

CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

If you received notice of the class action settlements, you may be eligible for a payment from a class action settlement.

A state circuit court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.

A settlement has been proposed in two class action lawsuits filed against the Missouri Sheriffs’ Retirement System (“MSRS”) arising out of the collection of a \$3.00 fee or surcharge designated for MSRS collected as an element of court costs to resolve a municipal citation and/or costs in associate circuit or circuit courts during the court-approved class periods.

If you received notice of the class action, you may be included in this Settlement as a “Settlement Class Member.”

The Settlement provides payments to people who submit valid claims: \$4.50 for each \$3.00 fee or surcharge paid. Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way you can get payment.
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will not get any payment from the Settlement, but you also will not release your claims against MSRS. This is the only option that allows you to be part of any other lawsuit against MSRS or related parties for the legal claims resolved by this Settlement.
OBJECT TO THE SETTLEMENT	Write to the Court with reasons why you do not agree with the Settlement.
GO TO THE FINAL FAIRNESS HEARING	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing.
DO NOTHING	You will not get any payment from this Settlement and you will give up certain legal rights. Submitting a Claim Form is the only way to obtain payment under this Settlement.

These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at www.MSRSettlement.com. The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments will be made only after the Court grants final approval of the Settlement and after any appeals are resolved.

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BASIC INFORMATION

1. Why is this Notice being provided?

The Court directed that this Notice be provided because you have a right to know about a proposed settlement that has been reached in the class action lawsuits and about all of your options before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after objections or appeals, if any, are resolved, the Claims Administrator appointed by the Court will distribute the payments that the Settlement allows. This Notice explains the lawsuit, the Settlement, your legal rights, what payments are available, who is eligible for them, and how to get them.

The Court in charge of this case is the Circuit Court of Jackson County, Missouri. The cases are known as *Daven Fowler and Jerry Keller, individually and on behalf of the others similarly situated v. Missouri Sheriffs' Retirement System*, Case No. 1716-cv18662 (the “Fowler Lawsuit”) and *Ann White, individually and on behalf of the others similarly situated v. Missouri Sheriffs' Retirement System*, Case No. 2116-cv12259 (the “White Lawsuit”) and together “the Lawsuits.” The persons who filed the Lawsuits are called the Plaintiffs, and the Defendant is MSRS.

2. What is this lawsuit about?

The Lawsuits claim that MSRS improperly or unlawfully collected a \$3.00 fee or surcharge designated for the MSRS as part of court costs imposed to resolve a municipal citation and/or costs in associate circuit or circuit courts, and asserts a claim of unjust enrichment. The *Fowler* Lawsuit pertains to the collection of the \$3.00 fee or surcharge to resolve a municipal citation. The *White* Lawsuit pertains to the collection of the \$3.00 fee or surcharge in a Missouri associate circuit or circuit court.

MSRS has denied and continues to deny all of the claims made in the Lawsuits, as well as all charges of wrongdoing or liability against it.

3. What is a class action?

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims. Together, all these people are called a Class or Class Members. One Court and one judge—in this case, Judge Kevin Harrell—resolves the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or MSRS. Instead, the Plaintiffs negotiated a settlement with MSRS that allows both Plaintiffs and MSRS to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class Members to obtain payment without further delay. The Class Representatives and their attorneys think the Settlement is best for all Settlement Class Members. This Settlement does not mean that MSRS did anything wrong.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are part of this Settlement as a Settlement Class Member if you previously paid a \$3.00 fee or surcharge designated for MSRS imposed as part of court costs to resolve a municipal citation and/or costs in associate circuit or circuit court during the applicable class periods described in Section 7 below.

6. Are there exceptions to being included in the Settlement?

Yes. Specifically excluded from the Settlement Class are: (i) MSRS and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the Judge(s) assigned to evaluate the fairness of this Settlement; and (iv) other persons excluded by the terms of the Settlement Agreement.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

The Settlement will provide payments to people who submit valid claims.

The compensation will be \$4.50 for each \$3.00 fee paid during the applicable class periods defined as:

- “*Fowler Class Period*” means the time beginning August 28, 2013 until August 1, 2021.
- “*White Class Period*” means the time beginning June 7, 2016 until August 1, 2021.

The total amount of money to be paid by MSRS for these and all other elements of the Settlement shall not exceed \$18,000,000.00. In the event the total amount of money claimed exceeds the amount available for distribution (after payment of the costs of notice and settlement administration, approved fees and expenses of Settlement Class Counsel, and a named representative incentive award), each claim made under the Settlement Agreement shall be reduced on a *pro rata* basis.

HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

8. How do I get benefits from the Settlement?

To ask for a payment, you must Submit a valid Claim Form electronically or by mail. Claim Forms are available at www.MSRSsettlement.com. Read the instructions carefully, fill out the Claim Form electronically, or mail it postmarked no later than **March 7, 2022** to:

Missouri Sheriffs’ Retirement System Claims Administrator
P.O. Box 43156
Providence, RI 02940-3156

Each Claim Form will require you to provide your name, date of birth, and current address when submitting the claim to ensure that duplicate claims are not filed. The Claim Form will also ask you to identify the court(s) or jurisdiction(s) where you paid a \$3.00 fee or surcharge designated for MSRS as an element of court costs imposed to resolve a municipal citation and/or costs imposed by associate circuit and circuit courts. Your signature on the Claim Form will attest under penalty of perjury that you believe you are a Class Member and that the information provided is true and correct, and it will authorize the Claims Administrator to collect information from the courts to verify your claim, if necessary. You may also be required to provide documentation to support your claim.

9. How will claims be decided?

The Claims Administrator will initially decide whether the information provided on a Claim Form is complete and valid. If the required information is not provided timely, the claim will be considered invalid and will not be paid.

10. When will I get my payment?

The Court will hold a Final Fairness Hearing at 1:30 p.m. on February 24, 2022 to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether any appeals can be resolved favorably, and resolving them can take time, perhaps more than a year. It also takes time for all the Claim Forms to be processed, depending on the number of claims submitted and whether any appeals are filed. Please be patient.

REMAINING IN THE SETTLEMENT

11. Do I need to do anything to remain in the Settlement?

You do not have to do anything to remain in the Settlement, but if you want a payment you must submit a Claim Form electronically or postmarked by **March 7, 2022**.

12. What am I giving up as part of the Settlement?

If the Settlement becomes final, you will give up your right to sue MSRS for the claims being resolved by this Settlement. The specific claims you are giving up against MSRS are described in Section II.1.25 of the Settlement Agreement. You will be “releasing” MSRS and all related people or entities as described in Sections II.1.26 and XIII.13.3 of the Settlement Agreement. The Settlement Agreement is available at www.MSRSettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to the Settlement Class Counsel listed in Question 16 for free or you can, of course, talk to your own lawyer at your own expense if you have questions about what this means.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue MSRS about issues in the Lawsuits, then you must take steps to get out of the Settlement Class. This is called excluding yourself from—or is sometimes referred to as “opting out” of—the Settlement Class.

13. If I exclude myself, can I still get payment from the Settlement?

No. If you exclude yourself from the Settlement, you will not be entitled to any benefits of the Settlement, but you will not be bound by any judgment in this case.

14. If I do not exclude myself, can I sue MSRS for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue MSRS for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment.

15. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from the Settlement in *Daven Fowler and Jerry Keller, individually and on behalf of the others similarly situated v. Missouri Sheriffs’ Retirement System*, Case No. 1716-cv18662 or *Ann White, individually and on behalf of the others similarly situated v. Missouri Sheriffs’ Retirement System*, Case No. 2116-cv12259. Your letter must also include your full name, address, telephone number, and personal and original signature. You must mail your exclusion request postmarked no later than **February 20, 2022** to:

Missouri Sheriffs’ Retirement System Settlement Exclusions
P.O. Box 43156
Providence, RI 02940-3156

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court appointed Brian J. Madden and Eric D. Barton, Wagstaff & Cartmell, LLP, 4740 Grand Ave., Suite 300, Kansas City, MO 64112, and Gerald McGonagle, Christopher S. Gahagan, McGonagle Spencer Gahagan, P.C., 4505 Madison, Suite 230, Kansas City, MO 64111, to represent you and other Settlement Class Members. These lawyers are called Settlement Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How will Settlement Class Counsel be paid?

If the Settlement is approved and becomes final, Settlement Class Counsel will ask the Court to award attorneys' fees and expenses in the total amount that will not exceed one-third (1/3) of the maximum settlement amount of \$18,000,000.00. Settlement Class Counsel will also request approval of an incentive award of \$10,000.00 for each of the *Fowler* lawsuit Class Representatives and \$5,000.00 for the *White* lawsuit Class Representative. If approved, these amounts, as well as the costs of notice and settlement administration, will be paid separately by MSRS and will reduce the amount potentially available to Settlement Class Members, as the total of all payments due by MSRS under this Settlement is \$18,000,000.00, as explained above.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

18. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before making a decision. To object, you must file with the Court and mail copies to Settlement Class Counsel and MSRS's Counsel a written notice stating that you object to the Settlements in *Daven Fowler and Jerry Keller, individually and on behalf of the others similarly situated v. Missouri Sheriffs' Retirement System*, Case No. 1716-cv18662 and *Ann White, individually and on behalf of the others similarly situated v. Missouri Sheriffs' Retirement System*, Case No. 2116-cv12259.

Your objection must include:

- 1) Your full name, address, telephone number, and email address;
- 2) Information or proof showing you are a Settlement Class Member;
- 3) The reasons why you object to the Settlement, including any documents supporting your objection;
- 4) The name and address of your attorney, if you have retained one;
- 5) The name and address of any attorneys representing you that may appear at the Final Fairness Hearing;
- 6) A list of all persons who will be called to testify at the Final Fairness Hearing in support of your objection;
- 7) A statement confirming whether you intend to personally appear and/or testify at the Final Fairness Hearing;
- 8) A list, by case name, court, and docket number, of all other cases in which you (directly or through a lawyer) have filed an objection to any proposed class action settlement within the last three years;
- 9) A list, by case name, court, and docket number, of all other cases in which your lawyer (on behalf of any person or entity) has filed an objection to any proposed class action settlement within the last three years;
- 10) A list, by case number, court, and docket number, of all other cases in which you have been a named plaintiff in any class action or served as a lead plaintiff or class representative; and
- 11) Your signature or the signature of your attorney or other duly-authorized representative (along with documentation illustrating representation).

Your objection must be filed with the Clerk of the Circuit Court of Jackson County, Missouri, 415 E. 12th Street, Unit 300, Kansas City, MO 64106 no later than **February 20, 2022**. You must also mail copies of your objection to Settlement Class Counsel and MSRS’s Counsel postmarked no later than **February 20, 2022**, at all of the addresses below.

SETTLEMENT CLASS COUNSEL	MSRS’S COUNSEL
Brian J. Madden Eric D. Barton WAGSTAFF & CARTMELL, LLP 4740 Grand Avenue, Suite 300 Kansas City, MO 64112 bmadden@wcllp.com ebarton@wcllp.com -and- Gerald McGonagle Christopher S. Gahagan MCGONAGLE SPENCER GAHAGAN, P.C. 4505 Madison, Suite 230 Kansas City, MO 64111 gmcgonagle@mcgonaglespencer.com chris@mcgonaglespencer.com	Timothy J. Sear Mark A. Olthoff POLSINELLI PC 900 W. 48 th Place, Suite 900 Kansas City, MO 64112 tsear@polsinelli.com molthoff@polsinelli.com -and- Rodney D. Gray POLSINELLI PC 221 Bolivar Street, Suite 300 Jefferson City, MO 65101 rgray@polsinelli.com

19. What is the difference between objecting to and excluding myself from the Settlement?

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. If you exclude yourself from the Settlement, you have no basis to object or submit a Claim Form because the Settlement no longer affects you.

THE COURT’S FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. You cannot speak at the hearing if you exclude yourself from the Settlement.

20. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Fairness Hearing at 1:30 p.m. on February 24, 2022, in the Circuit Court of Jackson County, Missouri, 415 E. 12th Street, Unit 300, Kansas City, MO 64106. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration any properly-filed written objections and may also listen to people who have asked to speak at the hearing (*see* Question 22). The Court will also decide whether to approve fees and expenses requested by Settlement Class Counsel, and the incentive awards requested for the Class Representatives.

21. Do I have to come to the Final Fairness Hearing?

No. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

22. May I speak at the Final Fairness Hearing?

Yes, you may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must follow the instructions provided in Question 18 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing, you will not receive any benefits from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement and the Release. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against MSRS or related parties about the issues involved in the Lawsuit, resolved by this Settlement, and released by the Settlement Agreement.

GETTING MORE INFORMATION

24. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement. More details are available in the Settlement Agreement, which is available at www.MSRSsettlement.com.

25. How do I get more information?

Go to www.MSRSsettlement.com.

***Please do not call the Court or the Clerk of the Court for additional information.
They cannot answer any questions regarding the Settlement or the Lawsuit.***