

ATTACHMENT C

NOTICE OF MONETARY RELIEF SETTLEMENT & FAIRNESS HEARING

A court approved this notice. This is not an advertisement from a lawyer.

- ❖ The parties in *United States and Vulcan Society, et al. v. City of New York*, 07-CV-2067, propose to settle the claims for back pay and fringe benefits lost by black and Hispanic firefighter applicants due to the City's discriminatory hiring practices for a total of approximately \$99 million. If the Court approves the settlement, you will be entitled to back pay, fringe benefits, and interest awards.

- ❖ **The full text of the proposed settlement is set out in the proposed Monetary Relief Consent Decree, which is available at www.FDNYlitigation.com.**
- ❖ **If you wish to object to the proposed settlement and/or to the amount of your proposed individual monetary relief award, you must follow the enclosed instructions and return the Objection Form by [50 days before date of FH].**
- ❖ **The Court has scheduled a Fairness Hearing, which will start on [Day 1 of FH] and continue on [Day 2 of FH], if necessary, at which time objections will be considered.**

Read this notice carefully, as your rights may be affected by the terms of the proposed settlement.

1. What is this lawsuit about?

The United States, the Vulcan Society, and several black applicants who took Written Exam 7029 or 2043 brought this lawsuit claiming that the City discriminated against black and Hispanic applicants for entry-level firefighter jobs. The Court ruled that the City's use of Written Exams 7029 and 2043 discriminated against black and Hispanic applicants. The Court has already determined that 1,470 claimants are eligible for individual monetary relief in this case, including back pay, fringe benefits, and interest. For more information about this lawsuit, please go to www.FDNYlitigation.com.

2. Why did I get this notice?

You received this notice because you submitted a claim form and the Court found that you are eligible for relief in this case. The enclosed letter lists your proposed individual monetary relief award of back pay, fringe benefits, and interest. Your right to object to the proposed Monetary Relief Consent Decree and/or to your proposed individual monetary relief award is explained below. The Court will consider all of the objections submitted by claimants before approving the settlement.

3. What are the terms of the proposed settlement?

The full text of the settlement among the parties is set out in the proposed Monetary Relief Consent Decree. In summary, the parties have agreed to settle the claims for back pay and fringe benefits (plus interest) lost by the black and Hispanic applicants harmed by the City's use of exams held to be discriminatory for a total of approximately \$99 million, which is divided among claimants as set forth in the Decree based on your race, the exam for which you are eligible for relief (Exam 7029 or Exam 2043), and whether you are a Nonhire Claimant or a Delayed-Hire Claimant.

The settlement amounts are based on the Court's determination of the number of additional black and Hispanic applicants who would have been hired, or who would have been hired earlier, but for the exams held to be discriminatory.

4. What is my proposed award for back pay, fringe benefits, and interest?

Attached to the proposed Decree is a Proposed Relief Awards List, which shows the proposed awards for back pay, fringe benefits, and interest for each of the 1,470 claimants. These proposed awards will be adjusted based on how many claimants submit acceptance of individual monetary relief forms and whether the Court sustains any objection(s) to the proposed awards. The enclosed letter shows your proposed award. Your award will be decreased by any applicable amounts required to be withheld by law, such as federal, New York State, District of Columbia, New York City, and Yonkers income taxes, child support liens, and employee pension contributions for priority hires and Delayed-Hire Claimants who have been awarded retroactive seniority. You will be responsible for paying any additional employee-side state income taxes if you live in a state other than New York or the District of Columbia.

5. How do I object to the proposed Monetary Relief Consent Decree and/or to my proposed individual monetary relief award?

The Court has provisionally approved the Decree and will hold a Fairness Hearing to determine whether to approve the terms of the Decree and whether to approve or amend the Proposed Relief Awards List. This Fairness Hearing will be held on **[Date] at [Time] and continue on [Date], if necessary**, at the U.S. District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York in Courtroom 4D. You have the right to attend this Fairness Hearing. You also have the right to object in writing to the proposed Decree and/or to your proposed individual monetary relief award. **Submitting an Objection Form is voluntary, but if you do not object at this time, you will not, absent good cause, be able to object in the future.**

Please visit www.FDNYlitigation.com for more information.

INSTRUCTIONS FOR FILING AN OBJECTION
PRIOR TO THE FAIRNESS HEARING

1. If you wish to object to entry of the Monetary Relief Consent Decree and/or to your proposed individual monetary relief award, you must do so in writing using the attached Objection Form. **You are not required to make an objection, but if you do not submit an Objection Form at this time, you will not, absent good cause, be able to take any action against this Decree or object to your award in the future.**
2. **All Objection Forms must be returned by [50 days before date of FH].** If your Objection Form is not postmarked or transmitted electronically by this date, your objection may not be considered, and you may be prohibited from objecting later.
3. **All Objection Forms must be filled out completely, either typed or printed clearly.** Include copies of any documentation supporting the Objection Forms.
4. To submit your Objection Form, either:
 - (a) Upload your Objection Form to your claimant portal on www.FDNYlitigation.com on or before [50 days before date of FH],
 - (b) Email your Objection Form to questions@FDNYlitigation.com on or before [50 days before date of FH], or
 - (c) Mail your Objection Form so that it is postmarked by [50 days before date of FH] to:

United States v. City of New York
FDNY Discrimination Case
P.O. Box 9000 #6541
Merrick, NY 11566-9000
5. The Court will hold a Fairness Hearing which will begin on **[Date] at [Time]** and continue on **[Date]**, if necessary. You may attend this hearing if you wish, but you need not attend to have the Court consider any written objections you submit. You may waive your right to state your objection at the hearing if you do not indicate your request to appear on the Objection Form.
6. If you have questions about submitting an Objection Form, you may consult with an attorney of your choosing and at your own expense. You may also go to www.FDNYlitigation.com.
7. If your contact information changes at any time after you submit your Objection Form, please contact GCG at questions@FDNYlitigation.com or (866)297-7120. Otherwise, we may be unable to contact you about your individual monetary relief award.

United States and Vulcan Society, et al. v. City of New York
Case No. 07-CV-2067 (E.D.N.Y.) (NGG) (RLM)

FDNY Discrimination Case
PO Box 9000 #6541
Merrick, NY 11566-9000
(Toll-free Number) 1 (866) 297 – 7120
CNY0123456789



Charlie Claimant
123 Smith Street
Smithtown, NY 12345

Mailing Date: July , 2014
Claimant No: 123456

OBJECTION FORM
Type or print clearly.

I am objecting to entry of the Monetary Relief Consent Decree and/or to my proposed individual monetary relief award in this case.

* Name: _____ Attorney's Name (if any): _____

Address: _____ Attorney's Address: _____

Telephone: _____ Attorney's Telephone: _____

Email Address: _____ Attorney's Email Address: _____

* Claimant Number: _____

* Basis of my objection:

You may use additional pages to explain the basis of your objection if necessary.

* I am requesting the opportunity for me (or my attorney) to state my objection in person at the Fairness Hearing. [] Yes [] No

You must send your Objection Form to GCG as provided in the instructions. Your Objection Form must be returned by [50 days before date of FH].

* Indicates required.