

McAdams v. Monier
P.O. Box 4068
Portland, OR 97208-4068

September 28, 2020

Dear Property Owner,

As the Court-appointed Referee, I have received numerous communications from claimants concerned about the progress of their claims in the *McAdams v. Monier* class action. Many of you have expressed your concerns that the claims process is moving too slowly, and that no one has received any money yet.

The purpose of this letter is to give you a better understanding of why the claims process is taking so long. If you are working with a claims service, they are not responsible for any perceived delays in compensating you.

The claims period ended on March 16, 2020. The Claims Administrator, Epiq Global, received 9,303 claims and continues to process them, including by sending deficiency letters when more information is needed.

Each claim is subject to review, and Defendant Monier has challenged every claim. The parties have submitted multiple briefs to me regarding claims processing and approval. Judge Jones of the Placer County Superior Court must approve any recommendations made by me, and the parties have the right, should they so elect, to challenge my recommendations with the Court.

While this process may seem cumbersome, there have been some agreements between the parties to expedite claims. Primarily because the issues relative to approval or denial are repetitive, meaning the vast majority of claims are similar in regards to these issues, the parties have agreed that the remaining claims can be scored on a joint spreadsheet and submitted to the Court for approval consistent with the Court's earlier orders.

On June 6, 2020, the Court approved a small number of claimants, essentially the first group approved for payment of their claims. These claimants and the issues presented reflect almost all the objections raised by Monier as to claimant approval. Because the Court has now ruled on those objections, the remaining claims can be approved quickly because the objections are repetitive.

On July 8, 2020, the Court entered an order, after a motion by the Class and opposition by Monier, to sever 62 Class member claims and enter judgment for those claims. This order means those claimants may now enter judgment against Monier for their claims, and that statutory interest at 10% begins to accrue once judgment is entered.

Class Counsel will ask the Court to do the same for the next group of approved claimants and any following groups. Monier has said that it plans to appeal all awards to the Court of Appeals. On August 9, 2020, Monier filed a Writ of Mandate before the Third District Court of Appeal, seeking to overturn the Court's July 8, 2020 order severing the 62 Class member claims and permitting entry of judgment. At this time, the Court of Appeal has not ruled on whether it will grant Monier's writ.

Finally, we appreciate your patience. This case has been going on for 18 years. No Class member has been paid to date, nor have any of the Plaintiff's lawyers. We are all working very hard to finish this case. We will keep you advised periodically of what is happening.

Thank you,

Lester Levy