

NOTICE OF CLASS ACTION

Additional Information for Black Applicants

If you are black and you took a test to become a New York City firefighter between 1999 and 2006, you may be part of a Class Action discrimination lawsuit against the City, and you may be entitled to a monetary damage award.

This notice explains your rights in the lawsuit.

What can Class Members receive from this lawsuit?

The federal Court in Brooklyn has decided that up to \$81.9 Million in backpay is available for black members of the class, and the City must offer firefighter jobs to up to 186 qualified black victims. Black victims who are hired as firefighters because of this lawsuit, and current black firefighters who were hired after February 2003 (for Exam 7029) or June 2006 (for Exam 2043) may receive retroactive seniority as if they were hired at those times. The Court has listed the criteria that will be used to decide who is eligible for backpay in a March 2012 order, and you can read the Court's order or get more information about the case by visiting www.fdnycase.com.

Am I a member of the Class?

You are a member of the class if you are black and you took one (or both) of the City's tests to become an entry-level firefighter between 1999 and 2006. These tests were called Exam 7029 and Exam 2043. It doesn't matter if you passed or failed the written test, or whether or not you were hired. You may be eligible for a money award and a job offer.

Everyone in the class is split up into two smaller groups called "Subclasses," depending on whether or not you were hired as a firefighter. Read below to find out which Subclass you are in:

Non-Hire Subclass

If you were **NOT** hired as an FDNY firefighter, you are in the Non-Hire Subclass. You could be eligible for backpay, a job offer, seniority, and compensatory damages.

Delayed-Hire Subclass

If you **WERE** hired as an FDNY firefighter after February 2001 (for Exam 7029) or after May 2004 (for Exam 2043), you are in the Delayed-Hire Subclass. You could be eligible for backpay, seniority and compensatory damages.

Not all class members will be eligible for backpay, job offers or other awards. The Court will decide if you are eligible and how much you are owed.

Who represents each Subclass?

If you are in the Non-Hire Subclass, you are represented by Marcus Haywood, Roger Gregg and Kevin Walker – black applicants who were also not hired as NYC firefighters – and their attorneys, who are listed below.

If you are in the Delayed-Hire Subclass, you are represented by Candido Nuñez and Kevin Simpkins – black firefighters who were also delayed in being hired by the City – and their attorneys, who are listed below.

Everyone in the class is also in an Injunctive Relief Subclass, which is suing for changes to the City’s hiring practices, and better treatment of black firefighters in the future. This Subclass is represented by the Vulcan Society (an organization of black firefighters), a black applicant named Jamel Nicholson, and a black firefighter named Rusebell Wilson. Class members cannot opt out of this Injunctive Relief Subclass. Your opt out rights are explained on the next page.

Who are the lawyers for the Subclasses?

The law firm for the Non-Hire Subclass is:

Levy Ratner, P.C.
(212) 627-8397, ext. 269
(212) 627-8182 (fax)
www.levyratner.com

The law firm for the Delayed-Hire Subclass is:

The Center for Constitutional Rights
(212) 614-6494
(212) 614-6499 (fax)
www.ccrjustice.org

The Injunctive Relief Subclass is represented by both Levy Ratner and the Center for Constitutional Rights, along with Scott + Scott, LLP (www.scott-scott.com). If you have any questions about the case, please call the firm that represents your Subclass. If you call and get an answering machine, please leave your information so someone can return your call.

Do I need my own lawyer?

Class members may hire their own lawyers, but are not required to do so. The Court has decided that the lawyers for each Subclass are qualified to represent the best interests of that Subclass as a group. If you want to hire a lawyer to appear in the case on your behalf, regarding the Class claims or your individual claim for an award, you may do so. If you are considering opting out of the Class Action (as explained below), you should consult an attorney immediately about how to proceed.

If you do not opt out of the Class Action, the Subclass lawyers will represent you concerning the method of distributing backpay, seniority and job offers, and other issues that affect the subclass as a whole.

If you would like legal representation on individual issues, such as your eligibility for and the amount of your compensatory damages or if there is a dispute about how much backpay you should receive, you may ask Levy Ratner, P.C., the law firm for the Non-Hire Subclass, or The Center for Constitutional Rights, the law firm for the Delayed-Hire Subclass, to represent you individually, to the extent permitted by the Court. You may also hire your own lawyer, but you may be required to pay for that lawyer's services.

The Subclass lawyers, Levy Ratner, P.C. and The Center for Constitutional Rights, will not ask you to pay any of their fees or expenses. They will ask for payment from the City.

What are my options in the case?

OPTION 1: Stay in the Class. Submit the Claim Form Only.

If you stay in the class, you will be considered for backpay, a firefighter job, seniority and compensatory damages (which are separate from backpay, for the lost enjoyment and job satisfaction of working as an FDNY firefighter). You give up the right to sue the City in your own lawsuit for the same claims. If you stay in the class, the Court's decisions are binding on you and you are bound by the Subclass Representatives' waiver of the right to a jury trial.

OPTION 2: Ask to be Excluded from the Class. Submit the Claim Form And the Opt-Out Form.

If you opt out of the class action, you will not receive compensatory damages in this case, but you will still be considered for backpay, a firefighter job, and/or seniority in the lawsuit brought by the United States. You will no longer be represented by Class Counsel. If you opt out, you may keep any rights you have to sue the City about the same legal claims in this lawsuit, but you waive that right if you accept an award of backpay or another individual award. If you are considering this option, you should consult an attorney immediately.

You must decide NOW whether to stay in the Class or Opt Out.