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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

DAVID COOPER and JERRY SCOTT,
individually and on behalf of all those
similarly situated,

Plaintiffs,

v.

ALSCO, INC., a foreign corporation,

Defendant.

No. 12-2-31451-9 SEA

NOTICE OF CLASS ACTION AND
RIGHT TO REQUEST EXCLUSION
FROM THE CLASS

**THIS NOTICE HAS BEEN APPROVED BY THIS COURT
AND MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY**

TO: ALL INDIVIDUALS WHO WORKED FOR ALSCO, INC. AS A ROUTE SALES REPRESENTATIVE WHO WERE PAID SALARY PLUS COMMISSION AND NOT PAID OVERTIME PAY IN ANY WORK WEEK AFTER SEPTEMBER 27, 2009.

On September 27, 2012, a lawsuit was initiated by Plaintiffs David Cooper and Jerry Scott against AlSCO, Inc. (“AlSCO”) seeking back pay for AlSCO Route Sales Representatives employed during the three-year period before the complaint was filed.

The purpose of this notice is to advise you that the Court has held that this case may proceed as a class action, and that you have been identified as eligible to participate in this lawsuit as a member of the class. However, you have the choice as to whether you wish to participate in this lawsuit or not. If you want to be part of this lawsuit, you do not need to do anything further at this time. You will automatically be a part of the case and receive more information in the future. If you do not want to be part of this lawsuit, you must send

1 in a "Request to be Excluded from the Class" form by mail, postmarked on or before
2 April 3, 2013.

3 **PLAINTIFFS' CLAIM AND DEFENDANT'S DEFAULT**

4 Plaintiffs claim that AlSCO unlawfully failed to pay them overtime pay for hours
5 worked over 40 in a work week, in violation of the Washington Minimum Wage, RCW
6 49.46.

7 Despite being served with the complaint, AlSCO has not appeared or answered the
8 complaint. On November 9, 2012, the Court entered an order of default against AlSCO.
9 Before a default judgment can be entered, it must be determined which possible members of
10 the class will participate in this class action. The Court has not yet made any ruling on the
11 specific back pay amounts owed to members of the certified class.

12 **WHAT IS A CLASS ACTION?**

13 A "class action" is a type of lawsuit in which the named plaintiffs are empowered to
14 bring a lawsuit for themselves and on behalf of a larger group of similarly situated "class
15 members." In such a class action, the final outcome of the lawsuit will apply in the same
16 manner to all class members unless they choose not to be included in the lawsuit.

17 **CLASS REPRESENTATIVES**

18 David Cooper and Jerry Scott have been approved by the Court to serve as the class
19 representatives.

20 **OPTION TO REMAIN IN CLASS ACTION**

21 If you want to remain a member of the class and participate in the class action
22 lawsuit against AlSCO, you are not required to do anything at this time.

23 **OPTION TO DECLINE PARTICIPATION**

24 If you do not want to remain a member of the class in this lawsuit, you must make a
25 request to be excluded from the case. If you want to be excluded, you must communicate
26 your desire by mail, postmarked on or before April 3, 2013, to the Class Counsel, whose
address is stated below in this Notice. You should use the enclosed "Request to be
Excluded from the Class" form for this purpose. This form is on the last page of this Notice.

27 **CONSIDERATIONS REGARDING DECISION TO PARTICIPATE OR NOT**

28 It is not possible to address all of the considerations that might influence an
29 individual's decision to participate as a class member in this lawsuit. But here are a few:

- 30 ▪ If you choose to be included in the class, you will be bound by any decision of
the courts in this case, whether favorable or unfavorable to the class.

1 **REQUEST TO BE EXCLUDED FROM THE CLASS**

2 Please carefully read the attached Notice of Class Action and Right to Request
3 Exclusion from the Class before filling out this form.

4 If you want to exclude yourself from the class certified in this lawsuit, please sign
5 and date this form and return it by mail, postmarked on or before April 3, 2013, to:

6
7 **AlSCO Litigation**
8 **Attn: Sheila Cronan, Paralegal**
9 **SCHROETER GOLDMARK & BENDER**
10 **810 Third Avenue, Suite 500**
11 **Seattle, Washington 98104**
12 **(206) 622-8000 or 1-800-809-2234**

13 I wish to be excluded from the class that has been certified in the case of Cooper et
14 ano. v. AlSCO, Inc., Superior Court of the State of Washington for King County.

15 **PRINT NAME:** _____

16 **SIGNATURE:** _____

17 **ADDRESS:** _____

18 _____

19 **DATED:** _____, 2013.