

STATE OF INDIANA) **IN THE MARION COUNTY SUPERIOR COURT**
)SS: **CIVIL DIVISION ROOM NO. 11**
COUNTY OF MARION) **CAUSE NO.: 49D11-0108-CP-1309**

PAULA BRATTAIN, et. al.,)
)
 Plaintiffs,)
)
 vs.)
)
RICHMOND STATE HOSPITAL, et.al.,)
)
 Defendants.)

SUMMARY NOTICE OF PENDENCY AND SETTLEMENT
OF CLASS ACTION

TO: All current or former State employees working forty (40) hours per week for the same pay as like classified State employees working thirty-seven and one-half (37½) hours per week at any time between September 19, 1973, and September 19, 1993.

THIS IS ONLY A SUMMARY OF THE NOTICE, PLEASE CONSULT THE LONG FORM NOTICE FOR COMPLETE DETAILS OF THE SETTLEMENT AND YOUR RIGHTS THEREUNDER.

Settlement has been preliminarily approved by an Indiana state court in a class action lawsuit against the State of Indiana as the employer of individuals at various State agencies and institutions. The lawsuit, captioned *Paula Brattain, et.al. v. Richmond State Hospital, et. al.*, Cause No. 49D11-0108-CP-1309 (the “Lawsuit” or the “Action”), is pending in the Marion Superior Court, Civil Division, Room No. 11 (the “Court”). This Settlement will provide for payment of up to a total amount of \$8.5 million (inclusive of attorneys’ fees and costs). This Notice was authorized by the Court. A hearing will be held before the Court on October 20, 2008, at 11:00 a.m. (E.D.T.) to decide whether to approve the Settlement.

WHO IS INCLUDED IN THE SETTLEMENT? If you were a State employee working forty (40) hours per week for the same pay as like classified State employees working thirty-seven and one-half (37½) hours per week at any time between September 19, 1973 and September 19, 1993 (the “Class Period”), then you are a member of the Class (“Class Member”). This includes individuals who were employed in the following sub-classes: merit, overtime eligible employees; non-merit, overtime eligible employees; merit, overtime exempt employees, and non-merit, overtime exempt employees.

WHAT IS THE CASE ABOUT? The Lawsuit claims Plaintiffs are owed money damages because they worked forty (40) hours per week for the same pay as like classified State employees working thirty-seven and one-half (37½) hours per week during the Class Period. Defendants deny any wrongdoing. The Settlement Agreement has been reached solely to avoid the uncertainties of litigation and the expenses that have been and will be incurred in the Lawsuit.

WHAT DOES THE SETTLEMENT PROVIDE? The proposed settlement provides that the State will pay each Class Member who submits a claim 100 percent of the claimant's effective hourly rate times the hours worked by that employee in excess of 37.5 hours per week, up to 40 hours per week, during the Class Period. If the State's total liability for claims, attorneys' fees and expenses under the Settlement Agreement exceeds \$8.5 million, the State may exercise an option to terminate the Settlement Agreement and proceed to trial.

If payments are made pursuant to the Settlement Agreement, Plaintiffs agree to dismiss with prejudice their claim against Defendants in the Lawsuit and any and all related claims. You may obtain a copy of the Settlement Agreement from the clerk of court at your own expense, see the complete Notice for further details.

HOW DO I RECEIVE A PAYMENT? If you are a Class Member and are eligible for a share of the Settlement according to the Settlement Agreement, you must complete, sign, and submit a Claim Form to A.B. Data, Ltd. (the "Claims Administrator") postmarked no later than November 1, 2008. If you fail to timely submit an executed Claim Form, you will be deemed to have forfeited your right to any payment from the Settlement Fund.

CAN I OBJECT TO OR OPT OUT OF THE SETTLEMENT? You have the right to object to the terms of the Settlement by writing to the Court, but you do not have the right to exclude yourself from the Settlement in this case. You will be bound by any judgments or orders that are entered in this Action and, if the Settlement is approved, you will be deemed to have released all of the Defendants from all claims that were or could have been asserted in this case, other than your right to obtain the relief provided to you, if any, by the Settlement. The Court will hold a hearing in this case in Civil Division, Room No. 11, Room T-1421, City-County Building, 200 East Washington Street, Indianapolis, IN 46204, on October 20, 2008, at 11:00 a.m. (E.D.T.) To consider any timely written objections and determine whether to give final approval to the Settlement. Consult the full Notice for details on what is required to object to the settlement.

HOW DO I GET MORE INFORMATION? For more information regarding anything in this Summary Notice of Pendency and Settlement of Class Action or to receive a copy of the Notice of Pendency and Settlement of Class Action (the "Notice") in the form approved by the Court, call toll free (800) 918-9012 or visit www.hoursofworksettlement.com

This summary notice was published in accordance with the August 18, 2008 Order of the Court.