

BRIAN J. ROWE, et. al

**Plaintiffs and Proposed
Class Representatives**

v.

BALTIMORE COUNTY, MARYLAND, et al.

Defendants

*** IN THE
* CIRCUIT COURT
* FOR
* HARFORD COUNTY
* Case No. 12-C-10-2273 OC**

*** * * * ***


ORDER

Upon consideration of the parties Joint Proposal For Providing Notice To Class Members And Proposed Mail And Website Notices, this Court hereby ORDERS that:

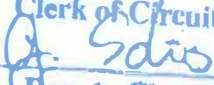
1. The parties' Joint Proposal For Providing Notice To Class Members be and hereby is approved by the Court, pursuant to Maryland Rule 2-231(f);
2. The proposed Mail Notices for each of the three Subclass appended to this Order as Attachments A, B and C are hereby approved by the Court for mailing to Class Members by Class Counsel by March 5, 2020. The cost of such Mail Notices shall initially be borne by Class Counsel, subject to the right to seek reimbursement in this action;
3. Should any Mail Notices be returned to Class Counsel within thirty (30) days of the initial mailing of the Notice with a forwarding address, such Notice will be re-mailed by Class Counsel within five (5) business days of its return to Class Counsel using the forwarding address provided by USPS. Mailed Notices that are returned as undeliverable without a forwarding address need not be re-mailed;
4. The proposed Website Notice appended to this Order as Attachment D is hereby approved by the Court;

Entered: Clerk, Circuit Court for
Harford County, MD
March 2, 2020

5. In order to ensure notice to Class Members whose Mail Notices are returned as undeliverable without a forwarding address, the Defendants shall post on Employees Retirement System page of the Baltimore County website by not later than March 5, 2020 a copy of the Court approved Website Notice with links to the Court Approved Mail Notices for each Subclass and shall maintain that website posting until this case is concluded. Beyond the posting of the Court-approved Website Notice and Mailed Notices on the County's website, the Defendants are prohibited from communicating with Class Members about the certification of the Class and the claims asserted in this action, absent leave of Court to do so in an approved written communication;
6. That this combination of Mailed Notice and Website Notice has been determined by the Court to provide the best practicable notice to the Class and to meet the requirements for notice under Maryland Rule 2-231; and
7. As reflected in the Court approved Mailed Notices and Website Notice, the deadline for Exclusion Requests and Objections to the certification of the Class shall be April 15, 2020.
- SO ORDERED this 2 day of ~~February~~^{MARCH}, 2020.



Judge, Circuit Court for Harford County

True Copy:
Test: James Reilly
Clerk of Circuit Court
By: 
Deputy Clerk



ATTACHMENT A
(Mail Notice for Subclass 1)

NOTICE OF COURT ORDERED CERTIFICATION OF CLASS ACTION
AFFECTING CERTAIN RETIREES AND MEMBERS OF THE
EMPLOYEES RETIREMENT SYSTEM OF BALTIMORE COUNTY

This Notice concerns the certification of a Class by the Circuit Court for Harford County in a class action lawsuit entitled *Brian J. Rowe, et al v. Baltimore County, MD, et al. v. Genuine Title, LLC, et al*, Case No. 12-C-10-2273 OC (the “Lawsuit”). The certified Class includes certain retirees and members of the Employees Retirement System for Baltimore County (“BCERS”) who previously transferred service credit to BCERS from another noncontributory retirement plan or system. You are receiving this Court-approved Notice because you have been identified as a member of the certified Class.

PLEASE READ THIS NOTICE CAREFULLY AS IT AFFECTS YOUR LEGAL RIGHTS

What is the Lawsuit about? The Plaintiffs in the Lawsuit, like the members of the Class, all transferred service credit from a non-contributory retirement system to BCERS’ contributory retirement system when they became employed by Baltimore County. The Lawsuit claims that Baltimore County has adopted and utilized an illegal method for calculating a reduction (known as a “Deficiency”) to the past and future retirement benefits of persons who transferred service credit from a non-contributory retirement system to BCERS. The Plaintiffs allege that the method used by Baltimore County to calculate that “Deficiency” improperly utilizes a “valuation rate” of interest and not the “regular rate of interest” applied by BCERS to member contributions, which significantly reduces Class members’ retirement benefits and vested rights in a manner which the Plaintiffs contend violates State law. The Plaintiffs seek payment of all underpaid retirement benefits to those Class Members who have or will have retired by the time the Lawsuit concludes, as well as declaratory and injunctive relief requiring the Defendants to calculate and pay future retirement benefits to all Class Members consistent with State law. BCERS and the other Defendants in the Lawsuit dispute the Plaintiffs’ claims and contend that their “valuation rate” method for reducing retirement benefits for persons who transferred service credit from a non-contributory retirement system to BCERS is legal. *The Court has not made any judgment or other determination of the Defendant’s liability in the Lawsuit.*

Why did I get this Notice? You received this Notice because the Court has designated the Lawsuit a Class Action suit and certified a Class therein of which you are an identified Member. This Notice is intended to generally describe the nature of the Lawsuit, and your rights as a Member of the certified Class.

Who is part of the Class? The certified Class includes those persons who transferred service credit to BCERS from a noncontributory retirement plan or system whose deficiency under Section 37203(F)(2) of the State Personnel and Pension Article of the Maryland Annotated Code (or its predecessor statutes) was calculated or under County law will be calculated based on the “valuation rate” established by BCERS and not the “regular rate of interest” applied by BCERS to member contributions. The Class excludes those persons: (i) who withdrew their contributions from BCERS and did not later return to county service and repurchase service credit earned by them; (ii) who after becoming a member in BCERS, transferred their retirement service credit to another jurisdiction and did not subsequently transfer it back to BCERS; and (iii) who timely opt-out of the class;

The Class has been divided into the following three groups or subclasses:

- Subclass 1: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS prior to July 1, 2007;
- Subclass 2: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS on or after July 1, 2007 but prior to July 1, 2010; and
- Subclass 3: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and have retired or will retire on or after July 1, 2010.

You are receiving this notice because you have been identified as a member of Subclass 1.

IF YOU WANT TO REMAIN A CLASS MEMBER AND BE ENTITLED TO ANY RELIEF OR BENEFIT AWARDED BY COURT, YOU DO NOT NEED TO DO ANYTHING.	If you want to remain a member of the Class, you do not need to do anything. As a Class member, you will be entitled to any relief or benefit awarded by Court relating to your Subclass and subject to any final judgment in the Lawsuit.
IF YOU WISH TO BE EXCLUDED FROM THE CLASS, YOU MUST MAIL A REQUEST FOR EXCLUSION TO CLASS COUNSEL THAT IS POSTMARKED NO LATER THAN APRIL 15, 2020.	If you want to reserve your right to independently sue the Defendants about the calculation of your retirement benefits based on the County’s “valuation rate” method (at your own cost), you must affirmatively exclude yourself from the Class. To do so, you must mail a Request for Exclusion to the Court appointed counsel for the Class, at the address set forth in Section 3 below and which includes all of the information described in Section 3. Your Request for Exclusion must be postmarked no later than April 15, 2020. If you exclude yourself from the Class, you will not be entitled to any relief or benefit awarded by Court relating to your Subclass or be subject to any final judgment in the Lawsuit.
IF YOU WISH TO OBJECT TO THE CERTIFICATION OF THE CLASS OR ANY SUBCLASS OF WHICH YOU ARE A MEMBER, YOU MUST FILE YOUR WRITTEN OBJECTION WITH THE COURT AND MAIL IT TO COUNSEL IN THIS CASE NO LATER THAN APRIL 15, 2020.	If you object to the certification of the Class or the Subclass of which you are a Member, you may write to the Court about why you object to the certification of the Class or your Subclass. To do so, you must follow the procedure for objections described in Section 4 below and file your written objection with the Circuit Court for Harford County no later than April 15, 2020. You must also mail your written objection to the addresses for Class Counsel and BCERS’s Counsel set forth in Section 4 below, postmarked no later than April 15, 2020. If you file an objection, you still will remain a member of the Class and your Subclass.

These Rights and Options are explained in more detail below. If you have questions concerning this Notice, the Lawsuit or your rights as a Class Member, you may contact the Court-appointed attorney for the Class, Virginia W. Barnhart of Womble Bond Dickinson (US) LLP (“Class Counsel”) at Virginia.Barnhart@wbd-us.com or (410) 545-5803.

1. What is a Class Action?

In a class action lawsuit, one or more people called Plaintiffs sue on behalf of others who may have similar claims. A court can certify a class to resolve the claims of persons with similar claims as a group.

2. Who represents the Class?

The Class is represented by Court appointed Class Representatives. The appointed Class Representatives in the Lawsuit are Baltimore County retirees: Brian J. Rowe, David Willis, Joanne Wachter and Patrick Roddy. The Court has also appointed the Plaintiffs’ Counsel to serve as Class Counsel for the Class. Class Counsel is Virginia W. Barnhart of Womble Bond Dickinson (US) LLP. Class Counsel may be contacted by telephone to (410) 545-5803; by email to Virginia.Barnhart@wbd-us.com or by mail to Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201. If you want to be represented by your own lawyer, you may hire one at your own cost.

3. How Do Class Members exclude themselves from the Class?

Any member of the Class shall have the right to opt-out or exclude themselves from the Class by sending a written Request for Exclusion to Class Counsel at the address set forth in Section 2. Requests for Exclusion must be mailed in an envelope post-marked no later than the Exclusion Deadline of April 15, 2020 and must be signed by the person requesting exclusion from the Class. Requests for Exclusion must also include the requestor’s full name and current address, and a statement that person seeking to be excluded understands that they will not be entitled to any relief or benefit awarded by the Court in this Lawsuit. If you submit a timely and valid Request for Exclusion from the Class, you will not be eligible to any receive any benefit awarded in the Lawsuit or any benefit provided to the Class as a result of any later settlement of the Lawsuit. You also will not be bound by any final judgment entered in the Lawsuit or precluded from independently suing the Defendants, at your own cost, about the calculation of your retirement benefits based on the “valuation method.”. You cannot submit both an Objection and a Request for Exclusion from the Class. If you do so, you will be deemed to have excluded yourself from the Class and your Objection will not be considered by the Court.

4. How can I tell the Court that I do not like (object to) the Certification of the Class or the Subclass I am part of?

If you do not submit an Exclusion Request, but wish to object to the certification of the Class or your Subclass, you must file with the Court at 20 W. Courtland Street, Bel Air, MD 21014, and also mail to both Class Counsel, Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201 and to Defendants’ counsel, James Benjamin, County Attorney and James Nolan, Assistant County Attorney, Baltimore County Office of Law, 400 Washington Avenue, 2nd Floor, Towson, MD 21204, a written Objection by the Objection Deadline of April 15, 2020 that complies with the following requirements. All Objections must be signed by the person(s) making the objection, or an attorney or legal guardian authorized to act on their behalf, and must set forth in detail what they object to about the certification of the Class and/or their Subclass, the reasons for each such objection, and any legal authority that they wish the Court to consider in support thereof. Objections must also include the objector’s full name, current address, email address and telephone number, and the full name, address, email and telephone number of their attorney (if any), and must indicate whether the objector or their counsel (if any) intends to appear in court to present argument or evidence regarding their Objection. The Court will schedule a hearing to consider timely Objections (if any). Objectors will be notified of the scheduling of such hearing by notice from the Clerk of the Court mailed to the address for an objector set forth in their Objection.

You may, but need not, submit your written objection through an attorney of your choice. If you do make your objection through an attorney, you will be responsible for your own attorney’s fees and costs. Objections filed by an attorney must be filed through the Court’s electronic court filing system (“MDEC”). If you do not timely and properly make your objection, you will be deemed to have waived all objections to the certification of the Class and your Subclass.

5. What is the difference between excluding myself and objecting?

Objecting is simply telling the Court that you don’t like something about the certification of the Class or you Subclass. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don’t want to be part of the Class. If you timely exclude yourself, you have no basis to object because the Lawsuit will no longer impact or benefit you.

GETTING MORE INFORMATION ABOUT THE LAWSUIT

The above description of the Lawsuit is general and does not cover all of the issues and proceedings that have occurred in the Lawsuit. In order to see the history or file for the Lawsuit, you may visit the Court or access the docket of the Lawsuit at Maryland Judiciary Case Search Online <http://www.maryandcase.org> by inserting Case No. 12-C-10-2273 OC and the Court in the search screen. You may also contact Class Counsel using the information set forth in Section 2 of this Notice

DO NOT ADDRESS ANY QUESTIONS ABOUT THIS NOTICE TO THE COURT.

Dated: March 1, 2020

By: Order of the Circuit Court
For Harford County, Maryland

ATTACHMENT B
(Mail Notice for Subclass 2)

NOTICE OF COURT ORDERED CERTIFICATION OF CLASS ACTION
AFFECTING CERTAIN RETIREES AND MEMBERS OF THE
EMPLOYEES RETIREMENT SYSTEM OF BALTIMORE COUNTY

This Notice concerns the certification of a Class by the Circuit Court for Harford County in a class action lawsuit entitled *Brian J. Rowe, et al v. Baltimore County, MD, et al. v. Genuine Title, LLC, et al*, Case No. 12-C-10-2273 OC (the “Lawsuit”). The certified Class includes certain retirees and members of the Employees Retirement System for Baltimore County (“BCERS”) who previously transferred service credit to BCERS from another noncontributory retirement plan or system. You are receiving this Court-approved Notice because you have been identified as a member of the certified Class.

PLEASE READ THIS NOTICE CAREFULLY AS IT AFFECTS YOUR LEGAL RIGHTS

What is the Lawsuit about? The Plaintiffs in the Lawsuit, like the members of the Class, all transferred service credit from a non-contributory retirement system to BCERS’ contributory retirement system when they became employed by Baltimore County. The Lawsuit claims that Baltimore County has adopted and utilized an illegal method for calculating a reduction (known as a “Deficiency”) to the past and future retirement benefits of persons who transferred service credit from a non-contributory retirement system to BCERS. The Plaintiffs allege that the method used by Baltimore County to calculate that “Deficiency” improperly utilizes a “valuation rate” of interest and not the “regular rate of interest” applied by BCERS to member contributions, which significantly reduces Class members’ retirement benefits and vested rights in a manner which the Plaintiffs contend violates State law. The Plaintiffs seek payment of all underpaid retirement benefits to those Class Members who have or will have retired by the time the Lawsuit concludes, as well as declaratory and injunctive relief requiring the Defendants to calculate and pay future retirement benefits to all Class Members consistent with State law. BCERS and the other Defendants in the Lawsuit dispute the Plaintiffs’ claims and contend that their “valuation rate” method for reducing retirement benefits for persons who transferred service credit from a non-contributory retirement system to BCERS is legal. *The Court has not made any judgment or other determination of the Defendant’s liability in the Lawsuit.*

Why did I get this Notice? You received this Notice because the Court has designated the Lawsuit a Class Action suit and certified a Class therein of which you are an identified Member. This Notice is intended to generally describe the nature of the Lawsuit, and your rights as a Member of the certified Class.

Who is part of the Class? The certified Class includes those persons who transferred service credit to BCERS from a noncontributory retirement plan or system whose deficiency under Section 37203(F)(2) of the State Personnel and Pension Article of the Maryland Annotated Code (or its predecessor statutes) was calculated or under County law will be calculated based on the “valuation rate” established by BCERS and not the “regular rate of interest” applied by BCERS to member contributions. The Class excludes those persons: (i) who withdrew their contributions from BCERS and did not later return to county service and repurchase service credit earned by them; (ii) who after becoming a member in BCERS, transferred their retirement service credit to another jurisdiction and did not subsequently transfer it back to BCERS; and (iii) who timely opt-out of the class;

The Class has been divided into the following three groups or subclasses:

- Subclass 1: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS prior to July 1, 2007;
- Subclass 2: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS on or after July 1, 2007 but prior to July 1, 2010; and
- Subclass 3: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and have retired or will retire on or after July 1, 2010.

You are receiving this notice because you have been identified as a member of Subclass 2.

IF YOU WANT TO REMAIN A CLASS MEMBER AND BE ENTITLED TO ANY RELIEF OR BENEFIT AWARDED BY COURT, YOU DO NOT NEED TO DO ANYTHING.	If you want to remain a member of the Class, you do not need to do anything. As a Class member, you will be entitled to any relief or benefit awarded by Court relating to your Subclass and subject to any final judgment in the Lawsuit.
IF YOU WISH TO BE EXCLUDED FROM THE CLASS, YOU MUST MAIL A REQUEST FOR EXCLUSION TO CLASS COUNSEL THAT IS POSTMARKED NO LATER THAN APRIL 15, 2020.	If you want to reserve your right to independently sue the Defendants about the calculation of your retirement benefits based on the County’s “valuation rate” method (at your own cost), you must affirmatively exclude yourself from the Class. To do so, you must mail a Request for Exclusion to the Court appointed counsel for the Class, at the address set forth in Section 3 below and which includes all of the information described in Section 3. Your Request for Exclusion must be postmarked no later than April 15, 2020. If you exclude yourself from the Class, you will not be entitled to any relief or benefit awarded by Court relating to your Subclass or be subject to any final judgment in the Lawsuit.
IF YOU WISH TO OBJECT TO THE CERTIFICATION OF THE CLASS OR ANY SUBCLASS OF WHICH YOU ARE A MEMBER, YOU MUST FILE YOUR WRITTEN OBJECTION WITH THE COURT AND MAIL IT TO COUNSEL IN THIS CASE NO LATER THAN APRIL 15, 2020.	If you object to the certification of the Class or the Subclass of which you are a Member, you may write to the Court about why you object to the certification of the Class or your Subclass. To do so, you must follow the procedure for objections described in Section 4 below and file your written objection with the Circuit Court for Harford County no later than April 15, 2020. You must also mail your written objection to the addresses for Class Counsel and BCERS’s Counsel set forth in Section 4 below, postmarked no later than April 15, 2020. If you file an objection, you still will remain a member of the Class and your Subclass.

These Rights and Options are explained in more detail below. If you have questions concerning this Notice, the Lawsuit or your rights as a Class Member, you may contact the Court-appointed attorney for the Class, Virginia W. Barnhart of Womble Bond Dickinson (US) LLP (“Class Counsel”) at Virginia.Barnhart@wbd-us.com or (410) 545-5803.

1. What is a Class Action?

In a class action lawsuit, one or more people called Plaintiffs sue on behalf of others who may have similar claims. A court can certify a class to resolve the claims of persons with similar claims as a group.

2. Who represents the Class?

The Class is represented by Court appointed Class Representatives. The appointed Class Representatives in the Lawsuit are Baltimore County retirees: Brian J. Rowe, David Willis, Joanne Wachter and Patrick Roddy. The Court has also appointed the Plaintiffs’ Counsel to serve as Class Counsel for the Class. Class Counsel is Virginia W. Barnhart of Womble Bond Dickinson (US) LLP. Class Counsel may be contacted by telephone to (410) 545-5803; by email to Virginia.Barnhart@wbd-us.com or by mail to Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201. If you want to be represented by your own lawyer, you may hire one at your own cost.

3. How Do Class Members exclude themselves from the Class?

Any member of the Class shall have the right to opt-out or exclude themselves from the Class by sending a written Request for Exclusion to Class Counsel at the address set forth in Section 2. Requests for Exclusion must be mailed in an envelope post-marked no later than the Exclusion Deadline of April 15, 2020 and must be signed by the person requesting exclusion from the Class. Requests for Exclusion must also include the requestor’s full name and current address, and a statement that person seeking to be excluded understands that they will not be entitled to any relief or benefit awarded by the Court in this Lawsuit. If you submit a timely and valid Request for Exclusion from the Class, you will not be eligible to any receive any benefit awarded in the Lawsuit or any benefit provided to the Class as a result of any later settlement of the Lawsuit. You also will not be bound by any final judgment entered in the Lawsuit or precluded from independently suing the Defendants, at your own cost, about the calculation of your retirement benefits based on the “valuation method.”. You cannot submit both an Objection and a Request for Exclusion from the Class. If you do so, you will be deemed to have excluded yourself from the Class and your Objection will not be considered by the Court.

4. How can I tell the Court that I do not like (object to) the Certification of the Class or the Subclass I am part of?

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You may, but need not, submit your written objection through an attorney of your choice. If you do make your objection through an attorney, you will be responsible for your own attorney’s fees and costs. Objections filed by an attorney must be filed through the Court’s electronic court filing system (“MDEC”). If you do not timely and properly make your objection, you will be deemed to have waived all objections to the certification of the Class and your Subclass.

5. What is the difference between excluding myself and objecting?

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DO NOT ADDRESS ANY QUESTIONS ABOUT THIS NOTICE TO THE COURT.

Dated: March 1, 2020

By: Order of the Circuit Court
For Harford County, Maryland

ATTACHMENT C
(Mail Notice for Subclass 3)

NOTICE OF COURT ORDERED CERTIFICATION OF CLASS ACTION
AFFECTING CERTAIN RETIREES AND MEMBERS OF THE
EMPLOYEES RETIREMENT SYSTEM OF BALTIMORE COUNTY

This Notice concerns the certification of a Class by the Circuit Court for Harford County in a class action lawsuit entitled *Brian J. Rowe, et al v. Baltimore County, MD, et al. v. Genuine Title, LLC, et al*, Case No. 12-C-10-2273 OC (the “Lawsuit”). The certified Class includes certain retirees and members of the Employees Retirement System for Baltimore County (“BCERS”) who previously transferred service credit to BCERS from another noncontributory retirement plan or system. You are receiving this Court-approved Notice because you have been identified as a member of the certified Class.

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- Subclass 1: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS prior to July 1, 2007;
- Subclass 2: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and retired from BCERS on or after July 1, 2007 but prior to July 1, 2010; and
- Subclass 3: A subclass consisting of Class Members who transferred service credit to BCERS from a non-contributory retirement plan or system and have retired or will retire on or after July 1, 2010.

You are receiving this notice because you have been identified as a member of Subclass 3.

IF YOU WANT TO REMAIN A CLASS MEMBER AND BE ENTITLED TO ANY RELIEF OR BENEFIT AWARDED BY COURT, YOU DO NOT NEED TO DO ANYTHING.	If you want to remain a member of the Class, you do not need to do anything. As a Class member, you will be entitled to any relief or benefit awarded by Court relating to your Subclass and subject to any final judgment in the Lawsuit.
IF YOU WISH TO BE EXCLUDED FROM THE CLASS, YOU MUST MAIL A REQUEST FOR EXCLUSION TO CLASS COUNSEL THAT IS POSTMARKED NO LATER THAN APRIL 15, 2020.	If you want to reserve your right to independently sue the Defendants about the calculation of your retirement benefits based on the County’s “valuation rate” method (at your own cost), you must affirmatively exclude yourself from the Class. To do so, you must mail a Request for Exclusion to the Court appointed counsel for the Class, at the address set forth in Section 3 below and which includes all of the information described in Section 3. Your Request for Exclusion must be postmarked no later than April 15, 2020. If you exclude yourself from the Class, you will not be entitled to any relief or benefit awarded by Court relating to your Subclass or be subject to any final judgment in the Lawsuit.
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2. Who represents the Class?

The Class is represented by Court appointed Class Representatives. The appointed Class Representatives in the Lawsuit are Baltimore County retirees: Brian J. Rowe, David Willis, Joanne Wachter and Patrick Roddy. The Court has also appointed the Plaintiffs’ Counsel to serve as Class Counsel for the Class. Class Counsel is Virginia W. Barnhart of Womble Bond Dickinson (US) LLP. Class Counsel may be contacted by telephone to (410) 545-5803; by email to Virginia.Barnhart@wbd-us.com or by mail to Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201. If you want to be represented by your own lawyer, you may hire one at your own cost.

3. How Do Class Members exclude themselves from the Class?

Any member of the Class shall have the right to opt-out or exclude themselves from the Class by sending a written Request for Exclusion to Class Counsel at the address set forth in Section 2. Requests for Exclusion must be mailed in an envelope post-marked no later than the Exclusion Deadline of April 15, 2020 and must be signed by the person requesting exclusion from the Class. Requests for Exclusion must also include the requestor’s full name and current address, and a statement that person seeking to be excluded understands that they will not be entitled to any relief or benefit awarded by the Court in this Lawsuit. If you submit a timely and valid Request for Exclusion from the Class, you will not be eligible to any receive any benefit awarded in the Lawsuit or any benefit provided to the Class as a result of any later settlement of the Lawsuit. You also will not be bound by any final judgment entered in the Lawsuit or precluded from independently suing the Defendants, at your own cost, about the calculation of your retirement benefits based on the “valuation method.”. You cannot submit both an Objection and a Request for Exclusion from the Class. If you do so, you will be deemed to have excluded yourself from the Class and your Objection will not be considered by the Court.

4. How can I tell the Court that I do not like (object to) the Certification of the Class or the Subclass I am part of?

If you do not submit an Exclusion Request, but wish to object to the certification of the Class or your Subclass, you must file with the Court at 20 W. Courtland Street, Bel Air, MD 21014, and also mail to both Class Counsel, Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201 and to Defendants’ counsel, James Benjamin, County Attorney and James Nolan, Assistant County Attorney, Baltimore County Office of Law, 400 Washington Avenue, 2nd Floor, Towson, MD 21204, a written Objection by the Objection Deadline of April 15, 2020 that complies with the following requirements. All Objections must be signed by the person(s) making the objection, or an attorney or legal guardian authorized to act on their behalf, and must set forth in detail what they object to about the certification of the Class and/or their Subclass, the reasons for each such objection, and any legal authority that they wish the Court to consider in support thereof. Objections must also include the objector’s full name, current address, email address and telephone number, and the full name, address, email and telephone number of their attorney (if any), and must indicate whether the objector or their counsel (if any) intends to appear in court to present argument or evidence regarding their Objection. The Court will schedule a hearing to consider timely Objections (if any). Objectors will be notified of the scheduling of such hearing by notice from the Clerk of the Court mailed to the address for an objector set forth in their Objection.

You may, but need not, submit your written objection through an attorney of your choice. If you do make your objection through an attorney, you will be responsible for your own attorney’s fees and costs. Objections filed by an attorney must be filed through the Court’s electronic court filing system (“MDEC”). If you do not timely and properly make your objection, you will be deemed to have waived all objections to the certification of the Class and your Subclass.

5. What is the difference between excluding myself and objecting?

Objecting is simply telling the Court that you don’t like something about the certification of the Class or you Subclass. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don’t want to be part of the Class. If you timely exclude yourself, you have no basis to object because the Lawsuit will no longer impact or benefit you.

GETTING MORE INFORMATION ABOUT THE LAWSUIT

The above description of the Lawsuit is general and does not cover all of the issues and proceedings that have occurred in the Lawsuit. In order to see the history or file for the Lawsuit, you may visit the Court or access the docket of the Lawsuit at Maryland Judiciary Case Search Online <http://www.maryandcase.org> by inserting Case No. 12-C-10-2273 OC and the Court in the search screen. You may also contact Class Counsel using the information set forth in Section 2 of this Notice

DO NOT ADDRESS ANY QUESTIONS ABOUT THIS NOTICE TO THE COURT.

Dated: March 1, 2020

By: Order of the Circuit Court
For Harford County, Maryland

ATTACHMENT D

(Website Notice)

[For Posting on the Website Page for the Employees Retirement System of Baltimore County]

**NOTICE OF COURT ORDERED CERTIFICATION OF CLASS ACTION
AFFECTING CERTAIN RETIREES AND MEMBERS OF THE
EMPLOYEES RETIREMENT SYSTEM OF BALTIMORE COUNTY**

This Notice concerns the certification of a Class by the Circuit Court for Harford County in a class action lawsuit entitled Brian J. Rowe, et al v. Baltimore County, MD, et al. v. Genuine Title, LLC, et al, Case No. 12-C-10-2273 OC (the “Lawsuit”). The certified Class includes certain retirees and members of the Employees Retirement System for Baltimore County (“BCERS”) who previously transferred service credit to BCERS from another noncontributory retirement plan or system.

What is the Lawsuit about? The Plaintiffs in the Lawsuit, like the members of the Class, all transferred service credit from a non-contributory retirement system to BCERS’ contributory retirement system when they became employed by Baltimore County. The Lawsuit claims that Baltimore County has adopted and utilized an illegal method for calculating a reduction (known as a “Deficiency”) to the past and future retirement benefits of persons who transferred service credit from a non-contributory retirement system to BCERS. The Plaintiffs allege that the method used by Baltimore County to calculate that “Deficiency” improperly utilizes a “valuation rate” of interest and not the “regular rate of interest” applied by BCERS to member contributions, which significantly reduces Class members’ retirement benefits and vested rights in a manner which the Plaintiffs contend violates State law. The Plaintiffs seek payment of all underpaid retirement benefits to those Class Members who have or will have retired by the time the Lawsuit concludes, as well as declaratory and injunctive relief requiring the Defendants to calculate and pay future retirement benefits to all Class Members consistent with State law. BCERS and the other Defendants in the Lawsuit dispute the Plaintiffs’ claims and contend that their “valuation rate” method for reducing retirement benefits for persons who transferred service credit from a non-contributory retirement system to BCERS is legal. *The Court has not made any judgment or other determination of the Defendant’s liability in the Lawsuit.*

Who is part of the Class? The certified Class includes those persons who transferred service credit to BCERS from a noncontributory retirement plan or system whose deficiency under Section 37-203(F)(2) of the State Personnel and Pension Article of the Maryland Annotated Code (or its predecessor statutes) was calculated or under County law will be calculated based on the “valuation rate” established by BCERS and not the “regular rate of interest” applied by BCERS to member contributions. The Class excludes those persons: (i) who withdrew their contributions from BCERS and did not later return to county service and repurchase service credit earned by them; (ii) who after becoming a member in BCERS, transferred their retirement service credit to another jurisdiction and did not subsequently transfer it back to BCERS; and (iii) who timely opt-out of the class.

Important Additional Information for Class Members: The following link contains the Court-approved Notices for mailing to Class Members that provides important information and deadlines affecting the rights of Class members. If you are a member of the Class described above, please click on the following link and review it carefully. If you are not sure whether you fall within the Class or want more information about the Lawsuit, please contact the Court-appointed attorney for the Class, Virginia W. Barnhart of Womble Bond Dickinson (US) LLP either by telephone at (410) 545-5803; by email to Virginia.Barnhart@wbd-us.com or by mail to Virginia W. Barnhart, Esquire, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21201.



**CIRCUIT COURT FOR HARFORD COUNTY,
MARYLAND**

20 W. Courtland Street
Bel Air, Maryland 21014

Clerks Office: 410-638-3426



To: JAMES J NOLAN, JR.
400 WASHINGTON AVENUE
2ND FLOOR
TOWSON, MD 21204

Case Number:
Other Reference Number(s):

12-C-10-002273

BRIAN J ROWE, ET AL VS BALTIMORE COUNTY MARYLAND, ET AL