

**If you purchased an insurance policy from the New Hampshire Medical  
Malpractice Joint Underwriting Association (“NHMMJUA”)  
you could receive money from a Class Action Plan of Allocation.**

***Read this Notice carefully—it summarizes your rights.***

**What is this case about?**

**The NHMMJUA is dissolving.** In 2015, the New Hampshire legislature enacted RSA 404-C:15-17, appointing a Receiver to wind down the NHMMJUA and directing certain funds remaining in the NHMMJUA be placed under Court control for return to NHMMJUA Policyholders through a class action consistent with previously adjudicated rights of Policyholders. On August 25, 2016, the Receiver of the NHMMJUA closed an Assumption Agreement transaction with The Medical Protective Company (“MedPro”) for the assumption of the NHMMJUA insurance obligations. For this assumption, MedPro was paid \$23,156,298.22. Approximately \$85 million remains in the custody of the Receiver. Although some of these remaining funds may be necessary to resolve further expenses and obligations of the NHMMJUA, a substantial portion is expected to be available for return to Policyholders. Class Counsel and the Receiver have negotiated, and the Receiver has obtained, court approval to transfer an initial interpleader of \$60,000,000 to be administered by the Court. Additional amounts remaining after the Receiver has paid or resolved the NHMMJUA’s final expenses and obligations will be interpleaded in one or more subsequent transfers. These funds collectively are in addition to the \$110,000,000 previously recovered and distributed to Policyholders. The Court has preliminarily certified this case as a class action and will consider final certification of the class and the enclosed Plan of Allocation, Case Contribution Awards, and Request for Attorneys' Fees (“Plan of Allocation”) at a hearing to be held on **AUGUST 21, 2018**. You will **NOT** receive another notice of this hearing date. The Court has appointed **Kevin M. Fitzgerald** and **W. Scott O’Connell** of Nixon Peabody LLP as Class Counsel. If you are a Class Member, your rights will be affected by this legal action.

**Who is a Class Member?**

The Class includes “All entities or individuals who purchased insurance from the NHMMJUA on or after January 1, 1986.” *Individuals insured under the policies are **not** Class Members unless they can provide evidence of direct payment of premiums for coverage.* If you were a Class Member of the prior class action, ***Tuttle, et al. v. NHMMJUA***, Merrimack County Superior Court Docket No. 217-2010-cv-00414 (“Prior *Tuttle* Class”), you are also a member of this Class.

**What is my Share of the Plan?**

Class Counsel has proposed a Plan of Allocation, a copy of which is enclosed. This proposal follows the same method of distribution approved in the Prior *Tuttle* Class Action. If approved by the Court, Class Members may be entitled to a percentage share of the distribution equal to the Policyholder’s percentage of total premiums paid since January 1, 1986. This *pro rata* distribution may be reduced by Court-approved awards to the lead plaintiffs, costs of notice and administration, and attorneys’ fees, costs, and expenses (“Net Distribution Fund”) described in the enclosed Plan of Allocation.

Like the Prior *Tuttle* Class, it is possible that there will be more than one distribution to Class Members. This is because approximately \$25 million has been reserved from distribution in the event the IRS contests any of the final tax filings made by the NHMMJUA. The deadline for the IRS to contest these filings is September 2, 2018. The full amount of funds available for distribution should be known later this year.

### **What must I do to participate?**

If you received this notice addressed to you directly, you have been identified as a Class Member and you do not need to take any action if you wish to participate in this class action and obtain a portion of the Net Distribution Fund. If premiums for a NHMMJUA policy were paid by a medical practice, hospital or other corporate entity, the entity is a Class Member. Named insureds are **not** class members unless they provide, or previously provided, proof they individually paid the premiums. If you received a payment in the Prior *Tuttle* Class distribution, you have already fulfilled the requirements to receive a payment from this new distribution.

If you did not receive this notice addressed to you directly, but believe that you are a Class Member, you must contact the Claims Administrator IN WRITING on or before **JULY 16, 2018**, so the validity of your claim can be researched and determined.

### **Is there any other way I can get a distribution from the NHMMJUA other than this Class Action?**

No. The Court overseeing this proceeding has declared this to be a “Mandatory Class.” This means that any Policyholder who wants a portion of the Net Distribution Fund must participate in this proceeding. There is no right to “opt out” of this action and pursue an individual claim.

### **What happens next?**

You should review the Plan of Allocation. If you are a Class Member and agree with the plan, you do not need to do anything further. If you are a Class Member and object to any portion of the plan, you must state your objection IN WRITING and mail it to Class Counsel on or before **JULY 30, 2018**. Objections postmarked after this deadline will not be considered. If you wish to speak at the Final Hearing about your objection, you must mail a written request to Class Counsel on or before **JULY 30, 2018**. Requests to speak at the Final Hearing postmarked after this deadline will not be considered.

If you believe that you are a Class Member but did not receive a prior distribution or did not receive this notice directly, you must contact the Claims Administrator IN WRITING at the address listed below on or before **JULY 16, 2018**. Written requests postmarked after this deadline will not be considered.

### **Where can I learn more information?**

Information will be posted at [www.nhmmjua-class-action.com](http://www.nhmmjua-class-action.com). You can check that site periodically for updates.

### **Who is Class Counsel?**

The Court has appointed the same attorneys who handled the Prior *Tuttle* Class action: Kevin M. Fitzgerald and W. Scott O’Connell, Nixon Peabody, LLP, 900 Elm Street, Manchester, NH 03101. Class counsel’s telephone number is (603) 628-4000. These attorneys have worked with the Lead Plaintiffs since 2012 to preserve, protect, and defend the Policyholders’ rights to a further distribution of funds.

### **How will Class Counsel be paid?**

Class Counsel will be paid in the same manner as in the Prior *Tuttle* Class Action. As detailed in the Plan of Allocation, Class Counsel asks the Court to award a percentage of the total recovery secured for this distribution. This is what the court ordered in the Prior *Tuttle* proceeding. There will be a public hearing to consider any objections from Class Members concerning this issue. In the Prior *Tuttle* Class action, there were no objections.

### **Who is the Claims Administrator?**

Class Counsel has retained Garden City Group, LLC (“GCG”) to serve as Claims Administrator in this proceeding. Its contact information is:

NHMMJUA Class Action  
c/o GCG  
P.O. Box 10253  
Dublin, OH 43017-5753  
Toll Free Number: 1 (888) 714-2403.

### **What should I do if I have questions?**

If you have further questions about this process or your rights in this proceeding, you should contact Class Counsel or the Claims Administrator. **DO NOT CONTACT THE COURT AS IT WILL NOT BE ABLE TO ANSWER QUESTIONS ABOUT YOUR INDIVIDUAL SITUATION.**

### **Schedule of Important Dates**

Unless otherwise modified by the Court, important dates of upcoming events include:

- June 15, 2018:**
- (1) Notice to Class Members to be sent with Plan of Allocation;
  - (2) Class Counsel’s deadline to file Plan of Allocation.
- July 16, 2018:**
- Postmark deadline for written notice to Claims Administrator at the address above for those who did not receive a distribution in *Tuttle II* but who believe he/she/it is a Class Member.
- July 30, 2018:**
- (1) Postmark deadline for written notice to Claims Administrator at the address above from Class Members or Putative Class Members with any objection to the Plan of Allocation;
  - (2) Postmark deadline for written notice to Claims Administrator at the address above from Class Members or Putative Class Members who wish to speak to the Court at the Final Hearing scheduled for August 21, 2018 concerning the Plan of Allocation.
- August 21, 2018:**
- Court hearing on the Plan of Allocation at 10:00 am, Merrimack County Superior Court, Concord, New Hampshire.
- Distributions to Class Members will not occur until the Court approves the Plan of Allocation and any appeal period associated with such order has expired.