

**LOUISIANA UNCLAIMED  
PROPERTY - NOTICE OF  
CLASS ACTION  
SETTLEMENT, OPT OUT  
PROCEDURE, FAIRNESS  
HEARING AND DISMISSAL  
OF CLASS ACTION<sup>1</sup>**

**TO: ALL OWNERS OF PROPERTY THAT WAS SURRENDERED TO THE ADMINISTRATOR OF UNCLAIMED PROPERTY PRIOR TO DECEMBER 31, 2011, WHOSE PROPERTY WAS INTEREST BEARING TO THE OWNER, BY VIRTUE OF A LOUISIANA STATUTE OR A CONTRACT, ON THE DATE OF SURRENDER BY THE HOLDER TO THE ADMINISTRATOR OF UNCLAIMED PROPERTY. [HEREINAFTER "CLASS MEMBERS"]**

**READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

All "CLASS MEMBERS" are hereby notified of a hearing to be held by the Court: (i) to determine whether it should grant final approval to the proposed Settlement Agreement as fair, reasonable and equitable; (ii) to finally determine whether it should grant a judgment dismissing this case and the case entitled *Hooks v. Kennedy*, 19<sup>th</sup> J.D.C. Suit No. 496,445 Div. "F", Parish of East Baton Rouge, State of Louisiana<sup>2</sup>, on the merits, with prejudice; (iii) to determine whether it should approve payment of the agreed upon settlement amount(s) as set forth in the Settlement Agreement; and (iv) to consider all other matters deemed appropriate by the Court.

**1. The Settlement Class and Terms of the Proposed Settlement.**

The named Plaintiffs, the attorneys for the named Plaintiffs and class and the attorneys for the Defendant have agreed to settle this case pursuant to the terms and conditions set forth in a Settlement Agreement ("Agreement"), made as of December 20, 2012, which is subject to and conditioned upon the Court's final approval of its terms. Copies of the Agreement may be examined at the East Baton Rouge Parish Clerk of Court 300 North Blvd, Baton Rouge; or at [www.treasury.state.la.us/default.aspx](http://www.treasury.state.la.us/default.aspx)

Although a summary of its principal terms follows, you should examine the

Agreement itself. Nothing in this notice alters the terms of the Agreement.

Under the settlement, if it is approved, and upon the occurrence of certain other conditions, Defendant will pay interest on Class Members unclaimed property if so provided by statute or upon submitting satisfactory proof of ownership and the interest-bearing nature of the property. The Class Member must submit evidence of the particular interest rate at which their property bore interest at the time the unclaimed property was transferred to the custody of the State. Defendant will establish procedures and provide notice of this settlement as a benefit to the class at its expense not to exceed \$200,000.00. The settlement is subject to final approval of the Court after a hearing. Awards of attorneys' fees, costs, and disbursements shall be subject to approval by the Court and payable in accordance with the terms of the Settlement Agreement. Defendant does not admit any wrongdoing or liability on their part; the proposed settlement is a compromise of disputed claims and does not mean that Defendant will be found liable for the claims made by the Plaintiffs if approved, the proposed settlement will discharge defendant from any further liability to the class members for the conduct alleged by the plaintiffs.

**2. Court Will Hold Fairness Hearing.**

The settlement described in the Agreement will not become effective unless and until the Court gives final approval to the settlement as a fair, reasonable, adequate and equitable compromise of the aggregate claims of the Class as a whole and is in the best interest of the Class.

In order to assist the Court in making these decisions, the Court will hold a hearing (referred to as the "Fairness Hearing") at 10:30 a.m., on October 9, 2012, at the Courtroom of the Honorable Timothy Kelley, Room 10D, East Baton Rouge Parish Court House, 222 St. Louis Street, Baton Rouge.

Following the Fairness Hearing, the Court will: (i) determine whether to grant final approval to the proposed settlement agreement as fair, reasonable and equitable; (ii) finally determine whether to grant a judgment dismissing the class action on the merits, with prejudice, and without costs; (iii) determine whether to approve payment of the agreed upon settlement amount; and (iv) consider all other matters deemed appropriate by the Court.

**3. Class Benefit, Attorneys' Fees and Expenses.**

The Settlement Agreement provides a class benefit of \$15,000,000.00 of which Plaintiffs' Class Counsel will make an application for a maximum attorney fee in the amount of 16.666% of the settlement fund or in an amount as set by the Court, not to exceed \$2,500,000.00, plus reimbursement of reasonable expenses not to exceed \$450,000.00 incurred in prosecution of this litigation, and all of which must be approved by the Court.

**4. Rights and Options of Class Members.**

If you are a Class member, you have the following options.

**A. You may do nothing and remain a Class Member**

If you choose to take no action, your interests as a member of the Class will be represented by the class representatives and Plaintiffs' Class Counsel, and you will be bound by the terms of the Settlement Agreement and any final judgments that may be entered.

As a member of the Class, you will not be responsible for attorneys' fees or litigation expenses, except for such attorneys' fees and litigation expenses as may be awarded by the Court to Plaintiffs' Class Counsel to be paid in addition to Class Members funds.

If the Court grants final approval of the Settlement Agreement, you will be bound by the terms of the Settlement Agreement and by any judgments entered in accordance with the Settlement Agreement, whether favorable or not.

**B. You may remain a Class Member and hire your own attorney to represent you at your own cost.**

You may elect to remain in the Class and hire your own attorney to represent you at your costs. To do so you must file an Entry of Appearance with the Clerk of Court at the East Baton Rouge Parish Clerk of Court, P.O. Box 1991, Baton Rouge, LA 70821-1991, with Proof of Service on Plaintiffs' Class Counsel (Kenneth Hooks, III, Dodson, Hooks & Frederick, 112 Founders Drive, Baton Rouge, LA 70810 and counsel for Defendants (Michael Rubin, McGlinchey Stafford, PLLC, 301 Main Street, One American Place, 14th Floor, Baton Rouge, Louisiana 70825). Such Entry of Appearance must be postmarked no later than September 24, 2012. You will then continue as a Class member with representation by your own attorney and you will be responsible for the fees and costs of that attorney.

**C. You may object to the Settlement.**

Any Class member who objects to the proposed settlement must mail or hand deliver such objection and any supporting papers to the following address: East Baton Rouge Parish Clerk of Court, 300 North Blvd, Baton Rouge, LA 70821-1991, which mailing or hand delivery must be received by the Clerk of Court on or before September 24, 2012. If the person filing the objection intends to appear personally at the fairness hearing noticed above, he or she must file with the Clerk and serve a notice of intent to appear by September 24, 2012.

Any Class member who does not file an objection in the time and manner described above shall be forever foreclosed from raising any objection to such matters. Copies of all objections sent to the Clerk of Court must also be sent to Plaintiffs' Class Counsel (Kenneth Hooks, III, Dodson, Hooks & Frederick, 112 Founders Drive, Baton Rouge, LA 70810 and Defendants' counsel (Michael Rubin, McGlinchey Stafford, PLLC, 301 Main Street, One American Place, 14th Floor, Baton Rouge, Louisiana 70825).

**D. You may opt out of the Class**

You may elect to opt out of the Class by sending written notice by mail or have it hand delivered to East Baton Rouge Parish Clerk of Court, 300 North Blvd, Baton Rouge, LA 70821-1991, which mailing or hand delivery must be received by the Clerk of Court on or before September 24, 2012. Copies of all written notices of opt out sent to the Clerk of Court must also be sent to Plaintiffs' Class Counsel (Kenneth Hooks, III, Dodson, Hooks & Frederick, 112 Founders Drive, Baton Rouge, LA 70810 and Defendant's counsel (Michael Rubin, McGlinchey Stafford, PLLC, 301 Main Street, One American Place, 14th Floor, Baton Rouge, Louisiana 70825). The written notice of any request to opt out must clearly identify the full name, address, and telephone number of the person or entity desiring to opt out and have that person's signature. If you are sending notice on behalf of a minor (under age 18), incompetent (mentally or physically incapable), or deceased person, you must provide your name, address, telephone number, and signature, and your relationship to that person. If you opt out of the Class you will not be included in the class action and will not be bound by the Settlement Agreement or any court decision in the class action. Any class member who does not timely submit a written notice to opt out containing all information described above will be bound by the terms of the Settlement

Agreement and by any judgments entered in accordance therewith, whether favorable or not.

**5. Fairness Hearing.**

Class members who support the settlement, DO NOT NEED TO APPEAR AT THE HEARING OR TAKE ANY OTHER ACTION TO INDICATE THEIR APPROVAL.

**6. Additional Information.**

Any questions you have about the matters contained in this notice should be directed in writing to Plaintiffs' Class Counsel at Kenneth Hooks, III, Dodson, Hooks & Frederick, 112 Founders Drive, Baton Rouge, LA 70810.

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<sup>1</sup> *WILLIAM J. ALBACH AND RICHARD J. DODSON VS JOHN KENNEDY*, in his capacity as State Treasurer of Louisiana and Administrator of Unclaimed Property Pursuant to LA R.S. 9: 152 and the Uniform Disposition of Unclaimed Property; suit no. 450,102 Division "A" 19th Judicial District Court, Parish Of East Baton Rouge, State Of Louisiana

<sup>2</sup> *TOMMY J. HOOKS, JR., PAUL F. GARWOOD and NOREEN WOGAN VS TREASURER, JOHN KENNEDY*, In his capacity as Treasurer of the State of Louisiana, and Administrator of Unclaimed Property, pursuant to La. R.S. 9:152, et seq., and Richard P. Ieyoub, the Attorney General of the State of Louisiana, Suit Number: 496,445 Div. "F" 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana.