

NOTICE TO CLASS MEMBERS OF
PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT
GORMAN, ET AL. V. COMMISSIONER, ET AL.

TO: All current and future individuals who 1) file for unemployment benefits in Indiana, 2) receive a decision on that claim, 3) request an appeal hearing before an administrative law judge and 3) do not receive a decision on that appeal within forty-five (45) days of the date of the appeal request (hereinafter referred to as “the class” or “class members”).

The class action, *Gorman, et al. v. Commissioner, et al.* (Marion County Superior Court 14, Cause No. 49D14-1006-PL-026087), alleges that the Indiana Department of Workforce Development (‘State’) failed to issue first-level appeal decisions on claims for unemployment benefits within the time-frame that the plaintiffs allege is required by federal law. Specifically, the plaintiffs allege that the State is required to issue 60% of all appeal decision within thirty (30) days and 80% of all appeal decisions within forty-five (45) days. This case has been certified as a class action, which means that the individual who filed the case represents not only himself but all others in the same position as him. The class is defined as:

All persons who, since June 11, 2008, (a) filed a claim for, or will file a claim for, unemployment compensation in Indiana; (b) received, or will receive, a decision on that claim; (c) thereafter requested, or will request, a first level benefit appeal hearing before an administrative law judge; and (d) did not receive, or will not receive, a decision on their first level benefit appeal within forty-five (45) days of the date of their appeal request.

The parties have now reached a tentative Settlement Agreement. However, because this case is a class action, we are required to inform the class members of the proposed settlement terms and give you an opportunity to comment on the proposed settlement before the Court will approve the Settlement Agreement.

In settlement of this class action, the parties have agreed to the following terms:

1. The State agrees that it will comply with federal law by employing ‘methods of administration [that are] reasonably calculated to ensure full payment of employment compensation when due’ and by ensuring that persons receive a hearing and decision on unemployment appeals ‘with the greatest promptness administrative feasible.’
2. The parties agree that the State has been in full compliance with the requirements of federal law for more than twelve (12) months.
3. The State agrees that it will pay counsel for the plaintiffs \$15,000.00 for attorneys’ fees and costs.
4. The class agrees that, once the Settlement Agreement is approved by the Court, it will dismiss the lawsuit with prejudice, which means that class-members will be unable to re-institute the lawsuit based on events that occurred prior to the approval of the Settlement Agreement. However, nothing will prevent any

member of the class from initiating a separate lawsuit based on events that occur after the approval of the Settlement Agreement.

The attorney representing the class must contact the Court to inform the Court of any comments from class-members as to the terms of this proposed settlement. Therefore, if you have such comments, please contact the class attorney at the address and/or telephone number below as soon as possible, but by no later than (parties to enter date forty-five (45) days after the Court's approval of the manner and form of notice to the class). **The class attorney listed below has no information as to whether or not you are actually eligible for unemployment compensation and will not be able to represent you in your individual unemployment case. You should contact the attorney below only if you have comments or questions about the settlement itself.** When the settlement is approved by the Court, it will be binding on all class members, as well as on the State. Thank you very much.

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