

# EXHIBIT A

***American Airlines USERRA Contribution Litigation***  
**NOTICE OF CLASS ACTION**

*Allman v. American Airlines, Inc. Pilot Retirement Program  
Variable Income Plan, et al., No. 14-cv-10138-IT (D. Mass.)*

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

**IF YOU WERE AN AMERICAN AIRLINES PILOT  
WHO TOOK MILITARY LEAVE THAT ENDED  
ON OR AFTER JANUARY 1, 1997**

**You May Be a Member of the Court-Certified Class in This Lawsuit**

- **An American Airlines pilot has sued American Airline, Inc. Pilot Retirement Program Variable Income Plan (“the Plan”) and the fiduciaries of the plan in connection with pension contributions that were made to pilots’ accounts in the Plan in a manner that did not comply with the Uniformed Services Employment and Reemployment Act (“USERRA”) and the Employee Retirement Income Security Act (“ERISA”).**
- **The Court has determined that the lawsuit can proceed as a class action on behalf of a group of American Airlines pilots who are or were participants in the Plan, who, after becoming an American Airlines employee, completed a period of qualified military service that lasted 30 days or more and ended on or after January 1, 1997, and who meet certain other conditions specified in the full class definition provided herein.**

**PLEASE READ THIS NOTICE CAREFULLY. IF YOU ARE A MEMBER OF THE CLASS, YOU MUST CHOOSE WHETHER TO REMAIN IN THE CLASS OR OPT OUT.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b><u>REMAIN IN THE LAWSUIT</u></b>	To remain in the lawsuit, you do not need to do anything. You do <u>not</u> need to hire an attorney. If Defendants are required to pay money based on a determination at trial or settlement, you would be entitled to payment of money, but would give up your right to pursue on your own the claims alleged in the lawsuit.
<b><u>ASK TO BE EXCLUDED</u></b>	If you ask to be excluded and money is awarded, you will not share in the recovery or be bound by any decisions in this lawsuit, for or against Plaintiff, and you keep any rights to sue Defendants on your own. To be excluded, you must act before <i>[add date per court order]</i> .

**If you have any questions after you have read this Notice, contact Class Counsel; PLEASE DO NOT CONTACT THE COURT.**

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## BASIC INFORMATION

### 1. Why did I receive this Notice?

You received this Notice because the Court has ordered that this Notice be sent to the participants or beneficiaries in the Plan whom Defendants and/or Class Counsel identified as potential Class Members. Defendants' records show that you took Long-Term Military Leave (i.e., one or more military leaves each totaling 30 days or more) from American Airlines that ended on or after January 1, 1997, which means that you may be a Class Member. This case is pending in the United States District Court for the District of Massachusetts, and is called *Allman v. American Airlines, Inc. Pilot Retirement Program Variable Income Plan, et al.*, No. 14-cv-10138-IT (D. Mass.).

If you are a member of the Class, this Notice informs you that you have legal rights and options that you may exercise.

### 2. What is this lawsuit about?

The lawsuit is a class action brought under the Uniformed Services Employment and Reemployment Act ("USERRA") and the Employee Retirement Security Income Act of 1974 ("ERISA"). The Class Representative who brought the lawsuit is an American Airline pilot who has participated in the American Airlines, Inc. Pilot Retirement Program Variable Income Plan ("the Plan" or "the Variable Income Plan"). Defendants are the Plan and the fiduciaries of the Plan.

The lawsuit claims that the Plan adopted a policy for determining and making pension contributions to pilots' Plan accounts in a manner that did not comply with USERRA. The lawsuit alleges that the earnings that were used under the policy to calculate employer contributions for periods of Long-Term Military Leave were based on, for example, the monthly minimum flight hours guaranteed under the pilots' collective bargaining agreement, and that instead the Plan should have used earnings that were based on each pilot's own average monthly hours from the 12 months prior to military leave. The lawsuit also claims that the Plan's fiduciaries violated ERISA by failing to make sure that the Plan received proper amounts of employer contributions and by failing to take action to collect such amounts.

Defendants have denied the claims in this lawsuit and maintain that, even if Defendants are found liable under USERRA or ERISA, Plaintiff and other members of the Class are not entitled to relief.

Additional information about the claims and a copy of the Complaint are available on Class Counsel's website: <http://www.cohenmilstein.com/cases/323/american-airlines-pilots-userra-erisa-pension-contribution-lawsuit>.

### **3. What has happened so far in the lawsuit?**

Plaintiff filed the Complaint on January 17, 2014. On April 11, 2014, Plaintiff and Defendants moved to stay the lawsuit to explore the possibility of a resolution without further lawsuit. The case was stayed from April 17, 2014 through September 28, 2015. On September 28, 2015, Defendants filed an Answer to the Complaint, in which they denied that they violated USERRA or ERISA. Defendants also asserted numerous defenses.

On March 28, 2016, the Court certified a Class as to all claims and appointed Plaintiff's counsel as Class Counsel and Plaintiff as the Class Representative. The Court has not ruled on the merits of any claims or defenses.

## **THE CLASS**

### **4. What is a Class Action?**

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. In a class action, one or more people, called Plaintiffs, file suit on behalf of others with similar claims, called the Class or Class Members. If a class is certified, the Court appoints a person, called the Class Representative, to represent and act on behalf of the class. Here the Class Representative is James Michael Allman.

### **5. Who is included in the Class?**

The Class is defined as

- (a) All current and former American Airlines pilots who are or were participants in the American Airlines, Inc. Pilot Retirement Program Variable Income Plan ("the Variable Income Plan" or "the Plan") and
  - (1) who, after becoming an American Airlines employee, completed a period of qualified military service that lasted 30 days or more and ended on or after January 1, 1997; and
  - (2) who, with respect to any such period of qualified military service, did not receive a pension contribution into the Variable Income Plan based on the pilot's own average rate of compensation during the 12 months prior to the commencement of the pilot's period of qualified military service (or if shorter, the period of employment immediately preceding such period of qualified military service); and
  - (3) whose average rate of compensation during the 12 months prior to any period of qualified military service (or, if shorter, the period of employment immediately preceding such period of military leave) exceeded the monthly rate

of compensation that was actually used to determine the pension contribution for the pilot's period of qualified military service, as determined under either of the methodologies used in the parties' negotiations.

- (b) The beneficiaries of all such participants.

Excluded from the Settlement Class are the following persons: (a) all former or current pilots who previously reached settlements with or judgments against American resolving or releasing any claims arising during the class period under USERRA and/or ERISA related to inadequate pension contributions for periods of military leave; and (b) any person who served as a fiduciary of the Variable Income Plan and their beneficiaries under the Variable Income Plan and any member of the immediate family and any heirs, successors or assigns of any such person.

If you are included in the above definition, you are included in the Class unless you exclude yourself. If you are unsure whether you are included in the Class, you can contact the lawyers representing the Class by telephone or e-mail. Their contact information is listed below.

## YOUR RIGHTS AND OPTIONS

### 6. What are my options?

You have two options if you are a member of the Class:

**Option #1: Remain in the Class.** If you are included in the Class (see Question #5 above), you do not need to do anything to remain a member of the Class. If you remain a member of the Class and the Court awards monetary relief against Defendants or Defendants settle the claims against them, you will share in that award. If you stay in the Class and the Class Representative obtains money for the Class either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement, if the Court permits a second period of exclusion). If you remain part of the Class, you will be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action and you will not be able to sue Defendants in a separate lawsuit about the same claims in this lawsuit.

**Option #2: Exclude Yourself.** Excluding yourself – sometimes called “opting out” – from the Class means that you will not participate in the Class. If the Class is successful at trial or obtains a settlement, you will not receive any money or benefits from the lawsuit. Likewise, you will not be legally bound by the Court's judgments in this class action and will be able to pursue your own separate lawsuit for these claims.

**7. What do I need to do exercise these options?**

**For Option #1: Remain in the Class.** You are not required to do anything to remain in the Class.

**For Option #2: Exclude Yourself from the Class.** To exclude yourself from the Class, you must send a letter to Lead Class Counsel addressed as follows:

COHEN MILSTEIN SELLERS & TOLL PLLC  
 Attn: R. Joseph Barton / Exclusion from American Airlines Class Action  
 1100 New York Avenue, N.W.,  
 Suite 500  
 Washington, D.C. 20005-3934

You must be sure to include your name, address, telephone number, and signature, and must state that you want to be excluded from *Allman v. American Airlines, Inc. Pilot Retirement Program Variable Income Plan*.

You must mail your exclusion request so that it is postmarked no later than [add date per court order].

**8. Who do I contact if I have questions?**

If you have questions, Class Counsel is available to assist you. **Do not contact the Court or counsel for Defendants.**

**THE LAWYERS REPRESENTING YOU**

**9. Do I have a lawyer in this case?**

Yes. The Court has appointed the following lawyers to serve as the attorneys for the Class:

<i>Lead Class Counsel</i>	<i>Liaison Class Counsel</i>
R. Joseph Barton, Esq. COHEN MILSTEIN SELLERS & TOLL PLLC Kate Tenenbaum, Paralegal 1100 New York Avenue, N.W., Suite 500 Washington, D.C. 20005-3934 Telephone: (202) 408-4600 Email: _____	Jason Leviton, Esq. BLOCK & LEVITON LLP 155 Federal Street, Suite 1303 Boston, Massachusetts 02110 Telephone: (617) 398-5600
<i>Additional Class Counsel</i>	

<p>Matthew Z. Crotty, Esq.                  CROTTY &amp; SON LAW FIRM, PLLC                  905 W. Riverside Ave., Suite 409                  Spokane, WA 99201                  Telephone: (509) 850-7011</p> <p>Thomas G. Jarrard, Esq.                  LAW OFFICE OF THOMAS G. JARRARD                  LLC                  1020 N. Washington Dt.                  Spokane, WA 99201                  Telephone: (425) 239-7290</p>	<p>Peter Romer-Friedman, Esq.                  WASHINGTON LAWYERS' COMMITTEE                  FOR CIVIL RIGHTS AND URBAN                  AFFAIRS                  11 Dupont Circle NW, Suite 400                  Washington, DC 20036                  Telephone: (202) 319-1000</p>
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The Court has approved these law firms to serve as Class Counsel. You have the right to hire your own attorney (at your own expense), but if you remain in the Class, you are not required to hire a separate attorney.

**10. How will the lawyers for the Class be paid?**

Class Counsel is pursuing this litigation on a contingency fee basis. If the Class Counsel recovers money for the Class, through a trial or settlement, they will ask the Court to award attorneys' fees and reimbursement of its costs and expenses incurred during the lawsuit. If the Court grants Class Counsel's request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendants.

**GETTING MORE INFORMATION**

**11. How do I get more information?**

This Notice contains only a summary of this lawsuit and your rights as a potential Class Member. You may obtain additional information regarding the matters involved in this lawsuit by reviewing the papers on file in this litigation, which may be (a) inspected, during business hours, at the Office of the Clerk of Court, United States District Court for the District of Massachusetts, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210, or (b) accessed online for a fee by obtaining a password at [www.uscourts.gov](http://www.uscourts.gov). Certain documents about the litigation, including the Complaint, are available on Class Counsel's website at <http://www.cohenmilstein.com/cases/323/american-airlines-pilots-userra-erisa-pension-contribution-lawsuit>.

**12. How do I ensure that I receive any updates?**

If your contact information changes after you receive this Notice, you should contact Class Counsel. You may e-mail any updates to your contact information to Class Counsel at [add e-mail]\_\_\_\_\_.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

Dated: \_\_\_\_\_, 2016

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS