

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

QUINTON BROWN, et al, individually )  
and on behalf of the class they represent, )  
 )  
Plaintiffs. )  
 )  
vs. )  
 )  
 )  
NUCOR CORPORATION and )  
NUCOR STEEL-BERKELEY, )  
 )  
Defendants. )

CIVIL ACTION NUMBER:  
2:04-22005-DCN

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**NOTICE OF PROPOSED SETTLEMENT AGREEMENT AND HEARING**

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A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS IF YOU ARE AFRICAN-AMERICAN AND ARE OR WERE EMPLOYED BY NUCOR CORPORATION OR NUCOR STEEL BERKELEY AT THE NUCOR BERKELEY MANUFACTURING PLANT IN HUGER, SOUTH CAROLINA AT ANY TIME BETWEEN DECEMBER 2, 1999 AND APRIL 27, 2011 IN THE BEAM MILL, HOT MILL, COLD MILL, MELTING, MAINTENANCE, AND SHIPPING DEPARTMENTS.

*A federal court has authorized this Notice.  
This is not a solicitation from a lawyer.*

*Please read this Notice carefully and fully. This Notice describes a proposed settlement and related matters, including the procedures for making a claim to payment from a Settlement Fund to which you may be entitled.*

**General Overview**

Several African-American employees brought a lawsuit alleging that Nucor discriminated against African-American employees in promotions and allowed an overall racially hostile work environment to exist at the Berkeley plant (the "Action"). Nucor denies each of these allegations. The Court did not decide in favor of the Plaintiffs or Nucor, though the Court did decide to treat the lawsuit as a class action. Quinton Brown, Alvin Simmons, Sheldon Singletary, Gerald White, Jason Guy, and Jacob Ravenell are the Class Representatives for the Action.

The Settlement affects African-Americans who are or were employed by Nucor Corporation or Nucor Steel Berkeley at the Nucor Berkeley Manufacturing Plant in Huger, South Carolina at any

time between December 2, 1999 and April 27, 2011 in the beam mill, hot mill, cold mill, melting, maintenance, and shipping departments and who may have been discriminated against because of Nucor's challenged practices (collectively with the Class Representatives, the "Settlement Class Members"). Excluded from the Settlement Class are all Nucor employees who have previously opted-out of this case.

The Settlement, if approved, would provide \$22,500,000 to pay valid and timely claims of the Settlement Class Members, as well as to pay Class Counsel's attorneys' fees and costs, a service payment to the Class Representatives, and administrative costs of the Settlement. The Settlement would avoid the further cost and risk associated with continuing the lawsuit and release Nucor from any further liability to the class members who did not opt-out. The Settlement represents a compromise of highly disputed claims.

The Court has reviewed the proposed Settlement and has granted preliminary approval. This Notice summarizes the terms of the Settlement.

**Your legal rights may be affected whether you act or do not act. Read this Notice carefully.**

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>SUBMIT A CLAIM FORM FOR PAYMENT FROM SETTLEMENT FUND</b>	This is the only way to get a payment from the Settlement Fund. In order to be eligible to be paid from the Settlement Fund pursuant to the allocation methods described in this Notice, you must fill-out the Claim Form attached to this Notice and return it to the address listed below by no later than February 9, 2018 ["claim form deadline"]. If you fail to submit a timely Claim Form, you will not receive a settlement payment.
<b>OBJECT TO APPROVAL OF SETTLEMENT</b>	If you contend the Settlement should not be approved, you must prepare an objection letter and return it to the address listed below by no later than February 9, 2018.
<b>GO TO A HEARING</b>	Ask to speak at the Final Fairness Hearing if you timely objected to the settlement and contend that it should not be approved.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

The Court in charge of this lawsuit still has to decide whether to approve the Settlement. Payments will be made on valid and timely claims if the Court approves the Settlement and it has become final. Please be patient.

## BASIC INFORMATION

1. Why is there a notice?
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A Court authorized this Notice because you have a right to know about a proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. Because your rights will be affected by this Settlement, it is important that you read this Notice carefully.

The Court in charge of this case is the United States District Court for South Carolina, and the case is known as *Brown v. Nucor Corp.*, Civil Action No. CV-2:04-22005. The proposed Settlement would resolve all claims in this case.

2. What are these class actions lawsuits about?
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A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. Representative plaintiffs, also known as “Class Representatives,” assert claims on behalf of the entire class.

The Class Representatives filed this Action alleging that Nucor discriminated against African-American employees in promotions and allowed an overall racially hostile work environment to exist at the Berkeley plant.

Nucor denies that it did anything wrong, or that this case is appropriate for treatment as a class action.

3. Why is there a Settlement?
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The Court did not decide in favor of the Class Representatives or Nucor. Both sides agreed to a settlement instead of going to trial. That way, the Parties avoid the cost and uncertainty associated with a trial and any subsequent appeal, and the class members are eligible to receive payment from the Settlement Fund. Nucor continues to deny that it did anything wrong, or that this case is appropriate as a class action.

Judge David C. Norton of the United States District Court for South Carolina has preliminarily approved the proposed settlement of this lawsuit. The Parties have stipulated that the proposed Settlement is a fair, adequate, and reasonable resolution of this case and that they have agreed to settle on such terms only after arm’s length negotiations, mediation, and adversarial litigation, taking into account all relevant factors, present and potential.

4. How and when can I get a payment?
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Each Settlement Class Member who submits a valid and timely Claim Form will be eligible to receive payment from the Settlement Fund.

In order to be eligible to be paid from the Settlement, you must fill out the Claim Form attached to this Notice and return it to the address listed below by no later than February 9, 2018 [“claim form deadline”]:

Claims Administrator  
Wiggins, Childs, Pantazis, Fisher & Goldfarb  
The Kress Bldg.  
301 North 19<sup>th</sup> Street  
Birmingham, Alabama 35203  
Telephone No. 1-866-563-1773

To be effective, a Claim Form must be received on or before February 9, 2018, and must contain sufficient information to allow a determination of the value of your claim, if any.

5. How will individual cash payments from the Settlement be calculated?

Payments from the Settlement will be based on the information you provide on the Claim Form and/or information that is otherwise discovered as part of the investigation of Class Counsel regarding alleged discrimination in promotions and an alleged racially hostile work environment at the Berkeley plant. Individual payments from the Settlement Fund will be based on the relative strength of the alleged merits of your individual claims.

Claims of alleged discrimination in promotions will be weighted on the basis of the following factors: the amount of pay difference and length of the backpay period associated with the promotion at issue; whether the claimant bid for one or more promotions that were awarded to persons of another race; whether there was alleged direct or circumstantial evidence of racial bias by the supervisors or managers involved with the promotion at issue; and, whether the claimant had the minimum qualifications required for the promotion at issue.

Claims of an alleged racially hostile work environment will be weighted on the basis of the following factors: alleged frequency, severity and duration of the alleged racial hostility experienced; whether the alleged racial hostility was experienced directly or vicariously; whether the alleged racial hostility came from a supervisor or co-worker; whether the alleged racial hostility was subjectively offensive to the claimant; whether the alleged racial hostility resulted in a tangible employment action; and, whether alleged racial hostility was reported or known to, or otherwise redressed by, management.

The individual payments to the Class Representatives in *Brown, et al. v. Nucor Corporation, et al.*, Case No. 2:04-cv-22005-DCN and the Plaintiffs in *Conyers, et al. v. Nucor Corporation, et al.* who have pled individual claims of racially discriminatory or retaliatory discharge will be based on the alleged merits of such claims and the alleged resulting economic losses in addition to their alleged promotion and hostile environment claims and losses, if any. Based on their active involvement in prosecuting this case, the Class Representatives (as defined in the Settlement Agreement) will receive a service award of \$40,000 in addition to the amount they receive based on the allocation system described above.

6. What injunctive relief is included in the Settlement?

Nucor has agreed to the following with regard to Nucor-Berkeley:

A. Provide comprehensive training on its non-discrimination/harassment policy to all employees, supervisors and managers, including one annual training meeting conducted by outside counsel for Nucor and a Nucor human resource representative with expertise in identifying and preventing racial hostility and harassment of African-Americans;

B. Reiterate to employees Nucor's commitment to non-discrimination/harassment by electronically sending a copy of the non-discrimination/harassment policy to every employee annually, and by providing access to the non-discrimination/harassment policy on the Company intranet;

C. Include a provision in an appropriate policy providing that all complaints of discrimination and/or harassment will be investigated, how to properly investigate a discrimination and/or harassment complaint, including a requirement of written documentation, and stating that a report of discrimination and/or harassment does not require corroborating witnesses or evidence to be investigated; Nucor's harassment policy will include a prominent statement that employees can be terminated for racial harassment or hostility and/or for failing to timely or properly report racial harassment or hostility that has come to their attention;

D. Provide that all job vacancies in hourly jobs, as well as all salary jobs, which have been traditionally posted in the past, shall be posted physically and electronically for a period of at least 7 days so that they are electronically and physically accessible to Nucor employees currently employed at the time of the job posting;

E. Include a provision in an appropriate policy that all documentation relating to a job posting will be retained for 4 years after a teammate separates from Nucor or 4 years after a decision is made not to hire/promote, whichever is later; and,

F. The job postings will provide selection criteria and job-related qualifications to be considered for each job opening that is posted.

Neither the terms set forth above in subsections A, B, C, D, E, and F nor the fact that Nucor has agreed to the terms shall be treated as an admission that Nucor has not already been sufficiently carrying out the actions identified in subsections A, B, C, D, E, and F.

7. What happens to any claims you may have relating to the lawsuit?
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Regardless of whether you file a Claim Form for benefits or do nothing at all, you will be unable to file your own lawsuit and you will release Nucor from any liability alleged in *Brown, et al. v. Nucor Corporation, et al.*, Case No. 2:04-cv-22005-DCN currently pending in the District of South Carolina, and/or *Conyers, et al. v. Nucor Corporation, et al.*, Case No. 2:12-cv-3478-CWH-BM currently pending in the District of South Carolina, as well as all claims relating to race arising

under federal, state, or local law. For more information on this topic, the full Settlement Agreement is available for review and/or downloading on the web at: [www.Nucorlawsuit.com](http://www.Nucorlawsuit.com).

8. How do I object to the Settlement?
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If you object to the approval of the Settlement, you must mail a written objection to the following addresses postmarked no later than February 9, 2018.

Claims Administrator  
Wiggins, Childs, Pantazis, Fisher & Goldfarb  
The Kress Bldg.  
301 North 19<sup>th</sup> Street  
Birmingham, Alabama 35203  
Telephone No. 1-866-563-1773

Counsel for Nucor  
Jennifer S. Kingston  
Dowd Bennett LLP  
7733 Forsyth Blvd., Suite 1900  
St. Louis, Missouri 63105

All objections must be signed, and must include the name and number of this case (*Brown, et al. v. Nucor Corporation, et al.*, Civil Action No. 2:04-cv-22005) and a detailed description of the basis for the objection. Be sure to indicate whether you intend to appear at the Final Fairness Hearing. All documents that you wish for the Court to consider must also be attached to the objection.

If you do not timely mail your objection, you will be deemed to have agreed to the Settlement and your claim will be processed pursuant to the information you provide on your Claim Form.

All Class Representatives and Settlement Class Members have already been given the opportunity to opt-out of this case and will not be provided any additional opt-out right, provided, however, that the Class Representatives and Settlement Class Members shall have the opportunity to object.

9. When and where will the Court decide whether to approve the Settlement?
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The Court will hold a hearing to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class. The Court has preliminarily approved the proposed Settlement and will hold a hearing to decide whether to give final approval to the Settlement.

The Court will hold the Final Fairness Hearing on February 15, 2018 at 9 a.m. in Courtroom 2 of the United States District Court for South Carolina, which is located at J. Waties Waring Judicial Center, 83 Meeting Street, Charleston, South Carolina, 29403. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the website for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate.

If there are objections, the Court will consider them. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision.

**It is not necessary for you to appear at this hearing, but you may attend at your own expense.**

10. Do I have to come to the Final Fairness Hearing?

You are not required to appear at the hearing. Attorneys representing the Settlement Class Members will appear at the hearing on behalf of all Settlement Class Members at no cost to you. However, if you would like to comment on or object to the Settlement, you may appear and be heard at the Final Fairness Hearing. If the Court gives final approval to this Settlement, the Court's judgment will be final and binding on all Settlement Class Members.

11. Are there tax consequences for any money that I receive from the Settlement?

Any money you may receive from the Settlement will have tax consequences for you. The Parties and their attorneys make no representations regarding the tax consequences relating to this Settlement, or any payments made thereunder. Class Counsel are not tax advisors and cannot give you advice on tax matters. For this reason, you should consult your own tax advisor for answers to any questions you may have about such tax implications of any potential award.

12. Do I have a lawyer in this case?

The Court appointed the following law firms to represent you and the other Settlement Class Members:

**WIGGINS CHILDS PANTAZIS FISHER & GOLDFARB**

Robert L. Wiggins, Jr.

Ann K. Wiggins

The Kress Building, 301 19th Street, North

Birmingham, AL 35203-3204

Telephone: 1-866-563-1773

Armand Derfner

Derfner & Altman LLC

575 King Street, Suite B

Charleston, S.C. 29403

Telephone: (843) 723-9804

All of these lawyers are called Class Counsel. You will not be charged separately for these lawyers' services.

The Settlement Fund will be distributed to individual Settlement Class Members as provided in the Settlement Agreement. In addition to reimbursement of reasonable expenses, the Settlement also provides for reasonable attorneys' fees for Class Counsel's work investigating the facts,

litigating the case for the past fifteen years, negotiating the settlement, and handling all post-settlement disputes and proceedings. Nucor has agreed that it will not object to attorneys' fees sought by Class Counsel of up to ten million dollars (\$10,000,000). These payments, along with the costs of administering the Settlement and the service payments to the Class Representatives, will be made out of the Settlement Fund.

13. How can I receive more information relating to the Settlement?
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This Notice contains only a summary of the terms of the Settlement. For further information, the Settlement Agreement (which includes the complete terms of the Settlement), the Claim Form, and other documents connected with the Settlement are available for review and/or downloading on the web at: [www.Nucorlawsuit.com](http://www.Nucorlawsuit.com).

If you have further questions or are still not sure whether you are included, you can get free help by calling or writing to Class Counsel in this case, at the following phone number or address:

WIGGINS CHILDS PANTAZIS FISHER & GOLDFARB  
Robert L. Wiggins, Jr.  
Ann K. Wiggins  
The Kress Building, 301 19th Street, North  
Birmingham, AL 35203-3204  
Telephone: 1-866-563-1773

**PLEASE DO NOT CALL OR CONTACT THE COURT OR NUCOR WITH QUESTIONS REGARDING THIS NOTICE.**