

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JOHNNY REYNOLDS, et al.,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **ALABAMA DEPARTMENT OF** )  
 **TRANSPORTATION, et al.,** )  
 )  
 **Defendants.** )

**CIVIL ACTION NUMBER:  
CV-85-T-665-N**

**Judge Thompson**

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**NOTICE OF DECERTIFICATION OF CLASS ACTION AND NEED TO TAKE ACTION TO  
PRESERVE CLAIMS**

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**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.**

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

**I. PURPOSE OF THIS NOTICE**

The purpose of this Notice is to inform you of an order of the United States District Court for the Middle District of Alabama, Northern Division (the “Court”) that may affect your individual rights to pursue claims against the Governor of Alabama, the Alabama Department of Transportation (“ALDOT”) (formally known as the Alabama Highway Department), the Alabama State Personnel Department (“SPD”), and their officials (collectively, the “Defendants”), for acts of race discrimination in hiring which are alleged to have taken place since May 21, 1979.

**II. CLASS DECERTIFICATION**

YOU ARE HEREBY NOTIFIED, that the Court by Order dated March 19, 2015, has determined that certain claims previously brought in the name of the Reynolds Hiring Class can no longer proceed as a class action and that individuals who were previously members of the Hiring Class and who wish to pursue hiring claims against one or more of the Defendants must now bring their claims as individual lawsuits.

**II. PERSONS TO WHOM THIS NOTICE APPLIES**

This Notice applies to the former members of the Reynolds Hiring Class. The Reynolds Hiring Class included all African-Americans who claim they were denied hiring opportunities with ALDOT on the basis of race at any time since May 21, 1979, through March 19, 2015.

#### **IV. DESCRIPTION OF THE ACTION**

Plaintiffs filed the Reynolds lawsuit on May 21, 1985, on behalf of themselves and other similarly situated African-Americans, claiming that Defendants had committed acts of race discrimination in employment since May 21, 1979, in violation of the Fourteenth Amendment to the U. S. Constitution, 42 U.S.C. § 2000e through 2000e-17 (commonly known as Title VII of the Civil Rights Act) and 42 U.S.C. §§ 1981, 1983.

On October 9, 1986, the Court ruled that the case should be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure. The Court eventually certified the following Hiring Class:

**HIRING CLASS:** All African-Americans who contend they have been denied hiring opportunities with ALDOT on the basis of race at any time since May 21, 1979.

In 2001, the parties negotiated a potential settlement of the claims of the Hiring Class. The settlement was voided, however, and no new settlement was ever negotiated.

On March 19, 2015, the Court ordered that the claims of the Hiring Class could no longer proceed as a class action. The Court decided instead that former members of the Hiring Class who wish to pursue claims that ALDOT denied them hiring opportunities on the basis of race must now do so in individual lawsuits.

Therefore, all persons who were members of the Hiring Class are no longer in the Reynolds case, and such persons' hiring claims are no longer being addressed or represented in this lawsuit.

From 1997 through 1999, the Court heard the individual claims of a number of persons who brought hiring claims against ALDOT. The claims actually heard by the Court remain pending before the Court and are not affected by this Notice.

#### **V. EFFECT OF CLASS DECERTIFICATION**

Because the Court has determined that none of the claims of the Hiring Class will continue to proceed on a class action basis, former members of the Hiring Class who wish to bring hiring claims must pursue their claims in individual lawsuits. As a result, the effect of the Court's decertification Order on your individual hiring claim is as follows:

- (1) You may choose to do nothing. If you do nothing, then you will have no lawsuit against the Defendants.
- (2) You can choose to pursue an individual hiring discrimination lawsuit against one or more of the Defendants under an appropriate theory of law.

(3) If you wish to file a lawsuit based on Title VII of the Civil Rights Act you must first file a charge with the Equal Employment Opportunity Commission (“EEOC”). This charge should be filed with the EEOC within 180 days of this Notice. The EEOC will process your charge and only after it has done so and issued you a Right To Sue letter, can you file your individual Title VII lawsuit. If you do not have an attorney, the EEOC will assist you in the filing of a charge. **Failure to file an EEOC charge within 180 days of receiving this Notice may keep you from filing a Title VII lawsuit against one or more of the Defendants.**

In order to determine whether your interests would be served by filing an EEOC charge or by taking a different course of action, you should consult an attorney of your choosing as soon as possible. You are no longer represented by legal counsel in connection with this lawsuit.

## **VI. APPLICATION OF STATUTES OF LIMITATIONS**

Your right to pursue an individual hiring claim against one or more of the Defendants will be affected by the application of statutes of limitations. Statutes of limitations require that a lawsuit be brought within a specified time after an injury or damage is discovered or should have been discovered. Statutes of limitations are set by law and vary in length according to the type of claim.

The applicable statutes of limitations for your individual hiring claim was suspended during the pendency of the Hiring Class’s certification, but with the decertification of the Hiring Class, the statutes of limitations will start to run again and affect your right to file an individual lawsuit. **Therefore, if you intend to file an individual lawsuit, or wish to consider doing so, it is essential that you act promptly in order to avoid the possibility that your individual hiring claim will be barred by the statutes of limitations. If you wish to file an individual hiring claim against one or more of the Defendants, you should contact an attorney as soon as possible.**

## **VII. ADDITIONAL INFORMATION AND INQUIRIES**

The matters identified in this Notice are not intended to be comprehensive and should not be considered as such. A copy of the Complaint, the Court order certifying the class, and the Court’s order decertifying the Hiring Class may be found at <http://www.wigginschilds.com/reynoldshiring>. If you desire further information, you may wish to review the pleadings and other records on file with the Court. The documents publicly filed in this action are available for inspection and copying during regular business hours at the Office of the Clerk for the Federal Court located at One Church Street, Montgomery, AL 36104.

## **VIII. COMMUNICATION WITH CLASS COUNSEL**

The Court previously appointed Robert L. Wiggins, Jr., Esq. and Russell W. Adams, Esq. of Wiggins, Childs, Quinn & Pantazis, L.L.C. as Class Counsel in this action. Communications with Class Counsel should be directed to:

Russell W. Adams, Esq.  
Wiggins, Childs, Quinn & Pantazis, LLC  
301 19th Street North  
Birmingham, Alabama 35203  
Telephone: (205) 578-2661  
Facsimile: (205) 254-1500  
Email: reynoldshiring@wigginschilds.com

**This Notice is not an expression of opinion by the Court as to the merits of any potential claim you may have. This Notice is merely intended to inform you that the Hiring Class has been decertified and the effect the decertification has on your potential individual hiring claims.**

**If you wish to pursue an individual hiring claim against one or more of Defendants, you are strongly advised to consult with an attorney as soon as possible.**

**Please do not write or contact the Court or the Clerk of Court, ALDOT, SPD, or the Governor's office, for information about this Notice or the lawsuit.**