

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 settlement 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 between 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 locations 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 objecting 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 treasury for the benefit of the members of Local 879.

SIGNATURE

ADDRESS:

DATED at Anchorage, Alaska, this _____ day of

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United States District Judge

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