

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

FILED

AUG 02 2002

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

ZAIDA ESPANA, VITALIA MERO,)
VIRGINIA MUNOZ, and ROSELIA)
CASILDO,)
Plaintiffs,)
v.)
MID-WEST WIRE SPECIALTIES, INC.,)
Defendant.)

Case No. 01 C 0210

Judge Rebecca R. Pallmeyer

Magistrate Judge Sidney I. Schenkier

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**This Notice may affect your rights.
Please read carefully.**

- TO: (1) All current and former full-time female employees of Mid-West Wire Specialties, Inc., 4545 West Cortland Avenue, Chicago, Illinois, who worked at Mid-West at any time between January 1, 1995 and December 31, 2001; and
- (2) All female workers who were sent by a temporary agency to perform services at Mid-West Wire Specialties, Inc., and performed services there for any 20 consecutive work-days between January 1, 1998 and December 31, 2001.

This Notice is given to you by order of the United States District Court for the Northern District of Illinois entered on August 5, 2002, pursuant to Rule 23(b)(3), (c)(2) and (e) of the Federal Rules of Civil Procedure. Your rights may be affected by a class action lawsuit No. 01 C 0210 that is pending in that Court. The purpose of this Notice is to inform you of the class action, in which you could be a member of the class, and of a proposed settlement of the case. This Notice also describes the monies to which you could be entitled under the settlement, and the potential effect of the action on your rights.

I. THE LITIGATION

In an Amended Complaint filed in August, 2001, Plaintiffs Zaida Espana and Vitalia Mero sued Mid-West Wire Specialties, Inc. Plaintiffs claim that they and other females in the work-place were subject to physical touching, sexual comments, punitive job assignments and retaliation by male supervisors, which allegedly constituted hostile environment and quid pro quo sex discrimination in violation of Title VII of the Civil Rights Act of 1964. Their Amended Complaint seeks compensatory and punitive damages, attorneys fees and costs, and injunctive relief.

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Defendant denies the allegations, and also raises an affirmative defense based upon its sexual harassment policy and the prompt, effective remedial action taken on the allegations which were brought to management.

The parties conducted discovery on the allegations. Plaintiffs were scheduled to file a motion for class certification when a settlement was negotiated.

II. CONDITIONAL CERTIFICATION OF SETTLEMENT CLASSES

The Court has conditionally certified two classes consisting of:

- (1) All current and former full-time female employees of Mid-West Wire Specialties, Inc., 4545 West Cortland Avenue, Chicago, Illinois, who worked at Mid-West at any time between January 1, 1995 and December 31, 2001; and
- (2) All female workers who were sent by a temporary agency to perform services at Mid-West Wire Specialties, Inc., and performed services there for any 20 consecutive work-days between January 1, 1998 and December 31, 2001.

This conditional certification is solely for purposes of settlement.

III. THE COURT IS EXPRESSING NO OPINION AS TO THE MERITS

The Court has not ruled upon, and is expressing no opinion as to the validity or truth of any of the Plaintiffs' legal or factual allegations, or of any defenses that may be offered by Defendant, or whether this action could be maintained as a class action if not settled.

IV. DEFENDANT DENIES ANY LIABILITY

Defendant has, subject to final approval by the Court, agreed to certify and settle this action on the terms described below solely to avoid the burden, expense and uncertainty of continued litigation.

V. TERMS OF THE PROPOSED SETTLEMENT

Subject to Court approval, Plaintiffs and Defendant have agreed on the following settlement.

The proposed settlement will cause the dismissal with prejudice of this lawsuit and the release of any claims by class members against Defendant. In return, the settlement provides that Mid-West Wire Specialties, Inc. will pay the following gross amounts to class members (who have not timely excluded themselves from the class and who have timely submitted claim forms):

- A. Those class members who worked through temporary agencies will receive the gross sum of \$500 (five hundred dollars).

B. Those class members who were full-time employees will receive the gross sum of \$2000 (two thousand dollars).

C. The two added Named Class Representatives, Virginia Munoz and Roselia Casildo, will each receive the gross sum of \$20,000 (twenty thousand dollars).

D. The two original Plaintiffs and Class Representatives, Zaida Espana and Vitalia Mero, will each receive the gross sum of \$35,000 (thirty-five thousand dollars).

These amounts are gross amounts, and may be subject to state and federal taxes, and other required deductions and withholding.

There are other non-monetary terms of the proposed settlement. Within 30 days of the final judgment, Mid-West Wire Specialties, Inc. shall purge from the personnel file of any Class Member still employed any disciplinary notice issued by Roberto Anzures. Defendant shall not in the future rehire Roberto Anzures in any capacity. Within 60 days of the final judgment, Mid-West Wire Specialties, Inc. shall have retained a Spanish-speaking administrator who shall report directly to the President, and shall have responsibilities for enforcing the Company's anti-harassment policy, including the investigation of Complaints. Defendant shall enforce the Harassment Policy promulgated February 15, 2002 in English, Spanish and Polish.

Finally, Mid-West Wire Specialties, Inc. shall pay Class Counsel the sum of \$130,000.00 for costs and attorney's fees. All costs and attorney fees awarded to Class Counsel are subject to the approval of the Court.

VI. ELECTION BY CLASS MEMBERS

If you fit the description of a class member, you have a choice whether or not to remain a member of the class. Either choice will have its consequences, which you should understand before making a decision.

A. REMAIN A CLASS MEMBER

If you want to remain a member of the class, no action is required at this time.

Your interests will continue to be represented by Plaintiffs and Class Counsel. You also may enter an appearance by your own counsel, if you desire, or may seek to intervene individually if you consider that you are not being fairly and adequately represented by Plaintiffs and Class Counsel.

If you remain as a member of the class, your participation in any recovery which may be obtained from Defendant through trial or settlement will depend on the results of this lawsuit. If no recovery is obtained for the class, you will be bound by that result. Any claims that you may have against Mid-West arising from the conduct alleged by the Plaintiffs in the original or Amended Complaint will be determined in this case, and cannot be presented in any other lawsuit.

B. EXCLUSION FROM THE CLASS

If you wish to be excluded from the class, you must completed the enclosed form ("Exclusion Request"). You must return that form to Class Counsel by mail postmarked on or before September 23, 2002.

Exclusion will mean that: (1) you will not share in the settlement, or in any other recovery that might be paid to class members as the result of this lawsuit; (2) you will not be bound by any decision in this lawsuit favorable to Defendant; and (3) you may present any claims that you may have against the Defendant by filing your own lawsuit or you may seek to intervene in this lawsuit.

VII. YOUR RIGHT TO BE HEARD AS TO THE PROPOSED SETTLEMENT

On October 8, 2002 at 9:30 a.m., Magistrate Judge Sidney I. Schenkier will hold a hearing at the United State District Courthouse, Courtroom 1700, at 219 South Dearborn Street, Chicago, Illinois 60604, to determine if the proposed settlement is fair and reasonable, and to either approve or disapprove the proposed amount of attorney's fees and costs, \$130,000 (one hundred and thirty thousand dollars).

If the proposed settlement agreement is finally approved, you will be bound by its terms unless you have excluded yourself from this litigation, as described in paragraph VI, B.

Objections to the proposed settlement by class members (who have not timely elected to exclude themselves from the class) will be considered by the Court, but only if such objections are filed in writing with the Clerk by mail postmarked on or before September 23, 2002. Copies of the objections also must be mailed by that date to Class Counsel and Counsel for Defendant:

Uche O. Asonye
Class Counsel
Asonye & Associates
11 South LaSalle Street, Suite 2140
Chicago, IL 60603

Michael W. Duffee
Counsel for Defendant
Matkov, Salzman, Madoff & Gunn
55 East Monroe Street, Suite 2900
Chicago, IL 60603

Attendance at the hearing is not necessary. Class members who wish to be heard orally in opposition to the proposed settlement, however, should indicate in their written objection their intention to appear at the hearing.

Class members who support the proposed settlement do not need to appear at the hearing or to take any other action to indicate approval.

VIII. IF SETTLEMENT IS APPROVED

If the settlement is approved by the court, Mid-West Wire will make the settlement payments within 30 days of the entry of final judgment.

To receive a payment, you must complete and return the blue Claim Form. That Claim Form must be received by September 23, 2002. Mail the completed Claim Form to:

Uche O. Asonye
Asonye & Associates
11 South LaSalle Street, Suite 2140
Chicago, IL 60603

IX. FURTHER PROCEEDINGS

If the settlement is not approved, the case will continue. The Court will rule on a motion for class certification and any motion for summary judgment. If necessary, a jury trial will be conducted. Depending on the results of the trial, further proceedings may be necessary before the case is finally resolved.

IX. FURTHER INFORMATION

If you need further information about this Notice or the litigation, please contact Class Counsel:

Uche O. Asonye
Asonye & Associates
11 South LaSalle Street, Suite 2140
Chicago, IL 60603
(312) 795-9110
(312) 795-9114 (facsimile)

If you decide to remain a member of the class, please notify Class Counsel of any change in the address to which this Notice was delivered.

A complete copy of the proposed Class Action Settlement Agreement is on file in the Office of the Clerk of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604. You may obtain a copy of the Settlement Agreement at the Clerk's office.

DO NOT CALL THE CLERK.

DATED: August 5, 2002

CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

REQUEST FOR EXCLUSION

Read the enclosed Notice carefully

The undersigned does NOT wish to remain a member of the Plaintiff classes conditionally certified for settlement purposes in the case of Zaida Espana, et al. v. Mid-West Wire Specialties, Inc., No. 01 C 0210, pending in the United States District Court for the Northern District of Illinois.

DATE: _____

Print your name

Your signature

Address

City, State and Zip Code

If you want to exclude yourself from the class, you must fill out this form and return it by mail. The envelope must be postmarked on or before September 23, 2002, and addressed to:

Uche O. Asonye
Asonye & Associates
11 South LaSalle Street
Suite 2140
Chicago, IL 60603

CLAIM FORM

IMPORTANT

- You must complete and return this form in order to receive a settlement payment.
- **The form must be received by September 23, 2002.**
- If your form is not received by September 23, 2002, you will not receive a settlement payment.

FILL IN ALL OF THE BLANKS

1. Your name is: _____
2. Sign your name: _____
3. Print your full address: _____

4. Your Social Security Number is: _____

MAIL THIS FORM TO

Uche O. Asonye
Asonye & Associates
11 South LaSalle Street
Suite 2140
Chicago, IL 60603