

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

Case No. 3:04-0814 – Kivilaan v. American Airlines, Inc.  
Notice of Proposed Class Action Settlement

**TO: ALL CURRENT FEMALE EMPLOYEES OF AMERICAN AIRLINES, INC.** nationwide who are or were eligible for benefits under American Airlines, Inc.'s health insurance plans, or who are covered, or have been covered, by Defendant's health insurance plans at any time between February 18, 2003 and the date of the final approval of the settlement in this litigation.

**Why is this Notice Important?** If you are currently a female employee of American Airlines, Inc. and satisfy all of the above requirements for eligibility, you may be a member of a certified class action lawsuit in which a proposed Settlement has been reached. The lawsuit, entitled *Kivilaan v. American Airlines, Inc.*, was brought by class action counsel and alleges that American Airlines, Inc. violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, as amended by the Pregnancy Discrimination Act, 42 U.S.C. §2000e(k) ("PDA"), for discrimination on the basis of sex by failing to provide certain coverage for prescription contraceptives and related services as part of some of its employee benefit plans. American Airlines, Inc. believes that it has good and meritorious defenses against the claims alleged, and denies all liability and any wrongdoing related to the claims asserted in this lawsuit by Plaintiff. American Airlines, Inc. has agreed to settle the Litigation as a compromise to avoid the time, expense, and uncertainty associated with further litigation in this matter and to buy its peace. Class Counsel have conducted an investigation into the facts and the law regarding the Litigation and have concluded that this settlement is in the best interest of Plaintiff and the Settlement Class.

**This Is Only A Summary Notice.** You can log onto [www.kivilaansettlement.com](http://www.kivilaansettlement.com) to review a copy of the Stipulation of Settlement and Release and all documents submitted to the Court in connection with preliminary approval, which contain further information about the Settlement.

**What Are the Terms of the Settlement?**

If the Settlement is approved by the Court and becomes effective, American Airlines has agreed, subject to future plan design, effective January 1, 2011, to offer coverage to eligible employees under its Point of Service company-sponsored and company-administered health insurance plan (POS Plan) for pharmacy-filled prescription contraceptives, such as oral contraceptive pills and transdermal patches, and for intrauterine devices (IUDs), but will exclude all other contraceptives that require or contemplate medical intervention, such as injectables, as will be more fully described in the POS Plan for 2011. The above-described coverage will remain in place for a period of not less than three years, but will remain subject to periodic plan changes and revisions throughout this period.

This settlement resolves a claim for injunctive relief only. If you are a member of the Settlement Class, you will be releasing all claims for damages, and all claims for other relief that have been

made, or could have been made, in this Litigation arising out of the allegations made by Plaintiff in this Litigation.

Under the Settlement, Class Counsel are entitled to an award of attorneys' fees and costs. Class Counsel intend to apply for an award of attorneys' fees and costs and for an incentive award for the named Class Representative for bringing this action and prosecuting it on behalf of the Settlement Class. As part of the Settlement, American Airlines, Inc. will not oppose these requests.

### **What Are My Legal Rights?**

If you are a member of the Settlement Class and the Court approves the proposed Settlement and the Settlement becomes effective, you will be bound by all orders and judgments of the Court, and any claims you may have against the Defendant for the conduct alleged in this action will be resolved and released.

### *How to Object to the Settlement*

If you are a current employee and you are eligible for benefits under American Airlines, Inc.'s health insurance plans, or are covered, or have been covered, by Defendant's health insurance plans at any time between February 18, 2003 and the date of the final approval of the settlement in this litigation, and you wish to object to the Settlement or to Class Counsel's request for attorneys' fees, costs and an incentive fee for the named Class Representative, you or your counsel have the right to appear before the Court and object to the Settlement. To do so, however, you must do two things: (1) you must file with the Clerk of the United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, Tennessee 37203 on or before September 9, 2009 a Notice of Intention to Appear and Object, stating your name, address and telephone number and describing the general nature of your objection(s); and (2) by that same date, you must also serve a copy of such notice, objection, and other supporting papers on both of the following counsel:

Gordon Ball  
BALL & SCOTT LAW OFFICES  
550 Main Street, Suite 601  
Bank of America Center  
Knoxville, Tennessee 37902  
Fax: 865-525-4679  
*Class Counsel*

- and -

Ronald E. Manthey  
Melissa M. Hensley  
MORGAN, LEWIS & BOCKIUS LLP  
1717 Main Street, Suite 3200  
Dallas, Texas, 75201-7347  
*Counsel for American Airlines, Inc.*

Any Settlement Class Member who does not submit an objection in the manner provided above shall be deemed to have waived any objection to the Settlement and shall forever be foreclosed from making any objection to class certification, to the fairness, adequacy or reasonableness of the Settlement, and to any attorneys' fees, costs, or incentive award approved.

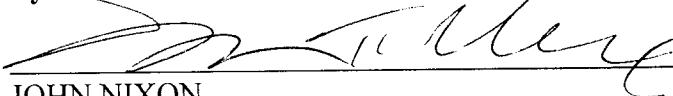
**Fairness Hearing:** A hearing will be held before the Honorable John Nixon in Courtroom 774 at the United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, Tennessee 37203 on **September 30, 2009, at 1:00 p.m.** (the "Fairness Hearing") to determine whether the proposed Settlement is fair, reasonable, and adequate and should be approved; whether an award of attorneys' fees and/or costs should be made to Class Counsel; and whether an incentive fee should be awarded to the named Class Representative. If you are a current employee and are eligible for benefits under American Airlines, Inc.'s health insurance plans, or are covered, or have been covered, by Defendant's health insurance plans at any time between February 18, 2003 and the date of the final approval of the settlement in this litigation **you may, but are not required to, attend the Fairness Hearing.**

For More Information, or to obtain a copy of the proposed Settlement as described above, you can contact the lawyers representing the Settlement Class: Gordon Ball, Suite 601, Bank of America Center, 550 Main Street, Knoxville, Tennessee 37902, Telephone: 865.525.7028, Fax: 865.525-4679, or Email: [gball@ballandscott.com](mailto:gball@ballandscott.com).

**Please Do Not Contact the Court Or the Clerk of the Court Concerning This Notice**

Dated: July 17, 2009

By Order of the Court



JOHN NIXON  
UNITED STATES DISTRICT JUDGE  
FOR THE MIDDLE DISTRICT OF TENNESSEE