

**If the Social Security Administration (SSA) reduced your benefits because you received old age benefits from the National Insurance Institute of Israel (NII), you could receive money from a class action settlement.**

- A settlement for Class members has been proposed in a class action lawsuit against the United States Social Security Administration (SSA). The lawsuit claims that SSA wrongly reduced some payments for Social Security old age, survivors, and disability insurance benefits by applying the Windfall Elimination Provision (WEP) if a person received old age benefits from the National Institute of Israel (NII Old Age Benefits). As part of the settlement, SSA has agreed not to apply WEP due to receipt of NII Old Age Benefits.
- You may be a member of this Class if SSA applied the WEP to your SSA benefits based on your receipt of NII Old Age Benefits on or after September 3, 2004. If you are a member of the Class, you may be eligible for a payment under the settlement.
- In order for SSA to determine if you are eligible for a payment, you must contact SSA to arrange for a review of your record.
- The United States District Court for the District of Columbia authorized this Notice. Before the settlement is effective, the Court will have a hearing to decide whether to approve it.
- Your legal rights are affected whether you act or don't act. Please read this Notice carefully.

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT:</b>	
<b>Ask SSA To Conduct A Settlement Claim Review</b>	To determine if you are eligible for a payment under the settlement, you must contact SSA to arrange for a review of your record by calling one of the toll-free numbers in Section 2, below, or by completing and sending the enclosed "Settlement Claim Review" form to SSA. If you do not contact SSA, SSA may not review your record.
<b>Exclude Yourself (also known as "opting-out")</b>	You won't be part of the Class or the settlement if you send in the enclosed Opt-Out form. You won't get your record reviewed under the settlement. However, you will keep your right to make claims against SSA in another lawsuit or administrative proceeding.
<b>Object</b>	You can write to the Court about why you don't like the settlement.
<b>Go To A Hearing</b>	You can ask to speak in Court about the fairness of the settlement.
<b>Do Nothing</b>	You will be part of the Class and could have your record reviewed. However, you must contact SSA to start the review process. If you are part of the Class, you will give up your right, if any, to be part of any other lawsuit or administrative proceeding against SSA that includes the legal claims in this lawsuit.

These rights, options, and deadlines are explained in this Notice. You can review the proposed settlement agreement and get more information, including a detailed notice, at <http://www.ssa.gov/greenberg/> or by calling one of the toll free numbers set up by SSA for this

case (access charges may apply). Those numbers are listed in Section 2 of this Notice.

### **1. Do I Have A Lawyer In The Lawsuit?**

The Court chose the law firm of Kelley Drye & Warren LLP to represent you and all Class members in the lawsuit. This law firm is called “Class Counsel.” The Court has accepted Ira T. Kasdan, Esq. of that firm as the Lead Attorney. Mr. Kasdan’s contact information is: Ira T. Kasdan, Esq., KELLEY DRYE & WARREN LLP, 3050 K Street, N.W., Suite 400, Washington, DC 20007 USA; Tel: (202) 945-6611; fax: (202) 342-8451; email: [SSACase@kelleydrye.com](mailto:SSACase@kelleydrye.com).

### **2. What Do I Need To Do To Get A Payment?**

In order to be eligible to receive a payment provided for by the settlement, you must timely and properly contact SSA no later than **June 22, 2017** to request SSA to conduct a “Settlement Claim Review” of your record at SSA. You can contact SSA to request this review by:

- calling one of the toll-free numbers set up by SSA for this class action lawsuit (access charges may apply). If calling from:
  - USA (domestic), please dial 855-727-8115;
  - Israel Barak, please dial 180-931-5817;
  - Chile Entel, please dial: 1230-020-2354;
  - South Africa, please dial: 0800-999-542;
  - United Kng BT: 0808-234-8814; or
- completing and mailing the enclosed Settlement Claim Review request form to SSA. If you complete the form, you must mail it to: Social Security Administration, Attn: Greenberg Lawsuit, Request for Settlement Claim Review, Office of International Operations, PO Box 33001, Baltimore, Maryland 21290-3001 USA.

You can also ask Class Counsel to ask SSA to do this review on your behalf by contacting the Lead Attorney for Class Counsel. His contact information appears in Section 1, above.

As part of the review of your claim, SSA might ask you for some information or documents.

### **3. What If I Don’t Want To Be Part Of The Settlement?**

If you do not want to take part in the settlement or be a Class member, then you must exclude yourself, known also as “opting-out,” of the settlement and from being a Class member. To opt-out, you must complete, sign, and mail the enclosed opt-out form on or before **June 22, 2015** to: Kelley Drye & Warren LLP, Attn: Greenberg Lawsuit Opt-Out, 3050 K Street, N.W., Suite 400, Washington, DC 20007-5108 USA.

### **4. What Happens If I Opt-out Of The Settlement And From Being A Class Member?**

If you opt-out: (1) you will not receive payment from SSA under the terms of the settlement; (2) you cannot object to the settlement; and (3) any Court orders regarding the

settlement and the lawsuit will not apply to you. By opting-out, however, you keep your right, if any, to be part of any other lawsuit or administrative proceeding against SSA that includes the legal claims in this lawsuit.

### 5. How Will Class Counsel Be Paid?

At the Fairness Hearing, further discussed in Section 8 of this Notice, Class Counsel will ask the Court to approve its application for an award of attorneys' fees for filing the lawsuit, for all the work they have done representing the Class in reaching a settlement, and for any work that will be done to implement it. Class Counsel will ask the Court to award it attorney fees up to 25% of the total that SSA pays to the Class members. If the Court approves the award, SSA would reduce any money paid to a Class member by the percent set by the Court.

Class Counsel has to file its application for an award of attorney fees at least 45 days before the "Fairness Hearing". After that application is filed with the Court, it will be posted to <http://www.ssa.gov/greenberg/>, where you can view it.

### 6. How Do I Object To The Settlement Agreement?

If you are a Class member and do not opt-out, you can tell the Court in writing that you do not like the settlement or some part of it, or you can comment on it. This is called "objecting" to the settlement. For example, you can say you do not think the settlement is fair or adequate, or that you object to the amount of the attorney fees requested by Class Counsel. The Court will consider your views but may approve the settlement and attorney fees anyway.

If you are not a Class member because you opted-out, you cannot object to the settlement.

Your written objection or comment must be postmarked or personally delivered by hand to all three of the following places on or before **June 22, 2015**:

Class Counsel	Defendants' Counsel	The Court
Ira T. Kasdan, Esq. Kelley Drye & Warren LLP 3050 K Street, N.W., Suite 400, Washington, DC 20007 USA	Etzion Brand, Esq. Office of the General Counsel, Social Security Administration 6401 Security Blvd., Room 617 Baltimore, MD 21235 USA	United States District Court For the District of Columbia Attn: Attn: Judge Rosemary Collyer, re: Greenberg v. Colvin, Case No. 1:13-cv-01837-RMC 333 Constitution Avenue, N.W. Washington, DC 20001 USA

### 7. Can I Comment On Or Appear And Speak In The Lawsuit About The Settlement?

Yes. As long as you do not opt-out, you have the right to appear and speak for yourself in the lawsuit and about the settlement. You can also have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you (or your lawyer) want to appear in the lawsuit, you must send the Court a paper called a “Notice of Appearance.” The Notice of Appearance should say you want to appear in *Greenberg, et al. v. Colvin, et al.*, Case No. 1:13-cv-01837-RMC. If you also want to speak at the Fairness Hearing, your Notice of Appearance must also say that you (or your lawyer) plan to speak at the Fairness Hearing. If you want to ask to speak at the Fairness Hearing, you must mail your Notice of Appearance and your written objection or comment before **June 22, 2015** with the Court at the following address:

Clerk of the Court  
United States District Court for the District of Columbia  
333 Constitution Ave., N.W.,  
Washington, DC 20001 USA.

You must also send copies of the Notice of Appearance to Class Counsel and the Defendants’ lawyer at the addresses given for them in Section 6, above.

## **8. When and Where Will The Court Decide Whether To Approve The Settlement?**

The Court will hold a hearing regarding the fairness of the settlement, called a “Fairness Hearing.” At this hearing, the Court will: (1) consider whether the settlement is fair, adequate, and reasonable; (2) consider any written objections or comments; and, (3) listen to people who have asked to speak at the hearing.

After the hearing, the Court will: (a) decide whether to approve the settlement; and, consider and decide whether and to what extent to award Class Counsel’s request for attorney fees, repayment of out-of-pocket expenses, and any objections made to the request.

The Fairness Hearing will be held before the Honorable Rosemary M. Collyer, United States District Court Judge at: United States District Court for the District of Columbia, Courtroom 8, 333 Constitution Avenue, N.W., Washington, DC 20001 USA.

The Court has scheduled the Fairness Hearing for **June 30, 2015 at 9:30 A.M. in Courtroom 8** of the United States District Court for the District of Columbia. Note that the date and time of the Fairness Hearing and the courtroom in which is to be held are still subject to change, so it is a good idea to continue to check with the Court or <http://www.ssa.gov/greenberg/> for any updates on those details about the Fairness Hearing, particularly if you wish to attend that hearing.

## **9. Are More Details Available?**

Yes. You can find more details about this Notice, the lawsuit, and the settlement, and see a full copy of the settlement agreement, by visiting <http://www.ssa.gov/greenberg/>. If you have any questions about this Notice or the settlement, you may also call one of the toll-free telephone numbers listed in Section 2 of this Notice (access charges may apply) or write to Ira T. Kasdan, Esq., the Lead Attorney for Class Counsel, at the address provided for him in Section 1, above.

You can also look at and copy the legal documents filed in this lawsuit at any time during regular office hours at:

Office of the Clerk of the Court  
United States District Court for the District of Columbia  
333 Constitution Avenue, N.W.,  
Washington, DC 20001 USA

\* \* \* \* \*