

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

STEVE ROBINSON and HOLLY CLARKE,  
Plaintiff,  
v.  
NIKE, INC., an Oregon corporation,  
Defendant.

Case No. 0006-05801

CLASS ACTION

NOTICE OF PENDENCY AND  
SETTLEMENT OF CLASS ACTION

TO: Former Nike, Inc. Oregon Employees (the "Class Members") whose Nike employment terminated between June 1, 1997 and June 7, 2000:

You are entitled to receive a payment under a proposed settlement if you return the enclosed claim form by October 9, 2000 and if your final paycheck from Nike, Inc. was not paid within the time required by Oregon law. If your final paycheck was late, you are entitled to payment under this settlement even if your wages were paid in full. If your final paycheck was not late, you are not entitled to a payment under this settlement. If you want to receive any payment due to you as a result of late final paycheck, but you are not sure whether your final paycheck was late, you may return the enclosed Claim Form and the claim review process will determine whether you are entitled to any payment.

You may have already received a letter and questionnaire from Nike about your final paycheck and sent Nike a response. If so and if you want to make a claim, you must still return the enclosed claim form by October 9, 2000.

NOTICE IS ALSO HEREBY GIVEN, pursuant to Rule 32 of the Oregon

1 Rules of Civil Procedure and an Order of the Circuit Court for the State of Oregon,  
2 Multnomah County (the "Court"), dated July 13, 2000, that a hearing will be held in  
3 Courtroom 216 of the Multnomah County Courthouse, 1021 SW Fourth Avenue,  
4 Portland, Oregon, at 8:30 a.m. on November 6, 2000 to determine whether a  
5 proposed settlement of the above-entitled litigation, the terms of which are set forth  
6 in a Settlement Agreement filed with the Court, is fair, reasonable, adequate, and  
7 made in good faith.

### 8 **SUMMARY OF LITIGATION AND PROPOSED SETTLEMENT**

9 This class action was filed on June 7, 2000. Plaintiffs allege that  
10 certain former Nike, Inc. ("Nike") Oregon employees ("class members") whose  
11 employment with Nike terminated between June 1, 1997 and June 7, 2000, were not  
12 timely paid earned wages as required in ORS 652.140. Nike denies that all of its  
13 former employees in Oregon did not receive their final paychecks in the time period  
14 required by Oregon law. However, Nike has determined that some of its former  
15 employees did not receive their final paychecks within the time required by law and  
16 that "penalty" payments are therefore due to those former employees.

17 The parties agree that an independent claims administrator will review  
18 all claims of former Nike employees that they were not paid their final wages within  
19 the time period required by Oregon law. Each Nike employee who timely submits a  
20 Claim Form, and who was not paid his or her final paycheck within the time period  
21 required by Oregon law, will be paid 100 percent of the statutory penalty provided in  
22 ORS 652.150, with interest.

### 23 **HOW TO RECEIVE ANY PAYMENT DUE TO YOU UNDER THIS 24 SETTLEMENT**

25 To receive any payment due to you under this settlement, you must do  
26 the following:

Page 2- NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION

1                   1.     If the name or address shown on the enclosed Claim Form is  
2 incorrect, enter the correct name and address on the Claim Form.

3                   2.     Sign the Claim Form.

4                   3.     Mail the Claim Form to:

5  
6                   Nike Claims Administrator  
7                   PO Box 9999  
8                   North Hollywood, CA 91609-9999

9                   so that it is received by October 9, 2000.

10 Below the signature line on the Claim Form are questions about your final Nike  
11 paycheck. These questions are optional. Your claim will be considered by the  
12 Claims Administrator whether or not you answer these questions. If you do answer  
13 some or all of the questions, your answers may help determine whether you are due  
14 any payment. If you have already responded to a Nike questionnaire about your  
15 final wage payment, your answers to that questionnaire will be considered by the  
16 Claims Administrator.

#### 17                   **WHAT WILL HAPPEN IF YOU SUBMIT A CLAIM FORM**

18                   If you complete and timely return a Claim Form as explained above,  
19 your claim will be decided under the procedure explained below, and that decision  
20 will be binding on you and Nike, as explained below:

21                   1.     After your Claim Form is received, Nike will determine whether  
22 your final paycheck was paid within the time required by Oregon law. If it was not  
23 paid on time, Nike will determine the amount of any payment and interest owed to  
24 you.

25                   2.     An independent claims administrator will review Nike's decisions  
26 about your claim and all other claims. The Claims Administrator will correct any  
errors revealed by its independent review.

Page                   3.     The Multnomah County Circuit Court will be asked to review and

3-     **NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION**

1 approve the decisions of the Claim Administrator.

2  
3 4. The Claims Administrator will send payment checks to former  
4 Nike employees in accordance with the court-approved resolution.

5 5. If the court-approved resolution is that your final wage payment  
6 was late, you will receive payment in the amount stated in the court-approved  
7 resolution.

8 6. If the court-approved resolution is that your final paycheck was  
9 not late, you will receive no payment.

10 7. The court-approved resolution will be final and binding on you  
11 and Nike. If either you or Nike is dissatisfied with the court-approved resolution or  
12 with the amount of the payment under that resolution, neither you nor Nike will be  
13 able to challenge that decision. You will give up any right to bring your own claim or  
14 lawsuit alleging that you did not receive your final wage payment from Nike within  
15 the time required by Oregon law.

16 8. The settlement and the court's judgment shall be in full and final  
17 disposition of the claims asserted in this lawsuit. Plaintiffs and all members of the  
18 Settlement Class shall release and forever be barred from filing or prosecuting any  
19 and all claims against Nike, Inc. and its past or present employees, agents, servants,  
20 officers, directors, shareholders, predecessors, parents, partners, subsidiaries,  
21 representatives, attorneys, insurers, divisions, affiliates and their successors and  
22 assigned and all persons acting by, through, under or in concert with any of them,  
23 that may have been asserted in this lawsuit, or any other relieve arising from or  
24 relating thereto, including, but not limited to, all claims for alleged violations of ORS  
25 652.140, ORS 652.150 and claims for attorneys' fees and costs.

26  
Page

4- NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION

BULLARD SMITH JERNSTEDT HARNISH  
A Professional Corporation  
Attorneys at Law  
1000 SW Broadway, Suite 1900  
Portland, Oregon 97205  
(503) 248 -1134

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

## EXCLUSION FROM THE CLASS

You may choose to be excluded from the class by submitting a Request for Exclusion as explained in the next section. If you choose to be excluded from the class, you may not submit a Claims Form, the claims administrator will not consider any claim that you might have, and you will not receive any payment under this settlement. However, because you are not bound by the settlement, you will be free to bring your own claim against Nike.

If you wish to be excluded from the class, you must submit a Request For Exclusion within the time and in the manner explained in the next section. If you fail to submit a timely Request for Exclusion, you will automatically be included in the class. If you do nothing at all, you will be automatically included in the class, but you will not be eligible to receive any payment unless you submit a Claim Form.

## HOW TO BE EXCLUDED FROM THE CLASS

15  
16  
17  
18  
19  
20  
21

If you desire to be excluded from the class, you must submit a "Request for Exclusion." If you elect to be excluded from the class, you will not be represented by plaintiffs' counsel, you will not receive any payment from this settlement, and you will not be bound by any judgment or settlement of this lawsuit.

Any Request for Exclusion must be properly completed and mailed by first class mail, so that it is received no later than October 9, 2000, ADDRESSED TO:

22  
23  
24

Nike Claims Administrator  
PO Box 9999  
North Hollywood, CA 91609-9999

25  
26  
Page

The Request for Exclusion must be typed or printed legibly, and must set forth: (i) at the top, the caption Steve Robinson and Holly Clarke v. Nike, Inc., Multnomah County Case No. 0006-0580, (ii) the name, address, and telephone number of the class member, (iii) the signature of the Class member and (iv) a statement that you

5- NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION

1  
2 request to be excluded from the class.

3 **CLASS MEMBER RIGHTS TO OBJECT TO SETTLEMENT**

4 Any class member may object to the Settlement Agreement if, on or  
5 before October 9, 2000, the class member files with the Court notice of intention to  
6 appear (setting forth each objection and the basis therefor) and copies of any papers  
7 in support of the objection(s), and serves such papers on the following parties:

8 Barton C. Bobbitt  
9 BARTON C. BOBBITT, P.C.  
4386 SW Macadam Avenue, Suite 401  
Portland, OR 97201

10 Steve D. Larson  
11 STOLL STOLL BERNE LOKTING & SHLACHTER P.C.  
209 S.W. Oak Street, Fifth Floor  
12 Portland, Oregon 97204

13 David Wilson  
14 BULLARD SMITH JERNSTEDT HARNISH  
1000 SW Broadway, Suite 1900  
Portland, OR 97205

15 Objections will be considered at the hearing on November 6, 2000, at  
16 which class members who file timely objections will have the right to appear and be  
17 heard. Any class member who does not make his or her objection in the manner  
18 provided shall be deemed to have waived such objection and shall forever be  
19 foreclosed from making any objection to the fairness, adequacy or reasonableness  
20 of the proposed settlement. If you do not object to the proposed settlement, you  
21 need not file anything or appear at the hearing on November 6, 2000.

22 **EXAMINATION OF PAPERS AND INQUIRIES**

23 For a more detailed statement of the matters involved in the action and  
24 the proposed settlement, you may refer to the pleadings, the Settlement Agreement  
25 and the other papers filed in the above action, which may be inspected at the office  
26 of the Clerk of the Multnomah County Circuit Court, during business hours.

Page

6- **NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION**

BULLARD SMITH JERNSTEDT HARNISH  
A Professional Corporation  
Attorneys at Law  
1000 SW Broadway, Suite 1900  
Portland, Oregon 97205  
(503) 248 -1134

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

All inquiries by members of the class should be directed to:

Barton C. Bobbitt, P.C.  
4386 SW Macadam Avenue, Suite 401  
Portland, OR 97201

Inquiries should not be directed to the Clerk of the Court or to the Judge.

**APPLICATION FOR ATTORNEY FEES, COSTS AND EXPENSES**

The parties have agreed that Nike shall pay, in addition to any penalties to be paid to class members who timely submit Claim Forms, reasonable attorney's fees, costs and expenses for the class, in an amount to be set by the court. In addition, plaintiffs' counsel intends to ask the Court to award the named class representatives \$1,000.00 each for their service as class representatives, to be payable by Nike.

**CHANGE OF ADDRESS**

If the court approves the settlement, it is anticipated that payments would be mailed in the fall of 2000. If you change your address, you should notify the Claims Administrator of the change at its address shown above.

DATED: \_\_\_\_\_, 2000.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Page

**CLAIM FORM**

CIRCUIT COURT OF THE STATE OF OREGON *Steve Robinson and Holly Clarke v. NIKE, Inc., Case No. 0006-05801*

**Name and Address of Claimant.**

Please provide your current name and address if the information shown above is incorrect.

\_\_\_\_\_  
Name (First, Middle Initial, Last)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

**Instructions.**

If you want to receive any payment due to you under the settlement, you must do the following:

1. Complete and sign this Claim Form.
2. Mail the completed Claim Form so that it is received no later than October 9, 2000, at the following address:

NIKE Claims Administrator  
P.O. Box 9999  
North Hollywood, CA 91609-9999

(A self-addressed envelope is enclosed.)

**Claim.**

Please determine whether I am entitled to receive a Settlement Payment from the Steve Robinson and Holly Clarke v. Nike, Inc., Multnomah County Circuit Court Case No. 0006-05801 class action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Optional Questions.**

The following questions are optional. Your claim will be considered whether or not you answer the questions. If you do answer some or all of the questions, your answers may help determine whether you are entitled to payment. If you have already provided information to Nike in response to a Nike questionnaire, you do not need to repeat that information in responding to these questions.

1. **Quit or Resignation.** If you quit or resigned from Nike, check the correct box below. (Do not include weekends and holidays in calculating the amount of notice given.)  
 I gave Nike less than 48 hours' advance notice of my resignation.  
 I gave Nike 48 hours or more advance notice of my resignation.
2. **Mailed paychecks.** If you received your final paycheck by mail, check the correct box below.  
 I requested that my paycheck be mailed.  
 I did not request that my paycheck be mailed.
3. **Receipt of hand-delivered paycheck.** If you picked up or received your final paycheck at Nike premises, state the date on which you picked up or received the check: \_\_\_\_\_