

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

MICHELLE BENEDICT, THUHA TRAN,  
DEBRA KELLEY, TANNA BENNETT,  
PATRICIA SANCHEZ, MARY DUNHAM,  
and ROBERTA BLEA on behalf of themselves  
and others similarly situated,

Plaintiffs

v.

Case No. D-202-CV-2022-07164

CITY OF ALBUQUERQUE,

Defendant.

**NOTICE OF SETTLEMENT OF COLLECTIVE ACTION**  
**LAWSUIT TO RECOVER BACK WAGES AND OTHER BENEFITS**  
**FROM THE CITY OF ALBUQUERQUE**

**\*\* PLEASE READ CAREFULLY \*\***

**To:** All female employees of the City of Albuquerque (“City”) who opted into the collective action lawsuit against the City of Albuquerque whose claims were not previously dismissed.

**Re:** Settlement of collective action lawsuit against the City for violations of the New Mexico Fair Pay for Women Act.

The purpose of this notice is to inform all female employees who opted into the collective action lawsuit against the City whose claims were not dismissed that **the parties have reached a settlement in this lawsuit correcting pay disparities and retirement benefits dating back to November 28, 2016.**

**THE LAWSUIT**

If you are receiving this notice, you have opted into this case that alleges that the City paid you less than a male who had the same job description for equal work which is prohibited by the New Mexico Fair Pay for Women Act. By entering into this settlement, the City does not admit liability for any of the claims in the lawsuit.

**THE SETTLEMENT**

The terms of the settlement agreement are:

**1. Backpay**

The City has agreed to pay \$10,930,003 million to the Class. This payment will be used to pay the backpay owed to class members, attorneys’ fees, and gross receipts taxes on

attorneys' fees. All class members will receive 100% of the backpay to which they are entitled under the settlement agreement. The amount of backpay to which each class member is entitled is the difference between the amount they were paid and the amount they should have been paid had they earned the same base pay as the highest paid male with the same job description between November 28, 2016 and the present.

**2. Retirement Benefits**

For class members who have not yet retired, upon retirement, the City will make all payments necessary to ensure each class member's retirement contributions for up to thirty six consecutive months (which are used to calculate retirement benefits) reflect the raise the class member receives as a result of this settlement to reflect what they should have been paid had they earned the same amount as the highest paid male in that job description between November 28, 2016 and the date of retirement.

For class members who have already retired, the City will make all necessary contributions to the Public Employees Retirement Association of New Mexico ("PERA") to ensure that the retired class members' retirement benefits are adjusted as needed to reflect the amount they should have received had they made the same base pay rate as the highest paid male with the same job description between November 28, 2016 and the date of retirement.

Additionally, PERA will provide back retirement benefits to retired class members that reflect the difference between the amount of retirement benefits each class member should have received had their highest three years between November 28, 2016 and the date of retirement been the same as the highest paid male with the same job description and the amount of retirement benefits actually paid to the class member.

**3. Costs**

The City of Albuquerque will pay the costs associated with this lawsuit up to \$180,000. No costs will be deducted from the settlement amounts awarded to class members.

**4. Attorneys' Fees**

The attorneys representing the Class will seek a reasonable fee and gross receipts taxes thereon from the Court not to exceed 20% of the amount the City has agreed to pay in this lawsuit. After payment of the requested attorneys' fees, the class members will still receive the full amount of the backpay and retirement benefits owed to them. In addition, the attorneys will not seek any fee from the retirement benefits achieved in this settlement.

**5. Full Settlement Agreement**

You may view the full settlement agreement in this case at [www.benedictclass.com](http://www.benedictclass.com).

**APPROVAL HEARING**

The Court will hold a hearing to decide whether to approve this settlement and award attorneys' fees on October 15, 2024, at 2:15 pm. It is a telephonic hearing. Phone number 1-719-359-4580 Meeting ID: 858 9561 3096 Passcode: 571129

If the Court approves the settlement, then the City will provide the funds to be deposited into the settlement trust fund to be distributed to class members.

**GETTING YOUR CHECK**

**Once the funds are available, class members can pick up their checks from 8:00 am- 5:30 pm Monday-Friday at:**

Law Office of Alexandra Freedman Smith  
925 Luna Circle NW  
Albuquerque, NM 87102  
(505) 200-2331  
[benedict@smith-law-nm.com](mailto:benedict@smith-law-nm.com)

**Class members must show a driver’s license or other valid picture ID and must provide a signature to pick up their checks. If you would rather receive your settlement check by mail, please inform us by calling (505) 200-2331 or emailing at [benedict@smith-law-nm.com](mailto:benedict@smith-law-nm.com).**

Until the Court approves the settlement and a date is set for the City to deposit the settlement funds into the settlement trust fund, no date for providing settlement checks to class members can be set. Therefore, **please call (505) 200-2331 or email at [benedict@smith-law-nm.com](mailto:benedict@smith-law-nm.com) before you come to pick up your check** to make sure the settlement funds have been deposited into the settlement trust fund and are available to distribute. **Class members will have 6 months from the date the funds become available to pick up their checks or request that we mail their checks. Thereafter, class members who have not picked up their checks or requested their checks be mailed to them will forfeit any right they have to receive their backpay settlement amount.**

If you have any questions, please contact us at (505) 200-2331 or [benedict@smith-law-nm.com](mailto:benedict@smith-law-nm.com).

**ATTORNEYS REPRESENTING YOU IN THIS LAWSUIT**

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THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE DISTRICT COURT, HONORABLE DENISE BARELA SHEPHERD, DISTRICT COURT JUDGE, FOR THE SECOND JUDICIAL DISTRICT OF NEW MEXICO. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS’ CLAIMS OR THE CITY OF ALBUQUERQUE’S DEFENSES. PLEASE DO NOT CONTACT THE COURT, THE COURT’S CLERK, OR THE JUDGE. THEY ARE NOT PERMITTED TO ADDRESS YOUR INQUIRIES OR QUESTIONS.