

Cogdell v. The Wet Seal, Inc.

CLAIM FORM

[NAME]

[ADDRESS]

[CITY, STATE ZIP]

This Claim Form has four parts: Parts A, B, C, and D. These parts are explained below.

All Class Members will receive a payment if they fill out Parts A and D of this Form below, Questions 1-12 and the Certification on the last page. The Baseline Pay Awards and Baseline Promotion Awards are based on the number of weeks worked by a Class Member in each Covered Position from May 8, 2008 to June 12, 2013. In addition, Class Members who were involuntarily terminated while working in a Covered Position at any point from May 8, 2008 to June 12, 2013 will receive a Baseline Termination Award.

Class Members can receive additional amounts of money if they are eligible under Parts B and C of this Form, Questions 13-84 below. In order to be considered for these additional amounts of money, a Class Member must fill out Parts B and C and provide additional information about his or her claims.

INSTRUCTIONS

IMPORTANT: Your Claim Form MUST be returned to the Claims Administrator POSTMARKED by October 7, 2013. Please use the enclosed self-addressed envelope to return your completed Claim Form. All Class Members whose Wet Seal employment is confirmed and who submit this Claim Form will receive a monetary award.

INSTRUCTIONS

- A. It is important to read and follow these instructions carefully. Failure to follow these instructions may result in your losing benefits to which you might otherwise be entitled.
- B. You are eligible to file a claim in this case if 1) you are African-American or Black; 2) you worked as a Store Assistant Manager, Co-Manager, Acting Store Manager, and/or Store Manager (these positions are collectively referred to as “Covered Positions” in this Claim Form) in a Wet Seal or Arden B. Store at any time from May 8, 2008 to June 12, 2013; and 3) you have not previously signed a general release of claims against Wet Seal that releases claims of race discrimination. Please note that an arbitration agreement is not a general release of claims against Wet Seal.
- C. Aside from Part B, you should only answer the questions on this Claim Form about events 1) that occurred between May 8, 2008 and June 12, 2013; and 2) that occurred while you were working as a Store Assistant Manager, Co-Manager, Acting Store

Manager, and/or Store Manager (*i.e.*, in a Covered Position) in a Wet Seal or Arden B. Store

- D. You may use additional paper to answer these questions, if necessary. If you do so, write your name and Social Security number on each additional page.
- E. Any documents you provide to the Claims Administrator will not be returned to you. Please make copies of anything you send to the Claims Administrator.
- F. You **must sign** and **date** the Claim Form on page 15. If you are under 18 years of age, your parent or legal guardian must also sign your Claim Form. If you cannot sign your name due to a disability or incapacity, the Claim Form may be signed by your designated representative. If a Class Member has died, the executor of the estate or authorized representative may complete and sign the Claim Form.
- G. By signing your Claim Form at the end of Part D, you are declaring ***under penalty of perjury*** that the information on the Claim Form and any attachments is true and correct, and that you are African-American or Black. You can be subject to criminal penalties for submitting any false information on your Claim Form.
- H. Only claims submitted on an original, non-photocopied Claim Form will be accepted. If your Claim Form is damaged, you may contact the Claims Administrator for a new form.
- I. If you do not return this Claim Form postmarked by October 7, 2013, your claim will be rejected and you will lose all rights to receive any money from this settlement. You **must** mail the Claim Form to:

Cogdell v. The Wet Seal, Inc. Claims Administrator
P.O. Box 11239
Tallahassee, FL 32302-3239
- J. To ensure that you have a record of your claim and date of mailing, we suggest that you keep a copy of your signed Claim Form and mail the original Claim Form by certified mail, and keep a copy of the receipt. (Certified mail is suggested, but not required.)
- K. The Claims Administrator is responsible for determining whether your Claim Form is complete. You may be asked to provide additional information to support your claim. If the Claims Administrator asks for additional information, you will also be told how to send your response. If you fail to respond to the request for additional information within the specified time period, your claim may be denied.
- L. It is your responsibility to keep the Claims Administrator advised of any change in your address. If you do not keep the Claims Administrator advised of your current address, you might not get money to which you may be entitled. Any change of address should be reported in writing along with your complete name, signature, Social Security number, and former address to the Claims Administrator at the address above.
- M. For more information about the claims process that the Claims Administrator will use to distribute money from the three funds, please refer to the Claims Administrator's website at **www.WetSealAfricanAmericanSettlement.com**, or call the Claims Administrator at (855) 615-4337.
- N. If you want additional information about the settlement, or have questions about these instructions, or about how to complete the Claim Form, please call the Claims Administrator at the number above. Do not call the Court or the Clerk of the Court.

Part B—Employment History

EMPLOYMENT AT WET SEAL

13. According to Wet Seal’s records, the positions you have held at Wet Seal since 2007 are shown below. The total number of weeks you worked in a Covered Position during the Covered Time Frame is also shown below (note that the Total Weeks Worked number shown below is limited to the Covered Time Frame and Covered Positions, and does not cover your entire employment with Wet Seal if you worked in a non-Covered Position and/or outside of the Covered Time Frame). If you believe that any information is missing or incorrect, please correct it in the relevant box(es) below. For any corrections you submit to the dates below, please provide documentary proof that you held the position you claim during the dates you claim.

	Start Date	End Date	Wet Seal Store Location
Job Title			
Job Title (2)			
Job Title (3)			
Job Title (4)			
Job Title (5)			
Job Title (6)			
Job Title (7)			
Job Title (8)			
Job Title (9)			
Job Title (10)			
Job Title (11)			
Total Weeks Worked in Covered Position during Covered Time Frame:	[WeeksWorked]		

Please note, you are only eligible to receive a monetary award based on discrimination 1) that occurred between May 8, 2008 and June 12, 2013; and 2) that occurred while you were working in a Covered Position in a Wet Seal or Arden B. Store. Your complete employment history at Wet Seal since 2007, regardless of the position in which you worked, is printed on page 4 for your reference.

14. If you worked in a store management position (Store Assistant Manager, Co-Manager, Acting Store Manager, or Store Manager) at Wet Seal **before 2007**, please list the management positions you held and the dates that you held them to the best of your recollection:

OTHER MANAGEMENT EXPERIENCE

15. Did you work in a management position for a different employer before you worked at Wet Seal?

___ Yes ___ No *If your answer is “No,” continue to Part C.*

16. For the management position you held most recently before you worked at Wet Seal, please list the name of your employer:

17. What was your job title?

18. Please list the city and state where you worked:

19. Please list the approximate dates of employment at that employer, to the best of your recollection:

20. If you had additional management positions in the **five years** before you started working at Wet Seal, please answer Questions 16-19 for each position on separate sheets of paper.

Part C—Claims

All eligible Class Members will receive a Baseline Pay Award and a Baseline Promotion Award based on the number of weeks worked for Wet Seal or Arden B. between May 8, 2008 and June 12, 2013 in a Covered Position. In addition, Class Members who were involuntarily terminated while working in a Covered Position during this time frame will be eligible to receive a Baseline Termination Award. It is not necessary to answer the questions below to receive these awards; you only have to complete Parts A and D.

If any of the questions below are applicable to you, please complete them as instructed. You might be eligible for an additional award based on some or all of your answers below. In addition, if you have evidence, such as emails or other documents, that support any of your claims below, please include copies of that evidence with your Claim Form. At the top of the

document, please indicate your name, Social Security number, and the question number for which you are submitting the document.

ADDITIONAL PROMOTION CLAIMS

Interest in Promotion

21. When you worked in a Covered Position, did you express interest to a supervisor in promotion to a Co-Manager, Acting Store Manager, Store Manager, District Director in Training, or District Director at any time from May 8, 2008 to June 12, 2013, **and not get that promotion?**

____ Yes ____ No

If your answer is "No," please go to Question 26.

If your answer is "Yes," please complete Questions 22-25 below. If you expressed interest in promotion on multiple occasions, please answer Questions 22-25 for each occasion on a separate page.

22. Please list the Wet Seal store where you worked at the time you expressed interest in promotion. Please be as specific as possible, and list the store number if you know it.

23. Please list the name and title of the supervisor(s) to whom you expressed your interest in promotion.

24. Please list the approximate date when you expressed interest in promotion, to the best of your recollection

25. Please provide a brief description of what happened when you expressed interest in a promotion. Attach a separate page if necessary.

Discriminatory Denial of Promotion

26. Do you believe that Wet Seal discriminatorily denied you a promotion to Co-Manager, Acting Store Manager, Store Manager, District Director in Training, or District Director because of your race or color when you worked in a Covered Position at any point from May 8, 2008 to June 12, 2013?

____ Yes ____ No

If your answer is "No," please go to Question 32.

If your answer is "Yes," please answer Questions 27-31 below. If you believe that Wet Seal discriminatorily denied you a promotion on multiple occasions, please answer Questions 27-31 for each occasion on a separate page.

27. Please list the Wet Seal store where you worked at the time you were discriminatorily denied a promotion. Please be as specific as possible, and list the store number if you know it.

28. Please list the title and location of the position you sought.
-
29. Please list the approximate date that you were denied the promotion, to the best of your recollection.
-
30. Please state the name and race, if you know, of the person who received the promotion you sought.
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31. Please briefly describe why you think you were equally or more qualified than the person who got the promotion you sought. Attach a separate page if necessary.
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Discrimination in Job Assignments

32. Do you believe that Wet Seal discriminated against you in job assignments (such as assigning you to a store location that was less desirable to you or unfavorable job tasks), because of your race or color when you worked in a store management Position at any time from May 8, 2008 to June 12, 2013?
- Yes No ***If your answer is “No,” please go to Question 34.***
- If your answer is “Yes,” please answer Question 33 below. If you believe that you were subjected to discrimination with respect to job assignments on multiple occasions, please answer Question 33 for each occasion on a separate page.***
33. Please briefly describe the basis for your belief that Wet Seal discriminated against you with respect to job assignments. Attach a separate page if necessary.
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TERMINATION AND OTHER CLAIMS

Termination/Discipline

34. Were you involuntarily terminated from a store management Position at Wet Seal at any time from May 8, 2008 to June 12, 2013?
- Yes No
35. Do you believe that Wet Seal terminated you, demoted you, subjected you to discipline resulting in loss of pay, or made your working conditions so unbearable that you were forced to quit, because of your race or color when you worked in a store management Position at any time from May 8, 2008 to June 12, 2013.
- Yes No ***If your answer is “No,” please go to Question 53.***
- If your answer was “Yes,” please answer Questions 36-52 below. If you were subjected to the adverse actions below on multiple occasions between May 8, 2008 and June 12, 2013, please answer Questions 36-52 on separate sheets for each occasion.***

36. Please state the Wet Seal store where you worked at the time you were terminated, demoted, or subjected to discipline resulting in loss of pay. Please be as specific as possible, and list the store number if you know it.

37. What adverse action(s) were you subjected to? Please check all that apply:

Termination (including making working conditions so unbearable that you were forced to quit)

Demotion

Discipline resulting in loss of pay

Other (please explain) _____

38. Please list the approximate date, to the best of your recollection, that you were terminated, demoted, or subjected to discipline resulting in loss of pay.

39. Please briefly describe what happened.

40. Did Wet Seal terminate you, demote you, or subject you to discipline resulting in a loss of pay for a policy violation?

Yes No ***If your answer is "No," continue to Question 47.***

41. If your answer to Question 40 is "Yes," please state the policy.

42. Do you believe that you violated the policy?

43. If your answer to Question 40 is "Yes," do you believe that other employees who are not African-American or Black were not terminated, demoted, or disciplined (resulting in loss of pay) for violating the same policy?

Yes No ***If your answer is "No," continue to Question 45.***

44. Please explain in detail the basis for your belief, for example, the names of employees who were not terminated, demoted, or disciplined for violating the same policy, and the name(s) of any Wet Seal personnel whom you believe enforced the policy unfairly.

45. Do you believe that Wet Seal targeted you for termination, demotion, or discipline resulting in loss of pay?

Yes No ***If your answer is "No," continue to Question 47.***

46. If your answer to Question 45 is “Yes,” please describe the basis for your belief (and attach copies of any documents in support):

47. If Wet Seal terminated your employment or made your working conditions so unbearable that you quit, did you have a period of unemployment or reduced income immediately after your employment with Wet Seal ended?

Yes No *If your answer is “No,” continue to Question 53.*

48. If your answer to Question 47 is “Yes,” how long were you unemployed following the termination of your employment with Wet Seal?

49. Following your termination, were you actively looking for work during the period you were unemployed?

Yes No

50. If you got a job after your termination, did you earn more or less than you earned at Wet Seal? Please check one:

More Less

51. If you earned less at your next job than you had been making at Wet Seal, how much less *per hour* were you making in your next job? Provide the name of your next employer and your next supervisor.

52. Please provide any additional facts to support your claim of discrimination in termination, demotion and discipline resulting in loss of pay (use additional sheets if necessary).

Harassment/Hostile Work Environment

53. Do you believe that Wet Seal subjected you to harassment and/or a hostile work environment (for example, offensive comments or conduct) because of your race or color when you worked in a Covered Position at any point from May 8, 2008 to June 12, 2013?

Yes No *If your answer is “No,” please go to Question 59.*

If your answer is “Yes,” complete Questions 54-58 below. If you were subjected to harassment and/or a hostile work environment based on race or color during multiple time periods during the Covered Time Frame, please answer Questions 54-58 on separate sheets for each time period.

54. Please list the Wet Seal store(s) where you worked at the time you were subjected to harassment or a hostile work environment. Please be as specific as possible, and list the store number if you know it.

55. Please describe the harassment and/or the actions that you believe created a hostile work environment for you.

56. Please provide the dates of such actions, to the best of your recollection.

57. Please list the names and titles of Wet Seal personnel who harassed you and/or whom you believe created the hostile work environment.

58. Please briefly describe what happened. Attach additional pages if needed.

Retaliation

59. Did you complain about discrimination, harassment or hostile work environment when you worked in a store management Position at any point from May 8, 2008 to June 12, 2013?

Yes No ***If you answered "No," please go to Question 72.***

If your answer is "Yes," complete Questions 60-71 below. If you were subjected to retaliation on multiple occasions during the Covered Time Frame, please answer Questions 60-71 for each occasion on separate sheets.

60. How did you complain about discrimination, harassment or hostile work environment based on race or color at Wet Seal? Please check all that apply:

Complained orally (in person or by phone) to an employee with the same job title as you

Complained in writing to an employee with the same job title as you

Complained orally (in person or by phone) to someone at Wet Seal with a higher job title than you (a Store Management Employee with a higher title, District Director, Regional Director, or Loss Prevention personnel)

Complained orally (in person or by phone) to Human Resources personnel

Complained in writing to someone at Wet Seal with a higher job title than you (a Store Management Employee with a higher title, District Director, Regional Director, or Loss Prevention personnel)

Filed a charge of discrimination, harassment or hostile work environment with the EEOC or state agency

Other (please explain): _____

61. When did you make a complaint or complaints?

62. Did you ever participate in an investigation about discrimination, harassment or hostile work environment while you were employed at Wet Seal?

Yes No *If your answer is "No," continue to Question 64.*

63. If the answer to Question 62 is "Yes," please describe, to the best of your recollection, the investigation, when it occurred, and what your participation involved:

64. After you complained or participated in an investigation about discrimination, harassment or hostile work environment, did Wet Seal take any adverse employment actions against you, such as demotion or termination?

Yes No *If your answer is "No," go to Question 72.*

65. What types of adverse employment action did Wet Seal take against you? Please check all that apply.

Discipline – including a Corrective Action Notice indicating Verbal Counsel/Warning, Written Warning, or Final Warning

Demotion

Reduction of hours/shifts

Decreasing your pay rate

Termination

66. Please list the Wet Seal store(s) where you worked at the time you were subjected to the adverse action. Please be as specific as possible, and list the store number if you know it.

67. Please list the approximate date(s) of the adverse action, to the best of your recollection.

68. Please list the name(s) and title(s) of Wet Seal personnel whom you believe were responsible for the adverse action.

69. Please briefly describe what happened. Attach additional pages if needed.

70. Do you have any evidence that Wet Seal retaliated against you?

Yes No *If your answer is "No," continue to Question 72.*

71. If your answer to Question 70 is “Yes,” please describe such evidence (and attach copies of any documents in support):

Emotional Distress or Physical Effects of Discriminatory Conduct

72. Do you have or have you had any emotional, psychological, or physical effects or symptoms that you believe were a result of any of the discriminatory, harassing or retaliatory conduct that you listed in response to the Questions above?

___ Yes ___ No ***If your answer is “No,” please go to Question 74.***

If your answer is “Yes,” complete Question 73 and its sub-parts.

73. Please provide the following information regarding: emotional reaction, psychological effects, and/or physical effects that you believe resulted from any of the actions or conduct you listed in response to the Questions above.

i. Describe what effects or symptoms you had or have:

ii. Describe the discriminatory, harassing or retaliatory conduct that you believed caused the effects or symptoms that you have described.

iii. If you discussed any of the effects or symptoms listed above with any person (including family member, friend, co-worker, doctor, psychologist, or other person), please state the name and relationship to you, of each person with whom you discussed these symptoms or effects:

Name	Relationship

Damage to Reputation

74. Have you experienced damage to your reputation that you believe was a result of your complaints of discrimination, harassment, or hostile work environment based on race or color, or retaliation for opposing such conduct based on race or color?

Yes No ***If your answer is “No,” please go to Question 77.***

If your answer is “Yes,” complete Questions 75-76 below.

75. Please describe the damage to your reputation that you have experienced. Please be as specific as possible.

76. When did you experience damage to your reputation?

EEOC AND AGENCY COMPLAINTS AGAINST WET SEAL

77. Did you ever file a complaint or charge with the Equal Employment Opportunity Commission (EEOC) or a state fair employment agency before May 8, 2013 regarding claims of discrimination, harassment, or hostile work environment based on race or color, or retaliation based on opposing such conduct based on race or color at Wet Seal?

Yes No ***If you answered “No,” please go to Question 81.***

If the answer is “Yes,” complete Questions 78-80 below.

78. Please state the date of the complaint or charge, to the best of your recollection, and the name of the agency where you filed the complaint or charge. Please attach a copy if you have one.

79. In your complaint or charge with the EEOC or state fair employment agency, did you allege any of the following? Please check all that apply.

Discrimination based on race or color in promotion to Co-Manager, Store Manager, District Director in Training, and District Director

Discrimination based on race or color in pay

Discrimination based on race or color with regard to terminations, demotions, and discipline

Retaliation based on opposition to Wet Seal’s discrimination, harassment or hostile work environment based on race or color

80. Has the EEOC or a state fair employment agency issued a determination that Wet Seal violated federal or state law with respect to your claims of discrimination, harassment and/or hostile work environment based on race or color or your claims of retaliation?

Yes No ***If the answer is yes, please attach a copy if you have one.***

COMMUNICATIONS WITH CLASS COUNSEL

81. Did you communicate with class counsel or anyone in their offices (listed in the Class Notice you received with this Claim Form), or provide information through the web site at <http://wetsealdiscrimination.com> before May 8, 2013 regarding any claims of discrimination based on race or color with respect to pay, promotions, terminations, demotions, and discipline (resulting in loss of pay); harassment or hostile work environment based on race or color; or retaliation for opposing such conduct based on race or color at Wet Seal?

Yes No *If the answer is "No," please go to Part D.*

If the answer is "Yes," complete Questions 82-84 below.

82. Please list the approximate date or dates, to the best of your recollection, when you communicated with Class Counsel or their staff.

83. With whom did you communicate? List any names of attorneys, law firms, or staff, to the best of your recollection.

84. Did you submit a website questionnaire through the website at <http://wetsealdiscrimination.com>?

Yes No

