

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PAULINE GRAVENSTEIN, EUNICE  
PARKER and HELEN PHILLIPS, for  
themselves and class

Plaintiffs,

vs.

JAMES CAMPION, in his official  
capacity; WILLIAM HENSLEY, in  
his official capacity; and LOCAL  
879, HOTEL, MOTEL, RESTAURANT  
AND CONSTRUCTION CAMP EMPLOYEES  
UNION,

Defendants.

CASE NO. F81-004 Civil  
NOTICE OF PROPOSED SETTLE-  
MENT OF CLASS ACTION

TO: ALL MEMBERS OF HOTEL, MOTEL, RESTAURANT AND CONSTRUCTION CAMP EMPLOYEES UNION,  
LOCAL 879, WHO WERE ASSESSED PICKETING FEES BETWEEN JUNE, 1979 AND OCTOBER, 1980.

This is to notify you that a hearing will be held on Monday,  
January 31, 1983, at 10:00 a.m. in District Court of the United  
States Court for the District of Alaska, 101 12th Avenue, Fairbanks,  
Alaska, to determine whether a proposed compromise and settle-  
ment of a class action brought by certain members of Local 879  
should be approved as fair and reasonable.

### I NATURE OF ACTION

This action was instituted by the plaintiffs named above on  
behalf of all union members who were assessed picketing fees in  
lieu of performing rotational picketing duty during the period be-  
tween June, 1979 and October, 1980. The class plaintiffs claim that  
the picketing fees were imposed without a secret ballot election  
as required by federal law, 29 U.S.C. Sec. 411(a)(3). Plaintiffs sought  
a declaratory judgment that the fees were illegally imposed, and  
sought restitution of picketing fees paid by class members.

On November 16, 1981, the District Court certified this action  
as a class action. The Court also found that the picketing fees had  
been illegally imposed and that members who had paid the fees are  
entitled to a refund. In a subsequent decision issued on March 12,  
1982, the Court observed that because the majority of Union  
members had voted to ratify the fees, each member should have  
an opportunity to waive refund of the fees he or she paid.

In light of the time and expense to the Union required to appeal  
these decisions of the District Court, the Union decided to enter  
into negotiations to settle this action. The terms of the proposed  
settlement are explained below.

### II SETTLEMENT

A proposed settlement with the defendant Union has been reached  
on behalf of the class. Under the terms of the proposed settlement,  
refund of picketing fees assessed between June, 1979 and October,  
1980 will be offered to each class member. The amount of the refund  
will range between \$5.00 and \$80.00, depending on how much the  
member paid in lieu of picketing. The total potential liability of  
the Union for refunds is approximately \$54,000.00. In addition, the  
Union has agreed to pay attorney's fees to the plaintiffs' attorney.  
The three named plaintiffs will receive only their applicable refunds.  
Plaintiffs have agreed, on behalf of the class, to waive the payment  
of interest on any refunds.

The Union will send this notice to all class members at their  
last known address. It will also post this notice at appropriate loca-  
tions including the Union halls for Local 879 and 878, and publish  
this notice in local newspapers, for a period of 28 days prior to  
the hearing. Each class member may, upon receipt of this notice,  
opt not to participate in the refund procedure by mailing a waiver  
as described in part IV below.

If the proposed settlement is approved by the Court, the Union  
will send a notice to each class member stating the amount of the  
proposed refund to that member. If the member does not object, or  
sign a waiver of the refund, a refund in the amount stated will be  
issued by the Union. NO MEMBER FOR WHOM THE UNION  
HAS A CURRENT ADDRESS WILL HAVE TO TAKE ANY  
ACTION IN ORDER TO RECEIVE THE PROPOSED REFUND.

### III ATTORNEY'S FEES

The Union has agreed as part of this settlement to pay plaintiffs  
the amount of \$6,250.00 for their attorney's fees. This amount is  
in addition to the cost of the settlement. Plaintiffs have asked the  
Court to award attorney's fees in the amount of \$21,002.06. The  
difference between these amounts (or the amount of fees awarded  
to plaintiffs by the Court) would be paid out of the remaining fund of  
unclaimed picketing fees.

### IV WAIVERS AND OBJECTIONS

Each class member may object to the proposed settlement by  
sending a notice of his and her objections and the reasons for ob-  
jecting to the Court not later than ten (10) days prior to the hearing.  
Any member who notifies the Court of objections may be heard at  
the hearing on the proposed settlement. Any member who does not  
notify the Court in writing of objections prior to the hearing will  
not be heard at the hearing and will be bound by the terms of the  
proposed settlement as approved by the Court. Objections should  
be sent to the attorney for plaintiffs:

William B. Schendel  
P.O. Box 2137  
Fairbanks, AK 99707

Any member who does not wish to participate in the refund  
procedure may send the enclosed notice to Local 879:

### WAIVER

I waive any refund which may be available to me under the  
terms of the settlement in Case No. F81-004 Civil, Gravenstein  
v. Local 879. I understand that by signing this waiver I will  
not be able to claim this refund at any time in the future and  
I will be bound by the terms of the settlement approved by  
the Court. I understand that the refund I am waiving will  
become the property of the Union and will remain in its treas-  
ury for the benefit of the members of Local 879.

SIGNATURE

ADDRESS:

DATED at Anchorage, Alaska, this \_\_\_\_\_ day of

198

United States District Judge

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