IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| DOUGLAS M. HODCZAK, |) |
|-------------------------------------|------------------------|
| JAMES M. CROSSAN, THOMAS J. |) Civil Action No |
| MAGDIC AND JOSEPH A. |) |
| LITVIK, on behalf of themselves and |) |
| all others similarly situated, |) Judge |
| |) |
| Plaintiffs, |) |
| |) ELECTRONICALLY FILED |
| VS. |) |
| |) |
| LATROBE SPECIALTY STEEL |) JURY TRIAL DEMANDED |
| COMPANY, |) |
| |) |
| Defendant. |) |

COLLECTIVE ACTION COMPLAINT

Representative Plaintiffs, Douglas M. Hodczak, James M. Crossan, Thomas J. Magdic, and Joseph A. Litvik, (collectively, the "Representative Plaintiffs"), on behalf of themselves and all others similarly situated, by and through their counsel, Obermayer Rebmann Maxwell & Hippel LLP, file this Collective Action Complaint against Defendant Latrobe Specialty Steel Company ("Latrobe" or "Defendant"), under the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq (the "ADEA"), and aver as follows:

THE PARTIES

- 1. Plaintiff Douglas M. Hodczak is an individual who is currently 58 years old and resides at 719 W. 5th Ave, Derry, PA 15627
- 2. Plaintiff James M. Crossan is an individual who is currently 60 years old and resides at 124 Irving Ave., Latrobe, PA 15650.

- 3. Plaintiff Thomas J. Magdic is an individual who is currently 58 years old and resides at 222 Washington St., Ligonier, PA 15658.
- 4. Plaintiff Joseph A. Litvik is an individual who is currently 61 years old and resides at 717 Heathrow Lane, Blairsville, PA 15717.
- 5. Defendant Latrobe is a Pennsylvania corporation with its principal place of business located at 2626 Ligonier Street, Latrobe, Pennsylvania. At all relevant times, Latrobe has continuously been an "employer" within the meaning of 29 U.S.C. § 623.
 - 6. Representative Plaintiffs are all former employees of Latrobe.
- 7. Once the discovery process in this matter is underway, the roles of other unknown conspirators and participants in the wrongdoing identified herein may be revealed, and Representative Plaintiffs will then seek leave of court to amend this Complaint to add new parties and/or new claims.

NATURE OF THIS ACTION

8. This is an action brought by the Representative Plaintiffs seeking redress on a collective basis for company-wide practices in which Latrobe has engaged which discriminate against its older work force in conducting terminations and forced retirements over an extended period of time, which practices are continuing in nature. Representatives Plaintiffs bring this collective action on behalf of themselves and all other present and former similarly situated salaried employees against Latrobe for discrimination in employment.

JURISDICTION

- 9. This Court has jurisdiction over the federal question subject matter of this civil rights action under 28 U.S.C. § 1331 and 29 U.S.C. § 216(b), as made applicable by 29 U.S.C. § 626(b).
- 10. This Court has personal jurisdiction over Latrobe because Latrobe systematically and continuously engages in substantial interstate commercial conduct and business activity within this District.
- 11. On March 12, 2008, the Representative Plaintiffs each filed charges of employment discrimination based on age against Latrobe with the Equal Employment Opportunity Commission ("EEOC").
- 12. More than 60 days have elapsed since the Representative Plaintiffs filed their charges with the EEOC.

VENUE

13. Venue is proper in the Western District of Pennsylvania under 28 U.S.C. § 1391(b), as the unlawful employment acts and practices complained of by the Representative Plaintiffs were committed or occurred, and continue to occur, within this District. Moreover, Latrobe maintains its headquarters in this District, and Representative Plaintiffs, as well as the majority of Class Members, reside and/or worked for Latrobe in this District.

FACTUAL BACKGROUND

Allegations Concerning Hodczak

- 14. Hodczak was hired by Latrobe Steel Company ("LSC") on July 23, 1973. At that time, he had a degree in Political Science and a minor in Economics.
- 15. In 1975, LSC was acquired by The Timken Company and renamed Timken Latrobe Steel. ("TLS")
- 16. Over the years, Hodczak received a series of promotions and occupied a series of different positions at LSC, the Timken Co., and TLS.
- 17. In 2006, the Timken Company divested the stock of TLS which was acquired by the Watermill Group and Hicks Holdings, which renamed it Latrobe Specialty Steel ("LSS"). On October 1, 2007, Hodczak was promoted to the position of Manager of the Special Products Division.
- 18. On November 2, 2007, Hodczak received a phone call from Mark Webberding, Vice President of Sales and Marketing, telling him to come to a meeting in Rachel Grant's office, in the Human Resources Department. When he arrived at the office, he was met by Webberding and Ms. Grant.
- 19. Webberding told him that he was being suspended without pay and that the reason was that he had been sending and receiving certain material at his LSS email address and that he was additionally guilty of sending emails critiquing management's performance. He was told to go home and was escorted from the office.
- On November 8, 2007, he was called into the LSS office and told by Dan
 Hennessey, Vice President of Manufacturing and Kevin Brahaney, Head of Human Resources,

that, for the reasons given when he had been suspended, his employment with LSS of almost 35 years was being terminated, effective immediately. They told him they would allow him to "resign."

- 21. Hodczak was immediately replaced by an individual that is several years younger then he.
- 22. The stated reasons given for his termination were merely a pretext for the real reason for his termination, which was LSS's desire to rid itself of older employees. He was 57 years old at the time of his termination.
- 23. The emails that Hodczak sent and received were far less offensive than what many other employees and members of management, including Hans Sack, President of LSS, sent and received without *any* sanction from the company. In fact, there is an entire culture at LSS of sending pornographic emails.
- 24. Before he was summarily dismissed, he was not warned by the Company about any aspect of the conduct that allegedly formed the basis for his dismissal, as had other employees in the past who were disciplined for similar reasons.
- 25. The true reason for his dismissal, age discrimination in violation of the ADEA, is confirmed by the fact that LSS initially suspended six individuals, including Hodczak, involved in the "ring" that was emailing allegedly improper material. Of the six, five were over forty (40) years of age, and one was less than forty years of age. Ultimately, four of the six lost their jobs and all four were over forty years old.
- 26. Hodczak's termination, along with three other employees in their late fifties or early sixties, on November 8, 2007, is part of a systematic pattern and practice of terminating older employees. LSS has targeted a class of employees over the age of forty for termination

based largely, if not exclusively, on their age. In fact, the four that were fired, were among the oldest employees in the Company.

27. Each of the victims of LSS's age discrimination, including each of the three who were terminated with Hodczak, is similarly situated to the others, and Hodczak is similarly situated to all of them.

Allegations Concerning Crossan

- 28. Crossan was hired by TLS, on March 19, 1979 as a programmer/analyst.
- 29. He attended night school while working at TLS and obtained a Bachelor of Science degree in Business Computer Systems from St. Vincent College in May, 1985.
- 30. Over the years, he received a series of promotions and occupied a number of different positions at TLS.
- 31. In 1999, He was promoted to the position of Supervisor of Logistics and MRO Supplies Control.
- 32. On November 2, 2007, after TLS became LSS, Crossan was called into the office of his supervisor, Ron Summerhill, Manager of Purchasing, by Randy Strayer, Director of Inventory Management. Crossan met with both of them.
- 33. He was told that he was being suspended without pay and that the reason was that he had been sending and receiving certain material at his LSS email address. He was told to go home.
- 34. On November 8, 2007, he was called at home by Dan Hennessy, Vice-President of Manufacturing, to come into the LSS office for a meeting. When he arrived, he met with Ron Summerhill and Kevin Brahaney, Director of Human Resources. They told him that, for the reasons given when he had been suspended, his employment with LSS of over 28 years was

being terminated, effective immediately. He was told that, in recognition of his years of service, he would be allowed to "resign."

- 35. The stated reasons given for his termination were merely a pretext for the real reason for that termination, which was LSS's desire to rid itself of older employees. Crossan was 59 years old at the time of his termination.
 - 36. Crossan was immediately replaced by an individual who was in his thirties.
- 37. The emails that he sent and received were far less offensive than what many other employees and members of management, including Hans Sack, President of LSS, sent and received without *any* sanction from the company. In fact there is an entire culture at LSS, which condones the transmission of emails which contain offensive content.
- 38. Before he was summarily dismissed, Crossan was not warned by the Company about any aspect of the conduct that allegedly formed the basis for his dismissal, as had other employees in the past who were disciplined for similar reasons.
- 39. The true reason for his dismissal, age discrimination in violation of the ADEA, is confirmed by the fact that LSS initially suspend six individuals, including Crossan, involved in the "ring" that was emailing allegedly improper material. Of the six, five were over forty years of age, and one was less than forty years of age. Ultimately, four of the six lost their jobs and all four were more than forty years old. In fact, those four were among the oldest employees in the Company.
- 40. Crossan's termination, along with three other employees in their late fifties or early sixties, is part of a systematic pattern and practice of terminating older employees. LSS has targeted a class of employees over the age of forty for termination based largely, if not exclusively, on their age.

41. Each of the victims of LSS's age discrimination, including each of the three who were terminated with Crossan, is similarly situated to the others, and he is similarly situated to all of them.

Allegations Concerning Magdic

- 42. Magdic was hired by LSC on January 15, 1973 to work in the mail room. At that time, he had a Bachelor of Science degree in Education.
- 43. In 1975, LSC was acquired by the Timken Company and renamed TLS and in 2006, renamed LSS.
- 44. Over the years, Magdic received a series of promotions, progressing to supervisor, traffic coordinator and manager in cold finishing. In all, he occupied nineteen different positions at LSS and its predecessors.
- 45. In 2001, Magdic accepted an assignment to work in LSS's continuous rolling mill.
- 46. On November 2, 2007, he was at the continuous rolling mill when he received a phone call to "come to a meeting" in the office. When he arrived at the office, he was met by Thomas Geary, Manager of Rolling, and Mr. Mikus, Director of Finance.
- 47. He was told that he was being suspended without pay and that the reason was that he had been accused of sexual harassment by an unnamed female employee of LSS based upon an innocuous email that he had sent to her, and was guilty of some unspecified breaches of "business ethics." He was told to go home.

- 48. On November 8, 2007, Magdic was called into the LSS office and told by Geary, with Hennessy present, that, for the reasons given when he had been suspended, relating to the benign email, his employment with LSS of almost 35 years was being terminated, effective immediately. He was told he would be allowed to "resign," but only if he signed a document stating his reason for resigning, before he left the meeting, which he felt compelled to do.
- 49. The reasons given for Magdic's termination were merely a pretext for the real reason for that termination which was LSS's desire to rid itself of older employees. He was 58 years old at the time of his termination.
- 50. Under established company policy, any employee accused of sexual harassment is entitled to a warning before any punishment is meted out, particularly, where, as here, the accused employee has substantial tenure, where he is a member of management, where the accuser is not below him in his claim of command, where the alleged harassment is an isolated incident and where the alleged harassment is very mild. Magdic was given no such warning.
- 51. Moreover, Magdic did not engage in harassment of any kind. The emails that he sent and received were far less offensive than what many other employees and members of management, including Hans Sack, President of LSS, sent and received without *any* sanction from the company. In fact there is an entire culture at LSS, which condones the transmission of emails which contain inappropriate content.
- 52. Before he was summarily dismissed, Magdic was not warned by the Company about any aspect of the conduct that allegedly formed the basis for his dismissal, as had other employees in the past who were disciplined for similar reasons.

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- 53. The true reason for his dismissal, age discrimination in violation of the ADEA, is confirmed by the fact that LSS initially suspended six individuals, including Magdic, involved in the "ring" that was emailing allegedly improper material. Of the six, five were over forty (40) years of age. Ultimately, four of the six lost their jobs and all four were more than forty years old. In fact, those four were among the oldest and longest tenured employees in the Company.
- 54. Magdic's termination, along with three other employees in their late fifties or early sixties, is part of a systematic pattern and practice of terminating older employees. LSS has targeted a class of employees over the age of forty for termination based largely, if not exclusively on their age.
- 55. Each of the victims of LSS's age discrimination, including each of the three who were terminated with Magdic, is similarly situated to the others, and Magdic is similarly situated to all of them.

Allegations Concerning Litvik

- 56. Litvik was hired by LSC on September 3, 1969, to work on the labor gang. At that time, he had just been discharged from the Army and was attending classes at the University of Pittsburgh, under the GI Bill.
- 57. In 1975, LSC was acquired by the Timken Company and renamed TLS and renamed LSS in 2006.
- 58. Over the years, Litvik received a series of promotions, progressing first to the industrial engineering department, then to supervisor of the continuous rolling mill then, to the manager of the continuous rolling mill and finally to manager of forgings.

- 59. On November 2, 2007, he was off from work and was paged at home by his supervisor, Dan Hennessy, to come to a meeting in the office. When he arrived at the office, he was escorted to a conference room and met by Hennessy and Suzy Lawson from the Human Resources Department.
- 60. He was told that he was being suspended without pay and that the reason was that he had been sending and receiving certain material at my LSS email address.
- 61. On November 8, 2007, he was called into the LSS office and told by Dan Hennessy and Kevin Brahaney, head of Human Resources that, for the reasons given when he had been suspended, his employment with LSS of over 38 years was being terminated, effective immediately. He was told that he would be allowed to "resign."
 - 62. Litvik was immediately replaced by an individual in his forties.
- 63. The reasons given for Litvik's termination were merely a pretext for the real reason for that termination which was LSS's desire to rid itself of older employees. He was 60 years old at the time of his termination.
- 64. The emails that he sent and received were far less offensive than what many other employees and members of management, including Hans Sack, President of LSS, sent and received without *any* sanction from the company. In fact there is an entire culture at LSS which condones the transmission of inappropriate emails.
- 65. Before Litvik was summarily dismissed, he was not warned by the Company about the conduct that allegedly formed the basis for his dismissal, as had other employees in the past who were disciplined for similar reasons.

- 66. The true reason for his dismissal, age discrimination in violation of the ADEA, is confirmed by the fact that LSS initially suspended six individuals, including Litvik, involved in the "ring" that was emailing allegedly improper material. Of the six, five were over forty years of age. Ultimately, four of the six lost their jobs and all four were more than forty years old. In fact, those four were among the oldest and longest tenured employees in the Company.
- 67. Litvik's termination, along with three other employees in their late fifties, on November 8, 2007 is part of a systematic pattern and practice of terminating older employees. LSS has targeted a class of employees over the age of forty for termination based largely, if not exclusively, on their age.
- 68. Each of the victims of LSS's age discrimination, including each of the three who were terminated with Litvik, is similarly situated to the others, and he is similarly situated to all of them.

Collective Action Allegations

- 69. The Representative Plaintiffs bring this action as a collective action under ADEA under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b).
- 70. The Representative Plaintiffs are herein asserting claims for disparate treatment and disparate impact under the ADEA arising out of Latrobe's employment practices which discriminate against its older work force.

- 71. Pursuant to Section 216(b) of the FLSA, the Representative Plaintiffs bring this ADEA action on behalf of themselves and all former salaried employees of Latrobe whose employment with Latrobe within the United States was terminated by Latrobe and who were at least 40 years of age at the time of such termination, and all present salaried employees of Latrobe who are at least 40 years of age and who are, therefore, at risk of being terminated by Latrobe as a consequence of the application of Latrobe's unlawful employment practices (the "Class Members").
- 72. The Representative Plaintiffs and the Class Members are similarly situated in that they have either been the victims of, or, by virtue of Latrobe's continued application of the challenged policies, practices and procedures, are at risk of becoming the victims of Latrobe's discriminatory conduct by which Latrobe has violated the ADEA by terminating older employees at least, in part, *because* that are older employees.
- 73. Under Section 216(b), Class Members must specifically opt-in to this collective action in order to be benefited or bound by the outcome. Thus, to certify this class, this Court need not make any inquiries beyond whether the Representative Plaintiffs and the Class Members are similarly situated.

COUNT I

Disparate Treatment Under the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq

- 74. Representative Plaintiffs hereby repeat and incorporate by reference the allegations of Paragraphs 1 through 73 above as if fully set forth herein.
- 75. Each of the Representative Plaintiffs were members of a protected class at the time of their termination, ranging in age from 57 to 60.

- 76. Each of the Representative Plaintiffs was well-qualified for his position with LSS and had a demonstrated and well-established record of success with the company prior to his termination.
- 77. Each of the Representative plaintiffs suffered an adverse employment action when his employment was terminated by LSS. That adverse employment action occurred in each case under circumstances giving rise to an inference of age discrimination.
- 78. LSS's stated justifications for terminating the Representative Plaintiffs were a pretext for willful age-related discrimination.
 - 79. The Representative Plaintiffs' ages were a motivating factor in their terminations.
- 80. By terminating their employment, LSS discriminated against the Representative Plaintiffs in the terms and conditions of their employment on the basis of their ages, in violation of the ADEA, 29 U.S.C. § 621, et seq.
- 81. LSS has similarly discriminated or will discriminate against all Class Members in the terms and conditions of employment, on the basis of their age, in violation of ADEA.
- 82. As a consequence of the unlawful policy, pattern and practice, and unlawful conduct of LSS as described herein, Representative Plaintiffs and Class Members have suffered damages in the form of lost compensation and seek front-pay and back pay, attorneys' fees and costs, declaratory and injunctive relief, lost pension benefits and punitive damages.

COUNT II

Disparate Impact Under the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq.

- 83. Plaintiffs hereby repeat and incorporate by reference the allegations of Paragraphs 1 through 82 above as if fully set forth herein.
 - 84. The Representative Plaintiffs are members of a protected class.
- 85. Each of the Representative Plaintiffs was well-qualified for his position with LSS and had a demonstrated and well-established record of success with the company prior to his termination.
- 86. Each of the Representative Plaintiffs suffered an adverse employment action when his employment was terminated by LSS. That adverse employment action occurred in each case under circumstances giving rise to an inference of age discrimination.
 - 87. The Representative Plaintiffs' ages were a motivating factor in their terminations.
- 88. By terminating their employment LSS discriminated against the Representative Plaintiffs in the terms and conditions of their employment on the basis of their ages, in violation of the ADEA, 29 U.S.C. § 621, *et seq*.
- 89. LSS claims to have a neutral policy regarding discipline for the inappropriate use of LSS employee email. Even if LSS's policies and practices have been facially neutral as to the age of discharged employees, they nonetheless have had a disparate impact on older employees. LSS has, in practice, favored younger employees and targeted older ones in deciding who would be terminated.
- 90. LSS has similarly terminated the employment of all other Class Members who are former employees in like fashion, upon the basis of their age. LSS has engaged in the patterns,

practices and omissions that have had a disparate impact on Class Members on the basis of their ages and which have resulted in their terminations or early retirements.

- 91. LSS's actions in terminating the Representative Plaintiffs' employment and the employment of other Class Members and was in violation of and contrary to the provisions of the ADEA.
- 92. Class members who are present employees are at risk of being terminated as a consequence of the application of LSS's continuing policies, patterns and practices.
- 93. As a direct and proximate result of LSS's conduct, the Representative Plaintiffs and all other Class Members who are former employees have been deprived of their employment and have been damaged.
- 94. As a consequence of the unlawful policies, patterns and practices, and unlawful conduct of LSS, the Representative Plaintiffs and Class Members suffered damages in the form of lost compensation, and seek front-pay and back pay, attorneys' fees and costs, declaratory and injunctive relief, and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, the Representative Plaintiffs, on behalf of themselves and prospective members of this collective action, pray that this Court:

- a. Enter a judgment declaring this action to be a collective action properly maintained under 29 U.S.C. §216(b), that the Representative Plaintiffs be designated as representatives of the Class, and that their counsel of record be designated as Class Counsel;
- b. Enter a judgment declaring that LSS's conduct in terminating the employment of, Class Members of the collective action who were 40 years of age or older at the time of their termination violates ADEA;
- c. Issue a permanent prohibitory injunction ordering LSS and its officers, agents, employees and successors to cease and desist from the unfair discriminatory

- employment, practices, complained of herein, which result in the termination of employees forty-years of age or older;
- d. Issue a permanent mandatory injunction requiring LSS to take such affirmative action as will effectuate the purposes of ADEA, including adopting employment practices in accord with ADEA's requirements;
- e. Enter a judgment and award in favor of the Representative Plaintiffs and the Class Members, and against LSS for reasonable monetary damages, including back pay (plus interest or an appropriate inflation factor and an enhancement to offset any adverse tax consequences associated with lump sum receipt of back pay), front pay, benefits and all other damages owed to the Representative Plaintiffs and the Class Members, in an amount proven at trial, resulting from LSS's unlawful and discriminatory acts or omissions;
- f. Enter a judgment and award in favor of each of the Representative Plaintiffs and each Class Member for the maximum statutory amount of liquidated damages available under the ADEA;
- g. Enter a judgment and award in favor of the Representative Plaintiffs and the Class for costs, including, but not limited to, reasonable attorney's fees, experts' fees, and other costs and expenses of this litigation;
- h. Enter a judgment and award in favor of the Representative Plaintiffs and the ADEA Class for pre-judgment and post-judgment interest;
- i. Award such other and further legal and equitable relief as may be found appropriate and as this Court may deem just and proper; and
- j. Retain jurisdiction over this action until such time as it is satisfied that LSS has remedied the practices complained of and is determined to be in full compliance with the law.

JURY TRIAL DEMANDED ON ALL ISSUES SO TRIABLE

Respectfully submitted,

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

Date: May 13, 2007 s/Bruce C. Fox

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Counsel for Plaintiffs, Douglas M. Hodczak, James M. Crossan, Thomas J. Magdic and Joseph A. Litvik, on behalf of themselves and all others similarly situated

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OJS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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| VII. REQUESTED IN COMPLAINT: | CHECK IF THIS IS UNDER F.R.C.P. 23 | | DEM | great 4AND \$75,000 | er \00 | tham L Ju | ECK YES only it | f demanded | in comple | |
| VIII. RELATED CASE(IF ANY | S) (See instructions): | JUDGE | | | _ [| OCKETI | IUMBER | | | |
| DATE 5/13/08 | | SIGNATURE OF ATTORN | EY OF RECO | RD M | 4 | /- | Jaha | <u> </u> | | |
| FOR OFFICE USE ONLY | | | | | 7 | , · · · | <u> </u> | | | |
| RECEIPT #A | MOUNT | APPLYING IFP _ | | JDGE | <i></i> | | MAG. JU | DGE | | |

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

| PART A | | | |
|-------------------|------------|---|------------|
| 1. ERIE | CALEN | gs on the Erie Johnstown X Pittsburgh) calendar. ### Johnstown J Pittsburgh Calendar. #### Pittsburgh Calendar. #### Pittsburgh Calendar. ################################### | |
| | | rren, OR any plaintiff or defendant resides in one of said counties. | |
| | | N CALENDAR - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield y plaintiff or defendant resides in one of said counties. | or |
| 3. Comple | ete if o | n ERIE CALENDAR: I certify that the cause of action arose in | County and |
| | that t | he resides in | County. |
| 4. Comple | ete if o | n JOHNSTOWN CALENDAR: I certify that the cause of action arose in | Count |
| and the | at the | resides in | County. |
| PART I | 3 (Y | ou are to check ONE of the following) | |
| 1. | This | case is related to Number Judge | |
| 2. X | This c | ase is not related to a pending or terminated case. | |
| DEFINIT | TONS | OF RELATED CASES: | |
| CIVIL: (| Civil c | asses are deemed related when a case filed relates to property included in another suit or involved | s the |
| of a nater | ues of | fact or it grows out of the same transactions as another suit or involves the validity or infringelved in another suit | ment |
| - | | AAIN: Cases in contiguous closely located groups and in common ownership groups which w | rill |
| | | es to consolidation for trial shall be deemed related. | 7111 |
| HABEAS | CORP | PUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deer | ned |
| | All pro | se Civil Rights actions by the same individual shall be deemed related. | |
| PARTC 1. CIVIL | CATI | EGORY (Place x in only applicable category). | |
| 1. CIVIL | - | ,,, | |
| _ | ļ | Antitrust and Securities Act Cases | |
| 2. | ļ . | Labor-Management Relations | |
| 3. | 1 | Habeas Corpus | |
| 4. | X | Civil Rights | |
| 5. | Γ | Patent, Copyright, and Trademark | |
| 6. | Ī | Eminent Domain | |
| 7. | | All other federal question cases | |
| 8. | Γ_ | All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest | |
| 9. | ſ | Insurance indemnity, contract and other diversity cases. | |
| 10. | Г | Government Collection Cases (shall include HEW Student Loans (Education | 1), |
| | J | VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc. | |
| | | HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.BA. Loans, Civil Penalties and | |
| | | Coal Mine Penalty and Reclamation Fees.) | |
| | · | | |
| i certi | ity tha | at to the best of my knowledge the entries on this Case Designation Sheet are true and correct | |
| DATE - | 2 | 13/06 ATTORNEY ATTORNEY AT LAW WAY I Talian | |
| NOTE: PROCESS | ALL ED. | SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE | |

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

| DOUGLAS M. HODCZAK, JAMES M. CROSSA THOMAS J. MAGDIC AND JOSEPH A. LITY on behalf of themselves and all oth similarly situated, | VIK, hers | | | | |
|--|--|--|--|--|--|
| Plaintiffs, V. | – SUMMONS IN A CIVIL ACTION | | | | |
| ATROBE SPECIALTY STEEL COMPANY, | CASE NUMBER: | | | | |
| efendant. | | | | | |
| TO: (Name and address of Defendant) | | | | | |
| Latrobe Specialty Steel (2626 Ligonier Street Latrobe, PA 15650 | Company | | | | |
| Bruce C. Fox, Esquire One Mellon Center, Suite 500 Grant Street Pittsburgh, PA 15219 | | | | | |
| | summons, within days after service you fail to do so, judgment by default will be taken against you for the e on the parties to this action must be filed with the Clerk of this Cour | | | | |
| CLERK | DATE | | | | |
| | | | | | |
| (By) DEPUTY CLERK | DATE | | | | |

Casse 20085 ov (000495) FMDAR Inhe Dio 64 5nênt 1 F2 lec Fûl 5/10 6/08 FPaggre 22 of f2

OAO 440 (Rev. 8/01) Summons in a Civil Action

| OAO 440 (Rev. 8/01) Summons in a Civil Action | A |
|--|--|
| | OF SERVICE |
| Service of the Summons and complaint was made by me(1) | DATE |
| | |
| NAME OF SERVER (PRINT) | TITLE |
| | |
| | |
| Check one box below to indicate appropriate method of ser | rvice |
| ☐ Served personally upon the defendant. Place where s | served: |
| | |
| Left copies thereof at the defendant's dwelling house | or usual place of abode with a person of suitable age and discretion then |
| residing therein. | or usual place of about with a person of suitable age and discretion their |
| Name of person with whom the summons and compl | laint were left: |
| | |
| ☐ Returned unexecuted: | |
| C Returned unexecuted. | |
| | |
| | |
| ☐ Other (specify): | |
| —————————————————————————————————————— | |
| | |
| | |
| | |
| STATEMENT O | OF SERVICE FEES |
| TRAVEL SERVICES | TOTAL |
| | |
| DECLARATIC | ON OF SERVER |
| I declare under penalty of perjury under the contained in the Return of Service and Statement of Service | laws of the United States of America that the foregoing information |
| contained in the Return of Service and Statement of Serv | vice rees is true and correct. |
| Executed on | |
| Executed on | |
| Date Signature o | f Server |
| | |
| | |
| Address of S | Server |
| | |

⁽¹⁾ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.