



Subclass. That decision was affirmed on appeal and is now final. The following chart summarizes the total damages and interest due to each subclass as of June 1, 2008:

Subclass	Damages (principal)	Pre-judgment Interest (to 3/2/06)	Post-judgment Interest (to 6/1/08)	Total (as of 6/1/08)
Spring 2003	\$2,383,587	\$749,043	\$704,627	\$3,837,257
Summer 2003	\$1,808,454	\$491,994	\$517,443	\$2,817,891
Prof'l Student	\$23,901,220	\$4,491,415	\$6,386,398	\$34,779,033

### DESCRIPTION OF PLAN OF DISTRIBUTION

Plaintiffs have proposed a Plan of Distribution for the monetary damages awarded by the Court in this case, and the Court has given preliminary approval to that Plan. For the reasons explained below, not every member of the three subclasses suffered monetary harm and will receive monetary damages. If you are entitled to a monetary payment as a result of the formulas described below, you need not take any action at this time (other than provide the Class Administrator with your correct address if the address at the top of this notice is incorrect). There is no claims process required in this litigation.

As described further in the next section, attorneys' fees, expenses, and any service payments to the eight class representatives, once approved by the Court, will be deducted from the total damages owed each subclass prior to individual distribution. The remainder of the damages will be distributed to the individual members of each subclass as follows:

#### **Spring 2003 Student Subclass Individual Damages Payments**

- Each of the 29,316 members of the Spring 2003 Student Subclass was overcharged \$135 when the University increased the Educational Fee by that amount for the Spring 2003 semester after having already sent students bills for that semester.
- The monetary damages were calculated for this subclass as a whole by multiplying the number of students who were overcharged times the \$135 overcharge. The University recycled approximately 40 percent of the revenue it received from this improper fee increase back into grants to students to pay for the cost of the increase. Accordingly, an offset equal to 40 percent of the improper fee increase was deducted from the gross amount of that fee increase. As of June 1, 2008, the resulting damages recovered on behalf of the Spring 2003 Student subclass total \$3,837,257, including interest.
- According to the University's records, many subclass members received grants from the University that increased by at least \$135 after the increase in the Educational Fee was imposed. Those grants paid for the fee increase.
- Under the Plan of Distribution, if a subclass member's grants for the Spring 2003 semester did not increase, or increased by less than \$135 after the increase in the Educational Fee was imposed, the subclass member will receive the full amount of the fee overcharge, plus interest, minus his or her share of deductions approved by the Court.
- If a subclass member's grants for the Spring 2003 semester increased by \$135 or more following the Spring 2003 increase in Educational Fees, then the subclass member suffered no damages and will not receive a monetary damages award.

#### **Summer 2003 Student Subclass Individual Damages Payments**

- The 17,058 members of the Summer 2003 Subclass were overcharged when the University increased the Educational Fee by \$160 for each Berkeley undergraduate, \$182 for each Berkeley graduate student, and \$18 per unit for each UCLA student, after already having sent bills to these students for the Summer 2003 term. The University's records allow the calculation of the precise amount of the overcharge for each individual subclass member.
- Damages for this subclass as a whole were calculated by first adding up the overcharges for each subclass member. The University recycled approximately one-third of the fee revenue from the improper fee increase back to subclass members as grants. Therefore an offset equal to one-third of the total improper fee increases was deducted from the gross amount of that fee overcharges. As of June 1, 2008, the damages recovered on behalf of the Summer 2003 Student Subclass total \$2,817,891, including interest.
- Each subclass member's individual damages will equal the total overcharge paid by the subclass member, minus any applicable offset, plus interest, minus the student's share of deductions approved by the Court. Not every subclass member received a grant award to offset the fee increase. The University records contain the amount of grants it provided to each individual Summer 2003 Subclass member for that term.
- If the University did not provide any grants to a subclass member for the Summer 2003 term, that subclass member paid the full amount of the overcharge and, under the Plan of Distribution, will receive a full refund of the amount of the overcharge, plus interest, minus his or her share of deductions approved by the Court.
- For Summer 2003 Subclass members who received grants from the University that term, the Plan of Distribution provides for a sliding scale of damages awards, depending on the total grant aid provided to the student by the University. The higher the total grants provided by the University, the more recycled fee revenue the subclass member likely received as grants to offset any damages.
- Therefore, if a subclass member received grants less than or equal to \$100, the subclass member will receive the full amount of the overcharge, plus interest, minus his or her share of deductions approved by the Court. If a subclass member's grants were more than \$100 but less than or equal to \$500 for Summer 2003, then his or her damages will be decreased by 50% to account for the grant offset. If a subclass member's grants were more than \$500 but less than or equal to \$1,500 for Summer 2003, then his or her damages will be

decreased by approximately 85% to account for the grant award offset. If a subclass member received more than \$1,500 in grants for the Summer 2003 term, he or she is considered to have no damages because any overcharge was fully offset by an increased grant award.

### **The Professional Student Subclass Individual Damages Payments**

- The 9,431 members of the Professional Student Subclass were overcharged by the University when it increased the amount of the Professional Degree Fees above the amount of that fee at the time subclass members enrolled. These improper fee increases occurred beginning with the Spring 2003 term until the Court's permanent injunction went into effect in March 2006, and range, in total amount per student, from \$150 to \$10,822.
- The damages for this subclass as a whole were calculated by adding the total of the amounts by which each subclass member was overcharged for the Professional Degree Fee (above the amount at which the student had first enrolled) for each term from Spring 2003 until the permanent injunction went into effect in March 2006. The University recycled a percentage of the fee revenue from these improper fee increases back to the subclass members as grants each year. The amount by which grants increased as a result of the fee increases was deducted from the total fee overcharges to calculate the damages to this subclass. As of June 1, 2008, the damages recovered on behalf of the Professional Student Subclass totals \$34,779,033, including interest.
- Not every subclass member received grants that offset the fee overcharges. The University records contain the amount of grants it provided to each individual Professional Student Subclass member for each relevant academic term.
- Under the Plan of Distribution, subclass members who received no grants from the University will not have their damages award offset for increased grants. Those subclass members will receive the full amount of the overcharges, plus interest, minus the student's share of deductions approved by the Court.
- The total amount of grants returned to the subclass will be allocated across those subclass members who received some grants. For all subclass members who received some grant aid from the University, under the Plan of Distribution the grant offsets will be allocated based on the percentage of the total student budget that the student received in grants from the University. The higher the total grants provided by the University, the more recycled fee revenue the subclass member likely received as grants to offset any damages. Each subclass member's individual damages will equal the total overcharges paid by the subclass member, minus any applicable grant offsets, plus interest, minus his or her share of deductions approved by the Court.

### **Second Distribution and Residual Donation**

Class members will have six months to cash their damages checks following receipt, after which the checks will be void. Any damages in excess of \$200,000 per subclass that remain unclaimed by subclass members once the six-month period following the initial distribution has expired will be re-allocated by dividing the remainder among all those subclass members who received and cashed the initial distribution in proportion to their initial shares. But, due to processing costs, there will be no second distributions to any subclass member whose share would be less than \$5. Class members will have six months to cash any subsequent distribution checks, after which the checks will be void.

After the initial and any second distribution, any damages that remain unclaimed with respect to any subclass in an amount less than \$200,000 will be divided equally among three non-profit organizations: the University of California Students' Association, the Campaign for College Opportunity, and California Cash for College.

### **PROPOSED ATTORNEYS' FEES, EXPENSES, AND SERVICE PAYMENTS TO CLASS REPRESENTATIVES**

Plaintiffs have proposed that their attorneys be compensated for their five years of work on this litigation with a fee equal to 25% of the damages amounts for each of the three subclasses to be deducted from the damages awards to each subclass. Plaintiffs also propose that their attorneys be compensated a reasonable amount for the out-of-pocket expenses that counsel have incurred during the duration of this litigation. Expenses are approximately \$100,000 as of June 1, 2008, and are expected to increase substantially before this litigation ends. Plaintiffs also propose to pay the eight class representatives a service award to compensate them for the time and risk involved in pursuing this lawsuit against the University. The proposed service payments total \$80,000. The expenses and service payments will be deducted from the damages awarded to each of the three subclasses in proportion to the amount awarded each subclass. Plaintiffs' counsel believe the fees and expenses requested are fair and reasonable. The amounts of attorneys' fees, expenses, and service payments to be awarded are subject to Court approval.

Plaintiffs will also submit an application to the Court that seeks to have UC pay for Plaintiffs' attorneys' fees and expenses pursuant to a California statute that grants attorneys' fees and expenses to a prevailing party in public interest litigation. Plaintiffs propose that if the Court awards statutory fees and if the Court has also approved Plaintiffs' attorneys' request that Plaintiffs pay a fee equivalent to 25% of the damages awards, the statutory fees should be applied to offset the fees to be paid by Plaintiffs. This offset will allow the Plaintiffs to receive the full benefit of any statutory fee award. Plaintiffs will seek a statutory fee award based on the number of hours and counsels' hourly rates. Plaintiffs will also seek a substantial multiplier – that is, an increase above the hours times the rate.

### **YOUR RIGHTS AS A CLASS MEMBER**

#### **A. Overview**

If you are a class member, you may be eligible to receive a monetary payment from the damages award. ***If you are entitled to monetary payment under this Plan, you need not take any action in order to receive that money.*** No claims process is required in this litigation. ***However, in order for a check to reach you, please correct any incorrect contact information as described below.***

**B. Final Approval Hearing**

The Plan of Distribution and Plaintiffs' proposals for attorneys' fees and other deductions from the damages must receive final approval by the Court in this case. In order to decide whether to give final approval, the Court will consider papers and comments submitted by the parties or others and hold a hearing in open court.

The hearing by the Court on final approval for the Plan of Distribution and Plaintiffs' proposals for attorneys' fees and other deductions from the damages will be held on **September 12, 2008**, at 9:30 a.m., in Department 504 of the San Francisco County Superior Court, 400 McAllister Street, San Francisco, California 94102. You may, but are not required to, attend this hearing.

**C. Comments in Favor of or Objections to the Plan of Distribution or Attorneys' Fees Proposal**

If you wish, you may comment in favor of or object to the Plan of Distribution or Plaintiffs' proposals for attorneys' fees and other deductions from the damages described herein. To do so, you must submit written comments postmarked by no later than **August 22, 2008** to:

Kashmiri v. Regents Class Administrator  
P.O. Box 1931  
Faribault, MN 55021-7186      Or e-mail comments by August 22, 2008 to: [ucfees@rustconsulting.com](mailto:ucfees@rustconsulting.com).

Any written objection must state each specific objection and legal or factual basis supporting that objection. A class member who fails to submit a written objection in the manner described above and by the specified deadline will be deemed to have waived any objections and will be foreclosed from making any objection (whether by appeal or otherwise) at a later date.

Please do not send any written comments to the Court or attempt to contact the Judge directly. All comments submitted to the Class Administrator will be forwarded to and reviewed by the Court.

Any person who has filed a written comment in favor of or objection to the Plan of Distribution or Plaintiffs' proposals for attorneys' fees and other deductions from the damages may ask to speak at the Final Approval Hearing. If you seek to present any evidence or appear through a lawyer at the Final Approval Hearing, you must state your intention to do so in writing (sent to the post office box or e-mail address identified above) postmarked or e-mailed on or before **August 22, 2008**. Additionally, any attorney who seeks to represent you at the Final Approval Hearing must file a Notice of Appearance with Department 504 of the San Francisco County Superior Court, 400 McAllister Street, San Francisco, California 94102, and serve counsel for all parties no later than **August 22, 2008**.

**D. Further Information on Website**

The above is a summary of the Plan of Distribution and Plaintiffs' attorneys' fees proposal in this case. For more information, you may review the filings in this case at the Clerk's Office for the San Francisco County Superior Court at 400 McAllister Street, San Francisco, California 94102.

Additional information regarding this lawsuit and the distribution of the damages award, including relevant filings, may be found at [www.ucfeesclassaction.com](http://www.ucfeesclassaction.com).

You may direct any questions regarding the information contained in this Notice to the Class Administrator by e-mail to [ucfees@rustconsulting.com](mailto:ucfees@rustconsulting.com). You may also direct any questions to Plaintiffs' Counsel:

Jonathan Weissglass Danielle E. Leonard Altshuler Berzon LLP 177 Post Street, Suite 300 San Francisco, CA 94108	Andrew D. Freeman Brown, Goldstein & Levy, LLP 120 E. Baltimore Street, Suite 1700 Baltimore, Maryland 21202
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The best way to contact Plaintiffs' counsel is by e-mail to [info@browngold.com](mailto:info@browngold.com). Please do not contact the University, counsel for the University, or the Court with questions about the case.

**UPDATING CONTACT INFORMATION**

The contact information currently known for you is included at the top of this Notice. This contact information will be used to send any monetary damages check to which you may be entitled. If this information is incorrect, please provide the correct contact information **by no later than August 22, 2008**, by doing one of the following:

- E-mail the Class Administrator at [ucfees@rustconsulting.com](mailto:ucfees@rustconsulting.com) (if you have received this Notice as an e-mail, you may "reply" to the e-mail)
- Mail your correct information to the Class Administrator at:

Kashmiri v. Regents Class Administrator  
P.O. Box 1931  
Faribault, MN 55021-7186

The information you provide will not be used for any other purpose.

Notice to Class Approved by Order of the San Francisco County Superior Court.

Dated: June 25, 2008

/s/ \_\_\_\_\_  
Honorable Mary E. Wiss  
Superior Court Judge