

IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA

ELAINE ANN GOLD, AMY JACOBSON  
SHAYE, HEATHER HUNTER, and  
RODERICK BENSON, on behalf of  
themselves and all others similarly situated,

CIVIL ACTION FILE  
NO. 11-CV-3657-5

Plaintiffs,

v.

DEKALB COUNTY SCHOOL DISTRICT and  
DEKALB COUNTY BOARD OF EDUCATION,

Defendants.

**ORDER PRELIMINARILY APPROVING  
SETTLEMENT AND NOTICE TO THE CLASS**

This 9<sup>th</sup> day of July, 2020, upon consideration of Plaintiffs' Unopposed Motion to Grant Preliminary Approval of Class Settlement and Provide for Notice,<sup>1</sup> **IT IS ORDERED** as follows:

1. The motion is **GRANTED** and this Court grants preliminary approval of the proposed Settlement (attached to the Motion as Exhibit A). The Court finds that the proposed Settlement and the proposed Class Member Payment Formula (attached to the Motion as Exhibit B), are fair, reasonable, and adequate. Accordingly, notice thereof should be given to the Class.
2. The Settlement Class (consisting of two subclasses) has already been certified as a Litigation Class and is hereby certified as a Settlement Class defined as follows:

Annual Contract Subclass

Each person – or his or her properly-designated beneficiary or beneficiaries – who was actively employed by the DeKalb County School District or DeKalb County Board of Education before July 27, 2009 on an annual contract basis and who did

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Settlement Agreement.

not receive TSA contributions after July 31, 2009 as a result of the July 27, 2009 elimination of TSA contributions.

At-Will Contract Subclass

Each person – or his or her properly-designated beneficiary or beneficiaries – who was actively employed by the DeKalb County School District or DeKalb County Board of Education before July 27, 2009 on an at-will contract basis or any basis other than an annual contract basis and who did not receive TSA contributions after July 31, 2009 as a result of the District’s suspension of TSA contributions.<sup>2</sup>

3. The following lawyers are appointed as Class Counsel: Roy E. Barnes and John F. Salter of The Barnes Law Group, LLC and Michael B. Terry, Jason J. Carter, and Naveen Ramachandrappa of Bondurant, Mixson & Elmore, LLP.

4. This Court will hold a hearing on final approval of the settlement on **September 17, 2020 at 9:00 a.m.** in Courtroom 5D of the DeKalb County Superior Court. This hearing may, if necessary, be conducted remotely and/or held at a different time or location without further ~~formal notice to Class Members. Class Members should check the settlement website at~~ [www.goldshayeclassaction.com](http://www.goldshayeclassaction.com) for further information regarding the time, date, location and format of the hearing.

5. The parties shall file their written submissions in support of Final Approval of the Settlement Agreement – which shall include a response to any class member objections that are received – no later than September 8, 2020.

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<sup>2</sup> For purposes of these class definitions, an employee will be considered to have been “actively employed before July 27, 2009” if either (a) they were already a participant in the Board TSA Plan as of that date, **or** (b) according to the District’s records, they have a Continuous Service Date before that date. The employee will be considered to have “not receive[d] TSA contributions after July 31, 2009 as a result of the District’s suspension of TSA contributions,” if, according to the District’s records, they were (a) in the category of employees subject to the suspension; (b) otherwise eligible for the Board TSA, **and** (c) received full time pay from the district between July 29, 2009, and January 31, 2016, without receiving their expected contribution.

6. The Court concludes that the form and substance of the proposed notice to the Settlement Class (“Notice”, attached to the Motion as Exhibit C) and the mailing and email notice pursuant to the Settlement Agreement constitutes the best notice practicable under the circumstances and **APPROVES** the proposed Notice.

7. American Legal Claims, LLC, is **APPOINTED** as Settlement Administrator, and shall be responsible for providing notice of the preliminarily approved Settlement in accordance with the provisions of the Settlement Agreement and this Order. The Parties shall timely provide a Class List to the Administrator in accordance with the Settlement Agreement. The Notice shall be mailed by the Settlement Administrator to all Class Members, by first-class mail, postage prepaid, **within fifteen days** of the date it receives the Class List. The Notice shall be sent to all Class Members at their last known addresses, with address updating and verification to be performed by the Settlement Administrator in accordance with the Settlement Agreement.

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8. Class Members who wish to exclude themselves from the Settlement Class and this Settlement must do so in writing by submitting to the Administrator at the address listed in the Notice, a written, signed, and dated statement that he or she is opting out of the Class and understands that he or she will receive no money from the Settlement of this Action. To be effective, this opt-out statement (i) must be mailed to the Administrator by the Opt Out Deadline set forth in the Settlement Notice approved by the Court, (ii) include the Class Member's name and last four digits of their social security number, and (iii) must be personally signed and dated by the Class Member. The Administrator will, within ten (10) calendar days of receiving any opt-out statement, provide counsel for the Parties with a copy of the opt out statement. The Administrator will, at least seven (7) calendar days before the Final Approval Hearing, file copies of all opt-out statements with the Court. The Settlement Class will not include any individuals who send timely

and valid opt-out statements, and individuals who opt out are not entitled to any monetary award under this Settlement.

9. Any individual who believes they have been mistakenly omitted from the class list should contact the Administrator at the address listed in the Notice and at [www.goldshayeaclassaction.com](http://www.goldshayeaclassaction.com). Any such individual should provide a written statement explaining why they should be included in the Settlement Class and provide supporting documentation. This statement and supporting documentation must be mailed to the Administrator by the Opt Out Deadline set forth in the Settlement Notice approved by the Court. The Administrator will, within ten (10) calendar days of receiving any such statement, provide counsel for the Parties with a copy of the statement. The Administrator will, at least seven (7) calendar days before the Final Approval Hearing, file copies of all statements received under this paragraph with the Court, and Counsel for the parties shall identify to the Court any disputed requests. Any dispute regarding any request under this paragraph will be resolved by the Court at the final approval hearing.

10. **No later than seven days** prior to the Final Approval Hearing, the Settlement Administrator shall file with the Court proof of mailing of the Notice to all Class Members. **Within twenty-five days** of the date of this Order, the Notice shall also be emailed by the School District to all Class Members for whom the School District has an email address.

11. If any Class Member desires to object to this Settlement, he or she shall file any such objection with the Clerk **within thirty (30) days** of the date the Notice is mailed. A Class Member who submits an objection must submit a written objection that includes: the objector's name and address, the basis for the objection, all arguments and authority supporting the objection, and any evidence supporting the objection. The objection shall also state whether the Class Member is represented by an attorney, and if so, the attorney's name. If represented by counsel, the attorney

for the objector shall disclose:

a) The number of times in which the objector's counsel and the counsel's law firm have objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each case;

b) If the objector is represented by an attorney who intends to seek fees and expenses from anyone other than the objectors he or she represents, the objection should also include (i) a description of the attorney's legal background and prior experience in connection with class action litigation; (ii) the amount of fees sought by the attorney for representing the objector and the factual and legal justification for the fees being sought; (iii) a statement regarding whether the fees being sought are calculated on the basis of a lodestar, contingency, or other method; (iv) the number of hours already spent by the attorney and an estimate of the hours to be spent in the future; and (v) the attorney's hourly rate;

c) Any and all agreements that relate to the objection or the process of objecting, whether written or verbal, between objector or objector's counsel and any other person or entity; and

d) A description of all evidence to be presented at the Final Approval Hearing in support of the objection, including a list of any witnesses, a summary of the expected testimony from each witness, and a copy of any documents or other non-oral material to be presented.

An objection will be deemed submitted and will be considered by the Court only if it is

filed with the Court by the Objection Deadline set forth in the Settlement Notice. It is the responsibility of the objector to ensure proper filing so as to make certain that the objection is timely received by the Court.

The objecting Class Member must also provide a statement whether the objector intends to appear at the Settlement Hearing, either with or without counsel. If the objector intends to appear at the Settlement Hearing through counsel, his/her/its counsel must file a notice of appearance with the Court no later than thirty (30) business days before the hearing and shall cooperate fully in being deposed promptly.

12. **No later than forty-five days** prior to the Final Approval Hearing, Class Counsel shall file their application for attorneys' fees and reimbursement of costs and expenses and shall promptly post their application at [www.goldshayeclassaction.com](http://www.goldshayeclassaction.com).

13. Any Class Member may appear at the Final Approval Hearing, in person or through counsel, and be heard to the extent allowed by the Court in opposition to the fairness, reasonableness, and adequacy of the Settlement, the proposed class member payment formula, and the application for an award of attorneys' fees, costs, and expenses to Class Counsel. Absent leave of Court, no person shall be heard in opposition to the Settlement, the Settlement Agreement, or the application for an award of attorneys' fees, costs, and expenses to Class Counsel unless, **no later than thirty calendar days** before the Final Approval Hearing, such person files with the Clerk of the Court a notice of intention to appear and otherwise complies with the requirement for objections set forth above.

14. The Court reserves the right to adjourn and/or reschedule the Final Approval Hearing without further notice of any kind to Class Members. Therefore, any Class Member intending to attend the Final Approval Hearing should, in addition to complying with all instructions and

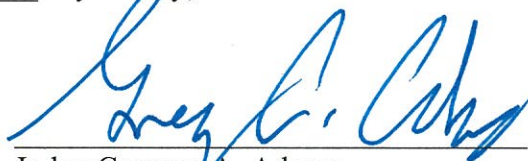
requirements above, confirm the date, time, and location of the Final Approval Hearing with Class Counsel. Any order or notice of scheduling changes shall be promptly posted at [www.goldshayeclasseaction.com](http://www.goldshayeclasseaction.com).

13. If this Court grants approval of the Settlement, all Class Members shall be bound by all the provisions of the Settlement, Settlement Agreement, Class Member Payment Formula, and all determinations and judgments in this case, including the Final Order and Judgment dismissing this case with prejudice, and the Released Claims of all Class Members shall be barred as of the entry of judgment.

14. Pending the final determination of whether the Settlement should be approved, all proceedings and discovery in this case are **STAYED**, except as specifically provided for in this Order. If the Settlement is terminated, the Settlement is not finally approved by this Court, or the Effective Date does not occur for any reason, the stay of this case shall be lifted.

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**SO ORDERED**, this the 9<sup>th</sup> day of July, 2020.



Judge Gregory A. Adams  
DeKalb County Superior Court  
Stone Mountain Judicial Circuit