
FREQUENTLY ASKED QUESTIONS REGARDING APPEALING INDIVIDUAL SETTLEMENT AWARDS

What if I feel that the methodology used by the Class Administrator/Special Master is unfair? Can I appeal that?

No. Objections to the settlement and the overall disbursement of the settlement (“the methodology”) were addressed at the “Fairness Hearings” held on September 24, 2004, and October 12, 2004. The Court has already entered a final order determining the overall methodology was fair.

The Class Administrator/Special Master formulated the following methodology to disburse the settlement:

ZONE	VACANT LOT	PRIVATE WELL	BASE AMOUNT	PERCENT OF JUST VALUE
Zone 1	No	No	\$38,000	5.0 %
Zone 1	No	Yes	\$48,000	5.0 %
Zone 1	Yes	No	\$8,000	5.0 %
Zone 1	Yes	Yes	\$18,000	5.0 %
Zone 2	No	No	\$12,000	2.0 %
Zone 2	No	Yes	\$22,000	2.0 %
Zone 2	Yes	No	\$6,000	2.0 %
Zone 2	Yes	Yes	\$16,000	2.0 %
Zone 3	No	No	\$10,000	3.0 %
Zone 3	No	Yes	\$20,000	3.0 %
Zone 3	Yes	No	\$6,000	3.0 %
Zone 3	Yes	Yes	\$16,000	3.0 %

Objecting to any of the information in the grid cannot be the basis for your appeal. Also, objecting to the boundary lines for each of the “Zones” cannot be the basis of your appeal.

My property is not within the “Class Boundary,” but it is right across the street. Should I file an appeal so that I can be included in the settlement?

No. If your property is not already within the class boundary, then filing an appeal will not entitle you to be included in the settlement. Your legal rights were not affected by this settlement.

I do not agree with the amount of money I am going to receive from the Settlement. Can I “appeal” it?

Each class member can, “in extraordinary cases,” challenge the amount of money that was allocated to them by the Class Administrator/Special Master.

What is an “extraordinary case”?

The “extraordinary case” requirement was put into place to allow any class member to appeal their individual award of money, as long as it was not based solely on their desire to be paid more. Therefore, the Court has determined that you must have some special **documented** reason which makes your individual award (as determined by the Class Administrator/Special master) unfair or contrary to the goal of the settlement.

How do I file an appeal?

“Filing” an appeal is very simple. Write down all the facts that you believe entitle you to receive more than what was awarded you under the Class Administrator’s/Special Master’s procedure—in other words, why your situation is an “extraordinary case.” The Court prefers your appeal to be typed, but a hand-written appeal will be accepted as long as it is legible. Remember to include your name and address on the appeal. Collect all the documentation that you have that supports your facts and attach copies to your appeal. You do not need to file the originals of your important documents as long as you can produce them if required. You should include any letters you have received from the Class Administrator/Special Master regarding your claim.

Take or mail your written “appeal” and your documentation to the Circuit Civil division of the Clerk’s Office, on the second floor of the M.C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida 32502.

When should I file an appeal?

You **MUST** file an appeal within thirty days of receiving the notice from the Class Administrator/Special Master. Sooner is better, because any appeal that is not timely filed will not be heard by the Court.

What happens after I file my appeal?

Once a week, the Court will mail all the appeals filed with the Clerk to Class Counsel, who will mail them to the Class Administrator/Special Master. After he receives them he has twenty days to write a response. He may change his mind regarding your claim, even if you have been denied in the past. If he stands by the original decision, he must advise the Court the reasons why and explain his rationale for that decision. After he writes that response, it will be filed with the Clerk’s office and you will be served a copy by Class Counsel. It will then be up to the Court to rule just on the written documents, have a hearing, or determine if some further action is necessary.

How long will it take for me to get a ruling on my appeal?

Although there is no way to be certain how long it will take before rulings will be issued for each appeal, it will probably be a few months from the date that your appeal was filed. The more complex the “extraordinary case,” the longer the appeal can take—especially if a hearing is necessary.

Should I hire my own attorney?

It is not necessary for you to hire an attorney to pursue this appeal. Of course, you may hire an attorney if you wish—especially if the Court determines that a hearing is necessary.

Can I call the Judge or court staff to discuss my case?

No. The Judge and court staff, including the Staff Attorney, cannot discuss any individual appeal without all parties being present.

NOTE: This “Frequently Asked Questions” pamphlet is intended to be a helpful, educational tool for class members and has no legal force or effect. Any person with questions about his or her legal rights is free to consult an attorney, at his/her own expense.