

**If you are or were employed by Boeing, and you are Cambodian, Vietnamese, Indian, Pakistani, Afghani, Iranian or Filipino, a class action lawsuit may affect your rights.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- Cambodian, Vietnamese, Indian, Pakistani, Afghani, Iranian and Filipino employees have sued The Boeing Co. alleging discrimination against Engineering and Technical employees in Washington state based their upon national origin, race, or ethnic background.
- The Court has allowed the lawsuit to proceed as a class action on behalf of all Cambodian, Vietnamese, Indian, Pakistani, Afghani, Iranian and Filipino persons employed by The Boeing Co. in Washington state in Engineering (Paycode 4) or Technical (Paycode 2T) positions covered by the SPEEA Collective Bargaining Agreement at any time from October 12, 1996, through the present.
- The Court has not decided whether Boeing did anything wrong. There is no money available now, and no guarantee there will be. However, if you are a member of the class as described above, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Boeing separately about the same legal claims in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded and money or benefits are later awarded, you won't share in them. But, you keep any rights to sue Boeing separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before March 29, 2004.
- Lawyers for the class must prove the claims against Boeing at a trial set to start in April 2004. If money or benefits are obtained from Boeing, you will be notified about how to ask for a share.
- If you are not a member of this class, this notice does not apply to you.
- **Any questions? Read on and visit the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian).**

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## BASIC INFORMATION

### 1. Why did I get this notice?

Boeing's records show that you currently work, or previously worked, for The Boeing Co. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial will decide whether the claims being made against Boeing, on your behalf, have merit. Judge Robert S. Lasnick of the United States District Court for the Western District of Washington is overseeing this class action. The lawsuit is known as *Nouri, et al., v. The Boeing Co.*, Civil Action No. C99-1227L.

### 2. What is this lawsuit about?

This lawsuit claims that Boeing discriminated against Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani and Iranian Engineering and Technical employees based on their race, ethnicity or national origin, by paying them less than white employees were paid, giving them retention ratings lower than white employees. More information about federal laws prohibiting job discrimination can be found at the website of the U.S. Equal Employment Opportunity Commission, [www.eeoc.gov](http://www.eeoc.gov).

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Khalil Nouri, Bao Trinh, Mike Taing, Raul Aballe, Syed Rizvi, Ahmad Golchin, and Lear Lavi) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The people who sued – and all the Class Members like them – are called the Plaintiffs. The company they sued (in this case Boeing) is called the Defendant. One court resolves the claims for everyone in the Class – except for those people who choose to exclude themselves from the Class.

### 4. Why is this lawsuit a class action?

The Court decided that this lawsuit can proceed as a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 1,000 Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani or Iranian who are or were employed by Boeing in Engineering and Technical positions in the State of Washington;
- There are legal questions and facts that are common to each of them;
- The claims of Khalil Nouri, Bao Trinh, Mike Taing, Raul Aballe, Syed Rizvi, Ahmad Golchin, and Lear Lavi are typical of the claims of the rest of the Class;
- Khalil Nouri, Bao Trinh, Mike Taing, Raul Aballe, Syed Rizvi, Ahmad Golchin, and Lear Lavi, and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying the Class, which is available at the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian).

## THE CLAIMS IN THE LAWSUIT

### **5. What does the lawsuit complain about?**

In the lawsuit, the Plaintiffs say that Boeing discriminated against Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani and Iranian Engineering and Technical employees. They claim that these employees received less pay than white employees in similar jobs with similar qualifications. They also say that Boeing gave lower retention ratings to class members than to similarly qualified white employees.

You can read the Plaintiffs' Class Action Complaint at the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian).

### **6. How does Boeing answer?**

Boeing denies that it did anything wrong and says that salary and retention decisions are made equally for class members and white employees. Boeing says that its policies are clear and that they neither allow, nor condone, discrimination against Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani or Iranian employees. Boeing says that Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani or Iranian employees were paid equally to similar white employees and that retention ratings were also fairly awarded. Boeing's Answer to the Complaint is also on the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian).

### **7. Has the Court decided who is right?**

The Court hasn't decided whether Boeing or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial starting April 2004. (See "The Trial" below on page 7.)

### **8. What are the Plaintiffs asking for?**

The Plaintiffs are asking for changes in Boeing's policies to ensure that Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani and Iranian employees are treated fairly and equally in the workplace. They want Boeing to change how it makes salary and retention decisions to ensure that no racial or ethnic bias affects the process. The Plaintiffs also want lost wages, money for emotional distress, and punitive damages to punish Boeing.

### **9. Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether Boeing did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

## WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

### **10. Am I part of this Class?**

The Court ordered that all Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani or Iranian employees who are or were employed by Boeing in Engineering and Technical positions in Washington state at any time from October 12, 1996 to the present are Class Members.

### **11. Which current and former employees are included?**

Former employees are in the Class as long as they were employed by Boeing any time from October 12, 1996 to the present. In other words, persons who meet all of the following criteria are included:

- persons of Cambodian, Vietnamese, Filipino, Indian, Pakistani, Afghani or Iranian national origin or ethnicity
- who are or were employed by Boeing in Engineering (Paycode 4) or Technical (Paycode 2T) positions covered by the SPEEA Collective Bargaining Agreement
- anywhere in the state of Washington
- at any time since October 12, 1996

### **12. I'm still not sure if I am included in the Class.**

If you are still not sure whether you are included in the class, you can get free help at the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian) or by calling or writing to the lawyers in this case, at the phone number or address listed in paragraph 23 below.

## YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

### **13. What happens if I do nothing at all?**

You don't have to do anything now if you want to remain in the case and keep open the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). If you do nothing, you will be legally bound by Orders the Court issues and judgments the Court makes in this class action.

### **14. Will I face retaliation if I remain in the Class?**

Boeing may not retaliate against any person who participates in, or assists in the prosecution of, this lawsuit. The Court will not tolerate any such retaliation.

### **15. Why would I ask to be excluded?**

If you already have your own race or national origin discrimination lawsuit against Boeing which addresses the same claims (pay and retention) as the class action, and you want to continue with your own case, you need to ask to be excluded from the Class. If you exclude yourself from the Class – which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class – you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Boeing and the Plaintiffs. However, you may then be able to sue or continue to sue Boeing for claims covered by this case. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Boeing after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Boeing, you should talk to your own lawyer soon, because your claims may be time barred if you don't act promptly.

Note that if you exclude yourself from this lawsuit and you are currently employed by Boeing, any changes made to Boeing's policies about the treatment of employees would still apply to you.

### **16. How do I ask the Court to exclude me from the Class?**

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Nouri v. Boeing*. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request so it is postmarked no later than **March 29, 2004**, to: Schroeter Goldmark & Bender, 500 Central Building, 810 Third Avenue, Seattle, WA 98104.

You may also get an Exclusion Request form at the website [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian).

## THE LAWYERS REPRESENTING YOU

### **17. Do I have a lawyer in this case?**

The Court ordered that the law firms of Cohen, Milstein, Hausfeld & Toll, PLLC of Washington, DC, Harish Bharti & Associates, LLC of Seattle, WA and Schroeter, Goldmark & Bender of Seattle, Washington are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases against other employers. More information about these law firms, their practices, and their lawyers' experience is available at the firms' websites, [www.cmht.com](http://www.cmht.com), [www.hbharti.com](http://www.hbharti.com), and [www.schroeter-goldmark.com](http://www.schroeter-goldmark.com).

### **18. Should I get my own lawyer?**

You do not need to hire your own lawyer if you remain in this case because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

### **19. How will the lawyers be paid?**

If the Plaintiff class receives money or benefits through this case, then Class Counsel may ask the Court to award them attorneys' fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Boeing.

## THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

### **20. How and when will the Court decide who is right?**

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is set to start in April 2004, in the United States District Court for the Western District of Washington, located at the William Kenzo Nakamura U.S. Courthouse, 1010 Fifth Avenue, Seattle, Washington. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

### **21. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and Boeing will present the defenses. You or your own lawyer are welcome to come at your own expense.

### **22. Will I get money after the trial?**

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

## GETTING MORE INFORMATION

**23.** Visit the website, [www.cmht.com/BoeingAsian](http://www.cmht.com/BoeingAsian) where you will find the Court's Order Certifying the Class, the Complaint that the Plaintiffs filed, the Defendant's Answer to the Complaint, as well as an Exclusion Request form. You may also speak to one of the lawyers by calling **1-800-838-8375** or by writing to: Schroeter Goldmark & Bender, 500 Central Building, 810 Third Avenue, Seattle, WA 98104.