

Legal Notice of Proposed Class and Collective Action
Settlement and Fairness Hearing

THIS IS NOT AN ADVERTISEMENT OR ATTORNEY SOLICITATION. THIS NOTICE HAS BEEN APPROVED BY THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS AND CONTAINS IMPORTANT INFORMATION ABOUT YOUR LEGAL RIGHTS. PLEASE READ THIS NOTICE CAREFULLY.

Tidwell, et al. v. Dyson Direct, Inc., Case No. 19-cv-6929

If you were employed as a non-exempt Customer Experience Specialist by Dyson Direct, Inc. in the state of Illinois, you may be entitled to a payment from a class and collective action lawsuit settlement, subject to its approval by a court.

«IMulBarcodeEncoded»

«FirstName» «LastName» «BusinessName»
«Address1» «Address2»
«City», «State» «Zip»-«ZipDPC3»

- This notice pertains to any individual who was employed by Dyson Direct, Inc. (“Dyson” or “Defendant”) as a non-exempt Customer Experience Specialist in the state of Illinois during the period between October 21, 2016 and **January 22, 2021**.
- A current employee and a former employee of Dyson (“Plaintiffs”) have sued Dyson, alleging that it violated the Illinois Minimum Wage Law (“IMWL”) and the Fair Labor Standards Act (“FLSA”) by purportedly failing to pay certain overtime premiums for time worked in excess of forty (40) hours in a given workweek. The Plaintiffs filed the lawsuit as a class action under the state law of the State of Illinois and as a collective action under the FLSA. Dyson denies these allegations and maintain that its employees were properly compensated at all times.
- To avoid the burden, expense, inconvenience and uncertainty of continued litigation, the parties have concluded that it is in their best interests to resolve and settle the action by entering into a settlement agreement. Accordingly, the Plaintiffs and Dyson have reached a settlement in this matter. Dyson has agreed to deposit an amount, described further below, into a fund that will be used to pay current and former employees who worked as a non-exempt Customer Experience Specialists, and who otherwise qualify for a settlement payment, as well as to pay attorneys’ fees, service award, litigation costs, and the expenses of administering the settlement.
- Under the allocation formula, if the Court approves the settlement, and you do not exclude yourself, you will receive a payment, subject to and less applicable taxes and withholdings, calculated based on the amount of alleged underpayments made to you, provided that each class member shall be eligible to receive a certain minimum payment.
- Neither counsel for Plaintiffs (“Class Counsel”) nor Dyson make any representations concerning any tax consequences of this settlement or participation in it, and you are advised to seek your own personal tax advice prior to acting in response to this Notice. Your legal rights may be affected. You have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT OF CLAIMS:

DO NOTHING NOW	Remain part of the case and be entitled to receive a settlement payment, subject to applicable taxes and withholdings. If the Class Settlement is approved, you will be waiving your rights to any wage and hour claims under the Illinois Minimum Wage Law (“IMWL”). If you endorse your settlement payment check, you are consenting to join the Fair Labor Standard Act (“FLSA”) Collective and agreeing to the settlement.
EXCLUDE YOURSELF	Get no payment. Under this option, you do not receive any payment from this settlement, but you do not release Dyson from any claims. <i>If you exclude yourself from the settlement, you will not be entitled to receive any payment from the Settlement Fund.</i>
OBJECT	Write to the Court about why you object to the settlement. If you exclude yourself from the settlement, you may not object. If you object in writing, you may also ask to speak in Court about the fairness of the settlement. You may only appear in Court to speak about the fairness of the settlement if you file a timely written objection to the settlement and if you do not exclude yourself from the settlement.

- These rights and options and the deadlines to exercise them are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

A. WHY DID I GET THIS NOTICE?

Dyson’s records indicate that you worked as a non-exempt Customer Experience Specialist in Illinois between October 21, 2016 and January 22, 2021. A court has ordered that you be sent this notice because you have a right to know about a proposed settlement of a class and collective action lawsuit, and about all of your options, before the court decides whether to approve the settlement. If the court approves the settlement and after objections (and appeals, if any) are heard, payments will be mailed to class members who do not exclude themselves, who timely return valid tax forms.

This notice explains the lawsuit, the settlement, your legal rights, and what benefits are available.

B. WHAT IS THIS LAWSUIT ABOUT?

Anita Tidwell and Dion Green (“Plaintiffs”) brought a complaint against Dyson Direct, Inc. (“Defendant” or “Dyson”) claiming that Dyson violated Illinois (IMWL) and federal (FLSA) law by failing to correctly calculate the overtime rate of pay for certain employees earning commissions and incentives. Their complaint seeks back pay, liquidated damages, civil penalties, and attorneys’ fees and costs. Dyson denies the allegations and maintains that it complied with the law at all times. In fact, Dyson contends that it properly paid its employees correctly at all times.

C. WHAT IS A CLASS AND COLLECTIVE ACTION?

In a class action, one or more people called “Class Representatives” sue on behalf of people who have similar claims. The people together are a “Class” or “Class Members.” The employees who sued are called the Plaintiffs. One court resolves the issues for everyone in the Class – except for those who choose to exclude themselves from the Class. The proposed Class pertains to the IMWL. If you do not exclude yourself from the Settlement and this Settlement is approved, you will be waiving your rights under the IMWL.

Similarly, a collective action is an action brought under the FLSA in which one or more plaintiffs asserts claims, seeking to be able to represent other persons who are similarly situated and consent to join into the lawsuit. If you do not opt-out of the Settlement and this Settlement is approved, by endorsing your Settlement Check you will be consenting to join the collective settlement and waiving your rights under the FLSA.

D. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Dyson. Both sides believe they would have prevailed in the case, but there was no decision ruling in favor of either party. Instead, both sides agreed to a settlement. That way, they avoid the costs, delays and uncertainties associated with a trial, and the people affected will get compensation. The Class Representatives and the attorneys think the settlement is best for all Class Members.

E. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

You are automatically a member of the Class if you worked for Dyson as a non-exempt Customer Experience Specialist in the state of Illinois during the period between October 21, 2016 and January 22, 2021.

F. WHAT IF I’M UNSURE IF I SHOULD BE INCLUDED?

If you are still not sure whether you are included, you can ask for free help. You can contact the Settlement Administrator listed in Section Q.

G. WHAT DOES THE SETTLEMENT DO?

The proposed Settlement resolves the claims before the Court decides which side is right. As part of the Settlement, Dyson has agreed to pay \$186,512.32 to resolve this lawsuit, plus up to an additional \$5,000 to ensure that all class and collective members receive a minimum payment amount (“Settlement Fund”). That amount resolves the alleged federal, state and/or local law claims of Class Members in this action, including attorneys’ fees, costs, service payments, unpaid wages, liquidated damages/civil penalties, and settlement administration fees. Additionally, Dyson has agreed to separately pay Class Administration Fees and \$4,000 service payments to the Plaintiffs due to their efforts obtaining a class-wide recovery. Both the Administrative Fees and Service Payments will be paid separately and will not come from the Settlement Fund.

H. HOW AM I AFFECTED?

You received this Notice because Dyson’s records show that you were a non-exempt Customer Experience Specialist in the state of Illinois from the period of October 21, 2016 through January 22, 2021. If the Court approves the Settlement, your rights will be affected. Review your options below to determine what you would like to do.

Any payment will be subject to deductions for applicable taxes and withholdings like any other paycheck, and for which you will receive an IRS Form W-2. Neither Plaintiffs' counsel nor Dyson nor Dyson's counsel makes any representations concerning the tax consequences of this settlement or your participation in it, and you are advised to consult your own tax advisor if you have any questions regarding tax treatment of any payments.

Dyson cannot terminate your employment, or treat you any differently because of your participation in, or exclusion from, the Settlement.

I. HOW MUCH WILL MY PAYMENT BE?

Based on the calculation that has been preliminarily approved by the Court, you will be entitled to receive approximately \$«MERGED_EstSettAmnt», subject to applicable taxes and withholdings. The allocation formula takes into account alleged damages calculated by Plaintiffs' counsel. The Settlement Agreement contains the exact allocation formula. You may obtain a copy of the Settlement Agreement by following the instructions below.

J. HOW CAN I GET MY PAYMENT?

You do not need to do anything to receive the payment identified above. You will be sent a settlement check if and when the Court finally approves the settlement and after all appeals have been exhausted. If you choose to exclude yourself, then you will not receive a payment.

K. WHEN WILL I GET MY PAYMENT?

The Court will hold a fairness hearing to determine whether to approve the settlement, as described in more detail below. If the Court finally approves the settlement, there may be appeals after that. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

L. HOW DO I OPT OUT OF THE SETTLEMENT?

To exclude yourself from the settlement, you must send a letter by mail that includes the words, "I opt out of the Dyson wage and hour settlement." You must include your name, job title, address, telephone number, and signature. Your exclusion request must be postmarked no later than **March 23, 2021** and must be mailed to the Settlement Administrator identified **below**.

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. If you exclude yourself from the lawsuit, you may not object to it.

M. HOW DO I OBJECT TO THE SETTLEMENT?

If you are a Class Member, you can object to the settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter by mail that includes the words "I object to the settlement in the Dyson wage and hour litigation." Be sure to include your name, address, telephone number, a written statement of the bases for your objection, copies of any papers, briefs or other documents, a statement indicating if you will appear at the fairness hearing, the name and contact information for your counsel (if represented by someone other than Class Counsel), and your signature, and all other information required by the Settlement Agreement (which can be obtained from the Settlement Administrator). Mail the objection to the Settlement Administrator identified **below**. Your letter must be postmarked no later than **March 23, 2021**.

You can object only if you stay in the Class. If you exclude yourself from the settlement, you may not object. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

N. THE COURT'S FAIRNESS HEARING

The Court will hold a fairness hearing to decide whether to approve the settlement. This will be held on **April 22, 2021** at **COURT ADDRESS**. Please contact Class Counsel prior to appearing as location and date of the fairness hearing is subject to change.

You may attend and you may ask to speak, but you don't have to. If you wish to bring anything to the Court's attention about the settlement, you should provide it in writing to the Settlement Administrator, who will provide your letter to the Court before the fairness hearing.

At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

O. DO I HAVE AN ATTORNEY IN THIS CASE?

The Court has appointed The Fish Law Firm, P.C. as Class Counsel. Participating Class Members will not be required to make any payments to Class Counsel for any of the litigation costs from their individual settlement amounts identified in this Notice and the approximate amount in Section A already reflects attorney's fees and costs. If the Settlement is approved, Class Counsel will request the Court to award 33%

of the total Settlement Fund in attorneys' fees and \$460.02 in costs out of the Settlement Fund.

P. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel will ask the Court to approve payment of up to one-third of the Settlement Fund for attorneys' fees. These fees would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. Class Counsel will also ask the Court to approve payment for their out-of-pocket costs up to \$460.02 excluding the cost of the settlement administrator. The cost of the Settlement Administrator will also come from the Settlement Fund. The Court may award less than these amounts.

Q. WHERE CAN I GET MORE INFORMATION?

If you have additional questions or need additional information, please contact the Settlement Administrator or Class Counsel:

Pleadings related to this settlement can be found at:

[\[Web Address\]](#)

PLEASE NOTE: Inquiries for additional information or advice should NOT be directed to the Court or Dyson's Counsel. You may hire an attorney other than Class Counsel to discuss your rights under the Settlement if you choose.

Settlement Administrator
Tidwell v. Dyson Direct, Inc.
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(XXX) XXX-XXXX

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