

**NOTICE OF CLASS ACTION, PROPOSED
SETTLEMENT AGREEMENT, AND SETTLEMENT
FAIRNESS HEARING.**

If you are receiving this notice, you self-identified as a non-white applicant who applied for a position with the City of Brockton’s Department of Public Works on or after October 10, 2010 through December 18, 2019, and you could get a payment from a proposed class action settlement.

A state court has authorized this notice. This is not a solicitation from a lawyer.

- The proposed Settlement will provide a fund of \$1,750,000, a portion of which will be paid pro rata to eligible Settlement Class Members, less court approved fees and costs.
- To qualify to receive a monetary award, you must be non-white and you must have applied for a position with the Department of Public Works in the City of Brockton at any time from October 10, 2010 through December 18, 2019.
- If you are a Settlement Class Member, your legal rights are affected whether you act or not. Read this Notice carefully. For additional information, contact Class Counsel or the Claims Administrator listed below, or go to www.rg2claims.com/BrocktonDPW or [http:// BrocktonDPWSettlement.com](http://BrocktonDPWSettlement.com).

Your Legal Rights in this Settlement:	
For all Applicants from October 10, 2010 to December 18, 2019.	The town has provided us with the names of all individuals who applied to the Brockton DPW October 10, 2010 and December 18, 2019. All non-white class members will get a basic award as part of this proposed settlement, without any action on your part.
Base Award -As you have been previously identified as non white- you are Eligible for a Base Award.	As you have already self-identified as non-white in your application, you are already a Settlement Class Member and, you do not have to do anything to receive a base payment for race discrimination based damages you may have suffered. If this settlement is approved, the money will be sent to you from the Compensatory Award Pool that will be created from part of the proposed settlement. If you were erroneously identified as a non-white applicant, and you are actually a Caucasian/white person who should not have been identified as “non-white,” please notify us immediately.

Additional Claim of Enumerated Damages Requires you to Submit an Enumerated Claim Form to be eligible. Form.	As a Settlement Class Member, you may be eligible to receive additional money from the Enumerated Award Pool if you submit an Enumerated Claim Form.
Comment or Object.	You may write to the Court about your view on the Settlement or why you don't think the Settlement is fair to the class.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this lawsuit still has to decide whether to approve the Settlement. Payments will be made only if the Court approves the Settlement and after any objections and/or appeals are resolved.

1. Purpose Of This Notice

The purpose of this notice is to inform you about (a) this lawsuit, (b) the Settlement and Settlement Class definition that the Court has preliminarily approved, and (c) your rights in connection with the Settlement and a hearing to be held before the Court on December 8, 2020, to consider the fairness, reasonableness and adequacy of the Settlement and related matters. This notice also describes the steps necessary to obtain a share of the Settlement Fund if the Court approves the Settlement.

2. Background: About The Lawsuit

Plaintiff Russell Lopes filed a lawsuit against the City of Brockton, alleging that the Department of Public Works (“Brockton DPW”) failed to hire qualified applicants on the basis of race. Mr. Lopes filed this action on behalf of all qualified non-white applicants who applied for a position with the Brockton DPW. In 2017, Mr. Lopes proceeded to trial on his individual claims against the Brockton DPW and proved that the Brockton DPW discriminated against non-white applicants for positions with the Brockton DPW. The jury awarded Mr. Lopes \$1.2 million in punitive damages, plus additional damages for his retaliation claim.

Thereafter, the parties prepared for the class trial phase of this case: specifically, Plaintiff Lopes was prepared to argue that 89 non-white applicants to the Brockton DPW from 2010 to 2019 also experienced the same pattern and practice of racial discrimination. Mr. Lopes planned to demonstrate at trial with statistics and anecdotes that for the first six years after the DPW rejected Mr. Lopes (i.e. from 2010 to 2016), that the Brockton DPW had been excluding non-white applicants from hiring. During those six years, he was prepared to submit evidence that the

Brockton DPW hired only 6% of 59 non-white applicants, and that this continued, somewhat abated, through until December 18, 2019. In other words, Plaintiff planned to demonstrate with statistics and anecdotes that the Brockton DPW has been excluding non-white applicants from hiring for the entire period, even though more recently, the Brockton DPW has improved.

The City of Brockton denied and continues to deny all of the allegations and claims asserted in Mr. Lopes' lawsuit, and denies that the Settlement Class Members are entitled to any relief. The Court has not made and will not make any determination on the merits of the class trial and will not decide who is right and who is wrong. By entering into the proposed Settlement, the City of Brockton does not admit any wrongdoing. The Settlement resolves claims of race, color, national origin or ethnicity discrimination, harassment and retaliation in compensation and other terms and conditions of employment, including claims brought or that could have been brought in the lawsuit under M.G.L. c. 151B or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and 42 U.S.C. § 1981, as well as state and local anti-discrimination laws.

The Court has reviewed the Settlement and has preliminarily approved it as being fair, adequate and reasonable. Before deciding whether to give the Settlement final approval, the Court wishes to inform the Settlement Class of the general terms of the Settlement and of the right of Settlement Class Members to comment on the Settlement.

3. Settlement Class Definition

You are a member of the Settlement Class affected by the Settlement if you fit within this definition:

All qualified, non-white applicants who applied for a position with the Brockton DPW between October 10, 2010 through December 18, 2019.

If you received this notice in a mailing addressed to you, then records show that you are an eligible Settlement Class Member, *i.e.*, that you fit the definition above. If so, you have legal rights and options that you can exercise before the Court finally approves the Settlement.

4. Summary Of Settlement Terms

The City of Brockton has agreed to create a Settlement Fund in the total amount of \$1,750,000, which includes payments to Settlement Class Members, a Fee and Expense Award for Class Counsel, taxes (including the employer's share of taxes or contributions such as federal and state unemployment taxes, FICA, FUTA, SUTA and Medicare) and the costs of administering the Settlement Fund, including the costs of notifying the Settlement Class.

5. How To Proceed: Your Options

You have three options. You must decide at this stage whether you want to: (A) do nothing and receive a pro rata award from the Race Discrimination Award Pool; (B) submit the enumerated claim form you received with this notice and allow the claims adjudicator to determine if you are eligible to receive an additional award from the enumerated damages award pool; or (C) object to the Settlement.

Option A: Receive a Pro Rata Award from the Race Discrimination Award Pool

You do not have to do anything to participate in this settlement. If you received this notice, you are deemed a member of the Settlement Class and will receive an award from the Race Discrimination Pool if the Court gives final approval to the Settlement.

If you were erroneously identified as a non-white applicant, and you are actually a Caucasian/white person who should not have been identified as “non-white,” please notify us immediately, so that your name may be withdrawn from the Settlement Class.

Option B: Receive an Additional Award from the Enumerated Damages Award Pool

If you believe that you are you are eligible for an additional award from the Enumerated Damages Award Pool you will need to submit the Enumerated Claim Form requesting a share of that award pool. In order to be eligible to receive a share of the Settlement Fund, you must fill out, sign, and submit a claim form to the Claims Administrator by October 27, 2020.

Option C: Object To The Settlement

The Court must assess the overall fairness and reasonableness of the Settlement to the Class. Settlement Class Members may object to the Settlement, regardless of whether they submit a ClaimForm.

In order to have your objection to the Settlement considered by the Court or to speak at the Final Approval Hearing, you must submit to the Court a written comment or objection to the Settlement. Objections must be in writing, signed under the penalties of perjury, filed with the Court, and must include:

1. The Objector’s name, address, telephone number and the contact information for any attorney retained by the Objector in connection with the objection or otherwise in connection with the Action;
2. The location(s) and the type of facility or facilities where the Objector applied for work and/or worked for City of Brockton, position and dates of employment;
3. A detailed statement of the specific factual and legal basis for each objection, including why the Objector has chosen to object;
4. A statement as to whether the Objector intends to appear at the Final Approval Hearing, either in person or through counsel, and, if through counsel, identifying the counsel by name, address and telephone number;

5. A statement that the Objector is a Class Member and is not excluded from the Settlement, along with a copy of the Objector's Claim Form(s), if any;
6. A list of any witnesses the Objector may call at the Final Approval Hearing, if any, together with a brief summary of each witness's expected testimony;
7. A list of and copies of any exhibits which the Objector may seek to use at the Final Approval Hearing; and
8. A list of any legal authority the Objector may present at the Final Approval Hearing.

Objections must be filed and postmarked no later than October 12, 2020. You do not need to be represented by separate counsel to object to the Settlement.

6. Release

If the Court grants final approval of the Settlement, then all Settlement Class Members will release the Brockton DPW from all claims of race discrimination, harassment, retaliation in hiring from October 10, 2010 through the December 18, 2019.

7. How Will My Settlement Award Be Calculated?

Each Settlement Class Member is eligible for a pro rata share from the Race Discrimination Based Award Pool. The attorneys' fees and costs, together with the administrative costs of the settlement, are estimated to exceed 33% of the \$1,750,000 if the Court approves the settlement. Pro rata shares will be determined by Class Counsel based on such factors as (1) the number of times an applicant applied, (2) whether a non-white applicant was hired into the position instead of the Settlement Class Member, and (3) which year(s) the individual Settlement Class Member applied. Additional Settlement Class Members could be named prior to the Court's review and, if applicable, final approval of the settlement.

8. Are There Tax Consequences For Any Money I Might Get?

Yes, any award you receive from the Settlement Fund will have tax consequences for you. The Claims Administrator will be responsible for withholding, remitting and reporting each Settlement Class Member's share of payroll tax withholding from the Settlement Fund. Class Counsel are not tax advisors and cannot give you advice on any tax matters. Class Counsel urge you to consult your tax advisor for answers to any questions you may have about the tax implications of any potential award.

9. The Lawyers Representing You And The Class

As a Settlement Class Member, you are represented in this litigation by Class Counsel, led by Elizabeth A. Rodgers and Philip J Gordon of the law firm Gordon Law Group, LLP:

Elizabeth A. Rodgers, Esq.
Philip J. Gordon, Esq.
Gordon Law Group, LLP
585 Boylston Street
Boston, MA 02116
(617) 536-1800
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pgordon@gordonllp.com

Unless you elect to engage your own attorneys at your own expense, you will continue to be represented by Class Counsel in connection with implementation of the Settlement at no cost to you.

How Will The Lawyers Be Paid?

Class Counsel have pursued these claims on behalf of Mr. Lopes and the Settlement Class without receiving any compensation for their services or reimbursement of the litigation expenses they incurred. If you are a Settlement Class Member and receive an award from the Settlement Fund, you will not owe any fees or expenses to the lawyers who have represented you as part of the Settlement Class. Class Counsel will ask the Court to award them attorneys' fees of not more one third (1/3) of the Settlement Fund, plus reimbursement of their reasonable litigation expenses. The Court will decide how much to award Class Counsel for fees and expenses, which will be paid from the Settlement Fund.

10. The Final Approval Hearing

The Final Approval Hearing on the Settlement will be held at 2:00 p.m. on December 8, 2020 in the Brockton Superior Court. At this hearing, the Court will determine whether the proposed Settlement is fair, reasonable and adequate and whether it should be approved. The Court will also consider the amount of fees and expenses to award to Class Counsel and whether, in accordance with the Settlement, an order and judgment should be entered bringing the lawsuit to an end.

Do I Have To Come To The Final Approval Hearing?

No. You are not required to come to the hearing, but you are welcome to come at your own expense. Class Counsel will appear at the Final Approval Hearing on behalf of all Settlement Class Members, at no cost to you. If you file an objection, you don't have to come to Court to talk about it. As long as you did not opt out and you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. If the Court gives final approval to this Settlement, the Court's judgment will be final and binding on all Settlement Class Members who have not timely opted out.

11. Getting More Information

If you have additional questions you can get free help at www.rg2claims.com/BrocktonDPW or by calling the claims administrator at 1-866-742-4955 or by calling Class Counsel at the number listed in Paragraph 9.

This notice contains only a summary of the terms of the Settlement. For further information, the complete terms of the Settlement Agreement and numerous other documents connected with the Settlement are available for review and/or downloading at either www.rg2claims.com/BrocktonDPW or [http:// BrocktonDPWSettlement.com](http://BrocktonDPWSettlement.com).

Again, the important deadlines are:

Last Day To Object To The Settlement: October 12, 2020

Last Day To File an Enumerated Claim Form: October 27, 2020

Final Approval Hearing: December 8, 2020