

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

ROBIN BREWER, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

SCOTT SALYER

Defendant.

Judge Anthony W. Ishii

Magistrate Judge Dennis L. Beck

1:06-cv-01324-AWI-DLB

**NOTICE OF CERTIFICATION OF CLASS ACTION**

**TO: All seasonal hourly-paid workers, legally authorized to be employed in the United States, who have been employed by SK Foods LP at its Lemoore, California processing facility, at any time from September 22, 2002 through July 21, 2009.**

**WHY SHOULD I READ THIS NOTICE?**

This Notice is provided by order issued by the United States District Court for the Eastern District of California (the "Court"). The purpose of this Notice is to inform you that a class has been certified in a lawsuit brought against former SK Foods LP President F. Scott Salyer. You are being sent this Notice in the belief that you may be a member of the Class, which is defined in bold type above and below. This Notice is intended to inform you how this lawsuit may affect your rights and what steps you may take in relation to it. This Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses made by any of the parties to this class action.

**WHO IS A MEMBER OF THE CLASS?**

The Court has ruled that this is a class action, and has defined the class ("the Class") as follows:

All persons legally authorized to be employed in the United States, who have been employed by SK Foods, LP at its Lemoore, California Facility, as seasonal hourly-paid employees at any point from September 22, 2002 through the July 21, 2009.

The ruling by the Court that this case will proceed as a class action does not mean that any money will be obtained for Class members because not all contested issues have been decided.

## **WHAT IS THIS LAWSUIT ABOUT?**

This section describes the claims made by the Plaintiff, Robin Brewer, and the Class in this lawsuit. The Defendant, Mr. Salyer, does not agree with these claims. Moreover, the Court has not decided whether Plaintiff and the Class' claims are valid.

Plaintiff and the Class allege that Defendant F. Scott Salyer was part of a conspiracy to knowingly employ illegal immigrants in violation of the Immigration and Nationality Act ("INA") and the federal Racketeer Influenced Corrupt Organizations Act ("RICO"). Plaintiff and the Class allege that, as a result of this wide-scale hiring of unauthorized workers, the wages paid to legally authorized workers, are lower than they would be in the absence of the illegal conduct. Plaintiff and the Class seek an order requiring Mr. Salyer to pay damages in the form of back- pay to the class members. The lawsuit will determine the extent of Mr. Salyer's liability, if any, to pay these damages. No trial date is currently set.

## **WHO REPRESENTS THE CLASS?**

The Court has appointed Class Counsel:

Howard W. Foster

Foster P.C.

150 N Wacker Dr, Suite 2150

Chicago, IL 60606

312-726-1600 – Phone

866-470-5738 - Fax

[hfooster@fosterpc.com](mailto:hfooster@fosterpc.com)

[www.fosterpc.com](http://www.fosterpc.com)

If you have any questions, you are entitled to consult Class Counsel by calling 1-877-848-0493 or by regular U.S. Mail or e-mail. You may review the Court's Order certifying the Class at [www.fosterpc.com](http://www.fosterpc.com).

## **WHAT ARE MY OPTIONS?**

If you believe you meet the description of a member of the Class as defined above, you may choose either to remain, or not to remain, a member of the Class. Your choice will have consequences, which you should understand before making your decision. In deciding whether to remain a member of the Class, you may consult Class Counsel.

If you wish to remain a member of the Class and to be bound by the outcome of this litigation, whether favorable or unfavorable, then you need to complete the enclosed Class Action Participation Form and to return it in the self-addressed envelope by September 21<sup>st</sup>, 2010 to:

U.S. Legal Management, LLC  
Claims Administrator  
Attention: Jennifer Agrella  
PO Box 927  
Dothan, AL 36302.

If you fail to meet the requirements of the class definition based upon the information provided in the Class Action Participation Form, Class Counsel will so inform you by November 20<sup>th</sup>, 2010. You will then have 30 days to provide Class Counsel with additional evidence that is requested to establish your eligibility to be a member of the class.

If you do not wish to be a member of the Class, then you do not need to do anything at this time. If you do not return your Class Action Participation Form by September 21<sup>st</sup>, 2010, you will automatically be excluded from the class, and you will not be bound by any judgment or final disposition of this lawsuit. By making an election to be excluded: (1) you will not share in any potential recovery that may be obtained by the Class as a result of the trial or settlement of this lawsuit; (2) you will not be bound by any decision in this lawsuit favorable to the Defendant; and (3) you may present any claims you have against the Defendant by filing your own lawsuit, or you may seek to intervene in this lawsuit.

**ONLY EMPLOYEES WHO ARE ABLE AND WILLING TO DEMONSTRATE THAT THEY WERE AUTHORIZED TO WORK IN THE UNITED STATES DURING THE CLASS PERIOD, AND WHO OTHERWISE WISH TO BE PART OF THE CLASS, NEED TO RETURN THE CLASS ACTION PARTICIPATION FORM. THOSE EMPLOYEES WHO WERE NOT AUTHORIZED TO WORK IN THE UNITED STATES DURING THE CLASS PERIOD SHOULD NOT RETURN THE FORM.**

**WHAT ARE MY RIGHTS AND OBLIGATIONS IF I CHOOSE TO REMAIN A MEMBER OF THE CLASS**

As stated above, you must complete the Class Action Participation Form and return it by September 21<sup>st</sup>, 2010 to:

U.S. Legal Management, LLC  
Claims Administrator  
Attention: Jennifer Agrella  
PO Box 927  
Dothan, AL 36302

Based upon the information you provide in your Class Action Participation Form, if you meet the class definition, you are part of the class, and will not receive any additional notice at this time. Plaintiff and his attorneys will then act as your representatives and counsel for the presentation of the claims against Mr. Salyer. If you so desire, you may appear through your own attorney. You may also advise the Court if, at any time, you do not believe that you are being fairly and adequately represented by Plaintiff and Class Counsel. Your participation in any recovery or other benefit will depend upon the results of this lawsuit. If no recovery or other benefit is obtained for the Class, you will be bound by that result.

As a member of the Class, you will not be personally responsible for any attorneys' fees or costs unless you retain your own attorney, in which case you may be responsible for your own attorney's fees and costs. You will be entitled to notice of any ruling that affects the size of the Class and also to notice of (and an opportunity to be heard respecting) any proposed settlement or dismissal of claims by the Class.

Based upon the information you provide in your Class Action Participation Form, if you do not meet the requirements of the class definition, Class Counsel will notify you by first class U.S Mail by November 20<sup>th</sup>, 2010, and specify the reason(s) for your ineligibility. You will then have until December 20<sup>th</sup>, 2010 to submit additional proof requested by Class Counsel in the letter.

If you change your address, or if this Notice was not mailed to your correct address, you should immediately send notice in writing of your correct address to:

U.S. Legal Management, LLC  
Claims Administrator  
Attention: Jennifer Agrella  
PO Box 927  
Dothan, AL 36302

**IMPORTANT NOTE TO CLASS MEMBERS: YOU ARE ENCOURAGED TO CONTACT CLASS COUNSEL REGARDING INFORMATION RELEVANT TO THE CASE**

This case depends on evidence from YOU! Class Counsel asks that you contact them with all information or evidence regarding the employment of illegal aliens at SK Foods. If you have any such information, please contact Class Counsel at:

U.S. Legal Management, LLC  
Claims Administrator  
Attention: Jennifer Agrella  
PO Box 927  
Dothan, AL 36302  
1-877-848-0493 – Phone  
1-334-699-6887 - Fax

**HOW DO I OBTAIN ADDITIONAL INFORMATION?**

If you have any questions concerning the matters contained in this Notice or the procedures of remaining a class member, you may call Class Counsel, at 1-877-848-0493. The records in this litigation may be examined on line through pacer.uscourts.gov or in person during office hours, and subject to customary copying fees, at the Clerk of the Court, United States District Court, Eastern District of California. DO NOT TELEPHONE EITHER THE COURT OR THE CLERK OF COURT.