

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

KATHERINE PUFFER,)	
)	
Plaintiff,)	No. 04 C 5764
)	
v.)	Magistrate Judge Schenkier
)	
ALLSTATE INSURANCE)	
COMPANY,)	
)	
Defendant.)	

JOINT STATEMENT CONCERNING NOTICE ISSUES

Pursuant to the Court's Order of March 12, 2009, the parties submit this Joint Statement to explain their respective positions on issues concerning (a) the content of the notice to be sent to former putative class members to inform them of the denial of class certification, and (b) the mechanics of distribution of the notice and responsibility for costs of distribution. The parties have met and conferred and have been unable to reach agreement on all aspects of these issues. We first describe the parties' meet and confer efforts, and then explain our respective positions.

A. The Parties' Meet and Confer

The parties exchanged proposed notices on March 23 and 25, 2009. The parties then had a telephone conference on March 26, 2009, to discuss the notice contents, the mechanics of distribution, and who should bear the cost of distribution. The parties were unable to reach an agreement on all these issues.

Notice Contents: As described below, the parties have fundamentally different views on the proper scope of notice in the circumstances present here -- *i.e.*, denial of class certification. Because the parties have been unable to reach agreement on the scope of the notice, each party submits its own proposed form of notice for the Court's consideration.

Plaintiff's proposed notice is attached at Exhibit A. Allstate's proposed notice is attached at Exhibit B.

Mechanics and Cost of Distribution: The parties agree that the best practicable method of providing notice is by mailings to the putative class members. Beyond that, the parties disagree on the mechanics and cost of distribution.

For the reasons explained below, Allstate believes plaintiff should retain a third-party administrator to whom Allstate will provide a list of former putative class members' names and addresses. Allstate believes plaintiff should bear the cost of the third-party administrator as well as reimburse Allstate for its costs to prepare the putative class member list.¹

Plaintiff has proposed that her law firms undertake the mailings and, if Allstate wishes for a third-party administrator to distribute the mailings, then plaintiff has asserted that Allstate should be required to pay the difference between the cost for plaintiff's law firm to provide notice and for a third-party administrator to do so.

B. Contents of the Notice

Allstate's Position

The parties' proposed notices are not written on a blank slate. Plaintiff submitted a proposed notice with her Motion for Stay of the Statute of Limitations and for Rule 23 Notice to Class Members (Dkt. #264). In its March 12, 2009 Memorandum Opinion and Order, the Court rejected plaintiff's proposed notice, finding it "roams well beyond the proper province of Rule 23(d)(1) notice." (Mem. Op. and Order at 19) The Court went on to provide

¹ In order to provide the putative class member list, Allstate will incur data processing costs to update the putative class member list from 1/1/07 to present and to add mailing addresses. These costs are estimated to be \$7,000. Allstate has no need to perform these tasks in the ordinary course of its business. The cost of compiling the list should be shouldered by plaintiff. *Gomez v. Amer. Garment Finishers Corp.*, 200 F.R.D. 579, 584 (W. D. Tex. 2000) ("Plaintiffs must also bear the expense of compiling a list with the name and most recent address of each alleged class member, whether such a list is based on information or received from Defendant or otherwise.").

guidance on the proper province of notice in the context of an order denying class certification, stating (at 19):

In deciding the contents of the notice, we return to its purpose: to ensure that putative class members who may have refrained from filing suit know that the denial of class certification means that the statute of limitations on their ability to file suit now is running. We will require that kind of notice to help prevent the putative class members from unwittingly losing their claims by operation of the statute of limitations -- the concern identified by the Seventh Circuit in *Culver*. Rule 23(d)(1) notice is not intended to encourage putative class members to file (or not file) suit, or to file suit in any particular court, or to suggest which counsel that individual putative class members may consult.

Consistent with the Court's guidance, Allstate's proposed notice informs former putative class members of the claims that were asserted by Ms. Puffer; the fact that her motion for class certification has been denied, and the fact that to the extent statutes of limitations on former putative class members' claims were tolled by Ms. Puffer's lawsuit, those limitation periods began running again on January 20, 2009. As such, Allstate's notice serves the purpose stated by this Court as well as by the Seventh Circuit in *Culver* -- *i.e.*, to protect against former putative class members "unwittingly losing their claims by operation of the statute of limitations." *Culver v. City of Milwaukee*, 277 F.3d 908, 914 (7th Cir. 2002). At the same time, Allstate's notice follows the Court's instruction by setting forth the relevant factors in a neutral way, neither encouraging nor discouraging former putative class members to file suit, nor suggesting counsel that individual putative class members may consult. *See, e.g., Kleiner v. First National Bank of Atlanta*, 751 F.2d 1193, 1203 (11th Cir. 1985) (Rule 23 notice must contain information that is accurate, objective, and neutral.). Plaintiff criticizes the Defendant's notice in that it does not tell former putative class members that their legal rights will expire soon and it uses technical legal language. As to the latter, words such as tolling and statute of limitations are not arcane legal terms but words common in everyday language. As to the former, as this Court has already found, it is not the

Court's province to tell former putative class members as to whether the time period for their claims is quickly expiring or not as that may very well depend on individual circumstances. Instead, as this Court held, the only purpose of this Notice is to tell former putative class members that their statute of limitations period is running and then let the former putative class members decide what they should do with the information. The one thing the parties can agree upon is that the former putative class members are educated women who hold or held management-level jobs and can make their own decisions.

In contrast to Allstate's proposed notice, plaintiff's proposed notice again roams far beyond the proper province of the notice ordered by this Court. *First*, plaintiff's notice inaccurately suggests to former putative class members that they have viable claims to bring and encourages them to assert those claims. In particular, plaintiff's proposed notice states: "This Notice informs you that you may have a claim or claims for gender discrimination in pay, job assignment, promotion and/or job training." In the next paragraph, plaintiff again states: "[T]he Court's denial of class certification could affect the time that you have to bring your own individual claims for gender discrimination against Allstate, should you desire to do so." These statements strongly suggest that the Court has found there is merit or validity to former putative class members' claims, when in fact the Court has made no such finding.

Second, despite the fact that the Court specifically stated that the notice is ***not intended*** to encourage former putative class members to file suit (or not file suit), plaintiff's proposed notice strongly encourages putative class members to pursue litigation against Allstate. Indeed, plaintiff's notice specifically states: "You must take action before the time runs out on your claim(s) should you wish to preserve your legal rights." In short, plaintiff's notice continues to betray her real intent -- to solicit new clients to file claims. This Court should not put its imprimatur on that endeavor. *See* Advisory Committee notes to Rule 23(d)(2) (cautioning against use of Rule 23(d)(2) for the "undesirable solicitation of claims").

As the court noted in *Marian Bank v. Electronic Payment Services, Inc.*, 1999 WL 151872, *2 (D. Del. March 12, 1999): “Numerous courts have recognized the danger of providing putative class members with court-ordered notice of the opportunity to sue. Courts have agreed that providing such notice ‘is in a sense merely soliciting a client for plaintiff’s counsel under the aegis of the court.’”

Not only does plaintiff’s notice disregard the Court’s admonition not to encourage filing suit, but also plaintiff’s notice suggests intervention as a next step, when this Court has never ruled that former putative class member have the right to intervene in this lawsuit. Nor has the Court even had the occasion to consider the issue, because in the more than four years this lawsuit has been pending, no putative class member ever sought to intervene. Advising putative class members to seek to intervene is tantamount to soliciting the pursuit of claims and ought not be part of this notice. *See, e.g., Marian Bank*, 1999 WL 151872 at *2 (denying motion to provide putative class members with “notice of opportunity to intervene”). While plaintiff contends that the notice should provide “basic information on the types of actions [former putative class members] should take if they wish to preserve such claims,” (infra.), such “advice” not only goes beyond the bounds of the notice contemplated by the Court, but also may have dangerous repercussions to former putative class members who take it and later find out it is wrong.² The Court serves no due process interest giving former putative class members inaccurate generic legal advice about what their legal options are in the context of a denial of class certification. Instead, as this Court has correctly determined in its

² For example, Allstate disputes that all putative class members have any right to intervene. Intervention in non-class cases is only potentially permissible if the intervenor’s claims arise from the same alleged misconduct. *Horton v. Jackson County Bd. Of County Commissioners*, 343 F.3d 897, 900 (7th Cir. 2003). This Court has **already ruled** that the putative class members’ claims are dissimilar and lack commonality with one another. Thus, intervention may very well not be an option for the great majority, if any, of the former putative class members. At a minimum, telling putative class members they have a right to intervene may be incorrect legal advice which could compromise their claims.

other rulings, such advice is clearly an individualized determination best left to the putative class member and her chosen counsel.

Third, and also contrary to the Court's guide lines, plaintiff's notice sets forth the names and contact information for plaintiff's counsel, confirming once again that plaintiff attempts to use this notice as a vehicle to solicit new claims against Allstate using the imprimatur of this Court. While the Court already has stated that the notice should not "suggest which counsel that individual putative class members may consult" (3/12/09 Mem. Op. and Order at 19), putting in the names of plaintiff's counsel is clearly intended to do just that. Plaintiff's inclusion of the names and contact information for Allstate's counsel is nothing more than a fig leaf that does not cure or neutralize plaintiff's attempted use of this notice to solicit clients. It is reasonably foreseeable that former putative class members who have questions about the notice or wish to discuss the possibility of bringing claims will call the attorneys for Ms. Puffer, not counsel listed for Allstate. Plaintiff's argument that questions are best directed to the counsel in this case because they know the facts in this case misses the point. This notice is not about Ms. Puffer or this case. This notice is for the former putative class members. As this Court has already found in its class ruling, those individual circumstances will vary widely. Thus, other than to solicit additional litigation against Allstate, there is nothing special that counsel in this proceeding have to contribute to a determination as to what any particular former putative class member should or should not do.

Plaintiff's Position

In the Court's March 12, 2009 Order, the Court instructed the parties to prepare a notice that will "help prevent the putative class members from unwittingly losing their claims by the operation of the statute of limitations – the concern identified by the Seventh Circuit in *Culver*." Indeed, in *Culver v. City of Milwaukee*, 277 F.3d 908, 914 (7th Cir. 2002), the

Seventh Circuit recognized that due process requires that the district court, as fiduciary for the class under Rule 23(e), ensure that class members are properly warned, through timely notice, that they have claims that may expire as a consequence of the Court's denial of class certification unless they take steps to re-arrest the limitations period on those claims. *Id.* at 914, 915 (“unless [putative class members] are notified that the suit is dismissed, they may fail to file their own suits and thus fail to “re-arrest” the statute of limitations, and as a result they may find themselves barred without knowing it.”) Plaintiff's proposed notice (Exhibit A) meets the due process concerns expressed by the *Culver* court and addresses the concerns raised by this Court in its March 12, 2009 Order.

The Notice proposed by Puffer is designed to protect the interests of absent class members identified by the *Culver* court. It alerts class members that they may have individual claims of gender discrimination in compensation, promotion, job assignment and/or job training against Allstate that were preserved during the pendency of Puffer's motion for class certification. (See Ex. A, Puffer's Proposed Notice, ¶1-4) Puffer's proposed Notice informs class members that the time period they have to file such claims has begun to run again as the result of the Court's ruling denying class certification and that class members must take action before the time periods expire if they wish to preserve their legal rights against Allstate. *Id.* at ¶4-5. The proposed Notice also provides basic information on the types of action they may take if they wish to preserve those claims. *Id.* at ¶ 6. The Notice, however, makes it clear (in bold and underlined print) that it “should not be considered as a solicitation or as a suggestion” that class members “should or should not take any further action”. The Notice also makes it clear that it “should not be construed as advice by the Court as to the length of time within which [class members] may take such action.” These warnings address the concerns raised by the Court in its March 12, 2009 Order.

Puffer's proposed notice includes the names of counsel for both Allstate and Puffer. Both counsel's names have been included so that class members will have a quick means of obtaining answers to questions they may have regarding the litigation and the Court's order denying class certification without having to contact the Court or the Clerk of the Court. Legal notice can be confusing to individuals. The firms on both sides of the case are familiar with the history of the case (they have been involved since the beginning) and can readily answer questions about it. No outside lawyer or case manager at the EEOC could reconstruct that history alone from just reading the court file.

In contrast, Defendant's proposed notice (Exhibit B) is woefully inadequate. It fails to provide any warning whatsoever to class members that their legal rights will expire if they do not take action to preserve their gender discrimination claims against Allstate before the time periods elapse. It uses technical legal language – like “statute of limitations” and “tolled” – without providing a lay-persons explanation of the significance of those terms. It provides no information on the steps that a class member must take if she wishes to “re-arrest” the statutes of limitations and protect her legal interests, the underlying purpose identified by the *Culver* court for sending notice under these circumstances. *Culver*, 277 F.3d at 914. And it fails to set forth the options that may be available to class members should they wish to protect their legal rights.

Instead, defendant's proposed notice discourages class members from taking any action at all to protect their gender discrimination claims against Allstate by stating (in bold print and underlined) that the “notice should not be considered as a solicitation or as a suggestion that you should take any further action.” By including only this phrase, without including a statement about the fact that absent class members must take action to preserve their claims or the type of action that they may take, defendant's notice runs counter to this

Court's instruction that the notice should not encourage "class members to file (*or not file*) suit." March 12, 2009 Order, at 19.

Rule 23(e) is for the protection of class members. *Culver*, 277 F.3d at 915. The Court, as a fiduciary of the class, must ensure that the notice, regardless of whether it is for settlement purposes or, as here, to inform class members of the denial of class certification, adequately protects the due process rights and legal interests of class members. *Id.* Under the Due Process Clause, an individual faced with the possible deprivation of a property interest is entitled to both timely and adequate notice of the potential deprivation and a meaningful opportunity to be heard. *Goldberg v. Kelly*, 397 U.S. 254, 267-68, 90 S. Ct. 1011, 1020-21, 25 L.Ed.2d 287 (1970); *DeManez v. Bridgestone Firestone North American Tire*, 533 F.3d 578, 592 (adequate notice and opportunity to be heard are "fundamental incidents" of due process); *Kaplan v. U.S.*, 133 F.3d 469, 475 (7th Cir. 1998)(adequate notice at the heart of due process). Thus, the goal of notice is to provide sufficient information so that class members will not be prejudiced or compromised in any way by this Court's denial of class certification. *Eirhart v. Libby-Owens-Ford Co.*, 1990 WL 223029 (7th Cir. 1990) (notice must fairly apprise class members of their rights and interests); *Air Lines Stewards & Stewardesses Assoc. v. American Airlines, Inc.*, 455 F.2d 101,108 (7th Cir. 1972); *General Electric Capital Corp. v. Montgomery Ward Credit Corporation*, 2000 WL 45534 (N.D. Ill., 2000) (Rule 23 and due process require that any notice to absent class members "fairly appraise the members of the class of the proposed compromise and of the options open to dissenting class members in connection with the proceedings").

To meet the minimum requirements of due process here, the notice must provide sufficient information so that class members can understand why they are receiving the notice, how their legal rights have been affected by the Court's January 20, 2009 Order and what options are available to them so that they can make a meaningful decision whether or

not to proceed with their individual claims against Allstate. Plaintiff's proposed notice meets these minimum requirements of due process without encouraging putative class members to file (or not file) suit or directing them to counsel for any particular party to the litigation. Defendant's proposed notice does not.

C. Mechanics and Cost of Distribution

Allstate's Position

During the parties' meet and confer, counsel for Ms. Puffer acknowledged their responsibility to make arrangements for the mailing of notice and to pay the costs of same. On that general point, the parties are in agreement. However, plaintiff's counsel also stated that they should not have to pay the full costs for a third-party administrator if they are able to take care of the mailings using the services of their own law firms. This position presumes that plaintiff's counsel are entitled to receive the names and addresses of putative class members they do not represent -- a proposition that Allstate disputes. Because the parties disagree on this point, they have been unable to reach complete agreement on the logistics and costs of distributing notice.

Allstate does not believe plaintiff's counsel is entitled to obtain a list of names and addresses of former putative class members they do not represent.³ *See, e.g., Weisman v. Darneille*, 78 F.R.D. 671, 674 (S.D.N.Y. 1978) (denying request for production of list of "class members" for purposes of notifying them of denial of class certification). The sole reason for creation of such a list is to provide notice that a class has not been certified. Because class certification has been denied, plaintiff's counsel has no relationship with the

³ Plaintiff has indicated concern about the cost of creating a list of former putative class members that would include persons employed by Allstate in P&C after the data set that was created for purposes of class certification. As Allstate has represented in open court, the problem with updating the list with any additional names is there is no code in the Allstate data base which identifies persons as being part of P&C. As a result, a query has to be set up to find people in the same job codes, region codes, location codes and department codes as the people in the data set. That query then has to be checked for errors, and if any are found, it will have to be redone. That is why the estimate of cost is at the level it is.

former putative class members nor any need to know who they are or where they live. While Allstate does not ascribe any bad faith to plaintiff's counsel, once names and addresses are given to plaintiff's counsel, Allstate loses control over them and the privacy of these individuals is compromised. Moreover, once they are in plaintiff's hands they can be used for improper purposes. As was the case in this lawsuit, even with the best of intentions, plaintiff's counsel has inadvertently and inappropriately contacted putative class members contrary to the prohibitions of Rule 4.2. There is no reason to create this risk when a viable and oft-used alternative exists to give the notice ordered by this Court -- i.e., use of a third-party notice administrator.

Finally, and just as importantly, a mailing from plaintiff's law firm presumably would provide a return address with the name and address of plaintiff's counsel -- thus giving the appearance of a solicitation as well as giving putative class members the name of plaintiff's law firm to contact.

Thus, Allstate believes plaintiff should be required to engage a third-party administrator (at plaintiff's cost), to whom Allstate will confidentially provide the list of former putative class members' names and addresses for purposes of the mailing. Upon completion of the mailing process (including any re-mailings if necessary based upon returned mail), the third-party administrator would be required to submit a declaration to the court of the steps taken to provide notice, attaching a list of the individuals to whom notice was sent (the attachment to be filed under seal). Based on estimates obtained by plaintiff, the cost of a third-party administrator is between \$6,000 and \$10,000 -- not an unreasonable cost for plaintiff to bear.

In addition to preserving confidentiality of the names and addresses on the former putative class member list, use of a third-party administrator is desirable in the event of a dispute in the future as to whether any putative class member was sent notice, because the

evidence of such notice (or lack thereof) will lie with a neutral third-party administrator.

Plaintiff's Position

Plaintiff agrees that class representatives are responsible for sending notice under Rule 23 and usually are assessed with the cost of notice. Consequently, the plaintiff normally has control over the service so that she can limit the costs of that process. There are approximately 2500 putative class members. The proposed notice is only two-pages long. Given the manageable size of the class and the short length of the proposed notice, plaintiff's counsel proposed to defendant's counsel that the notice be handled in-house, by plaintiff's counsel's staff, because this would be the most cost effective method for effectuating notice. Under plaintiff's proposal, defendant would produce a current Excel spreadsheet containing the names and addresses for all putative class members. Plaintiff's counsel's staff would be responsible for printing the notice, stuffing and addressing the envelopes and for mailing the notice. A neutral P.O. Box would be established for return mail so that plaintiff's counsel's name would not be on the return envelope. If initial notice was returned as undeliverable, plaintiff's counsel would use an address locator program provided by the United States Postal Service or some other address locator service available for free on the internet and re-mail notice to the putative class members. If a notice was returned to plaintiff's counsel for a second time, the putative class member's name and contact information would be sent to a tracer/locator service. All mailings would be tracked on an Excel spreadsheet that would be provided to defendant. Defendant also would be provided with a copy of all returned notices and plaintiff's counsel would be required to store all materials relating to the notice for an agreed upon time, but for no longer than eight (8) years. The total cost of the notice would be minimal (estimated at less than \$1500) – consisting of the postage required to send the notice and any additional amount charged by the tracer service for the limited number of

class members who plaintiff's counsel were unable to serve through their initial efforts.⁴ This is much less than the \$6000 to \$10,000 defendant projects notice will cost should the Court order the parties to use a third-party vendor.

Defendant rejected plaintiff's proposed method for service because Allstate was unwilling to provide current contact information to plaintiff's counsel. However, plaintiff believes that the proposed system contains appropriate safeguards to ensure that the name and address information is not used for improper purposes. If defendant wishes, all copies of the putative class member list can be returned to Allstate after service of the notice has been completed. Plaintiff does not believe she should bear the additional costs associated with the use of a third-party vendor since her counsel is fully willing and able to manage the notice in-house. For these reasons, plaintiff asks the court to enter an order either adopting plaintiff's proposed method for sending notice or, alternatively, requiring Allstate to pay the incremental difference in the cost of sending notice through a third party vendor.

Moreover, defendant has informed plaintiff that they expect the cost of producing a list of the names and addresses of class members to cost an additional \$7000. According to Allstate, the cost is so high because Allstate needs to manually create a list – pulling information from various databases to ensure that they are limiting the names to only women in the P&C division. Allstate, however, already created this list at the Court's order in July of 2007. Plaintiff finds it hard to believe that it will cost so much money for Allstate to update that list when the information is already contained on Allstate's data systems. Since plaintiff, who must pay this expense, has no control over how much time or money Allstate spends creating this list, plaintiff asks the Court to cap the costs of creating this list at no more than \$3000 or to otherwise place a limit on this additional cost of service.

⁴ Plaintiff's counsel has overseen the distribution of notice in other cases using a similar process.

DEFENDANT
ALLSTATE INS. CO.

By: ___s/ Sallie Smylie_____
One of its Attorneys

Richard C. Godfrey, P.C.
Sallie G. Smylie, P.C.
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

Paul R. Garry
Anneliese Wermuth
MECKLER BULGER & TILSON LLP
123 N. Wacker Drive, Suite 1800
Chicago, Illinois 60606
(312) 474-7900

PLAINTIFF
KATHERINE PUFFER

By: ___s/ Shona B. Glink_____
One of her Attorneys

Mary Stowell
Linda D. Friedman
STOWELL & FRIEDMAN, LTD
321 South Plymouth Court
Chicago, Illinois 60604
(312) 431-0888

Paul W. Mollica
Shona B. Glink
MEITES, MULDER, MOLLICA & GLINK
20 South Clark Street, Suite 1500
Chicago, Illinois 60603
(312) 263-0272

Dated: April 3, 2009

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

KATHERINE PUFFER,)	
On behalf of herself and all others)	No. 04-C-5764
similarly situated,)	
Plaintiffs,)	
)	
v.)	
)	Magistrate Judge Schenkier
ALLSTATE INSURANCE COMPANY,)	
Defendant.)	

NOTICE OF DENIAL OF CLASS CERTIFICATION

The Court in this case - Puffer v. Allstate Ins. Co. - has approved this Notice and ordered that it be sent to you because your rights may be affected by a recent ruling in this case. You are encouraged to read this Notice carefully.

1. On September 4, 2004, Katherine Puffer filed a lawsuit against Allstate Insurance Company in the federal court in Chicago alleging that Allstate discriminates against female managers at the level of Division or Department manager or above with respect to pay, job assignments, promotions, and/or job training in violation of Title VII of the Civil Rights Act (the federal statute that prohibits discrimination on the basis of gender).

2. Ms. Puffer filed a motion asking the Court to certify the lawsuit as a class action on behalf of all current and former managers holding the position of Division of Department manager and above who worked in Allstate P&C at any time between July 13, 2002 to the present.

3. On January 20, 2009, the United States District Court for the District of the Northern District of Illinois entered an order on class certification in the above-referenced action. The Order ruled that Ms. Puffer could not proceed with her case as a class action. On March 25, 2009, the United States Appellate Court for the Seventh Circuit denied plaintiff's Rule 23(f) motion for an interlocutory appeal of the District Court's January 20, 2009 Order.

4. This Notice is being sent to you because Allstate's records indicate that you held or are currently holding the position of Division or Department Manager or above at any time between July 13, 2002 and the present. This Notice informs you that you may have a claim or claims for gender discrimination in pay, job assignment, promotion and/or job training and that your legal rights may have been affected by the Court's ruling.

5. More specifically, the Court's denial of class certification could affect the time that you have to bring your own individual claims for gender discrimination against Allstate, should you desire to so. The time periods that you may have to bring a claim or claims against Allstate has now started to run once again from the date the Court entered the order denying class certification (January 20, 2009) and you must take action before the time runs out on your claim(s) should you wish to preserve your legal rights.

6. If you want to bring one or more individual gender discrimination claims against Allstate, then you may seek to intervene in the Puffer litigation, bring your own lawsuit or file a charge of discrimination with the Equal Employment Opportunity Commission (or your state or local agency) before the expiration of the time periods for filing such matters ("statutes of limitations"). You can learn about the Equal Employment Opportunity Commission and the charge filing procedure by visiting its website at www.eeoc.gov. You can also get information from your state of local anti-discrimination agencies.

This Notice is issued to you upon Order of the United States District Court of the Northern District of Illinois because you may have held a job included in the class that Katherine Puffer asked the Court to certify and you may have heard about the pendency of this case. This notice should not be considered as a solicitation or as a suggestion that you should or should not take any further action, nor should it be construed as advice by the Court as to the length of time within which you may take such action.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE. IF YOU HAVE ANY QUESTIONS ABOUT THE NOTICE PLEASE CONTACT ONE OF THE FIRMS LISTED BELOW:

***Representing the Plaintiff
Katherine Puffer***

Shona B. Glink
Meites, Mulder, Mollica & Glink
20 South Clark Street, Suite 1500
Chicago, IL 60603
(312) 263-0272
sbglink@mmmglaw.com

Sallie
Chicago,
(312)

Linda D. Friedman
Stowell & Friedman LP
321 Plymouth Court, Suite 1400
Chicago, Illinois 60604
(312) 431-0888
lfriedman@sfltd.com

Annalis
M
(312)

***Representing Defendant
Allstate Insurance Company***

Smylie
Kirkland & Ellis
300 North LaSalle
Illinois 60604
862-2000
ssmylie@kirkland.com

e Wermuth
eckler, Bulger & Tilson
123 North Wacker Drive
Chicago, Illinois 60606
474-7900
anna.wermuth@mblaw.com

DATED: _____

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

KATHERINE PUFFER,)	
)	
Plaintiff,)	No. 04 C 5764
)	
v.)	Magistrate Judge Schenkier
)	
ALLSTATE INSURANCE COMPANY,)	
)	
Defendant.)	
)	

NOTICE OF DENIAL OF CLASS CERTIFICATION

1. On September 4, 2004, Plaintiff Katherine Puffer filed a lawsuit against Allstate Insurance Company alleging that Allstate discriminates against female managers with respect to promotions, pay and training opportunities in violation of Title VII of the Civil Rights Act.

2. Katherine Puffer filed a motion asking the Court to certify the lawsuit as a class action on behalf all current and former female managers holding the position of Division or Department manager and above who worked in Allstate P&C at any time between July 13, 2002 and the present.

3. On January 20, 2009, the Court denied Katherine Puffer's motion for class certification and ruled that the lawsuit would not proceed as a class action. On March 25, 2009, the United States Court of Appeals for the Seventh Circuit denied plaintiff's Rule 23(f) motion for an interlocutory appeal of the District Court's January 20, 2009 Order.

4. Therefore, to the extent any statutes of limitations applicable to claims of gender discrimination in promotion, pay and/or training opportunities by individuals included in the proposed class of female managers, as described above in paragraph 2, had been tolled by this lawsuit, those statutes of limitations started running again on January 20, 2009.

5. **This notice is sent to you upon order of the United States District Court of the Northern District of Illinois because you may have held a job included in the class that Katherine Puffer asked the Court to certify and you may have heard about the pendency of this case. This notice should not be considered as a solicitation or as a suggestion that you should take any further action, nor should it be construed as advice by the Court as to the length of time within which you may take such action. PLEASE DO NOT CONTACT THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE.**

