

If You Are the Heir of Someone Who Received Both Medicare and NY Medicaid and Resided in a Nursing Home in 1989

A Proposed Class Action Settlement May Affect Your Rights

There is a Proposed Settlement with the New York State Department of Health, in a class action lawsuit pending in the U.S. District Court for the Western District of New York. The name of the lawsuit is *Conrad v. Perales*, Docket No. 91-CV-846C. The settlement affects a "Class" or group of people that may include you. This Notice is just a summary. For more complete information, you should read the full Notice. You can get a copy of the full Notice by calling the number or visiting the Web site listed below.

What Is the Class Action Lawsuit About?

The lawsuit claims individuals who received services in a nursing home in 1989 may have been overcharged. Plaintiffs allege that the New York Medicaid program allowed nursing homes to bill both Medicare and Medicaid for the same services. This policy allowed nursing homes to collect the individual's Medicaid "co-payment" for services that were covered by Medicare.

Who Is Involved?

The class includes individuals for whom payments toward their care were made from both Medicare and New York's Medicaid program to a skilled nursing facility during 1989.

What Are the Terms of the Settlement?

The Defendants have agreed to create an \$11 million Settlement Fund to reimburse individuals who were overcharged for Nursing Home Services in 1989, or their

heirs if the Class Members are deceased.

Who Represents Me?

The Court has appointed attorneys to represent the Class at no cost to you. Class Counsel will request that the Court award attorneys' fees, plus reimbursement of expenses, together with other fees and costs to be paid in part from the Settlement Fund. Further fees and costs may be incurred during the Settlement Administration Period. You may hire your own attorney, if you wish. However, you will be responsible for your attorney's fees and expenses.

What Are My Legal Rights?

- **You can file a claim**, if the Proposed Settlement is approved. Claim Forms will be available on the Settlement Web site, or by calling the toll-free number.
- **You can tell the Court if you do not like the Proposed Settlement.** To object or comment, you must send a letter that is filed no later than December 22, 2006, as outlined in the *Notice of Proposed Class Action Settlement*.

Will the Court Approve the Proposed Settlement?

The Court will hold a Final Approval Hearing on December 28, 2006 at 10:15 a.m. in Part I of the Federal Court in Buffalo, NY to consider whether the Proposed Settlement is fair, reasonable, and adequate and the motion for attorneys' fees and expenses. If comments or objections have been received, the Court will consider them at this time.

For a Notice of Proposed Class Action Settlement and a Claim Form

Call toll-free: 1-866-478-3441

or Visit: www.nursinghomersettlement.com

**Or Write: Conrad v. Perales Settlement, c/o Complete Claim Solutions LLC,
P.O. Box 24741, West Palm Beach, FL 33416**