

MEEKS, ET. AL. v. ALLEN MEMORIAL HOSPITAL

FREQUENTLY ASKED QUESTIONS

1. Are there any deadlines or events I should know about?

Yes. There are several critical deadlines associated with this case. The importance of each deadline is explained in this FAQ.

March 17, 2012: Deadline for excluding yourself or “opting-out” of the Class; (See # 9)

June 17, 2012: Deadline for submitting a Claim Form to the Claims Administrator; (See # 11)

November 17, 2012: Deadline for objecting to this settlement; (See #14)

January 17, 2013: Fairness Hearing held at Blackhawk County Courthouse; (See # 15, 16, 17)

2. What is this case about?

This case is a class action claiming race discrimination under the Iowa Civil Rights Act. Lead Plaintiff, Robyn L. Meeks said that she was not hired by Allen Hospital because of her race. The Class Action Complaint was filed on behalf of African American persons who applied for, but were rejected for, employment with Allen, who were passed over for promotional opportunities or were terminated by Allen. The Petition also includes claims alleging race discrimination with respect to job assignment, promotion, compensation, training and terms and conditions of employment.

Allen Hospital denies that it ever engaged in a pattern of race discrimination and that applicants for employment have at all times equal opportunity with respect to hiring and that its treats employees fairly and equally with respect to promotional opportunities, terms and conditions of employment and discipline and discharge.

3. Why is this a class action?

In a class action, one or more people called class representatives (in this case, Lead Plaintiff Robyn Meeks) sue on behalf of people who have similar claims. All of these people are called the Class or Class Members. One court resolves the issue for all Class Members, except for those who exclude themselves from the class. Judge Todd Geer of the Iowa District Court for Blackhawk County is in charge of this class action. The court determined, for purposes of settlement only, that everyone who fits the following description is a member of the Class:

1. African American applicants who applied for employment at Allen from November 25, 2008 through January 17, 2012 and were not hired;
2. African American internal applicants who applied for and were denied any lateral or promotional opportunity from November 25, 2008 through January 17, 2012;

3. All African Americans employed at Allen from November 25, 2008 through January 17, 2012 who were harassed or discriminated against, disciplined, terminated, or constructively discharged.

4. Why is there a settlement?

The Court did not decide in favor of Lead Plaintiff Meeks or Allen. Instead, both sides agreed to a settlement. The Lead Plaintiff and their attorneys think the settlement is best for all Class Members.

5. What does the settlement provide?

Allen agreed to establish a settlement fund in the amount of \$2,000,000.00 for the purpose of providing individual monetary rewards to class members and for payment of attorneys' fees and costs. The settlement fund will be distributed as follows:

1. Robyn Meeks will receive reinstatement, back pay, a reasonable amount for emotional distress) and a payment of \$10,000.00 for her service as Lead Plaintiff.
2. The remainder of the settlement fund will be distributed among Class Members.
3. To the extent any settlement funds remain after payment to Class Members and attorneys' fees and court costs, the remainder will be donated to a non-profit enterprise agreeable to Class Counsel and Allen.
4. Class counsel will receive a total payment of \$666,600.00 in fees and costs from the settlement fund.

6. How much will my payment be?

Your share of the settlement fund will depend on the number of Class Members, but each claim will be individually evaluated by the Claims Administrators and Class Counsel.

7. Do I have a lawyer in this case?

The Court appointed Roxanne Conlin & Associates, P.C. and Duff Law Firm, P.L.C. to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers except as mentioned above. If you want to be represented by your own lawyer, you may hire one at your own expense.

8. How will the lawyers be paid?

Class counsel has asked the Court for attorneys' fees and costs to be paid from the \$2,000,000.00 settlement fund. Class Members are not personally liable for any such fees or expenses.

The attorneys' fees and expenses requested will be the only payment to Class Counsel for their efforts in achieving this settlement and for the risks in undertaking this representation on a wholly

contingent basis. To date, Class Counsel have not been paid for their services in conducting this case on behalf of Lead Plaintiff Robyn Meeks and the Class, nor for their litigation expenses.

9. What do I do if I do not want to be part of the Class?

If you are a member of the Class and do not want payment from the settlement, but instead want to keep the right to sue or continue to sue Allen Hospital on your own about issues that relate to the allegations in this case then you must take steps to get out of the Class. This is called excluding yourself and is sometimes referred to as “opting out” of the Class. If you request exclusion, you will **NOT** receive any benefits under the proposed settlement. You also cannot object to the settlement if you exclude yourself.

In order to be valid, your request for exclusion must be in writing and include your name and address and be postmarked on or before **March 17, 2012** and addressed to:

Claim Administrator
Allen Health System
1825 Logan Avenue
Waterloo, Iowa 50703

Please keep a copy of everything you send by mail, in case it is lost or destroyed during shipping.

You cannot exclude yourself on the phone or by email. Do not request exclusion if you wish to participate in this lawsuit as a Class Member. If you exclude yourself from this lawsuit, you will not be affected by any decisions in this case and you will not be entitled to share in the settlement. If you have brought or intend to bring your own lawsuit against Allen, you should speak to a lawyer immediately. You must exclude yourself from this Class if you wish to continue your own lawsuit or arbitration.

If you do not request exclusion from the Class, you will be considered a member of the Class, will be bound by the terms of the proposed settlement and will **not** be able to pursue your own individual legal action based upon the claims that are being raised in this settlement.

10. What happens if I do nothing at all?

If you do nothing, you remain a member of the Class. However, if you wish to share in the settlement funds, then you must complete a Claim Form.

11. How will I obtain payment?

To qualify for payment, you must be a member of the Class. You will also need to complete and submit a **Claim Form** to the Claim Administrator no later than **June 17, 2012**. The Claim Form is available at www.roxanneconlinlaw.com or www.tdufflaw.com. If you do not have internet access, please call 515-283-1111 and request a Claim Form. If you do not complete and submit the claim form by the June 17, 2012 deadline, you will not be able to file a lawsuit against Allen Hospital for race discrimination and you will not receive any payment from the settlement funds.

12. When will I receive my payment?

The Court will hold a Fairness Hearing on **January 17, 2013** at the Blackhawk County Courthouse in Waterloo, Iowa to decide whether to approve the settlement. If Judge Geer approves the settlement, your check will be mailed to you at the address you provide us.

13. Will I have to sign a release?

Your settlement check will have a release enclosed with it. A release means that you cannot continue with or bring a lawsuit or action of any kind against Allen Hospital about issues that relate to Lead Plaintiff Meeks' allegations in this case.

14. What if I do not like the settlement?

If you are a Class Member, you can object to the settlement if you do not like any part of it including the distribution plan or the request for attorneys' fees and costs. You must timely state the reasons why you think the Court should not approve the settlement or anything related to it. The Court will consider your views.

In order to object you must first provide the Claims Administrator with a notice of intention to appear and a written statement of position along with your name and address. The notice of intention to appear and written statement of position must be postmarked on or before **November 17, 2012**. The Claims Administrator will transmit any objection to Judge Geer no later than December 17, 2012.

15. When and where will the court decide whether to approve the settlement?

The Court will hold a Fairness Hearing on **January 17, 2013** at the Blackhawk County Courthouse in Waterloo, Iowa. At the hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. Judge Geer will listen to people who have asked to speak at the hearing.

You should also be aware that the Court may change the date and time for the hearing without giving another notice to Class Members. If you want to attend, you should check the date and time of the Fairness Hearing with either the Claims Administrator or Class Counsel.

16. Do I have to come to the fairness hearing?

No. Class counsel will answer any questions Judge Geer may have, but you are welcome to come at your own expense. If you send a written objection, you do not have to come to court to talk about it. As long as you mailed your written objection on time, the court will consider it. If you want to be represented by your own lawyer at the hearing, you may hire one at your own expense.

17. May I speak at the fairness hearing?

You may ask the court for permission to speak at the settlement hearing. You must provide the notice of intention to appear to the claims administrator on or before **November 17, 2012**. If you intend

to present evidence at the hearing, you must identify any witness you may call to testify and any exhibits you intend to introduce at the hearing in your notice. You cannot speak at the hearing if you have excluded yourself from the class.

18. Are there more details about the settlement?

Yes. A copy of the Consent Decree is available at the Blackhawk County Courthouse or can be found at www.roxanneconlinlaw.com or www.tdufflaw.com. You may also call Class Counsel at 515-283-1111.

PLEASE DO NOT TELEPHONE THE COURT DIRECTLY REGARDING THIS SETTLEMENT.