

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, TINA TATRO,
AND TONYA SPEAK,

Plaintiffs,

v.

GRIFFITH RUBBER MILLS
OF GARRETT, INC.,

Defendant.

CIVIL ACTION NO.

1:98-CV-0183

NOTICE OF PROPOSED DISTRIBUTION OF DAMAGES
AND PROCEDURES FOR DISTRIBUTION

TO: Penny D. Rhodes
100 S. Guilford Street
Garrett, IN 46738

The civil action charging Griffith Rubber Mills of Garrett, Inc. ("Griffith") with violations of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991 has been settled. Settlement with the defendant in the total amount of \$300,000.00 has been approved by the Court.

The Equal Employment Opportunity Commission ("EEOC" or "Commission") instituted this action against Defendant, Griffith Rubber Mills of Garrett, Inc. ("Griffith"), on June 15, 1998, alleging that Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. ("Title VII"), Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. ("ADA"), and the Civil Rights Act of

1991, 42 U.S.C. § 1981a. The Commission's Complaint alleged that Tonya Speak, Tina Tatro, Joey Acker and other females were discriminated against because of their sex. Specifically, the complaint alleged that they were denied employment, denied access to certain job classifications, denied promotions and transfers, harassed, subjected to different terms and conditions of employment, and in some cases, forced to resign their positions, in violation of Title VII. In addition, Tonya Speak, Tina Tatro, Joey Acker and other applicants were subjected to illegal pre-employment medical inquiries and applicant and employee medical information was commingled with other employment records, in violation of the ADA. The Complaint also alleged that Defendant failed to make and preserve records in violation of the recordkeeping provisions of Title VII.

On November 24, 1998, the Court entered the Consent Decree submitted by the Commission and all parties to this action. Pursuant to the Consent Decree, Tonya Speak and Tina Tatro, both of whom filed charges of discrimination with the EEOC against Griffith, were each awarded \$42,000.00. Joey Acker, who also filed a charge of discrimination, was awarded \$16,000.00. The remaining \$200,000.00 is to be distributed to Joey Acker and the class of individuals on whose behalf the Equal Employment Opportunity Commission sought relief. The Commission has now proposed to the Court that the damage fund be distributed as follows.

The Commission has determined that Joey Acker, an individual who filed a charge of discrimination, has invested much into the litigation of the case and is entitled to \$26,000.00. That amount plus the additional \$16,000.00 that Acker was already awarded in the Consent Decree, places Acker on an equal footing with the amounts awarded in the Consent Decree to the two other individuals who filed charges, Tonya Speak and Tina Tatro.

The Commission recommends that the remaining \$174,000.00 of the settlement fund be distributed equally to the remaining class members. The payments of the settlement fund will occur in periodic installments over approximately a two year time period. Based on the foregoing, the Commission proposes the following distribution of damages:

<u>NAME</u>	<u>DISTRIBUTION AMOUNT</u>
Joey Acker	\$26,000.00
Annie Bailey	\$3,107.14
Bobbi Barrett	\$3,107.14
Rachel Bennett	\$3,107.14
Julie Boggs	\$3,107.14
Shawn (Prater) Bonilla	\$3,107.14
Christine (Hale) Buck	\$3,107.14
Delinda Busche	\$3,107.14
Michelle Butt	\$3,107.14
Rachel (Trowbridge) Campbell	\$3,107.14
Deborah (Back) Collins	\$3,107.14
Tonya (Botteron) Collins	\$3,107.14

Lisa (Farrell) Collins	\$3,107.14
Rose Curtis	\$3,107.14
Diana Dennison	\$3,107.14
Bobbi (George) Dolby	\$3,107.14
Mindy Failer	\$3,107.14
Linda Fike	\$3,107.14
Jill Foster	\$3,107.14
Jennifer (Becraft) Frantz	\$3,107.14
Cynthia Hahnert	\$3,107.14
Joyce Harding	\$3,107.14
MaryAnn Hartman	\$3,107.14
Shelly (Wallace) Hemenway	\$3,107.14
Carol (Gramling) Hills	\$3,107.14
Tammy Hobbs	\$3,107.14
Joylyn Howard	\$3,107.14
Vicki (Halter) Johnson	\$3,107.14
Cheryl (Dove) Keen	\$3,107.14
Jennifer (Perry) Lawhead	\$3,107.14
Colleen Leslie	\$3,107.14
Diana Leyh	\$3,107.14
Karen Lieb	\$3,107.14
Angela Lutz	\$3,107.14
Carolyn Mansfield	\$3,107.14
Shawntelle (Taylor) Mathieson	\$3,107.14
Bernice (Day) McCosh	\$3,107.14
Rena (Smith) Mires	\$3,107.14

Jennifer Nagle	\$3,107.14
Julie Painter	\$3,107.14
Connie (Cornwall) Pepple	\$3,107.14
Penny Rhodes	\$3,107.14
Mary Rouse	\$3,107.14
Rochelle Saylor	\$3,107.14
Darlene Schut	\$3,107.14
Melody (Pietosi) Shell	\$3,107.14
Tara Sims	\$3,107.14
Lea Ann (Hyde) Smith	\$3,107.14
Michelle Smith	\$3,107.14
Valerie Stafford	\$3,107.14
Ann Stout	\$3,107.14
Lisa Swick	\$3,107.14
Patsy Thornsbeary	\$3,107.14
Tonya (White) Virges	\$3,107.14
Renee (Collins) Woodward	\$3,107.14
Cathy Woodward	\$3,107.14
Rosita York	\$3,107.14

Each individual class member has the obligation to ensure that the Commission has up-to-date contact information, including their current address. In the event that the Commission is unable to locate an individual class member at her last known address, and she is unable to be located by the Commission through reasonable means within thirty (30) days, she shall

forfeit any further payment out of the settlement fund which she would have received and her remaining share of the settlement fund shall be divided equally among the other class members.

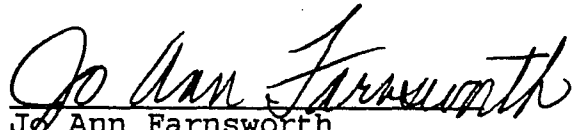
The Commission's proposal is not binding on the Court. You may object to the proposed distribution of the damage fund by filing an objection with the Court. In order for any objection to be timely it must be received by the Clerk of the Court on or before March 8, 1999. If you wish to file an objection, you must submit your objection in writing, stating the name of the case (Equal Employment Opportunity Commission v. Griffith Rubber Mills of Garrett, Inc., Civil Action No. 1:98CV0183), your name and address, and the nature of your objection, to the Clerk of the Court, United States District Court, Northern District of Indiana, Fort Wayne Division, 1108 Federal Building, 1300 South Harrison St., Fort Wayne, Indiana, 46802. Upon receipt of a timely objection by any interested person the Court shall conduct a fairness hearing to determine the validity of any objection. Failure to object will result in distribution of the damage fund as proposed.

Once a final distribution has been approved by the Court, you will be notified and sent a release of your claim against Griffith by the Commission. You must sign the release and return it to the Commission in order to receive any share of the damage fund. If you fail to return a signed release to the Commission within forty-five (45) days of the Court's approval of final distribution, your claim will be waived and your share in the

award will be divided equally among the other class members who have returned executed releases. Furthermore, you shall be barred from pursuing any claim raised or which could have been raised in the Commission's Complaint.

Within sixty (60) days of the final order on distribution, the Commission shall forward to Griffith the executed releases and notify Griffith of the names and addresses of the payees who are to receive settlement awards and the amount each is to receive. Griffith shall make four semi-annual distributions of \$50,000.00 from the settlement fund. The first such distribution shall be made within six months of the final order on distribution, with the remaining three distributions to be made each six months thereafter. Payment shall be made by issuing checks in the specified amounts made payable to each payee and sent by certified mail to the payee's address provided to Griffith by the Commission.

Dated: January 28, 1999.


Jo Ann Farnsworth
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
101 W. Ohio Street, Suite 1900
(317) 226-7949
FAX (317) 226-5571