

**NOTICE OF HOLYOKE SOLDIERS' HOME**  
**CLASS ACTION SETTLEMENT**

This is a notice relating to your rights concerning the settlement of a class action lawsuit, Sniadach et al. v. Walsh et al., 20-CV-30115-MGM.

The lawsuit was brought on behalf of veterans, and the estates of veterans, who were living at the Holyoke Soldiers' Home between March 1, 2020, and June 23, 2020, and contracted COVID-19 during that time period.

The settlement totals \$56 million (\$56,000,000).

You appear to be entitled to compensation as a result of the settlement in the class action.

A federal court authorized this notice be sent to you in order to ensure that you have the opportunity to receive compensation as part of this Settlement. This is not a notice of a lawsuit against you or a solicitation from a lawyer.

**What are your legal rights and options?**

TO RECEIVE COMPENSATION: If you wish to receive compensation as part of this Settlement, you must fill out the enclosed Claim Form and Release and return them to the Claims Administrator, who will disburse the settlement funds, as soon as possible. IF YOU DO NOT SUBMIT THE CLAIM FORM AND RELEASE, YOU WILL NOT RECEIVE ANY COMPENSATION AS PART OF THIS SETTLEMENT.

IF YOU DO NOT WISH TO RECEIVE COMPENSATION: If you do not wish to receive compensation as part of this Settlement, then you need not take any other action.

OBJECT: If you wish to object to the terms of the proposed Settlement, you must submit the basis of your objection in writing to the Court no later than August 16, 2022. If you wish to receive compensation as part of the Settlement, you must also submit a Claim Form and Release to the Claims Administrator by August 16, 2022.

OPT-OUT: If you do not want to participate in this Settlement but you want to preserve your right to bring your own lawsuit

relating to the same facts and circumstances underlying this case, then the veteran, or, if the veteran is deceased, the Personal Representative of the deceased veteran's Estate, must notify the Claims Administrator no later than August 16, 2022.

### **What is this lawsuit about?**

Paul Sniadach and others filed this lawsuit against Bennett Walsh, David Clinton, Vanessa Lauziere, Celeste Surreira, Francisco Ureña, and Maryolu Sudders ("Defendants"), due to the outbreak of COVID-19 that occurred at the Soldiers' Home in March 2020.

The lawsuit alleges that the Defendants' actions resulted in more than 160 veterans who were living at the Holyoke Soldiers' Home unnecessarily contracting COVID-19 and suffering as a result, which the complaint alleges was a violation of the veterans' constitutional rights. The Defendants deny any liability.

### **Why is this a class action?**

This lawsuit was brought as a class action because the claims of the "class representatives" are similar to the claims of other similarly situated individuals or estates. All of these people together constitute a "Class" and members of the Class are referred to as "Settlement Class Members." If approved by the Court, the proposed Settlement would resolve the claims of all Settlement Class Members.

### **Why is there a settlement?**

Parties settle lawsuits to avoid the time, risk, expense, and anguish associated with litigation.

In this case, as a matter of law, the risks of proceeding with litigation are high for the plaintiffs because (1) the Defendants have a number of defenses available to them that could prevent the plaintiffs from ever proceeding to trial, (2) even if the plaintiffs managed to proceed to and prevail at trial, the individual Defendants would not be able to pay any verdict secured at trial, and (3) Massachusetts indemnification

laws could prevent the plaintiffs from recovering any monies from the Commonwealth that might be awarded to them at trial.

The proposed settlement avoids these risks of litigation and ensures that Participating Class Members will obtain a payment in settlement of the claims raised in the lawsuit.

### **Do I qualify as a Class Member?**

Based on the records maintained by the Commonwealth of Massachusetts, it appears that you, a veteran under your care, or a veteran's estate for whom you are identified as the next of kin qualify as a member of the Settlement Class. This Settlement resolves claims on behalf of two Settlement Classes:

**Settlement Class A:** Any veteran, or estate of a deceased veteran, who was living at the Holyoke Soldiers' Home at any time between March 1, 2020 and June 23, 2020, who (i) tested positive for COVID during that same period and (ii) did not die prior to June 23, 2020.

**Settlement Class B:** Any estate of a veteran who was living at the Holyoke Soldiers' Home at any time between March 1, 2020 and June 23, 2020, who died between March 1, 2020 and June 23, 2020, and who either (i) had tested positive for COVID-19 in the last COVID-19 test administered to the veteran prior to his or her death, or (ii) had Coronavirus listed as one cause of death on his or her death certificate, or (iii) had previously tested positive for COVID-19 but not in the last COVID-19 test administered to the veteran prior to his or her death and had a cause of death similar to Coronavirus listed as one cause of death on his or her death certificate, and/or (iv) is a named plaintiff in the Second Amended Complaint, in the above entitled lawsuit.

### **What payments will I receive?**

Payments will be made out of the \$56 million Global Settlement Amount. The amounts that will be paid to members of each Settlement Class are described below. The payment of attorney fees will not reduce these payment amounts.

**Settlement Class A:** Members of Settlement Class A will receive an average payment of \$20,000. Members of Settlement Class A will receive a minimum of \$10,000. The Claims Administrator will have the discretion to award additional amounts based on the information you provide as part of the claims Questionnaire, but not more than the minimum amount available to members of Settlement Class B.

**Settlement Class B:** Members of Settlement Class B will receive an average payment of \$510,000. Members of Settlement Class B will receive a minimum of \$400,000. The Claims Administrator will have the discretion to award additional amounts based on the information you provide as part of the claims Questionnaire.

**How do I notify the Claims Administrator that I want to participate in the Class Settlement?**

To confirm you want to participate in the Settlement, you must fill out and submit the enclosed Claim Form and Release to the Claims Administrator as soon as possible, but in any event so that it is received by the Claims Administrator no later than August 16, 2022. Enclosed for your convenience is a pre-addressed, post-prepaid envelope that you may use to return the Claim Form and Release to the Claims Administrator.

IF YOU DO NOT SUBMIT THE CLAIM FORM AND RELEASE BY THE DEADLINE, YOU WILL NOT RECEIVE ANY COMPENSATION.

**How do I request that I be paid more than the minimum amount described above?**

In order to be paid more than the minimum amount described above, you must also fill out and return to the Claims Administrator the attached ***Questionnaire***, in addition to your Claim Form and Release. If you choose, you will also have the opportunity to speak with the Claims Administrator. The Claims Administrator has the sole discretion to award additional funds above and beyond the minimum amounts described above. When deciding how to allocate the discretionary amounts, the Claims Administrator will consider: the veteran's age at death, the severity and duration of the veteran's suffering, any future earnings and support the veteran would have provided to others, the frequency of contact the veteran had with family members and

other loved ones, and other information that you share about the veteran.

**What if the veteran is alive but unable to make these decisions without assistance?**

If the veteran is alive but unable to act on his or her own, then a duly appointed representative may act on behalf of the veteran, pursuant to a fully executed Power of Attorney or other similar grant of authority, a copy of which must be provided to the Claims Administrator with the Claim Form. If the veteran does not have documentation evidencing a Power of Attorney available now, then the documentation may be provided to the Claims Administrator at a later date, but it must be received by the Claims Administrator on or before August 16, 2022, unless the Claims Administrator agrees that it may be submitted up until September 15, 2022.

**What if the veteran is deceased?**

If the veteran is deceased, a legal action must be filed in the appropriate Probate and Family Court to appoint someone as the Personal Representative (sometimes referred to as an "Executor") to the Veteran's Estate. In order for the estate of a deceased veteran to receive any compensation, a Personal Representative must be appointed.

This process can take some time, and you may want to hire an attorney to help you to expedite the process.

You may still submit the Claim Form and Release in the name of a deceased veteran even if you have not yet had someone appointed as Personal Representative. A copy of the Letter of Authority appointing you as the Personal Representative of the veteran's Estate must be received by the Claims Administrator on or before August 16, 2022, unless the Claims Administrator agrees that it may be submitted up until September 15, 2022.

Any settlement award would be paid to the Estate of the veteran, and the Personal Representative of the veteran's Estate would be responsible for distributing the funds in accordance with the law. Personal Representatives should consult with an independent attorney to better understand this process.

**What rights are you giving up in this Settlement?**

By participating in this Settlement, you will give up your right to sue or continue a lawsuit against the Defendants or any other individuals relating to the claims described above (i.e., the spread of COVID-19 within the Holyoke Soldiers' Home from March 1, 2020, through June 23, 2020). Giving up your legal claims is called a release. A copy of the Release that you must sign to be eligible to receive any portion of the settlement amount is included with this Notice.

**What if I do not want to be paid any money relating to this lawsuit?**

If you do not wish to receive any money relating to this Settlement, then you may simply ignore this notice.

**What will the attorneys be paid?**

The attorneys representing the class, referred to as Class Counsel, will be paid approximately 19.875% of the total Global Settlement Amount. However, the fees paid to the attorneys will not reduce the amount of money available to be paid to the Class Members as described above.

**What if I want to object to the terms of the settlement?**

If you wish to object to any of the terms included in the Settlement, then you must file a written explanation of the basis for your objection with the United States District Court for the District of Massachusetts, which must be received by the Court no later than August 16, 2022. With your written objection, you must include your full name, your address, the name of the veteran on behalf of whom you are writing (including the veteran's date of birth), the basis for the authority that you have to act on the veteran's behalf (i.e., a duly executed Power of Attorney or a duly issued Letter of Authority naming you as Personal Representative of the Veteran's Estate), the name and docket number of the case (shown above at the top of this notice), and whether you plan on attending the Final Approval Hearing.

To preserve your right to participate in the Settlement, you must also submit the enclosed Claim Form and Release to the Claims Administrator, which the Claims Administrator must receive by August 16, 2022, unless the Claims Administrator agrees in advance and in writing that it may be submitted up until September 15, 2022.

**How do I opt out of the settlement?**

If you do not wish to participate in this Settlement and you want to preserve your right to bring your own lawsuit, then you must:

- Notify the Claims Administrator in writing that you are electing to "opt out" of the Settlement, which must be received by the Claims Administrator no later than August 16, 2022.
- State to the Claims Administrator in writing that you understand that, by opting out of the Settlement, you are permanently giving up your right to receive any of the settlement payments described above.
- Sign and date the statement.
- If you are acting on behalf of a veteran:
  - o For veterans who are alive but unable to sign the statement, another person may sign the statement pursuant to a properly executed Power of Attorney, a copy of which must be provided to the Claims Administrator.
  - o For veterans who are deceased, the statement must be signed by a duly appointed Personal Representative or Executor of the veteran's Estate, and a copy of the document appointing that person as Personal Representative or Executor of the veteran's Estate must be provided to the Claims Administrator.

**When and where will the Court hold the Final Approval Hearing to decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing on or after November 14, 2022, at the United States District Court for the District of Massachusetts, 300 State St, Springfield, MA 01105, or at another time and place designated by the Court. The Court will consider whether the settlement is fair, reasonable, and adequate, and whether the Settlement should be granted final approval. The Court will also hear objections to the settlement, if any.

**Do I have to attend the Final Approval Hearing?**

You are not required to attend the Final Approval Hearing, but you are welcome to do so at your own expense. You cannot speak at the hearing if you have opted out of the Settlement.

**What will happen if the Court does not approve the settlement?**

If the Court does not approve the Settlement or if it finally approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, you will receive no payments described above, any release you have executed will be void and have no further effect, and the lawsuit will continue.

**When will I be paid?**

It is expected that the Court should decide whether to grant final approval of the Settlement by the middle of November, 2022. If the Court grants final approval of the Settlement by then and there are no appeals of that final approval, then payments are expected to be made before the end of 2022.

**What amounts will be taken out of my payment?**

The only monies that would reduce the payments to you would include any liens on file from governmental agencies or private third-parties, estate taxes owed, or costs incurred by Class Counsel that were specific to your individual case.

**Where do I mail the forms?**

You must submit the Claim Form, Questionnaire, Release, or opt out request to the Claims Administrator:

HolyokeSoldiersHomeFund.com  
Claims Administrator: 617-807-1128  
Class Counsel: 413-584-7331

By mail to:

*Donald K. Stern  
Holyoke Soldiers' Home Claims Administrator  
P.O. Box 961987  
Boston, MA 02196*

or

By going online to the website maintained by the Claims Administrator at [HolyokeSoldiersHomeFund.com](http://HolyokeSoldiersHomeFund.com)

**Who do I contact with questions?**

You may contact either the Claims Administrator or Class Counsel with questions you might have by using the contact information below:

Claims Administrator:

*Donald K. Stern  
HSHClaims@affiliatedmonitors.com  
617-807-1128 (tel)  
617-830-0563 (fax)*

Class Counsel:

*Thomas Lesser, Esq.  
lesser@LNN-law.com  
Michael Aleo, Esq.  
aleo@LNN-law.com  
413-584-7331 (tel)  
413-586-7076 (fax)*

You may of course also contact your own attorney at your own expense, who may in turn communicate directly with Class Counsel as appropriate.

Please do not call the Judge about this case. Neither the Judge, nor the Clerk of Court, will be able to give you advice about this case.

Furthermore, the Defendants' attorneys do not represent you, and they cannot give you legal advice.

**AUGUST 16 DEADLINE**

Remember, you MUST submit the Claim Form, Release, and Questionnaire to the Claims Administrator by August 16, 2022, or else you will lose the opportunity to participate in this Settlement.