center with toll-free calling access will be established and maintained by a firm that regularly provides class action administration services to provide information about the case to class members.

8) Plaintiffs' counsel may retain The Garden City Group, Inc. to assist with all requirements of notice set forth in this Order. The Court finds as a matter

of fact that The Garden City Group, Inc. is a firm that regularly provides class action administration services and is qualified and authorized to provide such services to Plaintiffs' counsel to carry out the requirements of this Order.

9) Plaintiffs' counsel shall, based upon information furnished to counsel by The Garden City Group, Inc., certify to the Court that the requirements of this order have been carried out. Plaintiffs' counsel shall provide such certification no later than ten (10) days before the final hearing in this action. Such certification by Plaintiffs' counsel shall satisfy any obligation on the part of Plaintiffs' counsel to identify and locate class members contained in the Order Certifying a Class dated August 27, 2007.

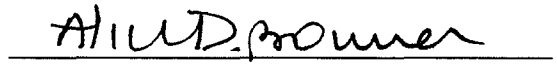
10) The costs of the notice provided for herein, whether provided by The Garden City Group, Inc. and/or any other firm or firms, shall be paid from the common fund. ERS shall advance these costs in an amount not to exceed $250,000.00, unless otherwise ordered by the Court, and the total advanced shall be deducted from the amounts ultimately to be paid to class members. The Court directs ERS within seven (7) days of this Order to issue a check payable to "The Garden City Group, Inc." in the amount of $25,000.00. The Court further directs ERS to pay within ten (10) days of its receipt from Class Counsel all invoices for services by The Garden City Group, Inc. In addition to the foregoing, ERS shall immediately and not later than seven (7) days after its receipt from Class Counsel

of an invoice pay the costs of any newspaper advertisement provided for in Paragraph 6, above.

11) The Court finds as a matter of fact that provision of notice as provided for herein is the best notice practicable under the circumstances within the meaning of and as required by O.C.G.A. § 9-11-23, and to the extent relevant, meets all constitutional requirements pertaining to notice.

12) The Court concludes as a matter of law that provision of notice as provided for herein fully complies with the requirements of O.C.G.A. § 9-11-23 and also fully satisfies the requirements of due process of law under the Constitutions of the State of Georgia and the United States of America.

SO ORDERED, this 4 day of Sept., 2008.



Alice D. Bonner, Senior Judge
Superior Court of Fulton County

March 1, 1992 and February 28, 2007; (ii) all deceased option plan beneficiaries, for all option plan retirees who retired on and between March 1, 1992 and February 28, 2007; and (iii) all deceased option plan beneficiaries (including surviving spouses, if applicable), for all persons who died in service on and between March 1, 1992 and February 28, 2007.

ERS shall also make available to counsel for the Plaintiff Class and to persons designated by counsel for the Plaintiff Class all information necessary to compile and to audit the information to be provided pursuant to the foregoing subparagraphs (a) and (b) of this Paragraph 1.

2) Pursuant to O.C.G.A. § 9-11-23(c)(2),[1] the Court orders that notice of the pendency of this action, in the form attached hereto as Exhibit A ("the Notice"), shall be mailed by Plaintiffs' counsel or Plaintiffs' designee(s) to

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[1] O.C.G.A. § 9-11-23(c)(2) provides that

> In any class action maintained under paragraph (3) of subsection (b) of this Code section, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that: (A) The court will exclude the member from the class if the member so requests by a specified date; (B) The judgment, whether favorable or not, will include all members who do not request exclusion; and (C) Any member who does not request exclusion may, if the member desires, enter an appearance through counsel.

12. What happens if I am currently receiving payments and I do nothing at all?
13. What if I am an heir or beneficiary of the estate of someone who received option-plan retirement benefits from ERS?
14. Why would I ask to be excluded?
15. How do I ask the Court to exclude me from the Class?

THE LAWYERS REPRESENTING YOU ..... PAGE 6

16. Do I have a lawyer in this case?
17. Should I get my own lawyer?
18. How will the lawyers be paid?

FUTURE PROCEEDINGS AND GETTING MORE INFORMATION ..... PAGE 6

19. When will the Court rule on the remaining issues in the case?
20. Are more details available?

BASIC INFORMATION

1. Why did I get this notice?

Records show that you currently receive option-plan retirement payments from the Employees Retirement System of Georgia ("ERS") or that you may be an heir or have in interest in the estate of someone who received payments from ERS. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court issues a final decision.

2. What is this lawsuit about?

The case is known as Willis, et al. v. Employees Retirement System of Georgia, et al., Civil Action No. 2007-CV-128923. The persons who sued are called the "Plaintiffs," and the parties being sued are called the "Defendants." Judge Alice Bonner in the Superior Court of Fulton County, Georgia is presiding over this class action.

The Plaintiffs claim that the Defendants violated Georgia law, breached contracts, and breached fiduciary duties when they failed to take the correct mortality tables into account and miscalculated-option plan retirement benefits. The Georgia Supreme Court has already ruled in another case raising the same issues but involving another state retirement system that the defendants in the other case failed to take correct mortality tables into account when calculating option-plan retirement benefits. The parties and the Court agree that the Georgia Supreme Court's rulings apply to this case. In light of the rulings, those retirees who selected an option plan retirement with ERS also generally were underpaid. In addition, the persons named to receive benefits after the retirees' deaths were underpaid if they survived the retirees who named them and received benefits. Also, beneficiaries of ERS members who died in service before retiring generally were underpaid. The estates of all of these persons also may be affected.

LEGAL NOTICE
SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA

If you are receiving benefit payments from the Employees Retirement System of Georgia (ERS), or if you are an heir or have an interest in the estate of someone who received benefit payments from ERS, a class action lawsuit may affect your rights.

A court authorized this notice. This is not a solicitation from a lawyer.

- Persons who retired as members of ERS and who decided to take a reduced benefit when they retired so that someone else could also receive a benefit after their death (an "option-plan retirement") have sued ERS for miscalculation of retirement benefits. The Court has already applied rulings from another case involving another state retirement system to conclude that ERS miscalculated and underpaid these benefits. If you are a class member, you may be entitled to receive both under-calculated past benefits and upward adjustments in the future unless your claims are restricted based upon a statute of limitations. The Court will be ruling soon about whether any statute of limitations restricts payments.

- Those who retired as members of ERS from March 1, 1992 through February 28, 2007 and who selected an option-plan retirement are affected by the miscalculations. In addition, persons are affected who were named to receive and did receive benefits after the deaths of these retirees, as well as persons who began to receive benefits during the period March 1, 1992 through February 28, 2007 because they were named as beneficiaries by members of ERS who died in service before retiring. The estates of any of these persons are also affected.

- The option-plan retirements are referred to as Option 1, Option 2, Option 3, Option 4, Option 5A, Option 5B and Option 6. All are included within the meaning of "option plan" as that term is used in this notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
IF YOU ARE RECEIVING PAYMENTS FROM ERS AND ARE WITHIN THE GROUP DESCRIBED ABOVE, YOUR RIGHTS AND OPTIONS INCLUDE:	**Do nothing**. Stay in this lawsuit and await the outcome. By doing nothing, you will receive both past underpayments to which you may be entitled, with interest to be determined by the Court, and related future upward adjustments of your retirement benefits, unless the Court rules that your rights are limited by a statute of limitations. If you do nothing, you will not be permitted to sue ERS separately about these matters, which are already being addressed in this case. **OR** **Ask to be excluded.** Get out of this lawsuit. If you ask to be excluded, you will not receive any money or benefits to which you may be entitled through this case. But, you keep any rights you would otherwise have to sue ERS separately about the same legal claims in this lawsuit.
IF YOU ARE AN HEIR OR HAVE AN INTEREST IN THE ESTATE OF SOMEONE WHO RECEIVED PAYMENTS FROM ERS AND WHO WAS WITHIN THE	**Provide contact information.** If you want to stay in the lawsuit and recover payments to which the estate may be entitled, you should complete the attached form to provide information so you can be contacted about money to which the estate may be entitled. By providing information, you will stay in this lawsuit and await the outcome and, if the estate is a class member, the estate will receive any money to which the Court has determined the estate is entitled except to the extent that the recovery may be limited by a statute of limitations. If you respond by

GROUP DESCRIBED ABOVE, PLEASE READ THIS INFORMATION CAREFULLY:	providing information, you also give up any rights to sue ERS separately on behalf of the estate about the same legal claims in this lawsuit. **OR** **Do nothing**. By doing nothing, you will stay in this lawsuit and await the outcome. If the estate in which you are interested is a class member and you don't provide contact information, you take a risk that you won't be located later if the Court determines the estate is entitled to a payment. If you do nothing, you also give up any rights to sue ERS separately on behalf of the estate about the same legal claims in this lawsuit. **OR** **Ask to be excluded.** If you ask to be excluded, you will not receive or share in any money to which the estate would otherwise be entitled through this case, but you keep any rights you would otherwise have to sue ERS separately on behalf of the estate about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before _____.

QUESTIONS? CALL 1-800-_____, WRITE THE GARDEN CITY GROUP AT _____ OR VISIT THE WEBSITE AT WWW._____.COM.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION ..... PAGE 3

1. Why did I get this notice?
2. What is this lawsuit about?
3. What is a class action and who is involved?
4. Why is this lawsuit a class action?

THE CLAIMS IN THE LAWSUIT ..... PAGE 4

5. What does the lawsuit complain about?
6. Has the court decided who is right?
7. What are the Plaintiffs asking for?
8. Is there any money available now?

WHO IS IN THE CLASS ..... PAGE 4

9. Am I part of this Class?
10. Are there exceptions to being included?
11. I'm still not sure I'm included.

YOUR RIGHTS AND OPTIONS ..... PAGE 5

3. What is a class action and who is involved?

In a class action, one or more people called "Class Representatives" (in this case, William Willis) sue on behalf of people who have similar claims. The people together are a "Class" or "Class Members." A single court resolves the issues for all Class Members, except for those who exclude themselves from the Class. The Superior Court of Fulton County has certified such a class. The Class Representatives will ask the Court to award appropriate fees for their services.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a final decision because it meets the requirements of Official Code of Georgia Annotated Section 9-11-23, which governs class actions in Georgia state courts. Specifically, the Court found that:

- There are several thousand persons within the class;
- There are legal questions and facts that are common to each of them;
- Mr. Willis and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts predominate over any questions affecting only individual members; and
- This class action is superior to other available methods for the fair and efficient adjudication of this controversy.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying a Class, which is available at the website at www._____.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

The Plaintiffs claim that the Defendants violated Georgia law, breached contracts, and breached their fiduciary duties when they failed to take correct mortality tables into account and miscalculated and underpaid retirees benefits associated with option-plan retirements. You can read the Plaintiffs' Class Action Complaint at the website at www._____.com.

6. Has the Court decided who is right?

The courts have ruled in another case involving a different retirement system that that system violated Georgia law by failing to take correct mortality tables into account and under-calculating payments and under-paying beneficiaries. You can read the Opinion of the Supreme Court of Georgia in the other case at the website at www._____.com. The rulings in that case have been made applicable to this case.

7. What are the Plaintiffs asking for?

The Plaintiffs are asking that ERS pay Class Members the difference between the benefits received based on ERS' improper calculations and the benefits that should have been received. The Plaintiffs are also asking that ERS pay interest on the repayments and that any future benefits payable to Class Members be calculated using the correct mortality tables.

8. Is there any money available now?

No money or benefits have been made available now. The Court has not yet decided whether and to what extent, if at all, the past due benefits and future adjustments that some Class Members will receive may be limited by a law called the statute of limitations. The Plaintiffs in the case are requesting that the Court not limit your entitlement at all for the period since 1992. ERS is asking the Court to limit the money it must pay some Class Members based upon the statute of limitation. The Court will be ruling on ERS' request to limit the payments based upon this statute.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

9. Am I part of this Class?

The Court decided that persons who retired as members of ERS and who selected an option-plan retirement in the period March 1, 1992 through February 28, 2007 are affected by the miscalculations. In addition, persons are affected who were named to receive and did receive benefits after the deaths of these retirees, as well as persons who began to receive benefits during the period March 1, 1992 through February 28, 2007 because they were named as beneficiaries by members of ERS who died in service before retiring. The estates of any of these persons are also affected. All of these are members of the Class.

10. Are there exceptions to being included?

You are not included in the lawsuit if you retired as a member of ERS and have always had the "maximum plan retirement" since you retired.

11. I'm still not sure I'm included.

If you are not sure whether you are included in the Class, you may call 1-800-_____ with questions or you may write The Garden City Group at _____ or you may review additional documents at the website at www._____.com.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the final decision, and you have to decide by _____.

12. What happens if I am currently receiving payments and I do nothing at all?

You don't have to do anything to keep receiving the payments ERS is currently paying you. By doing nothing, you are staying in the Class and will be notified about the amount of ***additional*** money you will receive, unless the Court rules that your claim is barred by a statute of limitations. Any attorneys' fees or costs will be paid only from the amounts awarded for ***additional*** benefits you receive, and will not be deducted from what you are currently receiving from ERS. How attorneys' fees and costs will be deducted from this additional money is explained in paragraph 18, below. If you do nothing, you will be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

13. What if I am an heir or have an interest in the estate of someone who received option-plan retirement benefits from ERS?

If you are an heir or have an interest in the estate of someone who received option-plan retirement benefits from ERS, fill out the attached form and provide your name, address, and telephone number and the requested identifying information for the ERS member so that you can be contacted if and when money becomes available to which the estate may be entitled. If you do not respond, you may be bound by the Orders and judgments in the case and unable to receive benefits later. You may also ask to be excluded from the lawsuit as described in this Notice.

14. What happens if I ask to be excluded?

If you exclude yourself from the Class – which is sometimes called "opting-out" of the Class – you won't get any money or benefits from this lawsuit. However, you may then be able to sue ERS separately, depending upon the application of the statute of limitations to your claim. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action. Because a statute of limitations may apply, if you decide to opt-out, you should consult with another lawyer soon.

You should understand that even if you opt-out of this case and get a separate lawyer to represent you, attorneys' fees will still be deducted and paid from your benefits to Class Counsel, as explained in paragraph 18, below.

If you start your own lawsuit against ERS after you exclude yourself, in addition to having the fees of class counsel deducted from your recovery, you will also have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims.

15. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an "Exclusion Request" in the form of a letter sent by mail, stating that you want to be excluded from Willis, et al. v. Employees Retirement System of Georgia, et al. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by _____, to The Garden City Group at _____.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that the law firms of Davis, Forehand & Lawson of Cordele, Georgia, Cook & Connelly of Summerville, Georgia and Rogers & Hardin of Atlanta, Georgia are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar class action cases.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, you may choose to hire a different attorney to make an appearance on your behalf in this case or to represent you if you choose to opt-out. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you. But even if you do get your own lawyer, the fees and costs of Class Counsel will still be deducted from any benefits you may receive, as explained below.

18. How will the lawyers be paid?

Class Counsel will ask the Court to award a percentage of the total amount that is owed because of this class action, including the value of future correctly calculated benefits, for attorneys' fees and reimbursement of expenses, plus a payment to be awarded to the Class Representatives. If the Court grants Class Counsel's request, the fees, expenses, and any payment to class representatives, would be deducted from any money obtained for the Class. If you elect to opt out of the class, any recovery you obtain will remain subject to payment of attorneys' fees to Class Counsel. *See Barnes v. City of Atlanta*, 281 Ga. 256, 637 S.E.2d 4 (2006).

FUTURE PROCEEDINGS AND GETTING MORE INFORMATION

19. When will the Court rule on the remaining issues in the case?

The Superior Court has scheduled a further hearing in the case for _____. It is not certain at this time whether or not the hearing will result in a final judgment and the hearing could be re-scheduled to another date. After a final judgment, the final resolution of the case could be delayed if either the Plaintiffs or the Defendants were to appeal. Therefore, the time at which money will be available to be distributed to those who should receive it can't be predicted with certainty.

20. Are more details available?

You may speak to someone about this case by calling 1-800-_____ or you may write The Garden City Group at _____ or you may visit the website at www._____.com.

IF YOU BELIEVE THAT YOU ARE AN HEIR OR HAVE AN INTEREST IN THE ESTATE OF SOMEONE WHO RECEIVED OPTION-PLAN RETIREMENT PAYMENTS FROM ERS, PLEASE COMPLETE THE FOLLOWING INFORMATION SO YOU MAY BE CONTACTED IF AND WHEN MONEY IS AVAILABLE TO BE DISTRIBUTED TO THOSE WHO ARE ENTITLED TO PAYMENTS. YOU SHOULD RETURN THE COMPLETED FORM POSTMARKED BY _____ TO:

The Garden City Group

_____

_____

_____

_____

Your Full Name

_____

Name Of The Retiree Or Beneficiary Who Received Option-Plan Benefit Payments (and any other names by which this person may have been known)

_____

Social Security Number Of The Retiree Or Beneficiary Who Received Option-Plan Benefit Payments

_____

Approximate Retirement Date Of The Retiree Or Beneficiary Who Received Option-Plan Benefit Payments (if known)

_____

Your Relation To The Retiree Or Beneficiary Who Received Option-Plan Retirement Benefits From ERS

_____

Your Mailing Address

_____

City

_____

State & Zip Telephone Number

LEGAL NOTICE

Are you receiving payments from the Employees Retirement System of Georgia? Are you an heir or do you have an interest in the estate of someone who received payments from the Employees Retirement System of Georgia before his or her death?

A court authorized this notice. This is not a solicitation from a lawyer.

If so, you may be affected by a class action lawsuit in which the Court has ruled that the Employees Retirement System of Georgia ("ERS") miscalculated and underpaid retirement benefits.

The lawsuit is called *Willis, et al. v. Employees Retirement System of Georgia, et al.*, No. 2007-CV-128923, and is pending in the Superior Court of Fulton County, Georgia. The Court decided this lawsuit should be a class action on behalf of a "Class," or group of people, that could include you. This notice summarizes your rights and options before a final hearing on the issues in the case. For more information, you should obtain and review a copy of the detailed notice that is available on-line at the website at www._____.com or by calling 1-800-_____. If you're included in the Class, you have to decide whether to stay in the Class and be bound by whatever results, or ask to be excluded and keep your right to sue ERS. **There is no money available now. Any amounts to be paid will be determined later.**

ARE YOU INCLUDED?

Persons who retired as members of ERS during the period March 1, 1992 through February 28, 2007 who decided to take a reduced benefit when they retired so that someone else could also receive a benefit after their death (an "option-plan retirement") are affected by the lawsuit. In addition, persons are affected who were named to receive and did receive benefits after the deaths of these retirees, as well as the estates of both the retirees and of the persons named to receive benefits after their deaths. Also, persons are affected who began to receive benefits during the period March 1, 1992 through February 28, 2007 because they were named as beneficiaries by members of ERS who died in service before retiring.

WHAT IS THIS CASE ABOUT?

Plaintiffs contend in the lawsuit that ERS miscalculated payments to retirees who decided to take an option-plan retirement, to persons the retirees named as their beneficiaries, and to persons who received benefits after a member died in service before retiring. ERS has agreed and the Court has ruled that ERS miscalculated and underpaid these benefits by failing to use the correct mortality tables when calculating option-plan retirement benefits. As a result, a number of retirees and beneficiaries have received lesser benefits since 1992 than they are and were entitled to receive. The Court may restrict some of the money ERS would otherwise owe some Class Members based upon laws called statutes of limitations. The Court will soon rule on this issue.

WHO REPRESENTS YOU?

The Court approved Davis, Forehand, & Lawson of Cordele, Georgia; Cook & Connelly of Summerville, Georgia; and Rogers & Hardin of Atlanta, Georgia to represent you as "Class Counsel." You don't have to pay Class Counsel, or anyone else, to participate. Regardless of what you elect to do, no fees or costs will be deducted from benefits you are currently receiving from ERS. Instead, Class Counsel have asked the Court for attorneys' fees and costs to be paid out of money determined to be owed to Class members as a result of this lawsuit, before that additional money is distributed to the Class. You may hire your own lawyer to appear in court for you; if you do, you have to pay that lawyer, in addition to having the fees and costs of Class Counsel deducted from additional money you may receive from ERS. William Willis is a Class member like you, and the Court accepted him as the "Class Representative." He will be asking the Court to pay him an appropriate award for his services.

WHAT ARE YOUR OPTIONS?

You have a choice of whether to stay in the Class or not, and **you must decide this by _____**. If you stay in the Class, you will be legally bound by all of the Court's orders and judgments, and you won't be able to sue, or continue to sue, ERS – as part of any other lawsuit – to recover any payments owed you because of ERS' miscalculations of benefits that occurred since 1992. If it is determined that you are owed money, you will receive a check. To stay in the Class, you do not have to do anything now except that, if you believe you are an heir or have an interest in the estate of someone who has received benefits and who may have been a Class member if living, you

should fill out and return the form that is part of the detailed notice available by _____.

If you ask to be excluded from the Class, you cannot get any money or benefits from this case, but you will keep any right to sue ERS for these claims, now or in the future. Even if you ask to be excluded, the fees and costs of Class Counsel would be deducted from what you may receive. To ask to be excluded, send a letter to The Garden City Group at _____, postmarked by _____, that says you want to be excluded from *Willis, et al. v. ERS, et al.* Include your name, address, and telephone number.

HOW CAN YOU GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit the website at www._____.com; call 1-800-_____or write to The Garden City Group at _____.