

## NEWS RELEASE

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### MAJOR VICTORY IN PRE-TRIAL STAGE OF FEDEX GROUND/HOME DELIVERY DRIVERS LAWSUIT

#### *Federal Judge Upholds ERISA Claim for All Drivers*

**SOUTH BEND, IN** (June 13, 2006) – A Federal Judge has rejected the request by FedEx lawyers to dismiss the claim to Employee Retirement Income Security Act (ERISA) benefits – including those covering pension benefits -- in the national class-action suit brought on behalf of Federal Express Ground/Home Delivery drivers against the corporation, it was announced today.

The Hon. Robert L. Miller, Jr., Chief Judge , United States District Court for the Northern District of Indiana, South Bend Division, issued his Opinion and Order in the multi-jurisdiction litigation (MDL-1700) that presently includes hundreds of plaintiffs – current and former FedEx Ground/Home Delivery drivers, from nearly 30 states. FedEx unsuccessfully argued that the ERISA claim should be thrown out for several reasons, including ineligibility. It has taken the position that the drivers are independent contractors, not employees, and as such are not entitled to pensions or any of the other numerous benefits provided to its other employee-drivers, such as those working for the Express Division.

The ruling, entered June 2, 2006 , preserves the pension claims for all drivers in every state, even if drivers in that state do not have their own lawsuit. Attorneys for the drivers say they are confident they can demonstrate at trial that there is no question that the drivers are entitled to all the benefits – including ERISA benefits -- provided full-time employees.

“The ERISA ruling is another significant step in seeking justice for every former, current and future FedEx Ground/Home Delivery driver,” says Lynn Rossman Faris, Esq., a California-based attorney who brought the first lawsuit against the company alleging misclassification of employees as a way to shift the burden for paying millions in overhead expenses – including employee retirement contributions -- from the company to the drivers, enabling FedEx Ground/Home Delivery to boost its profitability. “The state courts in California have held that FedEx Ground/Home Delivery drivers there have been misclassified and, and we intend to prove the same case and have the Court reach the same conclusion in the federal nationwide class-action.”

For further information on the class-action lawsuit, contact the attorney noted above or visit [www.fedexdriverslawsuit.com](http://www.fedexdriverslawsuit.com) .