

NOTICE OF CLASS ACTION SETTLEMENT

Oakley et al. v. The Ohio State Wexner Medical Center
The Court of Claims of the State of Ohio, Civil Action No.: 2017-00845

This Notice affects your rights. Please read carefully.

The Ohio Court of Claims of the State of Ohio approved this Notice to let you know that the parties reached a settlement in Oakley et al. v. The Ohio State Wexner Medical Center, Case No. 2017-00845 (the “Lawsuit”).

This Notice explains the Lawsuit, the terms of the settlement, and your rights and obligations as a class member. This Notice is not intended to be and should not be understood as an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted in the case.

Summary of the Lawsuit

James Oakley and Channing Capehart filed the Lawsuit against OSUWMC as a class action alleging that OSUWMC violated certain federal and state wage and overtime laws by failing to pay non-exempt employees for certain time.

OSUWMC has denied and continues to deny that it failed to properly pay overtime, that its rounding practice violated the law, and it further denies any and all liability and damages to anyone with respect to the allegations set forth in the lawsuit.

The Court has not ruled on the merits of Plaintiffs’ claims or OSUWMC’s defenses, and Plaintiffs and OSUWMC continue to disagree as to the probable outcome of the litigation with respect to liability and potential damages. The parties have agreed to resolve this matter.

Summary of the Settlement

OSUWMC has agreed to pay a maximum of \$4,000,000.00 to settle the Lawsuit. If you file a valid claim, as explained below, you will receive a share of the Settlement Funds based upon a formula developed by Class Counsel and OSUWMC and approved by the Court. The maximum potential Settlement Funds available to pay all claims of the Representative Plaintiffs and Settlement Class Members is \$4,000,000.00 (“Maximum Settlement Funds”) less (i) Class Counsel’s attorneys’ fees, which will be determined by the Court and will not exceed one-third of the Maximum Settlement Amount; (ii) Class Counsel’s costs and expenses, which are approximately \$14,200.00, as approved by the Court; (iii) an enhanced payments to the Representative Plaintiffs not to exceed \$60,000.00; and (iv) costs of the Claims Administrator associated with the settlement.

Calculation of Settlement Payments

If, at any time during the Claim Period, you were a full-time employee with an FTE of .9 or greater, the Claims Administrator will calculate your settlement amount by multiplying the fraction x/y by the Net Funds Available for Settlement, where “x” equals the number of weeks you worked as a non-exempt employee during the Claim Period multiplied by your assigned pay tier rate established by both Class Counsel and OSUWMC, and “y” equals the total number of Workweeks credited to all Settlement Class Members who do not request exclusion from the Litigation (as adjusted after multiplication by each Settlement Class Member’s assigned pay tier rate).

If, at all times during the Claim Period, you are or were a part-time employee with an FTE of lower than .9, the Claims Administrator will calculate your settlement amount by multiplying the fraction x/y by the Net Funds Available for Settlement, where “x” equals two (2) workweeks multiplied by your assigned pay tier rate and “y” equals the total number of Workweeks credited to all Settlement Class Members who do not request exclusion from the Litigation (as adjusted after multiplication by each Settlement Class Member’s assigned pay tier rate).

YOUR LEGAL RIGHTS AND OPTIONS UNDER THE SETTLEMENT

- (1) **SUBMIT A CLAIM FORM AND RECEIVE MONEY** – If you submit a valid Claim Form by **September 2, 2020** and the Court approves the settlement, you will receive money as part of this settlement. There is a Claim Form and prepaid envelope enclosed this Notice. You can fill out the Claim Form and mail back to the Claims Administrator using the prepaid envelope. Alternatively, you can submit a Claim Form online by visiting www.oakleyclassaction.com. You will need to enter your unique Claim Number and Claim Pin which can be found in the top right corner of the enclosed Claim Form.
- (2) **DO NOTHING** – By doing nothing, you will not receive money under the Settlement Agreement. You will also not retain your ability to sue OSUWMC about the same legal claims in this lawsuit.
- (3) **ASK TO BE EXCLUDED** – If you ask to be excluded (that is, to “opt-out” by **September 2, 2020**, you will not receive any money or benefits. However, you keep any rights to sue OSUWMC separately about the same legal claims in this lawsuit, assuming the time period to sue has not expired. You will have to hire your own lawyer to pursue your claims in a new lawsuit. In order to opt-out, you must send a letter to the Claims Administrator. The opt-out letter must (a) contain a reference to *Oakley v. The Ohio State University Wexner Medical Center*, The Ohio Court of Claims, Civil Action No. 2017-00845; (b) include the name, address, telephone number, Social Security number, and dates of employment of the person seeking to be excluded; (c) include a statement that the person wishes to be excluded from the class; (d) be signed personally by the person who seeks to be excluded from the class or their authorized representative; and (e) be postmarked by **September 2, 2020**.
- (4) **OBJECT** – If you do not ask to be excluded, you may object to the settlement by submitting an objection by **September 2, 2020**. **The Court will hold a fairness hearing on December 8, 2020 at The Ohio Court of Claims for the State of Ohio, 65 South Front Street, Third Floor, Columbus, OH 43215**, to determine whether the proposed settlement of the Litigation should be approved. Each Class Member who wishes to object to the fairness, reasonableness or adequacy of the terms of the Settlement Agreement, shall provide to Class Counsel and Defendant’s Counsel, so as to be postmarked no later than **September 2, 2020**, a written statement of the objection, as well as the specific reasons, if any, for each objection, including any legal support you wish to bring to the Court’s attention and any evidence you wish the Court to consider in support of any objections. You must also file the objection with the Court by **September 2, 2020**. If you also intend to appear at the hearing, you must also include notice of your intent to appear with your objection.

All written objections must be signed by the Settlement Class Member and must include: (1) the Settlement Class Member’s name, address, and telephone number; (2) a statement of the objection(s) and any supporting evidence and/or legal support the Class Member wishes the Court to consider; and (3) the case name and number of the Litigation.

If you opt-out of the Litigation, you may not object to the proposed settlement or any part thereof.

QUESTIONS

1. Why did I get this notice?

According to OSUWMC’s records, you worked at least one week as a non-exempt employee during October 18, 2014 to June 24, 2020 (the “Class Period”).

2. Can I contact the Claims Administrator by telephone?

For more complete details about the Litigation and the proposed settlement or your options set forth above, you may telephone the Claims Administrator, toll free, at 1-844-902-0377.

3. What if my address changes before the Settlement Funds are distributed?

If you change your address, or if this Notice was not mailed to your correct address, you should immediately provide your current address to the Claims Administrator by letter or telephone to ensure that you receive future communications about the Litigation. If the Claims Administrator does not have your correct address, you might not receive notice of important developments in the Litigation and you might not receive your share of the Settlement Funds.

YOUR RELEASE OF CLAIMS

Your legal rights may be affected if the Court confirms its preliminary certification of the Settlement Class.

4. Are my legal rights affected if I do nothing?

Yes, if you do nothing you will receive nothing and you will not be able to sue OSUWMC or recover any benefits for any of the claims identified as being included in the Settled Claims below and you also will release any claims included in the Settled Claims below that you may have unless you exclude yourself from this settlement as discussed below.

5. What claims are included in the term Settled Claims?

All following claims are included in the term Settled Claims:

any and all claims, demands, rights, liabilities, penalties, restitution, liquidated damages, causes of action and other legal responsibilities, of any form whatsoever arising before the entry of the Preliminary Approval Order, whether based upon federal, state, local, statutory, constitutional, or common law or any other law, rule, or regulation, whether known or unknown, unforeseen, unanticipated, unsuspected, or latent, that were asserted or could have been asserted in the Class Action, and any other claims against the Released Parties by the Eligible Class Members or successors or assigns of any of them (whether directly, indirectly, representatively, derivatively, or in any other capacity) arising under, related to, or based upon the facts alleged in the Class Action Complaint, as amended, and/or the alleged failure to comply with the federal Fair Labor Standards Act 29 U.S.C. § 201 *et seq.*; the Ohio Minimum Fair Wage Standards Act, Ohio Rev. Code Chapter 4111; Section 34a, Article II Ohio Constitution; Ohio Rev. Code § 4113.15, and all of their implementing rules and regulations and interpretive guidelines, and all claims for penalties or restitution relating to or derivative of any or all of those laws.

The Court has, until the Settlement Fairness Hearing, enjoined any other action a Settlement Class Member may be pursuing against any Defendant to the extent that it is asserting any of the Settled Claims described above unless the Settlement Class Member opts out of the Litigation.

CLASS COUNSEL

The law firms for Plaintiffs and those who have submitted valid claims are Mansell Law, LLC, and The Friedmann Firm, LLC. The attorneys' names, address, telephone numbers, and email addresses are as follows:

Mansell Law LLC
Greg R. Mansell
Carrie J. Dyer
1457 S. High St.
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The Friedman Firm LLC
Rachel A. Sabo
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6. Do I need to get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf. If you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

GETTING MORE INFORMATION

7. Are more details available?

Yes, if you believe that you need more details in order to make a decision, you can call the Claims Administrator, Analytics Consulting LLC, toll-free at 1-844-902-0377 or visit www.oakleyclassaction.com. The Claims Administrator can provide more complete details about the Litigation and the proposed settlement, and can let you review the Settlement Agreement.

8. Can I examine the Court's file?

Yes, you may **EXAMINE THE COURT'S FILE** in the clerk's office at the Ohio Court of Claims, 65 South Front Street, Columbus, OH 43215.

PLEASE DO NOT CONTACT THE JUDGE