

**IF YOU BELIEVE YOU HAVE A CLAIM TO A VIOLATION OF THE AMERICANS WITH DISABILITIES ACT BY UPS BY NOT BEING ALLOWED TO RETURN TO WORK WITH OR WITHOUT A REASONABLE ACCOMMODATION AFTER AN ILLNESS OR INJURY, YOU MUST ACT IMMEDIATELY TO ENSURE YOU PRESERVE YOUR RIGHTS.**

This is to advise all employees or former employees of UPS who believe they have a claim of discrimination under the Americans with Disabilities Act that the *Hohider v. UPS* case has been settled and so the lawsuit has ended. As you may be aware, the case originally filed on March 9, 2004 was certified as a class action on July 16, 2007 by the federal trial court in the Western District of Pennsylvania. Unfortunately, that decision was reversed on July 23, 2009 by the appeals court.

During the time that the class action was pending, and for an additional period while the lead plaintiffs were engaged in settlement discussions following the decertification of the class, those who believe they have claims against UPS under the ADA were not required to take any action in order to preserve their individual rights to assert their claims against UPS. This period of time, called a “tolling period,” will end on September 30, 2010.

As a result of the closure of the *Hohider* case, the regular time limits for filing a charge or a lawsuit, will apply to former class members, and if you believe you have a claim of discrimination under the Americans with Disabilities Act, you will have to act quickly to protect your rights.

Generally, if you experience disability discrimination at work, you must file a charge with the Equal Employment Opportunity Commission (EEOC) within 180 days from the date of the alleged violation in order to protect your rights. This deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. Once you file a charge with the EEOC, the usual process is the EEOC investigates your charge and then issues what is

known as a “Right to Sue” letter. Once you receive the “Right to Sue” letter, you have 90 days to file a complaint with a Court. You can obtain further information regarding the EEOC charge filing process by going to [www.eeoc.gov/charge/overview\\_charge\\_filing.html](http://www.eeoc.gov/charge/overview_charge_filing.html). To determine whether your state has a 180-day or 300-day filing requirement, check with the EEOC in your state.

The “time clock” both for filing EEOC charges and for filing lawsuits after receiving a 90-day Right to Sue letter was stopped for certain periods of time because of the *Hohider* case. The “time clock” did not run from March 9, 2004, when the *Hohider* case was filed, until July 23, 2009, when the appeals court de-certified the class, and again from September 16, 2009 until September 30, 2010. **As of September 30, 2010, the clock starts running again. If you have not filed an EEOC charge challenging one of the following three practices that were challenged in the *Hohider* litigation: (1) 100% healed policy; (2) 70 pound lift restriction; or (3) UPS’s inadequate ADA process, and you are interested in having the EEOC investigate your charge, you must make sure you file the charge in a timely manner (180 days or 300 days after the last discriminatory event). If you have received a Right to Sue letter from the EEOC that you have not acted upon, and you would like to file a lawsuit, you must immediately find a local lawyer to bring your case.**

To find a local employment lawyers, you can go to the website for the National Employment Lawyers Association: <http://www.nela.org/NELA/>.

If you are in the Pittsburgh area, we would strongly advise you to contact our co-counsel Christian Bagin, at Wienand & Bagin, First & Market Building, 100 First Avenue, Suite 1010, Pittsburgh, PA 15222. Telephone No. 412-281-1110.

Scott+Scott will not be able to represent you in your individual lawsuit against UPS.