

Washington State Patrol Veterans Preference Litigation
Martin v. the State of Washington et al., 14-2-00016-7 (Wash. Super. Ct.)

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

If you were a Washington State Patrol commissioned employee (Trooper, Sergeant, or Lieutenant) or applied to work for the Washington State Patrol as a Trooper prior to January 1, 2013

You could receive benefits from a class action settlement.

A Washington state court has authorized this Notice.

If you take no action, you will be bound by the Settlement. Your rights will be impacted.

- Washington State Patrol employees have sued Washington State and certain other Defendants alleging that they and other similarly situated Washington State Patrol (“WSP”) employees and applicants for employment were denied the veteran preference that they were entitled to under state law in the WSP’s hiring and promotion process prior to January 1, 2013.
- The Court has determined that the lawsuit can proceed as a class action on behalf of current and former Washington State Patrol troopers who worked for the Washington State Patrol or applied to work for the Washington State Patrol as a Trooper prior to January 1, 2013.
- The parties in this lawsuit have agreed to settle the case. The Court has preliminarily approved the settlement as a fair and reasonable compromise of the claims, but has made no determination about the Defendants’ liability or responsibility by the court. Your legal rights may be affected, and you have choices to make now.
- The Court has preliminarily approved the Settlement. In order for the Settlement to become final and any payments to be distributed, the Court will need to issue final approval after a final approval hearing, which is currently scheduled for September 29, 2017.

PLEASE READ THIS NOTICE CAREFULLY. IF YOU ARE A MEMBER OF THE CLASS, THIS SETTLEMENT WILL AFFECT YOUR RIGHTS.

A SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS	
Do Nothing.	If you have already been identified by the parties as a Class Member and you do nothing, you will receive the payment that you may be entitled to receive under the Settlement.
Challenge Defendants’ Data.	Depending on your circumstance, you may submit one or more of three types of challenges: * Establish Your Membership in the Class: If you did not receive a personalized worksheet, but believe you are a member of the Class, you must submit a challenge to demonstrate your membership in the Class (as described in Section 10 below) to receive any payment under the Settlement. * Challenge Data Used to Calculate Payments to Employee Class Members: If you received a personalized worksheet and you disagree with the data, you can submit a challenge to that data. * Challenge Data to Correct Hiring/Promotion Dates For Employee Class Members: If you are not among the Employee Class Members for whom Defendants agreed to correct hiring or promotion dates (as described in Section 10), you may submit a challenge to establish your right to have those dates corrected. All challenges must be submitted to the Notice Administrator by August 28, 2017.
Exclude Yourself.	You can exclude yourself, or “opt out” from this lawsuit, and the proposed Settlement. This means that you will not participate in the Settlement and will keep any rights that you may have to pursue claims against the Defendants separately. Any claims that you may have against the Defendants may be subject to an applicable statute of limitations, so you should consult an attorney about them promptly if you choose to opt out of the lawsuit. To opt out, you must submit a timely request to opt out by August 28, 2017.
Object.	If you are not satisfied with the terms of the proposed Settlement, then you may inform the Court about your views by filing a written objection with the Court in accordance with the procedures set forth in this Notice. You may also appear in Court to explain why you do not like the proposed Settlement. You are allowed to object to the proposed Settlement even if you submit a challenge to demonstrate your membership in the Class, the personnel information used to calculate your payment under the Settlement, or your hiring or promotion date. You cannot, however, opt out and object to the proposed Settlement. In order to object to the settlement, you must submit your objection by August 28, 2017.

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BASIC INFORMATION

1. Why Did I Get This Notice?

If you received this Notice along with a personalized worksheet, you have been identified by the parties as a Class Member in a lawsuit known as *Martin v. The State of Washington et al.*, 14-2-00016-7 (Wash. Super. Ct.) in which Plaintiffs challenge the Washington State Patrol's ("WSP") failure to provide WSP applicants and employees with a veteran preference in the hiring and promotion process prior to 2014 and alleged violations of federal and state law.

The purpose of this Notice is to inform you about this lawsuit, the certification of a Class, the terms of the proposed Settlement, and your rights in connection with the proposed Settlement and a hearing to be held before the Court on September 29, 2017 to consider the fairness, reasonableness, and adequacy of the proposed Settlement and related matters.

This Notice also describes the steps necessary for individuals to identify themselves as Class Members (if they have not already been identified as Class Members by the parties), to challenge the personnel information used to calculate their payments under the Settlement, or to challenge their hiring dates or promotion dates, should the Court approve the proposed Settlement, as well as those steps that must be taken by any Class Members who wish to be excluded from the Class.

2. What Is This Lawsuit About?

Washington state law requires state agencies like the Washington State Patrol to give veteran preference points to eligible honorably discharged military veterans. Washington state and federal law also require the WSP to (a) give veteran preference promotion points to eligible individuals who leave their employment with WSP, serve in the military, and then return to the WSP; and (b) adjust the servicemember-employee's probationary period start/end date to account for their military leave; and (c) not adjust a servicemember-employee's military leave in a manner contrary to the state law leave requirements.

The lawsuit alleges that the WSP failed to follow the above-referenced laws and seeks compensation and other relief for current and former WSP Troopers, Sergeants, and Lieutenants and for applicants for the position of Trooper at the WSP (or their surviving spouses or heirs), who were harmed by the WSP's alleged violations of the laws. All of the claims in this lawsuit – which are brought under the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA") and the federal Due Process Clause of the United States Constitution – are described in detail in the Second Amended Complaint in this lawsuit, which is available at www.wspveteranlitigation.com.

3. What Is a Class Action?

In a class action, one or more people called Plaintiffs bring a lawsuit on behalf of people who the court finds have similar claims. When a class is certified, the Court appoints a person, called the Class Representative, to represent and act on behalf of the class. These people, considered members of the same Class, are called Class Members. In a class action, one court resolves the case for all Class Members, except for those individuals who exclude themselves from the Class. Here the Class Representatives are Christina Martin, Jason Longoria, Charles Arnold, John Sager, Darrel Nash, Erik Thomas, Darin Foster, and Luis Gonzalez.

4. Who Is in the Class in This Class Action, and How Do I Know if I Am a Class Member?

On June 9, 2017, the court overseeing this lawsuit – the Spokane County, Washington, Superior Court – certified a Class of current and former Washington State Patrol employees and applicants to the Washington State Patrol. The Class is defined in the following manner:

- (1) individuals who, prior to January 1, 2013, applied for employment in the position of Trooper with the Washington State Patrol or were employed by and applied for a promotion to a higher-ranking position of employment within the Washington State Patrol, including a position with the rank of Sergeant, or Lieutenant; and
- (2) individuals who were eligible to receive a veteran preference pursuant to RCW 41.04.010(1)-(3) with respect to such application for a position of employment or application for a promotion to a higher-ranking position of employment; and
- (3) individuals who on one or more occasions did not receive such veteran preference in connection with such application for a position of employment or for a promotion to a higher-ranking position of employment.

Under the Settlement, this Class is divided into two categories for the purpose of determining the relief that will be provided to eligible Class Members: (1) Employee Class Members, who were employed by the WSP as commissioned employees before January 1, 2013, and (2) Applicant Class Members, who applied to work for the WSP as commissioned employees but were never hired or employed by the WSP as commissioned employees before January 1, 2013.

The parties in this lawsuit have identified 769 Employee Class Members and 109 Applicant Class Members who meet the definition of the Class certified by the court, but the class is not limited to those persons. If you received this Notice in the mail (without requesting that the Notice be mailed to you), you are one of the Class Members who has previously been identified by the parties. If you would like to confirm that you are a Class Member, please contact the Notice Administrator using the contact information provided in Section 22, below.

If you have not been previously identified by the parties as a Class Member, you may still be a Class Member and be entitled to a receive payment or other benefits under the Settlement. However, if you have not already been identified as a Class Member, you

must submit a challenge to demonstrate your membership in the Class in order to receive any payment or other benefits under the Settlement.

5. Why Is There a Settlement?

The Court did not decide in favor of Plaintiffs or the Defendants. Instead, both sides agreed to the proposed Settlement to avoid a trial and to provide compensation to the Class Members. In deciding to settle the lawsuit, the Class Representatives and Class Counsel considered, among other things, (a) the strength of the Class's claims as determined from a review of the law and an investigation of the facts; (b) the potential monetary recovery; (c) the expense and length of continued proceedings, including possible trial and post-trial proceedings and appeals, necessary to prosecute the lawsuit; (d) the risks arising from the existence of unresolved questions of law and fact; (e) the nature and strength of defenses asserted by and available to Defendants, including defenses regarding the timeliness of many of the claims; and (f) the risks and uncertainties of continued class action litigation of this nature. The Class Representatives and Class Counsel believe that the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class.

6. How Do I Know if I Am Part of the Settlement?

If you are a member of the Class described in Section 4, above, you are part of the proposed Settlement. If you did not receive a copy of this Notice directly, you may still qualify as a Class Member if you submit a challenge to demonstrate your membership in the Class. If you aren't sure about your status as a Class Member, then you can contact the Notice Administrator at the address identified in Section 22. You can also contact Class Counsel, whose contact information is listed below in Section 12, if the Notice Administrator is unable to answer your question.

THE PROPOSED SETTLEMENT – ESSENTIAL TERMS

7. What Are the Terms of the Proposed Settlement?

The proposed Settlement requires the State of Washington to (1) pay \$13 million to compensate Class Members for the denial of the veteran preference in the WSP's hiring and promotion process and other violations alleged by the Plaintiffs, and also (2) to correct the hiring dates and/or promotion dates for certain Employee Class Members who were impacted by the failure to provide the veteran preference in the hiring or promotion process, and for such Employee Class Members make additional payments so that that these individuals receive increased retirement benefits. The increased retirement benefits are estimated to be worth in aggregate up to \$2 million, and will be paid through contributions to the retirement fund.

The \$13 million will be used to compensate Employee Class Members and Applicant Class Members, as well as to pay the attorneys' fees and expenses of Class Counsel, service awards for the Named Plaintiffs, and certain costs of administering the Settlement (including costs of a professional Settlement Administrator and the hiring of a Special Master to resolve backdating challenges). The payment that each eligible Class Member will receive from the \$13 million settlement fund will be determined by a Plan of Allocation that Class Counsel has recommended and must be approved by the Court. The proposed Plan of Allocation is summarized in Section 9 below, and a full Plan of Allocation can be found at www.wspveteranlitigation.com.

Defendants will correct the hiring dates and/or promotion dates of eligible Employee Class Members (*i.e.*, backdating the hiring dates or promotion dates), which may increase or improve eligible Class Members' seniority, wages, benefits, and/or promotion opportunities in the future.

For any Employee Class Members whom Defendants have either agreed to correct hiring or promotion dates or the Special Master determines that the hiring dates must be corrected, Defendants will also correct service dates for their pension/retirement benefits. For those Employee Class Members, Defendants will make any necessary pension contributions for employer contributions as well as any interest payments assessed by the Department of Retirement Services (whether the interest is based on employee or employer contributions).

As Defendants contend that an employee contribution must be made in order to receive the retirement benefits, Class Counsel have agreed to reserve at least \$65,000.00 – which represents the amount of employee contributions for the 136 Employee Class Members whom Defendants have agreed to adjust their pension service credit – of the \$13 million to pay the employee share of the pension contributions; however Class Counsel may reserve an additional amount to pay all or some of the employee contributions of other Employee Class Members who successfully challenge their hiring or promotion dates (*i.e.*, as provided in Section 10). To the extent that there is an insufficient amount in the reserve to cover the employee pension contributions for Employee Class Members whose challenge established their right to adjusted pension service credit, Washington State may issue a bill for the employee pension contribution.

Finally, in the future the WSP has agreed to provide veteran preference examination points, in accordance with and so long as consistent with Washington state law, to the competitive examination for promotion to Lieutenant where the applicant: (1) was called to active military service from employment with Washington state or any of its political subdivisions or municipal corporations; and (2) has not received the veteran preference on any other promotional examination taken in connection with employment with Washington state or any of its political subdivisions or municipal corporations; and (3) the promotion to Lieutenant is the first promotion the applicant has sought since the applicant was called to active military service from employment with Washington state or any of its political subdivisions or municipal corporations.

Programmatic Relief

8. What Steps Will the Washington State Patrol Take to Ensure That Eligible Veterans Receive the Benefits of the Veteran Preference in the Future?

Washington State has represented that as of January 1, 2014, the Washington State Patrol began to provide the veteran preference mandated by Washington state law to eligible applicants and employees in the hiring and promotion process, and the WSP continues to provide the veteran preference to eligible applicants and employees. Washington state law will continue to require the WSP to apply the veteran preference to any eligible individuals in the future.

In addition, under the Settlement the Defendants will correct the hiring dates and/or promotion dates of eligible Employee Class Members (*i.e.*, backdating the hiring dates or promotion dates), which may increase eligible Class Members' seniority, wages, benefits, and/or promotion opportunities in the future.

In an attachment to this spreadsheet, you will receive information on the hiring date or promotion date that the Washington State Patrol has agreed to apply to you in the future, and for many Employee Class Members that hiring or promotion date is earlier in time than your current hiring date or promotion date. As described in Section 10, Employee Class Members will have the opportunity to challenge their hiring dates or promotion dates by submitting information and having a neutral Special Master decide whether your hiring date or promotion date should be earlier in time. The Washington State Patrol will follow all determinations made by the Special Master. If an Employee Class Member does not challenge his or her hiring date or promotion date under the procedures described in Section 10, he or she will not have another opportunity in the future to object to his or her hiring date or promotion date due to the denial of veteran preference.

In the future, the WSP also will apply veteran preference examination points, in accordance with and so long as consistent with Washington state law, to the competitive examination for promotion to Lieutenant where the applicant: (1) was called to active military service from employment with Washington state or any of its political subdivisions or municipal corporations; and (2) has not received the veteran preference on any other promotional examination taken in connection with employment with Washington state or any of its political subdivisions or municipal corporations; and (3) the promotion to Lieutenant is the first promotion the applicant has sought since the applicant was called to active military service from employment with Washington state or any of its political subdivisions or municipal corporations.

Compensation for Class Members

9. How Can I Receive Compensation Under the Settlement, and How Much Compensation Can I Receive?

Class Members who have previously been identified by the parties in this lawsuit do not need to do anything in order to receive compensation under the proposed Settlement. (If you received this Notice along with personalized materials, you have been identified as a Class Member. If you are not certain, you can contact the Notice Administrator to confirm that you were previously identified as a Class Member).

If you believe that you meet the Class definition but were not identified as a Class Member you must submit challenges to demonstrate membership in the Class to receive compensation under the Settlement. The way to submit such a challenge is described in Section 10 below.

If you are an Employee Class Member, but disagree with the data in your personalized worksheet, you may challenge the personnel information used to calculate your payment under the Settlement or may challenge the their hiring dates or promotion date as described in Section 10 below.

Eligible Class Members will be compensated in the following manner.

A. Payments from the \$13 Million Settlement Fund

Class Members will receive payments from the \$13 million Settlement Fund – after payment of the attorneys' fees and expenses, service awards for the Class, and certain costs of administering the Settlement, including the costs of a professional Settlement Administrator and the hiring of a Special Master to resolve backdating challenges, *i.e.*, the "Net Settlement Fund." The Net Settlement Fund shall be distributed based on the proposed Plan of Allocation, which will be recommended by Class Counsel and approved by the Court, and which can be found on the Settlement Administrator's website, www.wspveteranlitigation.com, and which is described below.

Under the Plan of Allocation, each Applicant Class Member will receive \$5,000. This figure is slightly more than the average amount of potential damages, as calculated by Plaintiffs' expert economist, for the Applicant Class Members for whom data was available.

Under the Plan of Allocation, each Employee Class Member will receive a share of the remaining Net Settlement Fund based on the amount of his or her Recognized Claim and based on the year that the Class Member's claim accrued. (A claim accrues at the time that the Class Member was denied the veteran preference or was otherwise subjected to adverse action challenged in this case.)

The amount of each Employee Class Member's Recognized Claim will be determined based on the calculations that Plaintiffs' expert made by applying a Class Counsel's damages methodology and personnel information provided by Defendants. The damages methodology was developed by Class Counsel to identify the amount of wages and benefits each Class Member was denied due to the denial of the veteran preference in hiring or promotion or due to other actions challenged in this lawsuit. The damages methodology can be found on the Settlement Administrator's website, www.wspveteranlitigation.com. If an Employee

Class Member makes a successful challenge to the personnel information that was used to calculate his or her Recognized Claim, his or her Recognized Claim amount will be adjusted in light of the more accurate or reliable personnel information provided by the Employee Class Member.

For certain Class Members, their Recognized Claim amount will be reduced by 50% or by 75% due to serious timeliness defenses that the Defendants have raised with respect to Class Members' claims that accrued on or before October 9, 2004. (Claims that accrued between December 12, 1994 and October 9, 2004 will be reduced by 50% and claims that accrued before USERRA became effective on December 12, 1994, will be reduced by 75%; claims that accrued on or after October 10, 2004 will not be discounted at all.) Once these reductions occur for the claims that face serious timeliness defenses, each Employee Class Member will receive a pro rata share of the Net Settlement Fund – after the subtraction of the payments made to the Applicant Class Members – based on the amount of his or her Recognized Claim (with any discount) compared to the overall amount of Recognized Claims (after the discounts) of all Class Members who do not opt out.

Finally, Class Counsel will ask the Court to award service awards to each of the Named Plaintiffs. The amount of the service awards will be approved by the Court and paid from the \$13 million Settlement Fund. The proposed service awards would recognize the service the Named Plaintiffs provided here, including their participation in the prosecution and settlement of this case. Other than these service awards, the Named Plaintiffs will receive payments like other Class Members based on their Recognized Claims that have been calculated by Plaintiffs' expert and subject to the discounting of Recognized Claims depending on the date that their claims accrued.

B. Additional Contributions to Employee Class Members' Retirement Accounts

The State of Washington will make additional employer and interest contributions to affected Employee Class Members' retirement accounts to correct the pension service credits for these Employee Class Members who were impacted by the failure to provide the veteran preference in the hiring or promotion process. Class Counsel's expert estimates that these contributions would be worth approximately \$2 million (if provided to all eligible Employee Class Members). Defendants have not agreed that all Employee Class Members will automatically receive such adjusted service credits or pension contributions, and have only agreed to make adjustments for the Employee Class Members identified on Schedule 2 of the Settlement Agreement and certain Employee Class Members identified on Schedule 3 (both of which can be found at www.wspveteranlitigation.com). **Those persons also received an addendum along with this Notice.** The Employee Class Members for whom Defendants have not agreed to adjust the hiring date or promotion date will have the opportunity to challenge his or her correct hiring date or promotion date. A neutral Special Master approved by the Court will decide whether each Employee Class Member's hiring date or promotion date should be adjusted. If an Employee Class Member prevails in such a challenge to his or her hiring date or promotion date, Defendants will make a corresponding pension contribution to the person's retirement account based on the revised hiring date or promotion date.

10. How Can I Demonstrate My Membership in the Class or Challenge the Data Used to Determine My Payment or My Hiring Date or Promotion Date?

There are several types of challenges that Class Members may submit to become eligible to receive payments or other benefits under the Settlement or to increase the payments or benefits that they are already eligible to receive. These procedures are summarized below, but the detailed procedures for submitting these challenges can be found at www.wspveteranlitigation.com.

Persons Who Want to Submit a Challenge to Establish Membership in the Class

Individuals who have not previously been identified by the parties as Class Members may submit challenges to the Settlement Administrator to demonstrate that they are, in fact, members of the Class. To demonstrate their membership in the Class, Class Members should submit any records or documentation, as well as a personal statement or declaration, to establish the following:

- (1) you applied to work as a Trooper or applied for a promotion to Sergeant or Lieutenant at the WSP; and
- (2) you served in the military prior to applying for a Trooper position or for a promotion to Sergeant or Lieutenant at the WSP, including when you served in the military, the branch of the military the person served in, and whether you were employed by the WSP or another state agency at the time of each period of military service); and
- (3) you did not receive the veteran preference at the time of your application for a WSP Trooper position or for a promotion to Sergeant or Lieutenant at the WSP.

The deadline to submit such a challenge is August 28, 2017. The Challenge should be submitted to:

Washington State Patrol Veterans Preference Litigation
Notice Administrator
ATTN: Membership-in-Class Challenge
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

If you successfully demonstrate your membership in the Class, you will be eligible to receive the same payments and other benefits of the Settlement as Class Members who have previously been identified by the parties.

Employee Class Members Who Want to Challenge Washington State’s Personnel Data

Employee Class Members may challenge the personnel information that was used to calculate their payments under the Settlement. As part of this notice (if you have received it by First-Class Mail), you should receive a worksheet that contains the personnel information provided by Washington State that was used by Plaintiffs’ expert to calculate the payment that you may be eligible to receive from the Net Settlement Fund. In your challenge, you should submit any information that you have, including personal statements, declarations (a statement under oath) and documents, to establish that the personnel information you are providing is more accurate or reliable than the personnel information that Defendants provided to Plaintiffs’ expert to calculate your payments under the Settlement.

Applicant Class Members do not need and are not permitted to challenge their personnel information, because under the Plan of Allocation each Applicant Class Member is eligible to receive the same fixed payment of \$5,000, and that figure will not change based on a challenge to personnel information.

The deadline to submit such a challenge is August 28, 2017. The Challenge should be submitted to:

Washington State Patrol Veterans Preference Litigation
 Notice Administrator
 ATTN: Personnel Data Challenge
 c/o A.B. Data, Ltd.
 P.O. Box 173001
 Milwaukee, WI 53217

Employee Class Members Who Want to Correct Their Hiring Dates or Promotion Dates

Employee Class Members for whom Defendants have not agreed to correct their hiring or promotion dates may submit a challenge to your hiring date or promotion date by providing any information, including personal statements, declarations, and documents, to a Special Master, who will determine whether their hiring dates or promotion dates should be changed.

The type of information that Employee Class Members should provide to the Special Master to make a successful challenge depends upon the reason why the Defendants have determined, in their view, that the particular person should not have an earlier hiring date or promotion date or was not harmed as a result of an earlier hiring date or promotion date.

Each previously identified Class Member’s name appears on one of the schedules that are attachments to the Settlement Agreement. If a person’s name is on Schedule 2, it means that the Defendants have agreed to correct the person’s hiring or promotion date. If the person’s name appears on schedules 2A, 2B, 2C, 2D, 2E, or 3, it means that the Defendants have not agreed to change the person’s hiring or promotion date or claims that the person was not harmed as a result of an earlier hiring date or promotion date.

The following chart identifies for persons whose names appear on Schedules 2A, 2B, 2C, 2D, 2E, and 3, the type(s) of information that such persons must provide to the Special Master to make a successful challenge to the hiring date or promotion date:

Schedule Number	Defendants’ Objection	Evidence Required to Establish Eligibility for Corrected Hiring/Promotion Date
2A	Person should have received veteran’s preference in connection with previous state employment	Evidence that (1) the veteran’s preference was sought in prior state employment but was not received; and (2) that candidate was eligible for preference points and (3) that there was, more likely than not, a delay in hiring or promotion caused by the failure to receive the additional points the candidate was entitled to;
2B	Not vested in pension (Separated from service before completing five years’ service)	Evidence that the person vested in the pension (had completed at least five years eligible service before separating from service and was vested in the applicable retirement plan)
2C	No application date and no evidence of actual delay in hiring or promotion	Evidence the Special Master determines to be sufficient to establish: (1) that candidate was eligible for preference points and (2) that there was, more likely than not, a delay in hiring or promotion caused by the failure to receive the additional points the candidate was entitled to
2D	Unknown Application Date and no evidence of actual delay in hiring or promotion.	Evidence that the Special Master determines to be sufficient to establish: (1) that the candidate was eligible for preference points, and (2) that there was more likely than not a delay in hiring or promotion caused by the failure to receive the additional points the candidate was entitled to.
2E	Admitted that no delay in hiring on survey	Evidence that the Special Master determines to be sufficient to establish: (1) that the candidate was eligible for preference points, and (2) that there was more likely than not a delay in hiring or promotion caused by the failure to receive the additional points the candidate was entitled to.
3	Candidate did not meet statutory eligibility criteria in effect at the time of promotional exam;	Evidence that the Special Master determines to be sufficient to establish: (1) that the candidate met statutory eligibility criteria for preference points, and (2) that there was more likely than not a delay in promotion caused by the failure to receive the additional points the candidate was entitled to.

In adjudicating these challenges, the Special Master will consider evidence that would be admissible in Washington State Court – for example, if evidence is admissible at the summary judgment stage or at trial. The Special Master’s determination shall be final and binding, except that a decision may be challenged and overturned on the limited grounds that would serve the basis for a court to vacate an arbitration award under Washington law.

The deadline to submit such a challenge is August 28, 2017. This challenge should be submitted to:

Washington State Patrol Veterans Preference Litigation
Notice Administrator
ATTN: Hire/Promotion Challenge
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

RELEASE

11. What Am I Giving Up as a Result of This Settlement?

If the Court grants final approval of the Settlement and the Settlement becomes effective, then all Class Members who do not opt out of the settlement on a timely basis will give up – in legal terms, release – their right to sue Defendants for failing to provide them with the veteran preference prior to December 21, 2016. Even Class Members who do not opt out will not release any claims for declaratory or injunctive relief regarding Statutory Military Leave per year under Washington State law, RCW 38.40.060 or any claims for monetary relief regarding Statutory Military Leave that accrued on or after December 21, 2016. Unless you opt out of the lawsuit, you will be covered by the Release, regardless of whether you have already been identified as a Class Member by the parties and regardless of whether you receive a payment under the Settlement. The full details of the Release are contained in Section XIII of the Settlement Agreement between the parties, which can be found on www.wspveteranlitigation.com.

THE LAWYERS REPRESENTING YOU AND THE CLASS

12. Do I Have a Lawyer in This Case?

Yes. The Court has appointed Block & Leviton LLP, Outten & Golden LLP, Crotty & Son PLLC, and the Law Office of Thomas G. Jarrard to represent you and the other Class Members. Together, the lawyers are called Class Counsel. Unless you elect to exclude yourself from the Settlement, you will continue to be represented by Class Counsel in connection with the implementation of the Settlement throughout the duration of the terms of the Settlement at no cost to you. Although it is not necessary, you have the right, if you wish to do so, retain your own attorney at your own expense.

If you have questions about the terms of the proposed Settlement you may contact Class Counsel at the addresses below:

Peter Romer-Friedman, Esq.
Michelle Leung, Paralegal
Outten & Golden LLP
601 Massachusetts Ave. NW
Second Floor West
Washington, DC 20001
(202) 847-4400
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tjarrard@att.net
<http://servicememberlaw.com/>

If you have questions about issues regarding Notice or making a Challenge, you should contact the Notice Administrator or the Settlement Administrator. Their contact information is below.

13. How Will the Lawyers Be Paid?

Class Counsel will ask the Court for an award of attorneys’ fees and costs as a percentage of the \$13 million Settlement Fund that Defendants will pay to settle the lawsuit. Class Counsel will request that the Court approve attorneys’ fees that will be no greater than 27% of the overall \$13 million Settlement Fund (*i.e.*, no greater than \$3.51 million). The fees will be paid from the \$13 million Settlement Fund that the Defendants are paying to settle the case, and not from the estimated \$2 million of additional pension contributions that Defendants will pay separately into eligible Employee Class Members’ retirement accounts. The fees will pay Class Counsel for investigating the facts, litigating the case, and negotiating and implementing the settlement. Class Counsel will also ask the Court to approve the reimbursement of their out-of-pocket costs,

which are approximately \$500,000.00. The Court may award less than these requested amounts to Class Counsel. The Court will examine the request for fees and reimbursement of expenses of Class Counsel at the Fairness Hearing, as well as any objections to that request, and determine the amount of fees and expenses to award.

HOW TO PROCEED

14. What Are My Options?

After reviewing the terms of the proposed Settlement set forth in this Notice, you have two options. You must decide at this stage whether you want to: (1) remain a Class Member and retain an opportunity to participate in the Settlement; (2) opt-out and exclude yourself from participating in the Settlement.

Option #1: Remain a Class Member

15. How Do I Remain in the Class?

If you are a member of the Class and you do not request to be excluded, you will remain a part of the Class and all Released claims will be barred by this Settlement, whether or not you have been previously identified by the parties as a Class Member.

If you have previously been identified as a Class Member by the parties and you do not request to be excluded, you will receive the payment that you may be entitled to receive under the Settlement based on the Plan of Allocation described above in Section 9. If you have not been previously identified by the parties as a Class Member, and you do not submit a challenge to demonstrate your membership in the Class, you will not receive a payment from the Settlement, but you will still give up any right to pursue claims against the Defendants separately about the claims covered by the Settlement. If you have not previously been identified by the parties as a Class Member, and you do submit a successful challenge to demonstrate your membership in the Class, you will be eligible to receive a payment from the Settlement based on the Plan of Allocation described above in Section 9. If you submit an unsuccessful challenge to demonstrate your membership in the Class, you may not be a Class Member and accordingly your rights may not be affected by the Settlement. The challenge process is described in Section 10.

Option #2: Opting Out of the Settlement

16. Who Should Opt Out of the Class?

If (1) you want to keep the right to sue or continue to sue any of the Defendants regarding the failure to provide you with the veteran preference prior to December 21, 2016, or (2) you do not want to be bound by the Settlement of this lawsuit, then you should take steps to exclude yourself from the Settlement. This is called “opting out” of the Settlement. If you opt out, you will receive no benefits under this Settlement. You will be able to assert your claim on your own, but Defendants will retain the right to assert any and all defenses to your claim, including the defense that your claim is untimely.

17. How Do I Opt Out of the Class?

To opt out of the Settlement, you must mail a written, signed statement that you are opting out of the Settlement to the **Notice Administrator** at the address below:

Washington State Patrol Veterans Preference Litigation
Notice Administrator
ATTN: EXCLUSIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

For Class Members who have previously been identified by the parties, to be effective, the opt-out statement must (1) contain your name, address, email address(es), and telephone number(s); (2) contain the title of the lawsuit, *Martin v. the State of Washington et al.*, 14-2-00016-7 (Wash. Super. Ct.), (3) include a written statement stating “I wish to be excluded from the Class”; and (4) be signed and dated. To be effective, this opt-out statement must be mailed via First-Class United States Mail, postage prepaid, to the Notice Administrator, and must be postmarked on or before August 28, 2017.

For Class Members who have not previously been identified by the parties, to be effective, the opt-out statement must (1) contain your name, address, the period of time in which you worked for the WSP and/or applied to work for the WSP, the position for which you sought employment or a promotion to a position of Trooper, Sergeant, or Lieutenant, the period of time in which you served in the armed forces and the branch of the military that you served, (2) contain the title of the lawsuit, *Martin v. the State of Washington et al.*, 14-2-00016-7 (Wash. Super. Ct.), (3) include the words “I wish to be excluded from the Class”; and (4) be signed and dated. To be effective, this opt-out statement must be mailed via First Class United States Mail, postage prepaid, to the Notice Administrator, and must be postmarked on or before August 28, 2017.

Please note that if you submit a timely and valid request for exclusion you will have no right to object to the Settlement in Court and will no longer be represented by Class Counsel.

Objecting to the Settlement

18. How Do I Tell the Court That I Don't Like the Settlement?

The Court must assess the overall fairness and reasonableness of the Settlement to the Class. If you are a Class Member and you do not opt out, then you can object to the Settlement if you don't like any part of it, and the Court will consider your views. To object to the Settlement and have your objection considered by the Court, you must submit a written objection to the Settlement which must be postmarked on or before August 28, 2017. Your objection needs to contain (1) your name, address, email address(es), and telephone number(s) and an appearance on behalf of any counsel representing you (if any); (2) the title of the lawsuit, *Martin v. the State of Washington et al.*, 14-2-00016-7 (Wash. Super. Ct.), (3) a written statement of the grounds for your objection, including any evidence supporting your objection; (4) the period of time in which you worked for the WSP and/or applied to work for the WSP, the position for which you sought employment or a promotion, the period of time in which you served in the armed forces, and the branch of the military that you served; (5) a statement whether you intend to appear at the Final Approval Hearing, and, if you will appear through counsel, the identity of your counsel; and (6) be signed and dated.

Your objection needs to be addressed to the Notice Administrator:

Washington State Patrol Veterans Preference Litigation
Notice Administrator
ATTN: OBJECTIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

THE COURT'S FAIRNESS HEARING

19. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a Final Approval Hearing (also called a Fairness Hearing) at 10:00 a.m. on September 29, 2017, in the courtroom of the Honorable John O. Cooney, at 1116 W. Broadway Avenue, Spokane, WA 99260.

At the Final Approval Hearing, the Court will determine whether the proposed Settlement is fair, reasonable, and adequate. If there are any objections, then the Court will consider them. The Court will also consider whether the motion of Class Counsel for an award of attorneys' fees and reimbursement of expenses should be approved, whether Plaintiffs' motion for service awards for the Class Representatives should be approved, and whether, in accordance with the Settlement, a final order and judgment should be entered bringing the litigation to a conclusion.

20. Do I Have to Come to the Fairness Hearing?

No. Class Counsel and the Defendants' counsel will answer questions that the Judge may have. If you send an objection, then you don't have to come to Court to talk about it, but you are entitled to if you want to. As long as you mailed your written objection on time, the Court will consider it.

21. May I Speak at the Hearing?

You may speak at the Fairness Hearing only if you have filed an objection. You may appear either in person or through a lawyer hired at your own expense. You may withdraw your objections at any time.

GETTING MORE INFORMATION

22. Where Can I Get More Information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement, the proposed Plan of Allocation, the process for making various types of challenges, and other relevant documents by visiting the case website, www.wspveteranlitigation.com, or by contacting the Notice Administrator or Class Counsel. If you have further questions or are still not sure whether you are included, you can get free help at www.wspveteranlitigation.com, by calling the Notice Administrator at 800-952-0581, or by calling or writing to Class Counsel in this case at the contact numbers/address listed in Section 12. If you have questions about your retirement or records related to your retirement, you should contact the Washington State Department of Retirement Services at 800-547-6657.

Again, the important deadlines are:

- **Last Day To Submit a Challenge to demonstrate your membership in the Class, a challenge to the personnel information used to calculate your payment under the Settlement, or a challenge to your hiring or promotion date: August 28, 2017**
- **Last day to "opt-out" of the Class: August 28, 2017**
- **Last day to object to the Settlement: August 28, 2017**
- **Final Approval Hearing: September 29, 2017**

PLEASE DO NOT CALL OR CONTACT THE COURT, THE OFFICE OF THE CLERK OF COURT, OR DEFENDANT WITH QUESTIONS REGARDING THIS NOTICE.

Dated: June 29, 2017

Questions? Contact A.B. Data at 800-952-0581

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