

TO: All Michigan Department of Corrections (“MDOC”) male corrections officers employed by the department between April 17, 2009 and the present date.

**THIS NOTICE AFFECTS YOUR RIGHTS.
PLEASE READ IT CAREFULLY!**

**NOTICE OF PENDING CLASS ACTION
NOTICE OF CLASS MEMBERS’ RIGHTS**

A. WHY DID YOU RECEIVE THIS NOTICE?

The Michigan Department of Corrections identified you as a male corrections officers assigned to the Women’s Huron Valley Facility (“WHV”) and was therefore required to provide your name and home address to the class counsel so you could be properly notified about your rights in the class action *Tom Nowacki v Michigan Department of Corrections*, Washtenaw County Circuit Court, Case No. 11-852-CD and Michigan Court of Claims, Case No. 15-000154-MZ.

That lawsuit alleges gender discrimination against male Corrections Officers at MDOC’s WHV facility based on the classification of the positions identified in Section “C” below as BFOQ-female only. The lawsuit seeks economic and compensatory damages.

B. WHAT IS A CLASS ACTION?

Class actions are lawsuits in which common claims, rights and damages of many people are decided in a single court proceeding. Representative plaintiffs are named in the lawsuit to assert claims for the entire class. A class action avoids having a large number of people filing similar individual lawsuits against the same defendant for the same claims. A class action enables the Court to resolve similar claims in an efficient and economical way.

In a class action, **class members are not individually responsible for the costs or fees of the class counsel. Attorney fees for the class action legal representation must be reviewed and approved by the Court.**

C. WHAT IS THIS LAWSUIT ABOUT?

On August 1, 2011, an action was commenced in the Circuit Court for the County of Washtenaw by Tom Nowacki, 23010 Edward Street, Dearborn, Michigan 48128 against the State of Michigan Department of Corrections (“MDOC”).

Representative Plaintiff, Tom Nowacki, was an E-9 Women’s Huron Valley Corrections Officer. He has brought this action on behalf of himself and all other persons who are E-9 male corrections officers who are or have been employed at Women’s Huron Valley Correctional Facility at any time since April 17, 2009.

Plaintiff, Tom Nowacki, contends that he and all members of the class have been harmed in that on April 17, 2009, the Michigan Department of Corrections made the female gender a bona fide occupational qualification (BFOQ), without adequate justification, for various non-housing positions within the Women’s Huron Valley Correctional Facility, including but not necessarily limited to: Industries Officer, Health Care/Infirmary Officer, Electronic Monitor Officer, Yard Control Officer, Food Service Officer, Gate Control Officer, Inpatient/RTP Medical Aide, Inpatient/RTP Medical Unit Officer, School Officer, Rover Officer, Property Room Officer, Gym Officer and Offsite Hospital Officer.

The Plaintiff seeks relief in the form of economic and compensatory damages.

Defendant, Michigan Department of Corrections, denies representative plaintiff Tom Nowacki’s factual and legal allegations.

On July 21, 2015, the MDOC transferred this action to the Michigan Court of Claims under a statute that permits the State to have claims against it for injunctive and declaratory relief (i.e. non-monetary relief) adjudicated in the Court of Claims without a jury. Because the primary purpose of this action is the recovery of monetary damages, which the Court of Claims proceedings would delay, Plaintiff requested the Court of Claims to dismiss the claims for equitable and injunctive relief and send the case back to Washtenaw County Circuit Court for trial on Plaintiff’s claim for monetary damages. See notice on website for more information.

On October 28, 2015, Court of Claims Judge Mark T. Boonstra entered an Order of Dismissal With Conditions (“Dismissal Order”) which:

1. Permits you to opt out of the class action and pursue a claim for injunctive or declaratory relief in the Court of Claims;

2. Stops the statute of limitations from running on any such claim until the time that you elect whether to opt out or remain with the class; and
3. If you do not opt out, and remain with the class, bars you from pursuing injunctive or declaratory relief and limits you to recovering money damages in the Washtenaw County Circuit Court proceeding.

The Dismissal Order is posted on the website.

The Judge, a jury, or both, will consider the admissible evidence relating to the representative plaintiff's allegations and defendant's denials and defenses and make a decision.

D. WHO REPRESENTS THE CLASS?

The Court has accepted Tom Nowacki as the representative plaintiff.

The Court has accepted these law firms as class action attorneys for Tom Nowacki and the class:

Fett & Fields, P.C.
805 E. Main St.
Pinckney, MI 48169
734-954-0100

Law Office of Glen N. Lenhoff
324 S. Saginaw St., Ste. 8100
Flint, MI 48502
810-235-5660

As a class action member you will not be individually charged for the attorneys' legal representation services. Attorney fees for class action representation services must be reviewed and approved by the Court.

All communications and questions concerning this notice and this class action lawsuit must be sent to the class action attorneys only.

Do not send any information or questions to the Judge or Court Clerk.

Promptly notify the class action attorneys of any class member's address change.

If your last name begins with A-L and you have any questions regarding this notice or action it describes please address them in writing or email to James K. Fett, Fett & Fields, P.C., 805 E. Main St., Pinckney, MI 48169; jim@fettlaw.com. Individuals with last names beginning with M-Z should write or email to Glen N. Lenhoff at 324 South Saginaw Street, Suite 8100, Flint, MI 48502; lenhofflaw@usol.com.

E. WHAT ARE YOUR OPTIONS?

You have **three options**. However, you must exercise your second or third option within 60 days of the date of this Notice.

Your **first option** is to do nothing and you are automatically included as a member of the class seeking money damages in Washtenaw County Circuit Court; you will not, however, be able to seek injunctive or declaratory relief in the Court of Claims.

Your **second option** is to “opt out” or to exclude or withdraw your name as a member of this class action lawsuit. You could then pursue injunctive or declaratory relief in the Court of Claims or proceed individually for money damages in the Circuit Court. If you decide to “opt-out” or to exclude or withdraw your name as a member of this class action lawsuit then please promptly email your “opt-out” request to exclude you and to remove your name from the class action to:

jim@fettlaw.com with a copy emailed to lenhofflaw@usol.com and millerj@michigan.gov

Please use the subject line heading: “**class action opt-out**”

(IMPORTANT NOTE: YOU MAY NOT USE DEFENDANT MICHIGAN DEPARTMENT OF CORRECTIONS’ COMPUTERS OR EMAIL SERVERS FOR ANY MATTERS PERTAINING TO THIS CLASS ACTION CASE NOTICE.)

Your **third option** is to individually intervene in the lawsuit. You may hire *your* own attorney to advise you, but if *you* hire your own attorney, *you* will be responsible for paying that attorney's fees.

F. WHAT HAPPENS WHEN THE CLASS ACTION CASE IS CONCLUDED?

All class members who do not request exclusion will share pro-rata in the benefits of any favorable resolution or judgment after deduction of Court approved attorney’s fees and disbursements. Class members will also be bound by any adverse judgment for costs or fees assessed against the class.

Persons requesting exclusion will not share in any favorable resolution or judgment and will not be bound by any adverse judgment for costs or fees assessed against the class.

Class members are also subject to the Court's orders and notices pertaining to this class action lawsuit. It is also important to understand that the Court's Judgment, whether favorable or not, will bind all class members who are not excluded from the action.

Please note that the Court has retained jurisdiction over this class action so that the Court may, at any time before final judgment, alter, amend, or withdraw its order determining that this cause shall proceed as a class action.

Please note that the pleadings and other papers filed in this class action are available for inspection at the Washtenaw County Circuit Court Clerk's office. Further, information on this class action lawsuit is also available at the "Women's Huron Valley Class Action Litigation" website, <http://www.whvclassaction.com>.

NOTICE PROVIDED BY

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