

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI  
19<sup>th</sup> JUDICIAL CIRCUIT

LINDA GERKEN, *et al.*, )  
Plaintiffs, )  
)  
v. ) Case No. 06AC-CC00123-03  
) Division IV  
STEVE CORSI, *et al.*, )  
Defendants. )

**LEGAL NOTICE TO RECIPIENTS OF MISSOURI BLIND PENSION BENEFITS – Exhibit E**

**Date:**

Recipients of blind pension benefits<sup>1</sup> between February 1, 2001, and June 30, 2010, are hereby notified that the Circuit Court of Cole County has entered a judgment that may impact their legal right to receive compensation for an underpayment in their pension payments. If you received a blind pension payment between February 1, 2001, and June 30, 2010, please read this notice carefully. **You have a limited time to respond. If you do not respond by the deadline you may be unable to apply for compensation.**

**If you received a personally addressed letter in the mail about this from the Department of Social Services then you should comply with the instructions in the letter and you do not have to respond to this notice.**

**BACKGROUND**

On February 16, 2005, Linda Gerken filed a class action lawsuit against the Department of Social Services, Family Support Division on behalf of all individuals who received a Missouri blind pension payment from January 1, 1992, to the present. The lawsuit is now referred to as *Linda Gerken, et al. vs Steve Corsi et al*, Cole County Circuit Court Case Number 06AC-CC00123-03. The Court certified a class, and determined that the Department of Social Services incorrectly calculated the monthly blind pension payment due to blind pensioners at certain times. The Court also determined that any claim for incorrect payments that was due prior to February 16, 2001, is barred by the statute of limitations. The State appealed the Court's ruling.

On March \_\_\_\_, 2018, the Cole County Circuit Court entered a Judgment approving a Class Action Settlement Agreement under which the blind pensioners who received at least one blind pension payment between February 1, 2001, and June 30, 2010 are entitled to file a claim for compensation for the amount that the Department underpaid their blind pension payment for that time period plus an agreed amount of interest on those underpayments. If you received any Blind Pension or Supplemental Aid to the Blind benefits between February 1, 2001, and June 30, 2010, you are a member of the class and are eligible to file a claim for payment of the amount that you were underpaid, plus interest on the underpayment, minus

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<sup>1</sup> Blind pension benefits include Supplemental Security Income payments, whether SAB or AB-Conversion payments. SAB refers to Supplemental Aid to the Blind, while AB-Conversion refers to Aid to the Blind Conversion.

25% of the total for payment of the attorney fee for the lawyers who represented the class in the case (Class Counsel).

If you would like to read the Class Action Settlement Agreement, the exhibits to that Agreement and the Court's Judgment approving the Agreement, you may do so on the Department of Social Services website. The Department's website may be accessed at the following URL: [www.dss.mo.gov](http://www.dss.mo.gov)

### **HOW THIS APPLIES TO YOU**

If you received a blind pension payment between February 1, 2001, and June 30, 2010, then you are eligible to file a claim for compensation. If you received a blind pension payment between those dates and you will receive a blind pension payment by August 1, 2018, you will not need to file a claim. Otherwise, if you are a member of the class you must file a claim form with the Department of Social Services, Family Support Division **within 90 (ninety) days from [date notices are sent]**. If the Department of Social Services does not receive your claim form by that date then your claim will be denied. You can get a copy of the claim form and instructions on how to file a claim on the Department of Social Services' website at: [www.dss.mo.gov](http://www.dss.mo.gov)

You can also contact class counsel to ask for a copy of the claim form.

If you are a blind pensioner, but did not receive a blind pension payment for the period between February 1, 2001, and June 30, 2010, you are not eligible to file a claim for compensation.

### **CLASS COUNSEL AND QUESTIONS ABOUT THIS NOTICE**

When the Court certified the class the court appointed class counsel to represent the interests of the class. The lawyers for the class are:

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If you have any questions about this case, this notice and how to file a claim please contact class counsel or your own lawyer.

The Department of Social Services and the Attorney General's office cannot give you advice about the claims process. Please do not contact the Attorney General's Office, the Department of Social Services, the Family Support Division or Rehabilitation Services for the Blind to seek advice concerning the claims process.