The Honorable Carol Schapira 1 Trial Date: February 10, 2014 2 3 4 5 6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON 7 IN AND FOR THE COUNTY OF KING 8 DAVID COOPER and JERRY SCOTT. No. 12-2-31451-9 SEA 9 individually and on behalf of all those similarly situated, NOTICE OF CLASS ACTION AND 10 RIGHT TO REQUEST EXCLUSION Plaintiffs. FROM THE CLASS 11 v. 12 ALSCO, INC., a foreign corporation, 13 Defendant. 14 15 THIS NOTICE HAS BEEN APPROVED BY THIS COURT AND MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY 16 17 TO: ALL INDIVIDUALS WHO WORKED FOR ALSCO, INC. AS A ROUTE SALES REPRESENTATIVE WHO WERE PAID SALARY PLUS COMMISSION AND 18 NOT PAID OVERTIME PAY IN ANY WORK WEEK AFTER SEPTEMBER 27. 19 2009. 20 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 21 employed during the three-year period before the complaint was filed. 22 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 23 lawsuit as a member of the class. However, you have the choice as to whether you wish to 24 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 25 more information in the future. If you do not want to be part of this lawsuit, you must send 26

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

## PLAINTIFFS' CLAIM AND DEFENDANT'S DEFAULT

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

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

# WHAT IS A CLASS ACTION?

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

# **CLASS REPRESENTATIVES**

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

# **OPTION TO REMAIN IN CLASS ACTION**

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

#### OPTION TO DECLINE PARTICIPATION

If you do not want to remain a member of the class in this lawsuit, you must make a request to be excluded from the case. If you want to be excluded, you must communicate 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.

### CONSIDERATIONS REGARDING DECISION TO PARTICIPATE OR NOT

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

• 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.

- If you choose to participate in this class action, you can engage an attorney of your own choosing at your own expense. If you do not wish to engage your own attorney, your interests will be represented by the law firms of Schroeter Goldmark & Bender (by Martin S. Garfinkel and Adam J. Berger) and Geoffrey D. Swindler as counsel for the class ("Class Counsel").
- If you choose to be included in the class, Alsco is not permitted to retaliate against you in any way because of your participation in this case.
- If you choose to be included in the class, you may not receive a monetary recovery if it is determined that you did not perform more than 40 hours of work in any work week after September 27, 2009.
- If you choose to be excluded from the class, you may pursue any wage claims you may have against Alsco by filing your own lawsuit.
- If you choose to be excluded from the class, you will not share in any recovery that might be paid to class members if they win this lawsuit at trial or if there is a settlement of this lawsuit.

## ADDITIONAL INFORMATION

**DO NOT CONTACT THE COURT FOR FURTHER INFORMATION AT THIS TIME.** Any questions you have concerning this notice and any corrections or changes of name and address should be directed in writing to Class Counsel:

Alsco Litigation Schroeter Goldmark & Bender 810 Third Avenue, Suite 500 Seattle, Washington 98104 (206) 622-8000 or 1-800-809-2234 (Sheila Cronan, Paralegal, cronan@sgb-law.com)

You may call, write, or send an e-mail to Class Counsel with questions. You may also seek the advice of your own attorney if you desire. Pleadings and other records in this litigation may be examined and copied at any time during regular office hours at the Office of the Clerk, King County Superior Court, 516 Third Avenue, Seattle, WA 98104.

### REMINDER OF THE TIME LIMIT

If you wish to be excluded from the class on whose behalf this lawsuit is being brought against Alsco, you must return the completed Request to be Excluded from the Class to Class Counsel by mail postmarked on or before April 3, 2013.

Dated this 4<sup>th</sup> day of March, 2013.