

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA

IN RE:
LOUISIANA SAFETY ASSOCIATION
OF TIMBERMEN - SELF INSURED FUND
DEBTOR

CASE NO. 15-81004
CHAPTER 7

**T. BRETT BRUNSON, AS TRUSTEE FOR
LOUISIANA SAFETY ASSOCIATION OF
TIMBERMEN – SELF INSURED FUND,**

Plaintiff

Versus

**ASCENSION READY MIX, INC.,
O’NEALGAS, INC.,
E.A. HINTON WELL SERVICING INC., and
ALFORD MOTORS, INC.**

**(On behalf of themselves
and others similarly situated),**

Defendants

**ADVERSARY PROCEEDING
No. 17-08003**

CLASS ACTION

NOTICE OF CERTIFICATION OF DEFENDANT CLASS

A federal court authorized this Notice. This is not a solicitation from a lawyer.

YOU WERE SENT THIS NOTICE BECAUSE TIMBERMEN’S RECORDS INDICATE THAT YOU MAY BE A CLASS MEMBER AND, IF SO, THEN YOU ARE A DEFENDANT IN THIS LAWSUIT. IF THE TRUSTEE IS SUCCESSFUL IN THIS LAWSUIT, IT COULD RESULT IN A JUDGMENT AGAINST YOU AND YOU COULD OWE MONEY TO THE TRUSTEE. Read this Notice carefully for more information regarding your legal rights, options, and deadlines in this lawsuit.

The Trustee for Louisiana Safety Association of Timbermen – Self Insured Fund (“**Timbermen**”) has filed this lawsuit (“**Class Action**”) against a large group of defendants (“**Class**” or “**Class Members**”).

The Class Members being sued in this Class Action lawsuit are: all members of Timbermen who were members from January 1, 1998 through September 11, 2015, except those members with whom the Trustee has settled and granted a release of liability. Timbermen’s records list you as a member of Timbermen for certain dates between 1998 and 2015 (those records show you received coverage for workers’ compensation claims through Timbermen at some point during this time). **You are a Class Member, and thus a defendant, if you were a member of Timbermen at some point during 1998 through 2015, and you have not reached a settlement of your liability with the Trustee.**

This lawsuit is about whether, and to what extent, members of Timbermen may be liable or responsible for the claims or debts filed in Timbermen’s Chapter 7 bankruptcy case (“**Bankruptcy Case**”). The Trustee was appointed in the Bankruptcy Case to act on behalf of Timbermen. The Trustee claims that Class Members may be solidarily liable (that is, each member may be liable or responsible for the whole amount due) under certain contracts between each Class Member and Timbermen and/or under Title 23 of Louisiana Revised Statutes, for debts of

Timbermen incurred after the beginning of the fund year in which the employer became a member of Timbermen.

Rather than suing each of the roughly 5,000 Class Members in separate lawsuits, the Trustee filed this Class Action against all Class Members with the goal of: (a) ensuring fair and consistent outcomes with the most efficient procedure, (b) allowing the Class Members to be jointly represented by Court-approved lawyers whose costs would be shared across the Class rather than borne by individual Class Members, and (c) attempting to reach a settlement with the Class that would divide the amount due by Class Members more fairly than seeking to collect as much money as possible from Class Members in *individual* lawsuits.

The Class will be represented by O’Nealgas, Inc., E.A. Hinton Well Servicing, Inc., Alford Motors Inc., Cardiovascular Surgery of Alexandria, LLC, Coastal Pipe of Louisiana, Inc., and The Bank (“**Class Representatives**”) and its Court-approved attorneys, W.L. West of Roedel, Parsons, Koch, Blache, Balhoff & McCollister Law Firm and Barbara B. Parsons of the law firm The Steffes Firm, LLC (“**Class Counsel**”).

Class Representatives raised multiple defenses on behalf of the Class and, deny, among other things, the scope of liability, or debt, claimed by the Trustee. Class Representatives claim, and assert, among other things, that the amount due by a Class Member should be limited to only valid amounts of workers’ compensation claims incurred during the years that a member maintained workers’ compensation coverage with Timbermen. Other defenses of the Class are set forth in documents filed by Class Representatives in the Class Action [Doc. # 42, 43, 79, 81, 88, 108, & 109]. See also the Trustee’s Complaint [Doc. #47].

The Court determined that the Trustee could proceed with this lawsuit as a class action. The ruling by the Court of a class action does not mean that any other issues have been determined, or that any monetary relief has been awarded, because those are contested issues that have not been decided. Rather, this ruling means that the final outcome of this lawsuit—whether favorable to plaintiffs or defendants—will apply in a like manner to every Class Member; that is to all individuals and entities described above who do not timely elect to be excluded from the Class.

| SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS | |
|--|---|
| Do Nothing | <u>Unless you exclude yourself from the Class, you will be a Class Member. As a Class Member, you will be represented by Class Representatives and Class Counsel and be bound by all rulings and judgments of the Court.</u> You will also have the opportunity of being included in any Court-approved settlement that may be reached with the Trustee. Should a settlement be proposed, you will have an additional opportunity to opt out of the Class or object to any proposed settlement at that time. |
| Exclude Yourself (or Opt Out) | <u>If you Opt Out (exclude yourself from the Class), the Trustee may file a separate lawsuit against you seeking to collect from you the full amount of debts of Timbermen incurred after the beginning of the fund year in which you became a member of Timbermen;</u> and, you will not be bound by any rulings or judgments in this Class Action and will not be represented by the Class Representatives and Class Counsel. |

1. How do I Opt Out (exclude myself from the Class Action)?

If you fit the above description of a Class Member, you have a choice whether to request to be excluded from the Class or to remain in the Class. Regardless of your decision, your choice will have consequences which you should understand before making your decision.

To opt out of the Class, you must send a letter by certified mail (or express courier with return receipt) to: **W. L. West, Attn: Timbermen Class Action, Roedel, Parsons, Koch, Blache, Balhoff and McCollister, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA 70809**. Your letter must include your: (a) name, including the name of any entity that you represent in connection with this Class Action, and, if applicable, your title or basis of your authority to act for that entity, (b) address, and (c) telephone number. The letter must be: (a) signed by you under oath, (b) acknowledged by a Notary Public, and (c) state generally:

To the Presiding Judge: I want to exclude myself from the Class in *T. Brett Brunson as Trustee for Timbermen v. Ascension Ready Mix, Inc., et al.*, Case No. 17-08003, U.S. Bankruptcy Court, Western District of La., Lafayette Div.

To be effective, your written request for exclusion must be RECEIVED at the above address no later than APRIL 27, 2020. If you do not follow the above procedures—including meeting the deadline for exclusion—you will not be excluded from the Class. You cannot exclude yourself on the website, by telephone, facsimile, by email or any means other than as specified herein.

2. May I enter an appearance through an attorney?

Class Counsel has been appointed by the Court in the Class Action to represent the Class. However, as a Class Member, you may still enter an appearance through an attorney that you retain, at your expense, to represent you in the Class Action.

3. What if my address has changed or if I prefer to receive notice by email?

If your mailing address has changed or if you prefer to receive notice by email in lieu of U.S. Mail, please advise Class Counsel, in writing, of this preference and your email address or updated mailing address. You may send this communication to Class Counsel *via* mail or email at the addresses provided in the Answer to Question No. 4.

4. How do I get more information?

You can visit the website at timbermenclassaction.com. A complete set of pleadings, orders and other case documents filed in the Class Action may be obtained through www.pacer.gov. You can also write W. L. West, Roedel, Parsons, Koch, Blache, Balhoff and McCollister, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA 70809 or Barbara B. Parsons, The Steffes Firm, LLC, 13702 Coursey Blvd., Bldg. 3, Baton Rouge, LA 70817, call them at (225) 329-2465 or email them at timbermenclassaction@roedelparsons.com. Please reference the Timbermen Class Action in any communication with Class Counsel.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

DATED: MARCH 11, 2020

BY ORDER OF THE COURT