

SUFFOLK SUPERIOR COURT

Civil Action No. 08-3281 BLS2

WILLIAM MEANEY, et al.

Plaintiffs,

v.

ONEBEACON AMERICA INSURANCE  
COMPANY, et al.,

Defendants.

**NOTICE OF CLASS ACTION SETTLEMENT AND APPROVAL HEARING**

To: All persons who obtained an arbitration award between June 13, 1991 and May 2, 2007, against one of the following affiliated insurance companies or against one of their insureds:

- Commercial Union Insurance Company (which is now known as OneBeacon America Insurance Company);
- CU Homeland Insurance Company (which is now known as Massachusetts Homeland Insurance Company);
- The Northern Insurance Company of America
- General Accident Insurance Company of America (which became known as CGU Insurance Company and which is now known as OneBeacon Insurance Company);
- Pennsylvania General Insurance Company;
- Employers' Fire Insurance Company; or
- American Employers' Insurance Company.

These companies are hereinafter referred to collectively as "OneBeacon" or "the OneBeacon companies".

**THIS NOTICE DESCRIBES HOW YOU MAY OBTAIN A MONETARY AWARD AND YOUR OTHER OPTIONS WITH RESPECT TO THIS CLASS ACTION.**

**THE DEADLINE FOR FILING A CLAIM FORM IS JANUARY 19, 2009**

This notice explains the settlement of a class action lawsuit against the OneBeacon companies in which the plaintiff alleges that the OneBeacon companies wrongfully failed to pay interest on arbitration awards in the Commonwealth of Massachusetts. The settlement agreement has been approved preliminarily by the Court and provides for the payment of post-award interest, plus interest on that interest, to those individuals who obtained an arbitration award against one of the OneBeacon companies or one of their insureds under a Massachusetts automobile insurance policy from June 13, 1991 to May 2, 2007.

**PLEASE TAKE NOTICE THAT on December 15, 2008, in Courtroom 1017 of the Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, at 2:00 pm, a hearing shall be conducted to determine whether to grant final approval to the settlement agreement, consider any timely objections to the settlement and rule on the fee application submitted by attorneys for the plaintiffs in this class action lawsuit.**

**No payments will be made available until after the settlement has become final and non-appealable.**

Read this notice carefully. You may be entitled to share in the settlement proceeds of this class action lawsuit. Your rights to a monetary award may be affected.

**In the following notice, you are being told about the features of the proposed settlement, and asked to decide whether you would like to participate in this settlement, oppose it, or exclude yourself from it.**

**1. Why did you receive this notice?**

This notice has been mailed to you because you may be a member of a group of individuals (a class) for whom a settlement with OneBeacon has been reached. OneBeacon's records indicate that you may have been paid an arbitration award obtained against one of the OneBeacon companies or against one of their insureds between June 13, 1991 and May 2, 2007, and you may be eligible to receive unpaid interest on the award.

Questions? Call toll-free 1-888-288-9640 or visit [www.MassachusettsHomelandSettlement.com](http://www.MassachusettsHomelandSettlement.com)

**2. Who are the parties in this class action?**

William Meaney is the named plaintiff. He contends that OneBeacon did not pay post-award interest on an arbitration award he obtained against OneBeacon. Mr. Meaney filed this lawsuit as a class action to assert his own individual claim and to represent a class of persons who have similar claims. The defendants are the OneBeacon companies listed above. The lawsuit is pending in the Business Litigation Session of the Suffolk Superior Court.

**3. Are you a member of the class?**

The class consists of all persons who obtained arbitration awards against OneBeacon or OneBeacon insureds under Massachusetts automobile insurance policies from June 13, 1991 to May 2, 2007. Settlements and judgments are not arbitration awards and do not create class membership.

**4. What is this lawsuit about?**

Plaintiff claims that OneBeacon did not pay post-award interest on arbitration awards from June 13, 1991 to May 2, 2007. Post-award interest is interest paid on the award between the date of the award and receipt of the payment by the claimant. Plaintiff alleges that the payment of post-award interest is required by law.

OneBeacon contends that it made all of its arbitration award payments promptly and that it did not engage in unfair or deceptive practices.

Based on the information available to both sides, and the risks involved in a trial, attorneys for the class have concluded that the proposed settlement is fair, reasonable, and adequate, and that it serves the best interests of class members.

**5. What compensation will the settlement provide?**

The settlement, if it is finally approved by the Court, provides the following for those class members whose claim forms (which are described below) are approved:

- a. OneBeacon will pay post-award interest in an amount equal to interest at the rate of 12% per annum for thirty (30) days on arbitration awards rendered from June 13, 1991 to May 2, 2007.
- b. OneBeacon will pay interest at the rate of 12% per annum on the amount identified in Paragraph 6(a), for a period commencing thirty (30) days after entry of the arbitration award and ending ten (10) days prior to the issuance of payment.

**NOTE: No benefits will be made available until after approval of the settlement by the Court becomes final. Once the settlement becomes final, if your claim is approved, you will receive payment.**

If you are a member of the class receiving this notice, and you do not file a claim, you will not be entitled to receive any cash payments for the claims that are the subject of this lawsuit.

**6. How much money will the attorneys be paid and who will pay it?**

Plaintiffs' counsel intends to apply for an award of fees and expenses not to exceed \$75,000 with respect to pre-final judgment representation. OneBeacon will not oppose the application of plaintiffs' counsel with respect to pre-final judgment fees and expenses provided that the application does not exceed \$75,000. Plaintiffs' counsel will also apply for fees and expenses related to its services provided after the entry of final judgment and in connection with the claims administration process, up to a ceiling of \$50,000; provided, however, the ceiling will be \$75,000 in the event that plaintiffs' counsel provides representation regarding more than 250 rejected claims. OneBeacon will not oppose the application of plaintiffs' counsel with respect to claims administration provided that the fees are reasonable and the application does not exceed the ceiling described herein. OneBeacon has reserved the right to challenge these fees and expenses if it believes they are unreasonable.

The Court will determine the amount of any fees and expenses awarded to plaintiffs' counsel, and the Third Party Neutral will determine the amount of fees and expenses with respect to claims administration as described above. None of the fees and expenses awarded to plaintiffs' counsel will be deducted from the payments made to the class.

**7. Will the named plaintiff who pursued this lawsuit on behalf of the class receive anything in addition to the benefits provided to the other members of the class?**

No.

**8. What are your options?**

If you are a member of the class and have received this notice, you will have the following options:

- File a claim form. **THE DEADLINE FOR FILING A CLAIM FORM IS JANUARY 19, 2009.**
- Do nothing, thereby foregoing the possibility of receiving any class relief.

Questions? Call toll-free 1-888-288-9640 or visit [www.MassachusettsHomelandSettlement.com](http://www.MassachusettsHomelandSettlement.com)

- Stay in the class and file an objection if you disagree with any part of the settlement or the request for attorneys' fees or expenses.
- Exclude yourself from the class, which means you will not participate in any of the financial benefits from the proposed settlement, will not be bound by the releases made or judgment entered in connection with the settlement, and will not be permitted to object to any part of the settlement.

The following sections explain the consequences of pursuing each option.

**a. What happens if you file a claim?**

If you are a class member and you complete and mail the enclosed claim form, and if the claim form is approved by the settlement administrator, you will receive the payment described above once the settlement has become final.

Unless you submit a request for exclusion (see section 9(d) below), you will be prohibited from bringing a lawsuit against the defendants based on or related to any of the claims asserted by the plaintiffs.

The enclosed claim form provides direction as to how the claim form should be filled out. **The deadline for submission is January 19, 2009.**

In the claim form, you will be required, among other things, to state under the pains and penalties of perjury, that you are the person identified as Claimant on this form, and that you obtained an arbitration award from OneBeacon between June 13, 1991 and May 2, 2007. In addition, you should provide as much of the following information as possible: (1) your full name; (2) amount of the arbitration award; (3) date of the arbitration award; (4) the name of the OneBeacon insured; (5) the OneBeacon company against whom the arbitration award was obtained; (6) date of the loss that resulted in the arbitration award; (7) claim number of the claim that resulted in the arbitration award; (8) location of the loss that resulted in the arbitration award; (9) copy of the arbitration award; (10) name, address and telephone number of the arbiter; (11) name, address and telephone number of the attorney that represented you in the arbitration that resulted in the arbitration award; and (12) whether this amount paid was as a result of an arbitration or settlement. Failure to provide enough information to confirm your claim may result in its denial.

If you file a claim form, attorneys for the class will act as your representatives while your claim is processed, at no cost to you.

**b. What happens if you do not file a claim?**

Under the terms of the settlement, if you do not file a claim form, you will not receive any payment. Assuming the Court approves the settlement and you do not file a claim, and you do not submit a request for exclusion, you nevertheless will be part of the class in this action, you will be bound by the final judgment entered in this action and you will be prohibited from bringing or joining any lawsuit against the defendants based on or related to any of the claims asserted by the plaintiff.

**c. How do you file an objection?**

You must state your objection in writing and file it with the Court postmarked no later than November 25, 2008. The objection should be addressed to the Clerk for Civil Business, Business Litigation Session 2, Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, 02108 and marked to indicate "objections to proposed settlement in Meaney, et al. v. OneBeacon America Insurance Company, Civil Action No. 08-3281 BLS2."

**You must simultaneously mail your objection to plaintiffs' attorneys:**

Thomas G. Shapiro, Esq.  
Shapiro Haber & Urmy LLP  
53 State Street  
Boston, MA 02109  
(800) 287-8119  
Email: [cases@shulaw.com](mailto:cases@shulaw.com)

John R. Yasi, Esq.  
Yasi & Yasi  
Two Salem Green  
Salem, MA 01970  
(978) 741-0400  
Email: [john.yasi@yasiandyasi.com](mailto:john.yasi@yasiandyasi.com)

**And to defendants' attorneys:**

Peter G. Hermes, Esq.  
Michael S. Batson, Esq.  
Hermes, Netburn, O'Connor & Spearing, P.C.  
265 Franklin Street, Seventh Floor  
Boston, MA 02110

Included in any such objection must be a statement of the basis for your objection and a declaration under the pains and penalties of perjury stating that you are a member of the class as described in Paragraph 3 above. If you do not properly file and serve an objection by the required date, any objections you may have to the settlement will be waived.

**d. How do you exclude yourself from the class?**

You can exclude yourself from the class, which means you will not participate in any aspect of the settlement and you may pursue your own claims, if any, at your own expense against the defendants. To exclude yourself, you must state your request to be excluded in writing and deliver or mail your request no later than November 25, 2008 to:

Settlement Administrator  
PO Box 4098  
Portland, OR 97208-4098

**9. When will the Court conduct the Approval Hearing?**

The Court will conduct a public hearing to determine whether to approve the proposed settlement on December 15, 2008. Although the hearing will be open to the public, you will not be permitted to speak in opposition to the issues above at the hearing unless you have filed a timely objection to the settlement or the attorneys fees in the manner described above. If you have filed an objection, you may appear with or without your own counsel and be heard at the hearing.

**10. Where can you get additional information?**

This notice provides only a summary of matters regarding the lawsuit. The documents, settlement agreement and orders in the lawsuit provide greater detail and may clarify matters that are described only in general or summary terms in this notice. Copies of the settlement agreement, other documents, court orders and other information related to the lawsuit may be obtained from plaintiffs' attorneys identified in paragraph 8c above. You should direct any inquiries concerning a claim or other matters described in this notice to plaintiffs' attorneys. You may also obtain copies of these documents at [www.MassachusettsHomelandSettlement.com](http://www.MassachusettsHomelandSettlement.com).

If you wish, you may seek the advice and guidance of your own attorney, at your own expense.

**Please do not contact the Court, Counsel for OneBeacon or any OneBeacon representative for information.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Judith Fabricant  
Justice, Superior Court