## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

|         | STITE OF | FILED MAR '811  R. F. CONNOR. U. S. DISTRICT OF MESSOURI SYB  18 | SEK<br>OUR |
|---------|----------|--|------------|
| 97-1601 | 7-CV-    | W-SOW  |            |

| AILEEN VILLANUEVA,                       | R. F. CONNO. U. S. DISTRICT |
|--|-----------------------------|
| Individually and on behalf of others     | WEST DISTI<br>OF MISSOR     |
| similarly situated,                      | ) SYB                       |
| Plaintiffs,                              | )                           |
| and                                      | )                           |
|  | )                           |
| EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, |                             |
| Plaintiff-Intervenor,                    | ) Case No. 97-1607-CV-W-SOW |
| v. ·                                     | )                           |
| WOODBINE HEALTHCARE LIMITED              | ) .                         |
| PARTNERSHIP, et al.                      | · Ś                         |
| Defendants.                              | ý                           |

## AMENDED STIPULATION OF CLASS CERTIFICATION, DEFINITION, CLASS REPRESENTATIVE AND CLASS COUNSEL

Plaintiff, individually and on behalf of others similarly situated ("Plaintiffs"), and Defendants Woodbine Healthcare Limited Partnership, Bob Norcross and Denny Barnett ("Defendants") stipulate and agree as follows:

- 1. All of the requirements of Rule 23(a) and Rule 23(b)(3) have been satisfied with respect to the maintenance of this action as a Class Action under subparagraph (b)(3) of Rule 23 solely for the purpose of considering acting upon a settlement of plaintiffs' claims under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 and this action may be certified as a Class Action on behalf of the Settlement Class, defined below.
- 2. For settlement purposes, this action shall be maintained as a Class Action on behalf of the following class: All persons of Filipino race, national origin and ancestry employed by defendant Woodbine Health Care Limited Partnership ("Woodbine") pursuant to H-1A visas between and after November 20, 1993 through October 31, 1998 in connection with Woodbine's

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Attestations filed with the United States Department of Labor and Woodbine's Petitions for a Nonimmigrant Worker filed with the United States Department of Justice, Immigration and Naturalization Service who have not previously settled and released their claims for the described time period.

- 3. For settlement purposes, Aileen Villanueva is the Class Representative for the Settlement Class.
- 4. The law firm Anderson & Associates, LLC and attorneys Denise M. Anderson and Jennifer H. McCoy, 305 The Stilwell, 104 West Ninth Street, Kansas City, Missouri 64105 represent the Settlement Class in this action as Class Counsel.
- 5. This Stipulation is contingent upon the parties agreeing to the terms and conditions of a Consent Decree, executing that Decree and the Court's approval of the Consent Decree.

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ATTORNEYS FOR DEFENDANTS

ATTORNEYS FOR PLAINTIFFS

## CERTIFICATE OF SERVICE

I certify that a copy of the above and foregoing was deposited in the U.S. Mail, postage prepaid, to Ms. Donna Harper, Equal Employment Opportunity Commission, 1222 Spruce Street, Room 8.100, St. Louis, Missouri 63103 on this oth day of March, 1999.

In Attorney for Plaintiffs