

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO: 13-20731 CA (01)

ROBERT MURHEE and DARYL BLAKELY,)
for themselves and on behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

THE CITY OF CORAL GABLES,)

Defendant.)
/

**NOTICE OF PENDING CLASS
ACTION**

**TO: ALL PERSONS WHO RECEIVED BENEFITS FROM THE CORAL GABLES
RETIREMENT SYSTEM FOR A PERIOD OF AT LEAST ONE YEAR PRIOR
TO JANUARY 1, 2013, AND THEIR BENEFICIARIES.**

**PLEASE CAREFULLY READ THIS NOTICE BECAUSE, UNLESS YOU EXCLUDE
YOURSELF, THIS CLASS ACTION WILL AFFECT YOUR RIGHTS.**

This lawsuit was filed against the City of Coral Gables (“City” or “Coral Gables”) concerning the non-payment of a cost-of living-adjustment to certain to retired City employees in 2013. The Court has not decided that the City did anything wrong. This notice has been sent only to inform you of the pending lawsuit, which has been certified as a class action, and your options.

| <u>YOUR OPTIONS</u> | |
|---|--|
| DO NOTHING (see Question 5 below) | By doing nothing, you remain part of the lawsuit. Depending on its outcome, you may be entitled to a COLA effective January 1, 2013. In exchange, you give up your right to sue the City concerning the claims at issue in this case. If the Court rules against the Plaintiffs (for instance, if it determines that the COLA effective January 1, 2013 does not have to be paid), you will be bound by that adverse final judgment. |
| EXCLUDE YOURSELF (see Question 6 below) | By excluding yourself from this lawsuit, you will not be eligible to a share of the recovery, if there is a recovery. But you keep your right to sue the City concerning the claims at issue in this case. |

1. What is this lawsuit about?

This lawsuit is known as *Murhee v. City of Coral Gables*, No. 13-20731 CA (01), and is pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

Plaintiffs Robert Murhee and Daryl Blakely, two retired City employees, brought this lawsuit claiming a COLA should have been paid effective January 1, 2013. The Plaintiffs are seeking a Declaration of Rights concerning whether the COLA effective 2013 has to be paid and to clarify what conditions are necessary to trigger future COLAs. The Plaintiffs are also seeking damages for the non-payment of the COLA, and other relief.

The Defendant is the City of Coral Gables. The City denies Plaintiffs' claims and maintains that it was lawful to prohibit the payment of the 2013 COLA because no surplus funds were available in the Coral Gables Retirement System, and that surplus funds must be available to trigger a COLA.

At this time, the Court has not ruled in favor of the Plaintiffs or the City. The Plaintiffs still must prove their claims.

2. Why is this case a class action?

On February 26, 2016, the Court certified this lawsuit as a class action under Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3). This does not mean that the Plaintiffs' claims have merit or that you will be entitled to recover any benefits.

In a class action, one or more individuals called "Class Representatives" (in this case, Robert Murhee and Daryl Blakely) sue on behalf of a group of people who have similar legal

claims. This group of people is called the “Class,” and the people in the Class are called “Class Members.” The Court resolves one or more of the issues in the case for all Class Members, unless excluded from the Class.

3. Who is a member of the Class?

The Court defined the Class as:

All those persons who are in receipt of benefits from the Coral Gables Retirement System for a period of at least one year prior to January 1, 2013, or their beneficiaries.

Thus, if you received benefits from the Coral Gables Retirement System for a period of at least one year prior to January 1, 2013, or are a beneficiary of someone who did, you will automatically be included in the Class unless you request to be excluded.

4. Who represents the Class?

The Court has appointed two law firms to represent the class: Rice Pugatch Robinson Storfer & Cohen, PLLC and Phillips, Richard & Rind, P.A. (“Class Counsel”). You are not personally obligated to pay Class Counsel. If Plaintiffs prevail, they may petition the Court for an award of fees and costs. If you want to be represented by another lawyer, you may hire one to appear for you at your own expense, but you must do so by May 2, 2016.

5. What happens if I do nothing?

If you do nothing, and you fit within the class definition (*see* Question 3), you will automatically remain in the class. You will be legally bound by all Court orders, including any judgments entered for or against the Class, and any future settlement. That means you will not be able to individually sue the City concerning the claims at issue in this case.

6. What if I do not want to be in the Class?

If you decide not to participate in the lawsuit, you must exclude yourself from the Class by following the procedures specified below. If you exclude yourself, you will not be bound by any Court orders, whether favorable or unfavorable, and you will not share in any recovery that may result from this lawsuit. But you will retain your right to sue the City concerning the claims at issue in this case.

If you want to be excluded from the Class, you must:

- (A) Complete the enclosed Exclusion Request Form (Exhibit A).
- (B) Send the form by First Class U.S. Mail, postage paid, to Class Counsel at the following address:

CLASS COUNSEL
Ronald J. Cohen
Rice Pugatch Robinson Storfer & Cohen, PLLC, 101 NE 3rd Ave, Suite 1800
Fort Lauderdale, FL 33301


- (C) Mail the form no later than May 2, 2016 (determined by post mark).

Do not follow these procedures if you want to remain in the Class.

6. How do I get more information about the lawsuit?

The pleadings and other filings in this action are available for inspection at the Clerk of Court (Miami-Dade County Courthouse, 73 W. Flagler Street, Miami, Florida 33130). Many of the pleadings and filings also are available on the Civil Online Case System at the Clerk of Court's website (<http://www.miami-dadeclerk.com/>). For more information, please contact Ronald J. Cohen, Rice Pugatch Robinson Storfer & Cohen, PLLC at (954) 462-8000 or 101 NE 3rd Avenue, Suite 1800, Fort Lauderdale, FL 33301. If you call, say it is in reference to the Coral Gables class action. Please do not contact the Court, the City, or any City representatives or agencies about this lawsuit.

So ordered, this 26th day of February, 2016.



CIRCUIT COURT JUDGE
WILLIAM THOMAS

EXHIBIT A

EXCLUSION REQUEST FORM

If you want to exclude yourself from the Class, you must complete this form and send it by First Class U.S. Mail, postage paid, to the following address by **May 2, 2016** (determined by postmark):

CLASS COUNSEL
Ronald J. Cohen
Rice Pugatch Robinson Storfer & Cohen, PLLC
101 NE 3rd Ave, Suite 1800
Fort Lauderdale, FL 33301

* * *

I have received the Notice of Pending Class Action, dated February 26, 2016, and do not wish to remain a member of the Class certified in the case of *Murhee v. City of Coral Gables*, No. 13-20731 CA (01), pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

I understand that by signing and mailing this form:

- I will not be entitled to share in any settlement or judgment obtained by the Class Representatives and the Class;
- I will not be represented in this action as a member of the Class;
- I will not be bound by any judgment entered in this action; and
- I will retain my right to sue the City for the claims at issue in this case.

Please print:

Your name: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

E-mail address (if any): _____

Your signature: _____

Date: _____