

## **Notice of Proposed Class Action Settlement and Fairness Hearing**

### **Regarding Decisions by Certain Administrative Law Judges in Queens, New York about**

### **Social Security Disability Benefits**

This notice is about a proposed settlement in a class action lawsuit concerning decisions about Social Security disability benefits by certain Administrative Law Judges (ALJs) in Queens, New York. Social Security disability benefits include both Disability Insurance Benefits and Supplemental Security Income (SSI) payments based on disability.

**The proposed settlement may affect your rights** if you received or will receive an unfavorable or partially favorable decision about your claim for disability benefits from one of the five ALJs in Queens, New York listed below, during the period that begins January 1, 2008, and ends 30 months after the settlement becomes final. The proposed settlement will become final when the Court approves it.

The lawsuit was brought in the United States District Court for the Eastern District of New York, in Brooklyn, New York. The Court will hold a public hearing before deciding whether to give final approval to the proposed settlement.

This notice describes the lawsuit and the terms of the proposed settlement. This notice also describes the process that the Court will use to decide whether to approve the proposed settlement, and what you can do if you have comments or object to the proposed settlement.

#### **What Is The Lawsuit About?**

The lawsuit is called *Padro et al. v. Astrue*. Plaintiffs claimed that certain ALJs in Queens, New York (Michael D. Cofresi, Seymour Fier, Marilyn P. Hoppenfeld, David Z. Nisnewitz, and Hazel C. Strauss) were “generally biased” against people applying for Social Security disability benefits. The Social Security Administration denies any wrongdoing or liability. However, the parties are proposing to settle the lawsuit.

#### **Who Are Members Of The Class?**

You may be a Class member if you received or will receive an unfavorable or partially favorable decision from one of the five ALJs listed above during the period beginning January 1, 2008, and ending 30 months after the date the proposed settlement becomes final.

### **What Are The Terms Of The Proposed Settlement?**

This notice contains only a summary of the proposed settlement. To fully understand the proposed settlement, you should read the entire proposed settlement agreement. Information about where you can find a copy of the entire proposed settlement agreement appears below.

The proposed settlement provides that:

1. Class members whose claims were denied by one of the five ALJs named above between January 1, 2008, and the date the proposed settlement becomes final will have the right to a new hearing and decision on that claim. The new decision will be made by an ALJ who is not one of the five listed above or, in certain circumstances, may be made by a Social Security Administration attorney advisor or the Social Security Administration’s Appeals Council.
2. Class members whose claims are denied by the five ALJs named above during the 30-month period after the date the proposed settlement becomes final will have their claims reviewed by a specified group of staff at the Appeals Council. If a class member’s claim is sent for another hearing after an appeal, the claim will be assigned to an ALJ who is not one of the five listed above.
3. The Social Security Administration will provide other relief. This relief relates to ALJ training and to procedures the agency uses to review complaints that an ALJ hearing was unfair.
4. As part of the settlement, lead counsel for class plaintiffs—Gibson, Dunn & Crutcher—agreed to waive its fees. Gibson Dunn’s co-counsel, a not-for-profit organization called the Urban Justice Center, will be paid fees of \$125,000 for work done on this lawsuit. Those fees are the only funds to be paid by the Social Security Administration in connection with this lawsuit, except for the costs associated with sending the notices described in the proposed settlement.

### **How Can You Get A Copy of The Proposed Settlement?**

You can get a copy of the proposed settlement in one of the following ways:

1. You can read the proposed settlement on the internet at:

<http://www.socialsecurity.gov/padrosettlement>

2. You can contact the Urban Justice Center, the lawyers who brought the *Padro et al. v. Astrue* lawsuit, at (646) 459-3068.

**How Will The Court Decide Whether To Approve The Proposed Settlement?**

The Court will need to approve the proposed settlement before it becomes final.

The Court will hold a public hearing, called a fairness hearing, to decide if the proposed settlement is fair. The hearing will be held on July 24, 2013 at 2:30 p.m., at the following address:

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Courtroom 10D South

Because the date and time of the hearing could change, please check with the Court before attending.

**What Can You Do If You Object To The Settlement Or Have Other Comments?**

IF YOU AGREE with the proposed settlement, you do not have to do anything at this time. You have the right to attend the fairness hearing, at the time and place above.

IF YOU DISAGREE OR HAVE COMMENTS about the proposed settlement, you can write to the Court or ask to speak at the hearing. You must do this by writing to the Clerk of the Court, at either:

The following mailing address:

Clerk of the Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Or the following email address:

[11cv1788@nyed.uscourts.gov](mailto:11cv1788@nyed.uscourts.gov)

Your written comments or request to speak at the fairness hearing must be postmarked or e-mailed by June 24, 2013.

The Clerk will provide copies of written comments to the lawyers who brought the lawsuit and to the Social Security Administration by filing the comments on the court’s electronic case filing system.

If your comments involve your health or other personal information, and you do not want such information to be widely available, you may ask the Court to keep your comments private by requesting that they be filed “under seal.” If you do this, your comments will be seen by the Court and the lawyers and the Social Security Administration, but the comments will not be made public. If you do not say that you want your comments “under seal,” they will become a part of the public record. This means that they will be available online through the Court’s public access service. They may be read, downloaded, or distributed by anyone who has an account.

The Court will decide who gets to speak at the fairness hearing.

**What Can You Do If You Have Questions?**

If you have any questions about this lawsuit or about the proposed settlement, please contact the lawyers who brought the lawsuit at:

Urban Justice Center  
Padro Class Counsel  
123 William Street, 16<sup>th</sup> Floor  
New York, New York 10038-3800  
Tel. (646) 459-3068  
Fax. (212) 533-4598