

**THIS IS A NOTICE OF A PROPOSED CLASS ACTION SETTLEMENT  
THIS IS NOT A SUMMONS OR AN ORDER TO COME TO COURT**

**Brand v. Comcast, 11-CV-8471**

**PRELIMINARY NOTICE OF SETTLEMENT OF  
DISCRIMINATION CLASS ACTION LAWSUIT**

This Notice is being sent to you, as ordered by the Court, to advise you of the preliminary approval of the settlement of an employment discrimination case against Comcast Corporation, Inc., (“Comcast”), with regard to its facility at 721 E. 112th Street, Chicago, IL 60628 (the “112th Street Facility”).

In this case, *Brand v. Comcast*, 11-CV-8471, the Plaintiffs (James Brand, Marvin Cooper, Harold Gunn, Kevin Jackson, Michael Dickens, Isiah Elder, Donald Hart, Shannon Jordan, Sherman Peterson, Cyrus Robinson, Tim Wharton, and Terrence Russell) individually and on behalf of a class of African-American employees and former employees brought suit alleging, among other things, that Comcast violated Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e, *et seq.*; Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a); and the Civil Rights Act of 1866, 42 U.S.C. § 1981 by unlawfully discriminating against a class of African-American employees at Comcast’s 112th Street Facility by subjecting them to a hostile work environment based upon race.

**IF YOU ARE A CLASS MEMBER, YOU MUST NOW DECIDE WHAT ACTION YOU WILL TAKE IN RESPONSE TO THE PROPOSED SETTLEMENT OF THE CLASS ACTION.**

**Your legal rights are affected whether you act or do not act. Read this notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM FORM</b>	The only way to receive a payment.
<b>OBJECT</b>	Write to the Court about why you do not like the settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the settlement.
<b>DO NOTHING</b>	Receive no payment. Give up right to sue Comcast.
<b>OPT OUT OF SETTLEMENT</b>	Submit the attached “Request for Opt-Out Statement” and give up your right to participate in the settlement.

These rights and options—and the deadlines to exercise them—are explained in this notice. The Court still has to decide whether to approve the settlement. If the settlement is approved, payments will be made after Claim Forms are reviewed and the Court approves the proposed payments.

## WHAT THIS NOTICE CONTAINS

<b>BASIC INFORMATION.....</b>	<b>3</b>
1. Why Have I Received This Notice?.....	3
2. What Is This Lawsuit About?.....	3
3. Why Is This Lawsuit A Class Action?.....	3
4. Why Is There A Settlement?.....	4
5. Who Is In The Settlement?.....	4
6. What Does the Settlement Provide?.....	4
7. What Can I Get From the Settlement?.....	4
<b>HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM.....</b>	<b>5</b>
8. How Can I Get A Payment?.....	5
9. When Would I Get My Payment?.....	5
<b>THE LAWYERS REPRESENTING YOU.....</b>	<b>5</b>
10. Do I Have A Lawyer In This Case?.....	5
11. How Will The Lawyers Be Paid?.....	5
<b>OBJECTING TO THE SETTLEMENT .....</b>	<b>5</b>
12. How Do I Tell The Court That I Do Not Like The Settlement?.....	5
<b>OPTING OUT OF THE SETTLEMENT.....</b>	<b>6</b>
13. How Do I Opt Out of The Settlement?.....	6
<b>RELEASE OF CLAIMS.....</b>	<b>6</b>
14. What Claims Am I Releasing?.....	6
<b>THE COURT'S FAIRNESS HEARING.....</b>	<b>6</b>
15. When And Where Will The Court Decide Whether to Approve the Settlement?.....	6
16. Do I Have To Come To The Hearing?.....	6
17. May I Speak At The Hearing?.....	7
<b>IF YOU DO NOTHING.....</b>	<b>7</b>
18. What Happens If I Do Nothing At All?.....	7
<b>GETTING MORE INFORMATION.....</b>	<b>7</b>
19. How Do I Get More Information?.....	7

## **BASIC INFORMATION**

### **1. Why Have I Received This Notice?**

You have received this Notice because Comcast's personnel records show that you worked at the 112th Street Facility some time on or after January 1, 2005. This notice explains that you have legal rights and options that you may exercise now that a settlement has been proposed in this race discrimination case.

### **2. What Is This Lawsuit About?**

This lawsuit is about whether Comcast discriminated against African-American employees based on their race by allegedly maintaining a hostile work environment at its 112th Street Facility. The Class Representatives originally filed this lawsuit on November 28, 2011, on behalf of themselves and a proposed class of all similarly situated former and current African-American employees who worked at Comcast's 112th Street facility during the period January 1, 2005, to the present. On July 5, 2014, the Court decided the hostile work environment claim may proceed on a class-wide basis under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. The plaintiffs also sought to certify a "terms and conditions" class alleging discrimination in pay, promotion, and discipline. The court denied certification of the "terms and conditions" class. Therefore, only the hostile work environment claim remained on a class basis, and only that class claim is subject to the settlement described in this Notice.

With respect to the class claim remaining in the case, Plaintiffs claim that Comcast created a hostile work environment in several ways, including by: (1) referring to African-American employees in a racially derogatory manner; (2) forcing 112th Street employees to work in a substandard facility; (3) requiring 112th Street employees to install infested and/or defective equipment in customers' homes; and (4) denying 112th Street employees the same quality of equipment and tools afforded to Comcast facilities that do not have majority African-American employees. Plaintiffs also claim that the company did not adequately respond to repeated complaints by African-American employees about the workplace.

Comcast denies that it violated any law, including Section 1981 and Title VII. Specifically, Comcast denies that it did anything wrong and denies all of the claims that it discriminated against or created a hostile working environment for African-American employees at 112th Street. Comcast further denies that it subjected employees to racially offensive and abusive language, that the 112th Street facility was substandard, or that it discriminated against African-American employees in the dissemination of tools and equipment.

The Court has not decided the case in either party's favor.

### **3. Why Is This Lawsuit A Class Action?**

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. In this case, the Class Representatives are James Brand, Marvin Cooper, Harold Gunn, Kevin Jackson, Michael Dickens, Isiah Elder, Donald Hart, Shannon Jordan, Sherman Peterson, Cyrus Robinson, Tim Wharton, and Terrence Russell.

On July 5, 2014, the Court decided that the lawsuit meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court allowed, or "certified," this lawsuit as a class action because:

- there are a sufficient number of African-American individuals who are or were employed by Comcast at the 112th Street Facility between January 1, 2005, and the present to form a Class;
- there are legal questions and facts that are common to each Class Member;
- the Class Representatives' claims are typical of the claims of the rest of the Class;

- the Class Representatives and the lawyers representing the Class will fairly and adequately represent the Class Members' interests;
- the common legal questions and facts in this case are more important than questions that affect only individuals; and
- this class action will be more efficient than having many individual lawsuits.

The Court certified a class defined as all current and former African-American employees who were employed by Comcast at the 112th Street Facility at any time on or after January 1, 2005, excluding all supervisors and managers of technicians and all supervisors and managers in the human resources department, with the exception of Pamela Seals and Joseph Coney, who are included in the class (the "Class"). The Class also includes African-American employees who were supervisors or managers but who worked for Comcast as a non-exempt employee at some time on or after January 1, 2005.

#### **4. Why Is There A Settlement?**

The Court did not decide in favor of Plaintiffs or Comcast. Plaintiffs and Comcast negotiated to reach a proposed settlement rather than go to trial on this case. By agreeing to a settlement, the parties avoid the cost of a trial and the risks of an adverse decision involved in a trial; and, the Class Members affected will receive compensation. Class Counsel think the settlement is in the best interest of all of the members of the Class.

#### **5. Who Is In The Settlement?**

The Class Representatives and individuals who are in the Class certified by the Court are covered by the settlement of this case. As stated in the answer to Question 3 above, the Class includes all current and former African-American employees who were employed by Comcast at the 112th Street Facility at any time on or after January 1, 2005, excluding all supervisors and managers of technicians and all supervisors and managers in the human resources department, with the exception of Pamela Seals and Joseph Coney, who are included in the class. The Class also includes African-American employees who were supervisors or managers but who worked for Comcast as a non-exempt employee at some time on or after January 1, 2005.

### **THE SETTLEMENT BENEFITS**

#### **6. What Does the Settlement Provide?**

The settlement provides that Comcast will pay the aggregate sum of Seven Million Two Hundred and Ten Thousand Dollars (\$7,210,000) to settle this case. The \$7,210,000 shall be distributed to the Class Representatives, the Class Members, and Class Counsel. A minimum of Three Million Six Hundred and Ten Thousand Dollars (\$3,610,000) will be distributed to the Class Members. Class Counsel will apply for service payments of Twenty-five Thousand Dollars (\$25,000) each for the Class Representatives to compensate them for the time and effort they devoted to representing the Class in this case, including the time they spent consulting with Class Counsel about the case. In addition, Class Counsel will apply for individual claim payments of Twenty-five Thousand Dollars (\$25,000) each, for the Class Representatives, in exchange for a release of their individual claims in the case. Class Counsel will also apply for their reasonable attorneys' fees and costs in an amount up to Three Million Dollars (\$3,000,000). If the Court rejects any of the fees or costs sought by Class Counsel, those amounts will be added to the Class Member fund.

#### **7. What Can I Get From the Settlement?**

You may be eligible to get a payment from the settlement for the harm you believe you suffered as a result of the alleged racially hostile work environment at Comcast's 112th Street Facility. A Class Administrator shall determine the amount of each monetary award based on a point system developed by Class Counsel. This point system will take into account several factors, including your length of employment, dates of employment, whether you were placed on a Performance Improvement Plan, whether you complained of discrimination, and your contribution to and participation in the litigation of this case.

## HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

### 8. How Can I Get A Payment?

To receive a payment from the settlement fund the enclosed Claim Form must be received by First Class, Inc. on or before August 1, 2016, to be considered timely. You should mail the form to:

First Class, Inc./ J13161- Brand  
Attn: Comcast Settlement Administrator  
5410 W. Roosevelt Rd., Ste. 222  
Chicago, IL 60644-1490

It is your obligation to make sure First Class, Inc. receives your Claim Form before the due date. All Claim Forms must be signed under penalty of perjury to be considered.

### 9. When Would I Get My Payment?

If you are determined to be eligible for settlement payment, you will receive a check after the Court reviews all of the proposed payments to Class Members. This process may take some time. The parties expect that payments will occur sometime during the first six months of 2017.

## THE LAWYERS REPRESENTING YOU

### 10. Do I Have A Lawyer In This Case?

When the Court certified this case as a class action, the Court decided that Noelle Brennan and Leah M. Farmer of Noelle Brennan & Associates, Ltd., and Randall D. Schmidt of the University of Chicago Law School (“Class Counsel”) are qualified to represent you and all Class Members.

### 11. How Will The Lawyers Be Paid?

The settlement provides that Class Counsel will receive up to Three Million Dollars (\$3,000,000) in payment to them of their reasonable attorneys’ fees and costs in pursuing this litigation on behalf of the Class Representatives and the Class. The Court will be asked to approve the attorneys’ fees and costs at the Fairness Hearing described on page 8 in the answer to Question 15.

## OBJECTING TO THE SETTLEMENT

### 12. How Do I Tell The Court That I Do Not Like The Settlement?

You can tell the Court that you do not agree with the settlement or some part of it by “objecting” to the settlement. You must give reasons why you think the Court should not approve the settlement or why you do not like the settlement or some part of it. The Court will consider your views. To object, you must send a letter stating that you object to the settlement in *Brand v. Comcast*, Case No. 11-CV-8471. The letter must include your name, address, telephone number, signature, and the reasons you object to the settlement. Mail identical copies of the objection to all three of the following addresses:

#### CLERK OF THE COURT:

United States District Court  
for the Northern District of Illinois  
219 S. Dearborn Street, 20<sup>th</sup> Floor  
Chicago, IL 60604

#### CLASS COUNSEL:

Noelle Brennan  
Noelle Brennan & Associates, Ltd.  
20 S. Clark St., Suite 1530  
Chicago, IL 60603

#### DEFENDANT’S COUNSEL:

Sari M. Alamuddin  
Morgan, Lewis & Bockius LLP  
77 West Wacker Drive, Fifth Floor  
Chicago, IL 60601

Your objection must be received at the three addresses above on or before **May 16, 2016**.

## OPTING OUT OF THE SETTLEMENT

### 13. How Do I Opt Out of The Settlement?

Because you have received this Preliminary Notice and have the opportunity to participate in the Claims Process, if the Settlement Agreement is accepted by the Court, you will be deemed to have waived and released any claim for individual or class-based race-based harassment (and any damages or other relief) you may be able to assert against Comcast. **If you do not want to be considered a Settlement Class Member for whatever reason**, you must complete the attached “Request for Opt-Out Statement” and it must be received by the Settlement Administrator by **May 16, 2016** at:

First Class, Inc./ J13161- Brand  
Attn: Comcast Settlement Administrator  
5410 W. Roosevelt Rd., Ste. 222  
Chicago, IL 60644-1490

Any risk of non-receipt of your Request for Opt-Out Statement by **May 16, 2016** is borne by you.

## RELEASE OF CLAIMS

### 14. What Claims Am I Releasing?

Unless you timely exclude yourself from the settlement, you will be deemed to have released claims including, but not limited to all causes of action that you asserted or could have asserted based upon the hostile work environment claims in the Litigation. Specifically included in this release are any and all hostile work environment claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”), and 42 U.S.C. § 1981 (“Section 1981”) arising from any alleged conduct from January 1, 2005, through the date of Preliminary Approval, **March 3, 2016**. Your release applies whether you seek monetary damages, injunctive, declaratory or equitable relief, or costs and attorneys’ fees, whether arising under Title VII, Section 1981, or under any other federal, state, local or common laws, or regulations relating to the same facts that form the basis of the hostile work environment claim. However, your release does not include or cover any claims that may arise after the court issues its final decision approving the proposed settlement.

## THE COURT'S FAIRNESS HEARING

### 15. When And Where Will The Court Decide Whether to Approve the Settlement?

The Court will hold a hearing at which it will consider the fairness, adequacy, and reasonableness of the proposed settlement (the “Fairness Hearing”). This hearing will be held on **June 14, 2016 at 9:30am** in Room 2103, 219 S. Dearborn Street, Chicago, Illinois 60604. If there are objections, the Court will consider them. The Court will listen to Class Members who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement. The Court will also rule upon the Class Counsel’s request for attorneys’ fees and costs. We do not know how long after the Fairness Hearing the Court will issue its decision.

### 16. Do I Have To Come To The Hearing?

You are welcome to attend the Fairness Hearing, but you are not required to attend. If you send a written objection, you are not required to raise your objection in person. As long as your written objection was received on time, the Court will consider it. You may also obtain an attorney at your own expense to represent you personally at the Fairness Hearing, but it is not necessary. Class Counsel will answer any questions that the Court may have.

**17. May I Speak At The Hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter of “Notice of Intention to Appear in *Brand v. Comcast*,” stating that you will attend the Fairness Hearing and requesting the Court to allow you to speak. You must include your name, address, telephone number, and signature in the letter. Your Notice of Intention to Appear must be received no later than **May 16, 2016** at all three of the following addresses:

**CLERK OF THE COURT:**

United States District Court  
for the Northern District of Illinois  
219 S. Dearborn Street, 20th Floor  
Chicago, IL 60604

**CLASS COUNSEL:**

Noelle Brennan  
Noelle Brennan & Associates, Ltd.  
20 S. Clark St., Suite 1530  
Chicago, IL 60603

**DEFENDANT’S COUNSEL:**

Sari M. Alamuddin  
Morgan, Lewis & Bockius LLP  
77 West Wacker Drive, Fifth Floor  
Chicago, IL 60601

**IF YOU DO NOTHING**

**18. What Happens If I Do Nothing At All?**

If you do not submit a Claim Form, Request for Opt-Out Statement, or written objection, you will not receive a payment and will be bound by the terms of this settlement. As a result, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Comcast about the legal issues in this case at any time in the future.

**GETTING MORE INFORMATION**

**19. How Do I Get More Information?**

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to Class Counsel at either of the following addresses:

Noelle Brennan  
Noelle Brennan & Associates, Ltd.  
20 S. Clark St., Suite 1530  
Chicago, IL 60603  
(312) 422-0001

Randall D. Schmidt  
Edwin F. Mandel Legal Aid Clinic  
6020 S. University Ave.  
Chicago, IL 60637  
(773) 702-9611

For more information, you may also visit the website [www.comcastdiscrimination.com](http://www.comcastdiscrimination.com), where you will find the Notice to Class Members and Press Release summarizing the settlement. You may also call or write to Class Counsel with any questions regarding this class action.

**PLEASE DO NOT TELEPHONE THE CLERK OF THE COURT.**

Dated: April 12, 2016

CLERK, U.S. District Court  
Northern District of Illinois