

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

Luis De La Cruz v. Metro Link IL, LLC, Case No. 17-CV-8661, United States District Court for the Northern District of Illinois

If you were employed by Metro Link IL, LLC in the United States between July 1, 2014 and May 7, 2018 you may be entitled to a payment from a class action lawsuit settlement. A federal court authorized this notice. This is not a solicitation from a lawyer.

A proposed settlement has been reached regarding wage and hour claims against **Metro Link IL, LLC** (“Defendant”) in the above-referenced class action lawsuit. Because your rights will be affected by this settlement, it is extremely important that you read this Notice carefully. **As explained in more detail below, to receive proceeds from the settlement, no action is required by you.**

1. Why did I get this notice?

Defendants’ records show that you worked at **Metro Link IL, LLC** between July 1, 2014 and May 7, 2018 as an hourly employee (“Class Member”). The Court ordered that you be sent this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, payments will be mailed to class members who did not exclude themselves.

2. What is this lawsuit about?

This lawsuit is about whether Defendants’ alleged payroll practice, allegedly unlawful deductions taken from paychecks register shortages and loans, and alleged off the clock work resulted in Defendants not properly paying hourly employees for all time worked. An employee filed this lawsuit as a class action under the Illinois Minimum Wage Law (“IMWL”) and the Illinois Wage Payment and Collection Act (“IWPCA”) and as a collective action under the Fair Labor Standards Act (“FLSA”). The person who filed the lawsuit is called the “Plaintiff.” The Court overseeing this case is the United States District Court for the Northern District of Illinois.

Defendants deny they did anything wrong. The parties have entered into this settlement solely with the intention to avoid further disputes and litigation with the attendant inconvenience and expense. The Court has not made any ruling on the merits of Plaintiff’s claims or Defendant’s defenses.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Defendants. Both sides believe they would have prevailed in this case. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Plaintiff and his attorneys think this settlement is best for all class action members.

4. How do I know if I will be included in the settlement?

You are automatically a class member and are included in the settlement if you worked as an hourly employee for Defendants between July 1, 2014 and May 7, 2018, and the Court approves this settlement, unless you choose to exclude yourself from the settlement. If the Court approves the settlement, you will automatically receive a settlement check if you have not excluded yourself from the settlement.

5. What does the settlement provide?

The parties have agreed to settle the case on a class-wide basis by paying a total of \$290,000 (the Gross Settlement Fund). If the settlement is approved by the Court, the settlement funds will be used to pay current and former employees who qualify for a settlement payment, as well as to pay attorneys’ fees and costs approved by the Court, and any Court-approved service payment to Plaintiff. If you would like to be informed of the total settlement amount, you may contact the Settlement Administrator at the telephone number provided in Section 19 below.

6. How much will my payment be?

Based on the calculations performed using your pay records, you are eligible to receive the approximate gross amount of _____ (“Payment”) if you do nothing. If your gross payment is more than \$100, then you will receive your Payment in three equal 1/3 portions, the last portion to be sent by December 31, 2021. A portion of 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. The remaining portion of this payment, attributable statutory penalties, will be reported on an IRS Form 1099. Neither Plaintiff or Defendants or their respective counsel make

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 the tax treatment of any payments.

7. How can I get my payment?

You do not need to do anything to receive the settlement. If you choose to exclude yourself from the settlement, then you will not receive a payment.

8. When will I get my payment?

The Court will hold a hearing on February 18, 2020 at 11:00 a.m. to determine whether to approve the settlement. If the Court 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.

9. What am I giving up to get a payment and participate in the settlement?

Unless you exclude yourself from the class action, you will remain in the class action. This means that you and your current, former and future heirs, spouses, executors, administrators, agents, and attorneys cannot sue, continue to sue, or be part of any other lawsuit against Metro Link IL, LLC or the Released Parties about any Class Released Claim, which is defined below, even if you do not cash, deposit, or otherwise negotiate your settlement check. It also means that the Court's orders relating to the class action will apply to you and legally bind you.

10. Am I protected from retaliation for participating in the settlement?

Defendants understand and acknowledge that they have a legal obligation not to retaliate against any class member who elects to participate in the settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I opt out of the settlement?

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 the lawsuit and you will not release Defendants from any of the Class Released Claims. If you wish to exclude yourself in order to file an individual lawsuit against Defendants, you should speak to a lawyer as soon as possible because your claims are subject to statutes of limitations, which means they will expire on certain dates.

To exclude yourself from the class action and overall settlement, you must send a letter directed to the Settlement Administrator at De La Cruz v. Metro Link, P.O. Box 26170, Santa Ana, CA 92799, (888)369-3780 expressing your intent to be excluded from the settlement. To be valid, the letter must include: (i) your name; (ii) your Social Security Number; (iii) a statement that you agree not to participate in the settlement; and (iv) your signature. You must send this letter to the Settlement Administrator by first class U.S. mail or equivalent, postage paid, and it must be postmarked on or before January 24, 2020.

12. If I don't exclude myself, can I file claims against Defendants for the same thing later?

No, with respect to the Class Released Claims. Unless you exclude yourself from the class action, you give up any rights you have against the Released Parties for the Class Released Claims asserted in this case, even if you do not later cash, deposit, or otherwise negotiate your settlement check.

If you have a pending lawsuit against Defendants, speak to your lawyer in that case immediately to see if the settlement will affect your other case. Remember, the exclusion deadline is January 24, 2020.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has decided that the lawyers at the Fish Law Firm are qualified to represent you and all class members. These lawyers are called "Plaintiff's Counsel." You will not be charged for these lawyers. You do not need to retain your own attorney in order to participate as a class member. If you do not choose to join the class action and want to be represented by your own lawyer, you may hire one at your own expense.

Plaintiff's Counsel is: The Fish Law Firm, P.C. 200 E. 5th Avenue, Suite 123, Naperville, IL 60563

14. How will the lawyers be paid?

Plaintiff's Counsel will ask the Court to approve payment of approximately 35% of the Gross Settlement Fund plus their out of pocket costs. These fees would compensate Plaintiff's Counsel for investigating the facts, litigating the case, and negotiating the settlement. The Court may award less than this amount. Plaintiff's Counsel will also ask the Court to approve payment of \$7,500 to the Plaintiff who brought the lawsuit in recognition of the risks he took and his service to the Class.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I disapprove of the settlement?

If you disapprove of the settlement, you can object to it by filing a written objection with the Court. You file a written objection by mailing a copy of your written objection to the Clerk's Office, United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, 60604. You also must mail a copy of your objection to the Settlement Administrator by first class U.S. mail or equivalent, postage paid. Your objection must be postmarked no later than January 24, 2020. All objections must be signed and include your address, telephone number, and the name and case number of the Lawsuit. The name and case number of the Lawsuit are *Luis De La Cruz v. Metro Link IL, LLC.*, Case No. 17-CV-8661. Your objection should clearly explain why you object to the settlement and must state whether you or an attorney representing you intends to appear at the Final Approval Hearing. The Court will consider your views.

16. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the class action. Excluding yourself is telling the Court that you don't want to be a part of the class action and overall settlement. If you exclude yourself, you have no basis to object because the case no longer affects you. If you submit both an objection and an exclusion request, the Settlement Administrator will attempt to contact you to determine whether you intended to object or exclude yourself. If the Settlement Administrator cannot reach you, it will be presumed that you intended to exclude yourself, your objection will not be considered, and you will not be part of the settlement.

THE COURT'S FINAL APPROVAL HEARING

17. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Approval Hearing on a to-be-determined February 18, 2020 at 11:00 a.m., at the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, in Courtroom 1019. You do not need to come to this Hearing, but you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you have not excluded yourself and have filed and mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

The purpose of this hearing will be for the Court to determine whether the settlement is fair, adequate, and reasonable and should be approved by the Court. The Court will take into account any comments or objections from class members filed in accordance with required procedures explained in Section 15. Only class members who have requested to speak at the hearing in accordance with Section 15 will be permitted to do so.

GETTING MORE INFORMATION

18. Are there more details about the settlement?

This Notice summarizes the settlement. For more information, you may review the pleadings and other records in this lawsuit, including the detailed Settlement Agreement, at the Records Office of the Clerk of the United States District Court, located at 219 South Dearborn Street, Chicago, IL 60604. You can also review the records concerning the lawsuit on line at <http://www.fishlawfirm.com/metrolink-overtime/>

Any questions regarding this Notice should be directed to the Settlement Administrator at De La Cruz v. Metro Link, P.O. Box 26170, Santa Ana, CA 92799, (888) 369-3780. If your address changes, or is different from the one on the envelope enclosing this Notice, please promptly notify the Settlement Administrator.

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE