

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DUANE PORTER, KENNETH BLACK,)	
RONALD BOUIE, RICKY BROWN,)	
SAMUEL CLARK, FRANK CRADDIETH,)	
DONALD GAYLES, STEVEN WILSON,)	
and JEFFREY PICKETT, on behalf of)	
themselves and a class of all others)	
who are similarly situated,)	Case No. 12-cv-09844
)	
<i>Plaintiffs,</i>)	Judge Ellis
)	Magistrate Judge Weisman
v.)	
)	
PIPEFITTERS ASSOCIATION)	
LOCAL UNION 597,)	
)	
<i>Defendant.</i>)	

NOTICE OF CLASS ACTION LAWSUIT

*A federal court has authorized this notice.
This is not a solicitation from a lawyer.*

If you were or are an African-American member of Pipefitters Association Local Union 597 at any time from November 14, 2003 to the present, this class action lawsuit may affect your legal rights. Please read this notice carefully.

CASE SUMMARY

- African-Americans who are current and/or former members of Pipefitters Association Local Union 597 (“Local 597”) have sued Local 597, alleging race discrimination in federal court in Chicago.
- The Court has not ruled on whether Local 597 did anything wrong. There is no money available now, and no guarantee there will be any money available in the future. The case is currently pending in court.
- The Court has decided that the lawsuit will proceed as a class action on behalf of all African-Americans who are or were members of Local 597 from November 14, 2003 to the present.
- **Your legal rights are affected and you have a choice to make now.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION LAWSUIT	
DO NOTHING	<p style="text-align: center;">Stay in this lawsuit. Await the outcome. Give up certain rights.</p> <p>By doing nothing, you will become a member of the class. You will retain the possibility of getting money or benefits that may come from a trial or a settlement if you are determined to be eligible. If money or benefits are obtained from Local 597, you will be notified about how to determine if you are eligible for a share. However, you give up any rights to sue Local 597 individually for the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED	<p style="text-align: center;">Decline to participate in this lawsuit. Get no benefits from it. Keep certain rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you won’t share in those. However, you keep any rights to sue Local 597 individually about the same legal claims in this lawsuit.</p>

- **To ask to be excluded, you must act before MAY 4, 2018.**
- Your options are explained in this notice.

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BASIC INFORMATION

1. Why Have I Received This Notice?

You have received this Notice because Local 597's records show that you were a member of Local 597 at any time between November 14, 2003 and the present. This Notice explains that the Court has allowed, or "certified," this case to proceed as a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial will decide whether the claims of race discrimination made against Local 597, on behalf of you and similarly situated African-American individuals, are correct. Judge Sara L. Ellis of the United States District Court for the Northern District of Illinois is overseeing this class action. The lawsuit is known as *Porter v. Pipefitters Association Local Union 597*, Civil Action No. 12 CV 9844.

2. What Is This Lawsuit About?

This lawsuit is about whether Local 597 discriminated against African-American members because of their race. The lawsuit originally was filed on December 10, 2012 on behalf of the Plaintiffs who filed the suit and all similarly situated former and current African-American employees who were members of Local 597 at any time between November 14, 2003 and the present.

3. What Is A Class Action Lawsuit And Who Is Involved?

In a class action lawsuit, one or more people, called "Class Representatives," sue on behalf of other people who have similar claims. In this case, the Class Representatives are Duane Porter, Kenneth Black, Ronald Bouie, Ricky Brown, Samuel Clark, Frank Craddieth, Donald Gayles, Steven Wilson, and Jeffrey Pickett. The Class Representatives, together with the other people who have similar claims, are a "Class" or "Class Members." The people who sued and the other class members are called the Plaintiffs. The union they sued, Local 597, is called the Defendant. In a class action lawsuit, one court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why Is This Lawsuit A Class Action?

In orders entered on September 20, 2016 and December 11, 2017, the Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The Court allowed, or "certified" this lawsuit as a class action because:

- there are a sufficient number of African-American individuals who were members of Local 597 between November 2003 and the present to form a Class;
- there are legal questions and facts that are common to the Class Members;
- the Class Representatives' claims are typical of the claims of the rest of the Class;
- the Class Representatives and the lawyers representing the Class will fairly and adequately represent the Class Members' interests;

- Local 597 has allegedly acted or refused to act on grounds generally applicable to the Class;
- there are more important common legal questions and facts in this case than questions that affect only individuals; and
- this class action will be more efficient than having many individual lawsuits.

5. What Does This Lawsuit Complain About?

In this lawsuit, the Plaintiffs say that Local 597 has discriminated and continues to discriminate against African-American members of Local 597 by having overseen the Hiring Hall and later creating and overseeing the Referral Hall system. Plaintiffs say that the Hiring and Referral Hall policies are discriminatory and that these practices harmed African-American pipefitters. As a result of Local 597's role in overseeing the Hiring Hall and in creating and implementing the Referral Hall system, the plaintiffs say that African-American pipefitters:

- received fewer work hours overall compared to white pipefitters who are similarly qualified;
- received disproportionately short-term or other undesirable jobs;
- received disproportionately smaller retirement benefits and health and welfare benefits as a result of fewer contributions from contractors based on less hours worked than white pipefitters; and
- have been denied disproportionately the opportunity to work as superintendents or foremen.

Plaintiffs also say that Local 597 failed to fairly represent African-American members of Local 597 under the Collective Bargaining Agreement. Moreover, Plaintiffs say that Local 597 did not respond to repeated complaints by African-American members about the discriminatory Hiring and Referral Hall policies and practices.

6. How Does Local 597 Answer?

Local 597 denies that the Hiring Hall and Referral Hall systems were or are discriminatory, and in particular, that job assignments from these systems resulted in any disparate or discriminatory treatment of African American members. Local 597 claims that any disparity in hours resulted from contractor actions or other non-discriminatory reasons. Local 597 also denies that it failed to fairly represent African-American members of Local 597 under the Collective Bargaining Agreement or failed to respond to any complaints by African-American members about their claims.

7. Has The Court Decided Who Is Right?

The Court has not decided whether the Plaintiffs or Local 597 are right. By allowing, or “certifying,” the Class and issuing this Notice, the Court has not decided whether the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims. There is no guarantee that the Plaintiffs will win, or whether they will get any money for the Class Members.

8. What Class Has Been Certified and Who Is In It?

The Court has certified one class consisting of all current and former African-American employees who were members of Local 597 between November 14, 2003 and the present for the purposes of money

damages. The Court has certified one subclass consisting of all African-Americans who are currently members of Local 597 for the purposes of injunctive relief.

9. What Are The Plaintiffs Asking For?

The Plaintiffs are asking for changes in Local 597's policies and practices to ensure that African-Americans are treated in a non-discriminatory manner. The Plaintiffs also want money damages for the lost wages and benefits and for emotional distress alleged to have been suffered by Class Members due to Local 597's alleged discrimination. Plaintiffs also have asked that Local 597 be required to pay punitive damages for their alleged unlawful conduct.

YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class, or ask to be excluded from this lawsuit. **You must make this decision and notify Class Counsel by MAY 4, 2018.**

10. What Happens If I Do Nothing At All?

You do not have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in this Class Action lawsuit. If you stay in and the Plaintiffs obtain money or benefits, either as a result of a trial or a settlement, you will be notified about how to determine if you are eligible for a share (or about how to ask to be excluded from any future settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will be bound by the result, and you will not be able to sue Local 597 individually about the same legal claims that are the subject of this lawsuit.

11. What Happens If I Ask To Be Excluded?

If you ask to be excluded from this lawsuit, which is sometimes referred to as "opting out" of this lawsuit, you will not receive any money or benefits from this lawsuit, even if the Plaintiffs obtain money for benefits as a result of the trial or any settlement reached between Local 597 and the Plaintiffs. However, you may be able to sue or continue to sue Local 597 for employment race discrimination independently. If you exclude yourself, you will not be legally bound by the Court's judgments or decisions in this class action.

If you start your own lawsuit against Local 597 after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your own claims. If you do exclude yourself so you can start or continue your own lawsuit against Local 597, you should talk to your own lawyer as soon as possible, because your claims may be subject to a statute of limitations.

12. Why Would I Ask To Be Excluded?

If you already have your own race discrimination lawsuit against Local 597 and want to continue with it, or if you want to start your own separate race discrimination lawsuit against Local 597, you need to ask to be excluded from this Class Action.

13. How Do I Ask The Court To Exclude Me From This Class Action?

To ask to be excluded, you must send a request to the attorneys who have been approved as the attorneys for the Class. The request must be mailed or emailed to

Mailing Address:

**Porter v. Pipefitters Association Local Union 597
c/o The Franklin Law Firm LLC
53 West Jackson Boulevard, Suite 803
Chicago, IL 60604**

Email Address:

jsf@thefranklinlawfirm.com

The request must state that you want to be excluded from *Porter v. Pipefitters*. Be sure to include your full name, address, and telephone number, and be sure to sign the letter. Your letter must be received by the attorneys that represent the Class on or before **MAY 4, 2018**. It is your responsibility to make sure that your letter is received by the attorneys for the Class by the deadline.

If you do not elect to be excluded by the date indicated above, you will not be entitled to elect exclusion from the Class at a later date.

YOUR LEGAL REPRESENTATION IN THIS CASE

14. Do I Have A Lawyer In This Case?

The Court has decided that Jamie S. Franklin of The Franklin Law Firm LLC in Chicago, Illinois, Randall Schmidt from the Edwin F. Mandel Legal Aid Clinic of The University of Chicago Law School in Chicago, Illinois, and Adam Goodman and Wesley Johnson of Goodman Tovrov Hardy & Johnson LLC in Chicago, Illinois, are qualified to represent you and all Class Members. Together these lawyers are called “Class Counsel.”

15. Should I Get My Own Lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

THE TRIAL, NEXT STEPS, AND FUTHER INFORMATION

16. Do I Have to Come To The Trial?

You do not need to attend the trial unless you are called as a witness. Class Counsel will present the case for the Plaintiffs, and Local 597 will present the defense. You, or your own lawyer, are welcome to attend at your own expense.

17. What Happens Next?

The parties are currently awaiting a ruling from the court on whether all or part of the case will go to trial. If the court rules that all or part of the case can go to trial, Class Counsel will prepare the case for a trial to determine whether Local 597 is liable for employment discrimination, and what relief, if any, applies to the Class as a whole. If there is a recovery, either as a result of a trial or a settlement, you may be required to establish your membership in the Class and the amount of your share in any judgment or settlement. The Court may direct this process at a later date. You will be notified about how to participate in any claims process. We do not know how long this will take.

18. Is More Information Available?

Visit the case website, http://thefranklinlawfirm.com/lawyer/Pipefitters-Class-Action_cp18572.htm, where you will find the Court's Order certifying the class, the Amended Complaint that Plaintiffs have filed, and the Defendant's Answer to the Amended Complaint. You may also email or write to Class Counsel with any questions regarding this class action. The contact information for Class Counsel is listed below. You should also contact Class Counsel if you change your mailing address or telephone number.

Jamie Franklin
The Franklin Law Firm LLC
53 West Jackson Boulevard, Suite 803
Chicago, IL 60607
jsf@thefranklinlawfirm.com

Randall D. Schmidt
Edwin F. Mandel Legal Aid Clinic
6020 S. University Ave.
Chicago, IL 60637
randall_schmidt@law.uchicago.edu
(773) 702-9611

Adam Goodman
Wesley Johnson
Goodman Tovrov Hardy & Johnson LLC
105 West Madison Street, 15th Floor
Chicago, IL 60602

19. Can I Contact The Court?

No! Do NOT contact the Judge, the Judge's staff or the Clerk of the Court. If you have questions, please contact Class Counsel, listed above.

PLEASE DO NOT TELEPHONE THE CLERK OF THE COURT.

Dated: March 2, 2018

CLERK, U.S. District Court
Northern District of Illinois