

— NOTICE OF SETTLEMENT —

AUTHORIZED BY THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
King County Superior Court Civil Case No. 09-2-07360-1

TO: All persons who, at any time between February 11, 2006, through August 5, 2018, were employed by Garda CL Northwest as an armored car Driver or Messenger in the State of Washington.

- Employees and former employees brought two lawsuits against Garda CL NW for failing to provide lawful meal periods and rest breaks under Washington law. Defendants deny these allegations. The parties to the lawsuits have reached a proposed Settlement under which Garda will pay a total of \$12,500,000.
- Under the proposed Settlement, you are eligible to receive a payment as set forth below. . You do not have to do anything to receive a share of the settlement payments.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You will get a payment for your share of the Class Action Settlement. (You may need to provide the Settlement Administrator any updated contact information to ensure you receive a payment). You will give up your right to sue Garda for the legal claims in this Case.
ASK TO BE EXCLUDED FROM THE SETTLEMENT	This is the only option that allows you to ever be a part of any other lawsuit against Garda with respect to meal or rest breaks for the time period covered by this Case. If you ask to be excluded, you will not receive any payment as part of the settlement.
OBJECT	Write to the Court if you do not like the settlement and explain why. If the settlement is approved, you will still receive a payment and you will give up your right to sue Garda relating to the legal claims in this Case.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. What is the Case about?

The Plaintiffs claim that Garda violated Washington State wage and hour laws by failing to provide meal periods and rest breaks in conformity with the requirements of Washington law. Garda has denied the Plaintiffs' claims, and it contends that it has lawfully compensated its Driver-Messengers during the pertinent period.

2. What is a class action and who is involved?

In a class action lawsuit, "Class Representatives" sue on behalf of other people whom they believe have similar claims. These people together are a "Class" or "Class Members."

The Court has approved seven current and former employees of Garda as Class Representatives. They are Larry Hill, Adam Wise, and Robert Miller (who brought the first lawsuit in 2009), as well as Michael Gayken, Jason Milam, John Ueda, and Rudi Greer (who brought a second lawsuit in 2015). These seven representatives are the Plaintiffs.

The entity the Plaintiffs sued, Garda, is called the Defendant. In a class action, one court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

3. Why is there a Settlement?

These lawsuits have been proceeding in the courts for several years. There have been decisions in the cases, but the lawsuits are not yet concluded. Both sides have agreed to a Settlement. This allows the parties to avoid continued costs and delay, and the people affected will be entitled to compensation. The Class Representatives and their attorneys think the Settlement is fair, adequate, and reasonable, and in the best interests of the Class Members. This Settlement is conditioned on approval by the Court. Both Plaintiffs and Garda will ask the Court to approve the Settlement.

THE TERMS OF THE SETTLEMENT

4. What claims are covered by the Settlement?

The Settlement will resolve all of the claims Settlement Class Members brought against Garda in the complaints in the *Hill* or *Gayken* lawsuits or that relate to Garda's actual or alleged failure to provide the meal periods and rest breaks required by Washington law during the period from February 11, 2006, through August 5, 2018. Settlement Class Members who do not opt out of the Settlement will release (i.e., give up) all these claims against Garda, including any claim for wages, penalties, interest, fees, costs, attorney fees, and all other forms of relief that were sought or could have been sought relating to missed, interrupted, or non-compliant meal periods and rest breaks. The full terms of the release are set forth in the Settlement Agreement, which you can access at this website address: www.GardaWAClassAction.com.

5. What are the basic terms of the Settlement?

Subject to Court approval, Defendants will pay a total of \$12,500,000 as part of the Settlement, apportioned as follows:

- **Class Fund:** Defendants will pay a total of approximately \$8,600,000, allocated between Settlement Class Members who do not timely opt out of this Settlement.
- **Service Awards:** Defendants will pay up to \$40,000 to the seven Class Representatives for serving as proposed class representatives in this Case.
- **Settlement Administration Expenses:** Defendants will pay a Settlement Administrator for the processing of the Settlement, including the expenses of providing this Notice of the Settlement to all Class Members, processing payments to Settlement Class Members, and handling tax reporting requirements. Such expenses are estimated to be less than \$10,000.
- **Attorney Fees and Costs Award:** Defendants will pay up to \$3,850,000 to Plaintiffs' attorneys for the attorney's fees and litigation costs they have incurred and will incur through final judgment in representing Plaintiffs and the Settlement Class.

Distribution of Settlement Fund: Each Settlement Class Member who does not submit a valid and timely request for exclusion will automatically receive a settlement payment, assuming court approval of the Settlement. Your settlement payment will be calculated based on the estimated number of rest breaks and meal periods you should have received during the time period covered by the Settlement, the rate(s) paid to you for your work, and the amount of time that has passed since those breaks should have occurred, all based on the time and pay records maintained by Garda, and calculations performed by a court-approved expert. Checks will be mailed to Settlement Class Members by the Settlement Administrator. If any checks have not been deposited within ninety (90) days after distribution, the funds from those checks will be

considered Residual Funds, which will be distributed to the Legal Foundation of Washington and the Public Citizen Litigation Project.

Tax Treatment of Settlement Awards: Thirty-three percent (33%) of each Settlement Class Member's settlement award will be treated as wages subject to normal tax withholding, and shall be reported to the taxing authorities and the Settlement Class Member on an IRS Form W-2. Sixty-seven percent (67%) of each Settlement Class Member's settlement award will be treated as non-wages (penalties, enhancements, and prejudgment interest) on which there will be no tax withholding and for which an IRS Form 1099 (marked "Other Income") shall be issued to the taxing authorities and the Settlement Class Member. Garda will pay the employer's share of payroll taxes due as part of the Settlement, and such payments shall not be deducted from the \$12,500,000 settlement amount.

Release of Claims: Upon final approval by the Court, the Settlement Class and each Settlement Class Member who has not submitted a valid and timely written request to be excluded from the Settlement will irrevocably release all claims against Garda that were asserted in either or both lawsuits relating to rest or meal periods for the time period from February 11, 2006, through and including August 5, 2018. This Release includes any claims for wages, overtime, penalties, interest, fees, costs, attorney fees and all other forms of relief that were sought or that could have been sought based on the facts alleged in the Complaints filed in the lawsuits relating to missed, interrupted or non-compliant meal periods and rest breaks.

HOW YOU CAN GET PAYMENT

6. How can I get a payment?

To get a payment, you do not need to take any action. As long as you do not submit a written request to be excluded from the Settlement, you will be a Settlement Class Member and will be entitled to payment. **If your address on this notice is incorrect, or your address changes, you must notify the Settlement Administrator at the address below, or by email at info@GardaWAClassAction.com**

7. When would I get my payment?

The Court will hold a hearing on **February 7, 2020**, to decide whether to finally approve the settlement. If the Court approves the settlement, the parties will then have to wait to see whether there is an appeal. This will take at least thirty (30) days and, if there is an appeal, can take up to a year or more to resolve. In the event of an appeal, information regarding the appeal's progress will be made available at www.GardaWAClassAction.com. If there is no appeal, we expect payments will go out within approximately forty-five (45) days of the Court's final approval of the Settlement.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

The Court has decided that Daniel Johnson of Breskin Johnson Townsend PLLC and Adam Berger of Schroeter Goldmark & Bender are qualified to represent all Settlement Class Members. These lawyers are called "Class Counsel." Class members who do not timely exclude themselves from the Class will be represented by Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

EXCLUDING YOURSELF FROM THE SETTLEMENT

9. How do I exclude myself from the Settlement?

If you fit the definition of a Settlement Class Member and want to exclude yourself from the Settlement, you must request exclusion in writing by January 23, 2020. You may be excluded as a member of the class by submitting a written request stating, "I request that I be excluded from the Class in the case of Hill/Gayken v. Garda CL NW." The request must include your name, your address, and your signature. You must mail a copy of the letter to the Settlement Administrator at the following address postmarked no later than January 23, 2020:

Hill/Gayken v. Garda CL NW Settlement Administrator
c/o JND Legal Administration
P.O. Box 91350
Seattle, WA 98111
1-844-924-0850

If you exclude yourself from the Settlement (i.e., opt out), you will not receive any payment from the Settlement. You will also not be entitled to object to the Settlement, and you will not be bound by the terms of the Settlement, including the Release described in Section 5, above.

OBJECTING TO THE SETTLEMENT

10. If I don't like the Settlement, how do I tell the Court?

If you are a Settlement Class Member, have not excluded yourself from the Settlement, and do not like the Settlement or the fee request, you can object. You must do so in writing and you must state the reasons why you think the Court should not approve the Settlement. If you object, be sure to include your name, address, and telephone number, the name of the Case (Hill/Gayken v. Garda CL NW) the reasons you object to the Settlement, and a signature. You must mail the objection to Settlement Administrator (address above) **postmarked no later than January 23, 2020:**

THE COURT'S FAIRNESS HEARING

11. When and where will the Court decide to approve the Settlement?

The Court will hold a Fairness Hearing on **February 7, 2020**, at 9:00 a.m., at the King County Superior Court, 516 3rd Ave, Seattle, WA 98104, before the Honorable Julie Spector, Courtroom Number E-815. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to finally approve the Settlement. You may attend the hearing, but you are not required to attend.

GETTING MORE INFORMATION

12. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Settlement Administrator (address above), or by visiting www.GardaWAClassAction.com. Plaintiff's motion for final approval of the Settlement will be available for you to review on **January 28, 2020**, at www.GardaWAClassAction.com.