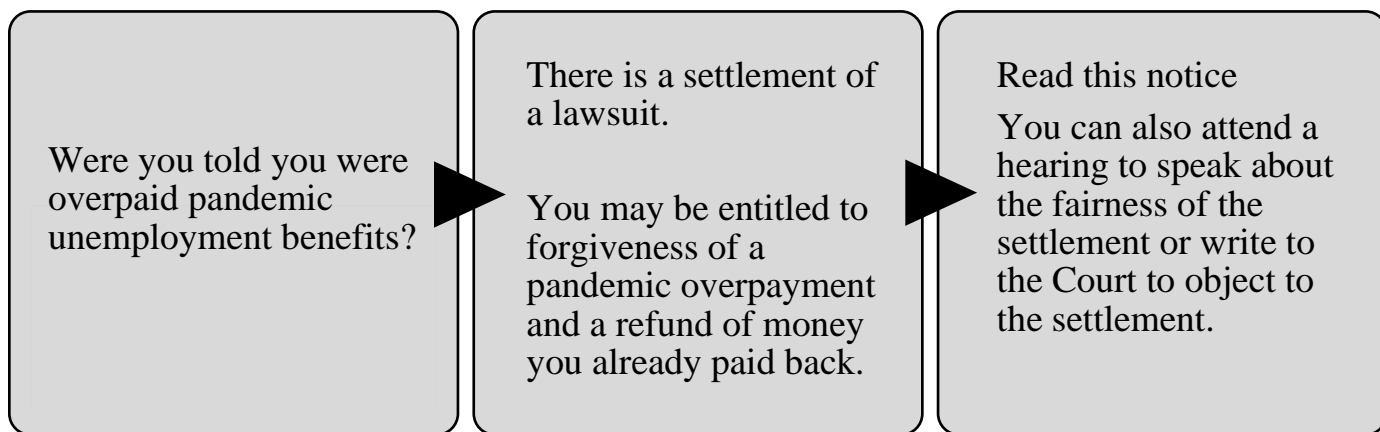


If you were overpaid pandemic unemployment benefits, you may have rights under a class action settlement.

A New Mexico state court authorized this notice. This is not an advertisement from a lawyer.

This is an important legal document. We recommend that you read all of it. If you have questions or need assistance, please contact the New Mexico Department of Workforce Solutions Unemployment Insurance Operations Center at 1-877-664-6984, Monday through Friday, 8am-4:30 pm.



Why did I get this notice?

This notice is to tell you about a proposed settlement in a class action lawsuit, *Duran v. New Mexico Department of Workforce Solutions*, D-101-CV-2023-00698. During the height of the COVID-19 pandemic, many New Mexicans were incorrectly overpaid unemployment insurance benefits. Many of these overpayments were made through no fault of the claimant and may be eligible for a waiver (overpayment forgiveness) from the New Mexico Department of Workforce Solutions.

The people who filed this lawsuit received federal pandemic Unemployment Insurance benefits and were told they had been paid too much and owed money back. They filed this lawsuit to require the New Mexico Department of Workforce Solutions (DWS) to forgive more pandemic overpayments and refund money that had already been repaid.

You are receiving this notice because you may be a member of the group of people affected, called the “class.” This notice gives you a summary of the terms of the proposed settlement agreement, explains what rights class members have, and helps class members make informed decisions about what action to take.

What do I do next?

Read this notice to understand the settlement and to determine if you are a class member. Then decide if you want to:

DO NOTHING	You will be bound by the settlement, if the judge approves it.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement. The hearing will be at January 9, 2025, at 3:15 pm.
OBJECT	Write to the Court about why you don't like the settlement. You have until January 6, 2025, to mail an objection.

Please read the rest of this notice to understand the specifics of the settlement and what each choice would mean for you.

What will class members get if the settlement is approved?

The settlement covers everyone who received pandemic unemployment benefits and were told that they had been overpaid benefits, except for individuals who were overpaid because they committed fraud. The pandemic unemployment programs that are eligible for forgiveness are:

- Pandemic Unemployment Assistance (PUA)
- Pandemic Emergency Unemployment Compensation (PEUC)
- Federal Pandemic Unemployment Compensation (FPUC)
- Mixed Earner Unemployment Compensation (MEUC)

The settlement requires DWS to:

- Determine if a class member's overpayment qualifies to be automatically forgiven under requirements set by the U.S. Department of Labor. DWS will cancel the overpayments that qualify for forgiveness and notify individuals whose overpayments are forgiven.
- Pass regulations for processing overpayment waiver applications and provide an opportunity for all class members whose overpayment has not been forgiven automatically to apply for a waiver of their overpayment. DWS must process and approve individual waiver applications or deny them with an opportunity to appeal.
- Refund any amount that DWS previously collected if the overpayment is forgiven, except for amounts that were offset to not pay a claimant the same amount twice.

The judge will continue to have authority over the lawsuit until DWS has completed all the actions set out in the settlement.

How do I know if I am part of this class action?

If you received federal pandemic unemployment benefits (PUA, PEUC, FPUC, or MEUC) and DWS told you that you were overpaid and owed back money, you may be a member of the class and entitled to forgiveness of your overpayment and a refund of money already paid back to DWS. If you are not sure whether you are included, you have a right to free help. You can also discuss your situation with Class Counsel by calling at (505) 255-2840.

Do I have a lawyer in this lawsuit?

In a class action, the judge appoints class representatives and lawyers to work on the case and represent the interests of all class members. For this settlement, the judge has appointed the following individuals and lawyers:

New Mexico Center on Law and Poverty
Emma O’Sullivan
Stephanie Welch
Sovereign Hager
301 Edith Blvd. NW
Albuquerque, NM 87102

Ives & Flores, P.A.
Adam C. Flores
Laura Schauer Ives
925 Luna Circle NW
Albuquerque, NM 87102

These are the lawyers who negotiated this settlement on your behalf. If you want to be represented by your own lawyer, you may hire one at your own expense.

How Can I Contact the Lawyers for the Class?

Class Counsel has established a phone line and website for this case.

Phone Line: (505) 225-8473

Website: www.nmpovertylaw.org/UI

Do I have to pay the lawyers in this lawsuit?

Lawyers’ fees and costs will be paid as part of the settlement. You will not have to pay the lawyers directly.

Up until the settlement is complete, these law firms have not been paid any money for their work or the expenses that they have paid for the case. To pay for some of their time and risk in bringing this case without any guarantee of payment unless they were successful, your lawyers will request, as part of the final approval of this settlement, that the judge approve a payment up to but no more than \$400,000 total for attorneys’ fees, gross receipts taxes, and litigation costs.

Lawyers’ fees will only be awarded if approved by the judge as a fair and reasonable amount. You have the right to object to the lawyers’ fees even if you think the other settlement terms are fair.

Your lawyers will also ask the Court to approve a payment of \$10,000 to each of the named Class Representatives for the time and effort they contributed to the case.

What happens next in this lawsuit?

The judge will hold a hearing to decide whether to approve the settlement. The judge has directed that this notice be sent to you about the proposed settlement. Because the settlement of a class action decides the rights of all members of the proposed class, the judge must give final approval to the settlement before it can take effect.

You don't have to attend the hearing, but you may, at your own expense. You may also ask the Court for permission to speak and express your opinion about the settlement. If the judge does not approve the settlement, the lawsuit will continue. The date of the hearing may change without further notice to members of the class. To learn more and confirm the hearing date, go to www.nmpoertylaw.org/UI.

What if I disagree with the settlement?

If you disagree with any part of the settlement (including the lawyers' fees), you may object. You must give reasons why you think the judge should not approve it. The judge will consider your views. The judge can only approve or deny the settlement. She cannot change the terms of the settlement. You may, but don't need to, hire your own lawyer to help you.

To object, you must send a letter saying that you object to *Duran v. New Mexico Department of Workforce Solutions*. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Please also state whether you would like to speak at a hearing about the fairness of the settlement. Mail or email the objection to these three different places postmarked no later than January 6, 2025. You must submit your objection by this date if you want to speak at the hearing.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Honorable Maria Sanchez-Gagne sfeddiv2proposedtxt@nmcourts.gov First Judicial District Court 225 Montezuma Ave. Santa Fe, NM 87501	Stephanie Welch stephanie@nmpoertylaw.org New Mexico Center on Law and Poverty 301 Edith Blvd. NW Albuquerque, NM 87102 (505) 255-2840	Richard Branch richard.branch@dws.nm.gov Associate General Counsel New Mexico Department of Workforce Solutions (505) 841-4408

When and where will the judge decide whether to approve the settlement?

The judge will hold a final hearing at 3:15 pm on January 9, 2025, in Judge Maria Sanchez-Gagne's Courtroom, located at the Santa Fe County District Court for the First Judicial District,

225 Montezuma Ave., Santa Fe, NM 87501. At this hearing the judge will consider whether the settlement is fair, reasonable, and adequate.

You do not have to come to the hearing. You are welcome to come at your own expense. If you mail an objection, you don't have to come to Court to speak about it. As long as you mailed your written objection on time, the judge will consider it.

What will happen if I do nothing?

If you do nothing, and the judge approves the settlement, you will receive the opportunities for your overpayment to be forgiven and to receive a refund if you are owed one. DWS will evaluate your overpayment and determine if it can be forgiven automatically. If it cannot, you will be able to apply to have it forgiven.

How do I get more information?

This notice is a summary of the proposed settlement. The complete settlement with all its terms can be found at www.nmpovertylaw.org/UI. To get a copy of the settlement agreement or answers to your questions, you can also:

- Contact New Mexico Center on Law and Poverty at (505) 225-8473
- Visit www.nmpovertylaw.org/UI