

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