

THE HISTORY OF UNITED WE MATTER, INC.

WE MATTER RXdrug Coverage Group was created in Facebook by Ken Fitch to have a page specifically dedicated to the efforts made to reinstate the RX drug coverage benefit that was eliminated by the Budget and Reconciliation Act of 2011. Ken Fitch began his fight with writing a letter to 188 lawmakers and the Governor entitled **WE MATTER**. Other letters soon followed entitled **SHAME ON YOU, THE RIGHT TO STAND, YOUR 16% RAISE**, and **YES OR NO**. **THE RIGHT TO STAND** is the only letter not written by Ken Fitch and circulated to lawmakers. Each letter was followed up with a phone call, and if a response was received, an email.

Ken took the time to find out the name of every lawmaker who voted against maintaining the RX drug coverage, who were still in office and running for re-election. He attached that list to his SHAME ON YOU letter asking for Maryland Senators and Delegates who had voted to eliminate this coverage to do the right thing.

Ken used that list of lawmakers to specifically target his follow up communications. His approach was effective. Lawmakers began reaching out to Ken Fitch returning his phone calls and setting up meetings. It was the communication with Delegate Cluster that led to the organization of the WE MATTER Rally. Delegate Joe Cluster sent Ken Fitch an email about a subcommittee meeting of legislators on September 13, 2018. And wonders of wonders the discussion of that subcommittee was on the transition of state retirees to Medicare Part D. This was perfect. Ken saw this as an excellent chance to rally State Retirees to show lawmakers in Annapolis that WE MATTER. As news of the rally spread the estimates for the rally became bigger and bigger. More and more state retirees indicted their willingness to attend. Finally, state retirees had the opportunity to voice their shock about the elimination of their RX benefit. Finally, state retirees would have a chance to tell their lawmakers' how they really felt about their betrayal. It was then that Ken found out that one year after lawmakers had discontinued state retirees RX drug coverage, they had voted themselves a 16% raise. In an election year, this information should have been damning for any lawmaker who voted against drug coverage and for their increased paycheck. Ken wrote the YOUR 16% RAISE letter producing some startling facts regarding the State's promises over the last ten years.

While this was going on, Ken Fitch and WE MATTER members began attending town meetings, Senior centers and campaign events where lawmakers were speaking to bring the RX issue to the forefront. could be addressed. That is when I wrote RIGHT TO STAND letter about an event that showed the lawmakers who voted for this elimination of RX coverage didn't have a clue what they voted for. This was confirmed when Ken started setting up meetings between lawmakers and WE MATTER members. All the lawmakers Ken spoke with stated they wanted to help but were unwilling to make a commitment to asking for a special session. This is when Ken wrote the YES or NO letter demanding that lawmakers commit to a stance before the election. The responses to this request can be found in the topics section of the WE MATTER page. Then it happened. While Ken was driving his grandson to an event, he received a call from the Governor's office. The Governor's Chief of Staff wanted to schedule a teleconference with Ken to discuss the state retirees RX drug coverage. Excited, Ken scheduled an appointment to the wide-eyed amazement of his eleven-year-old grandson. Ken's next call was to me to make sure I would be present. During the teleconference, (which included the Governor's Director of Communication) no commitment was made to reinstatement. Instead the Governor's office stated that they backed transition. Ken stated to them

that it appeared to Medicare Eligible retirees that they were specifically targeted to cull out the pension roles. This statement was met by silence. Ken told them that they were not leaving him much choice – he would have to sue the state to keep the benefits of all state retirees. It was not a good meeting.

During that time, I was helping Ken Fitch on the Facebook Page. Ken had persuaded me to seriously investigate this issue arguing that the affects would be devastating for thousands of state retirees He argued that the lawmakers including the Governor would not reinstate RX benefits and that legal action was the only way to go. So, prior to Ken's conversation with the Governor, I and co-counsel, Breon L. Johnson, had committed to filing a complaint and seeking injunctive relief.

Ken Fitch, Phylis Reinard, Deborah Heim and Mary Frye agreed to be plaintiffs in the action. A complaint was filed in the Circuit Court for Baltimore City with a Motion for Injunctive Relief. The Defendants were the State of Maryland, Governor Larry Hogan and David Brinkley, Secretary of Department of Management and Budget (DBM). The defendants were represented by the Attorney General's Office (Brian Frosh). The AG then removed the case from State Court to Federal Court. The US District Court for the District of Maryland scheduled a Preliminary injunction hearing for October 5, 2018 and then moved it to October 10, 2018.

During this time Ken was in the hospital for five weeks. His kidneys shut down, but his will to continue fighting did not. After many prayers and well wishes from members of WE MATTER, Ken regained the function of his kidneys. So, by week three, he was weak but back in action. I went to Ken and told him that his absence had been noted on the Facebook page. He instructed me to update the Facebook page, instructed Kristen, his daughter, to bring his laptop to the hospital so he could get up to speed. He could barely walk, but his mind and heart were focused on the plight of State Retirees. His sister Kathy updated him about the hearings during the court break session, and he was interviewed by Channel 4 from his hospital bed on the progress of the case. Ken Fitch was determined to keep fighting regardless of his physical condition.

On October 10, 2018, the US District Court for the District of Maryland (Judge Messitte) granted the Preliminary Injunction. This meant that state retirees did not have to sign up for Medicare Part D and they would be able to keep the state insurance until the case was over (the attorneys estimate the case could take as long as 2 to 3 years.) It was a great victory! It validated Ken's commitment and dedication to the cause. He always said, we would win the injunction. He was right. One of the many reasons the injunction was granted was because the Court stated this case had a likelihood of success at trial. Retirees worked for low wages, furlough days and no raises with the promise of these benefits when they retired. Although Ken was still in the hospital, he posted to WE MATTER that day declaring the great news!

Notice was sent by DBM to all Medicare eligible retirees that they did not have to sign up for Medicare Part D. The Judge issued an order stating that as long as the case was pending, the State would continue to provide RX drug coverage that the General Assembly tried to eliminate. The day before the Injunction hearing, the Defendants filed a Motion to Dismiss the Complaint. After the Injunction was granted, we made a request for the Defendants to withdraw their motion. The Defendants refused so a Response was filed on behalf of the plaintiffs.

The next step with the lawsuit is to seek class action status. Once the Court certifies the class then all state retirees are members of the class by default. Right now, Ken has started a drive to get

members support for the class action certification. On a parallel track Ken is working with lawmakers to sponsor a bill to reinstate the RX drug coverage in the January 2019 session. This requires members to state how this law impacts their lives. To spread the word on the lawsuit and the Bill, Ken has had meetings on the Eastern Shore, Western Maryland, Southern Maryland and North Baltimore County. Please note that even if we reinstate through the legislature, if we are not successful in the lawsuit, the General Assembly can take away your benefits again. So, help was needed on both efforts.

Unfortunately, the promises of reinstatement did not yield fruit in the General Assembly in 2019. Although many lawmakers proposed legislation that would have either reinstated the entire benefit or grandfather the current retirees none were considered. The bill that passed still eliminated the Prescription Drug Coverage Program, and to give insult to injury, required that state retirees pay for it first and then get reimbursed. With state retirees facing thousands of dollars of costs per month, there is no certainty that a reimbursement program will ever be created. The efforts of the WE MATTER RXdrug Coverage Group continues the fight to restore the prescription drug benefit that was eliminated in secrecy by the 2011 Budget and Reconciliation Act.

In August of 2019, Ken Fitch incorporated United We Matter, Inc., a volunteer organization that will fight to preserve the pension and pension benefits of State Retirees as he continues his efforts with the WE MATTER RXdrug Coverage Group. "I don't want to be caught by surprise next time," he said. "Maryland State Retirees will have the tools to fight any other attack on their pension or pension benefits with this venture."

Throughout this fight Ken has remained positive and has structured United We Matter, Inc. to reinforce that. In this case, over 48,000 state retirees did not have to pay the astronomical drug prices on January 1, 2019 or January 1, 2020. They can keep the benefit they earned for another couple of years because of the efforts of one man. It is unbelievable what determination focus and positivity in the face of adversity can accomplish. He showed the state that you cannot treat people like this, you cannot treat retirees like this, you cannot treat seniors like this, because contrary to actions of the State of Maryland - WE MATTER and United we will make a difference.

Deborah Hill, Esq.