

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 DERRICK SATCHELL, KALINI  
4 BOYKIN, VALERIE BROWN, RICK  
5 GONZALES, CYNTHIA GUERRERO,  
6 RACHEL HUTCHINS, TYRONE  
7 MERRITT, KELVIN SMITH, SR., and  
8 KEN STEVENSON, on behalf of  
9 themselves and all others similarly situated,

10 Plaintiffs,

11 v.

12 FEDEX EXPRESS, a Delaware  
13 corporation,

14 Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

**NOTICE OF PENDENCY OF RACE  
DISCRIMINATION CLASS ACTION AND  
OF CLASS CERTIFICATION**

15 TO: All AFRICAN-AMERICAN and LATINO Handlers, Freight Handlers, Material Handlers,  
16 Checker/Sorters, Customer Service Agents, Couriers, Swing Drivers, Ramp Transport Drivers,  
17 Ramp Area Drivers, Shuttle Drivers, Dangerous Goods Agents, Information Agents, Operations  
18 Agents, Ramp Agents, Service Assurance Agents, Truck Control Agents, Trace Representatives,  
19 Input Auditors, Team Leaders, and Dispatchers working in FedEx's Western Region<sup>1</sup>, who are or  
20 were employed during the period October 17, 1999 through the present;

21 AND TO: All AFRICAN-AMERICAN Operations Managers working in FedEx's Western  
22 Region during the period October 17, 1999 through the present.

23 *Para información en español, por favor visite [www.racecaseagainstfedex.com](http://www.racecaseagainstfedex.com) o hable al  
24 1-800-254-3079.*

25 **What Is This Lawsuit About?**

26 In 2003, current and former African-American and Latino hourly employees and  
27 African-American lower-level managers at FedEx Express ("FedEx") filed this class action on  
28 behalf of themselves and all similarly situated minority employees in FedEx's Western Region.  
The lawsuit, entitled Satchell et al. v. FedEx Express, charges that FedEx has discriminated and  
continues to discriminate against minority employees in compensation, promotion, and discipline  
by: paying minority employees less than non-minority employees, denying minority hourly

<sup>1</sup> The Western Region includes the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, part of Texas, Utah, Washington, and Wyoming.

1 employees promotions that they are qualified to receive, and subjecting minority employees to  
2 unfair and harsher discipline than non-minority employees for the same conduct.

3 The lawsuit is pending in federal court in San Francisco, CA. On September 28,  
4 2005, the Court certified this lawsuit as a class action. This means that the Class Representatives,  
5 through Class Counsel, can pursue the certified claims on behalf of all class members.  
6

### 7 **Why Have I Received This Notice?**

8 You have received this notice because, according to FedEx's payroll records, you  
9 are a member of one of the classes.

### 10 **What Classes Have Been Certified?**

11 The Honorable Susan Illston certified two classes:

12  
13 **1) Minority Employee Class:** This Class consists of all African-American and  
14 Latino Handlers, Freight Handlers, Material Handlers, Checker/Sorters, Customer Service  
15 Agents, Couriers, Swing Drivers, Ramp Transport Drivers, Ramp Area Drivers, Shuttle Drivers,  
16 Dangerous Goods Agents, Information Agents, Operations Agents, Ramp Agents, Service  
17 Assurance Agents, Truck Control Agents, Trace Representatives, Input Auditors, Team Leaders,  
18 and Dispatchers working in FedEx's Western Region, who are or were employed during the  
19 period October 17, 1999 through the present. The Court certified the following claims for the  
20 Minority Employee Class:  
21

- 22 (1) Claims concerning promotions;
- 23 (2) Claims concerning compensation; and
- 24 (3) Claims concerning discipline.

25 **2) African-American Lower-Level Manager Class:** This Class consists of all  
26 African-American Operations Managers in FedEx's Western Region, who are or were employed  
27 during the period October 17, 1999 through the present. The Court certified the following claims  
28

1 for the African American Lower-Level Manager Class:

- 2 (1) Claims concerning compensation; and  
3 (2) Claims concerning discipline.  
4

5 **What Happens Next?**

6 Class Counsel are in the process of gathering additional evidence in support of  
7 class members' claims in preparation for a first phase trial. The first phase will determine  
8 whether FedEx is liable for employment discrimination, and what relief, if any, applies to the  
9 class as a whole. This relief may include declaratory and injunctive relief (in the form of  
10 mandatory changes to FedEx's policies and practices), and punitive damages.

11 If you have any questions regarding this case or the topics of this notice, or want to  
12 communicate with the lawyers whom the Court has appointed to serve as lawyers for the Plaintiff  
13 Class, you can contact Class Counsel by:  
14

- 15 • Leaving a message at **1-800-254-3079**  
16 • Filling out a contact form at [www.racecaseagainstfedex.com](http://www.racecaseagainstfedex.com)  
17 • Sending an email to **info@racecaseagainstfedex.com**

18 The Court appointed the following firms as Class Counsel:

19 James M. Finberg  
20 Bill Lann Lee  
21 Lexi J. Hazam  
22 Chimène I. Keitner  
23 Nirej S. Sekhon  
24 LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 30th Floor  
San Francisco, CA 94111-3339  
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1 JOHN BURRIS  
2 7677 Oakport Bldg., Suite 1120  
3 Oakland, CA 94612  
4 Telephone: (800) 254-3079

MICHAEL S. DAVIS  
345 Hill Street  
San Francisco, CA 94109  
Telephone: (800) 254-3079

5 WAUKEEN Q. MCCOY  
6 703 Market Street, Suite 1407  
7 San Francisco, CA 94103  
8 Telephone: (800) 254-3079

9 If FedEx is found liable in the first phase trial, a second phase will address  
10 appropriate individual compensatory and equitable relief, including individual entitlement to front  
11 pay and back pay. You will receive a further notice if any action is required on your part in  
12 conjunction with a proposed settlement of this matter or a trial on individual damages issues.

13 Dated this \_\_\_\_ day of November, 2005.

14 \_\_\_\_\_  
15 Hon. Susan Illston  
16 United States District Judge  
17 Northern District of California

18 PLEASE DO NOT CONTACT THE CLERK OF THE COURT WITH QUESTIONS  
19 REGARDING THIS NOTICE.  
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