



NECA-IBEW Welfare Trust Fund



MEMORANDUM

May 3, 2021

TO: ALL INTERESTED PARTIES

FROM: NECA-IBEW WELFARE TRUST FUND ADMINISTRATIVE OFFICE

RE: BLUE CROSS BLUE SHIELD CLASS ACTION SETTLEMENT NOTICE TALKING POINTS

The settlement of the BC/BS Class Action Litigation resulted in notices being sent to thousands of individuals. Individuals may be receiving the notice because of their participation in the Fund or by virtue of other coverage with BC/BS. Because the Fund does not know how individuals may be affected by the litigation (particularly if they are a class member because of multiple dealings with BC/BS), the Fund is not able to provide legal advice regarding whether a proof of claim should be filed. Additionally, settlement documents posted on the litigation website reference a methodology for allocating/apportioning damages among affected entities and individuals (*e.g., self-funded plans, employers, and individual employees*). Through discussions with the Class-action legal counsel handling the case, the Fund's legal counsel has been advised that the Claims Administrator has been given specific authority and discretion to allocate damages among affected individuals and entities on a *per multiemployer fund basis*. As a result, the decision whether or not to file a claim must be made by each individual after reviewing the information on the settlement website.

Based on the unique circumstances of this settlement (as explained above), the Fund will be communicating the following to inquiring individuals:

- The class settlement notice is valid – it is not a scam.
- The Fund will be submitting a proof of claim at the appropriate time. The Fund's proof of claim will seek damages owed to the Fund (not to any individuals or employers).
- Employees of self-funded groups such as the Fund are covered by the settlement. However, the Fund cannot give legal advice regarding what individuals may be entitled to receive or whether it is "worth the effort" to submit a claim.
- Direct all individuals to review the information on the website (bcbssettlement.com) and to submit a claim if they deem it to be appropriate.
- Individuals should not require information from the Fund to submit a proof of claim on an individual basis.

Our customer service staff will be prepared to answer questions accordingly. Interested parties will be updated if additional and clarifying information becomes available.