

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

Cole W. Chambers v. Foundation Partners Group LLC
Pierce County Superior Court Civil Case No. 22-2-06113-3

— NOTICE OF SETTLEMENT —

A court authorized this notice. This is not a solicitation from a lawyer. This is not a lawsuit against you and you are not being sued. However, your legal rights are affected whether you act or not. Please read this notice carefully.

TO: All persons who, at any time between April 29, 2019 and October 21, 2022, were employed by Foundation Partners Group LLC (“FPG”) in Washington state, excluding FPG’s officers and members, and those employed in positions excluded by RCW 51.12.020.

- A former employee brought claims against FPG alleging: (1) that FPG deducted more money from its employees’ wages for worker compensation premiums than it was entitled to under Washington law, resulting in an underpayment of wages; (2) that FPG failed to provide funeral directors and employees in similar positions with compliant meal periods and rest breaks under Washington law; and (3) that FPG failed to pay funeral directors and employees in similar positions for all hours worked, including time spent “on call” and outside the normal workday. FPG strongly denies these claims. The parties have reached a proposed Class Action Settlement.
- FPG strongly denies any fault, wrongdoing, or liability. If the Parties had not reached a Settlement, FPG would have continued to vigorously defend against Plaintiff’s claims, including seeking a denial of class certification and a full defense verdict at trial. FPG agreed to this Settlement to avoid the risk, burden, and expense of further litigation, and as a means of making its employees whole for even any arguable claims relating to the lawsuit.
- The Class Action Settlement includes a total maximum settlement payment by FPG of \$545,000.00.
- To qualify for a share of this payment, you must have been employed by FPG in the State of Washington at some point between April 29, 2019, and October 21, 2022, and have not excluded yourself from the Class Action Settlement.
- You do not have to do anything to be eligible to receive a share of the settlement payment.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You will be eligible to 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 rights relating to the legal claims in this Case.
ASK TO BE EXCLUDED	Get no payment. This is the only option that allows you to ever be a part of any other lawsuit against FPG with respect to the legal claims in this Case.
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 rights relating to the legal claims in this Case.
GO TO A HEARING	Ask to speak in Court about the fairness of the Class Action Settlement. If the Settlement is approved, you will still receive a payment and you will give up rights relating to the legal claims in this Case.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this Case still has to decide whether to finally approve the Settlement. If the Court approves the Settlement, payments will be made after any appeals are resolved. Please be patient.

BASIC INFORMATION**1. Why did I get this Notice?**

FPG's records show that you were employed by FPG and worked in the State of Washington at some time between April 29, 2019, and October 21, 2022. FPG's records also show that you were employed by FPG and worked one or more shifts in the State of Washington as a funeral director, funeral director in training, or other similar position within the funeral director family of positions at FPG (e.g., funeral director/embalmer, funeral director/embalmer in training, lead funeral director, and funeral arranger) between April 29, 2019, and October 21, 2022. The Court has allowed this Notice to be sent to you to inform you about a proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to finally approve the Settlement. If the Court approves the Settlement, and after any appeals are resolved, payments will be made to Settlement Class Members (defined below) and Settlement Subclass Members (defined below) who do not affirmatively request to be excluded from the Settlement.

This Notice explains the Case, the Class Action Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What is the Case about?

The Plaintiff, former employee Cole W. Chambers, claims that FPG violated Washington State law by deducting more money from its employees' wages for worker compensation premiums than it was entitled to under Washington law, resulting in an underpayment of wages. The Plaintiff also alleges that FPG failed to provide funeral directors and employees in similar positions with compliant meal periods and rest breaks under Washington law, and that FPG failed to pay funeral directors and employees in similar positions for all hours worked, including time spent "on call" and outside the normal workday. FPG has denied the Plaintiff's claims.

The Honorable Gretchen Leanderson of the Superior Court for the State of Washington in and for Pierce County is overseeing this Class Action. The lawsuit is known as *Cole W. Chambers v. Foundation Partners Group LLC*, Pierce County Superior Court Civil Case No. 22-2-06113-3 (the "Case").

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

In a class action lawsuit, one or more people called a "Class Representative" sues on behalf of other people whom they believe have similar claims. The people together are a "Class" or "Class Members." The employee who sued, and who represents the Class, is called the Plaintiff.

The people the Plaintiff sues (in this case Foundation Partners Group LLC) are called the Defendants. 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.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiff or FPG. Instead, both sides agreed to a Settlement. This allows the parties to avoid the cost of a trial, and the people affected will be entitled to compensation. The Class Representative and his attorneys think the Settlement is best for everyone in the Class.

WHO IS IN THE SETTLEMENT**5. How do I know whether I am part of the Settlement?**

As part of the Settlement of the Case, the Pierce County Superior Court has decided that everyone who fits the following description is a Settlement Class Member:

All individuals currently or formerly employed by Foundation Partners Group LLC ("FPG") in Washington state at any time between April 29, 2019, and October 21, 2022, excluding FPG's officers and members and those employed in positions excluded by RCW 51.12.020.

As part of the Settlement of the Case, the Pierce County Superior Court has also decided that everyone who fits the following description is also Settlement Subclass Member:

All individuals currently or formerly employed by Foundation Partners Group LLC (“FPG”) who worked one or more shifts for FPG in Washington as a funeral director, funeral director in training, or other similar position within the funeral director family of positions at FPG (e.g., funeral director/embalmer, funeral director/embalmer in training, lead funeral director, and funeral arranger) between April 29, 2019, and October 21, 2022.

If it is approved, the Settlement will cover all Settlement Class Members and Settlement Subclass Members who have not timely and affirmatively excluded themselves from the Case. To be a part of and receive any money pursuant to the Settlement, Settlement Class Members and Settlement Subclass Members need do nothing (other than refrain from affirmatively opting out of the Settlement).

THE TERMS OF THE SETTLEMENT

6. What claims are covered by the Settlement?

The Settlement will resolve all of the claims Settlement Class Members could have brought against FPG with respect to any deductions that were made by FPG for worker’s compensation/industrial insurance benefits premiums (the “Released Claims”). The Released Claims specifically include, but are not limited to, any claims arising out of or relating to a failure to pay wages on account of such deductions, a failure to timely pay all wages due on account of such deductions, any alleged violation of the Washington Industrial Welfare Act or Washington Industrial Insurance Act (whether arising under Title 49 RCW, Title 51 RCW, or otherwise) on account of such deductions, any alleged unjust enrichment or misappropriation on account of such deductions, as well as any attendant claims for unpaid wages, premium payments, penalties, interest, exemplary damages, and attorney’s fees and costs’ relating to each of the foregoing. In addition, as to the Settlement Subclass, “Released Claims” shall also include any and all claims, whether known or unknown, that were brought or that could have been brought based on any facts alleged in the Case with respect to a failure to pay for all hours worked (whether due to a failure to pay for allegedly compensable on-call time, a failure to pay for time spent working outside the normal workday, or otherwise), as well as any and all claims that were brought or that could have been brought based on any facts alleged in the Case with respect to a failure to provide meal periods and/or rest breaks. As it relates to the Subclass, the Released Claims specifically include, but are not limited to, any claims alleging a failure to pay for all hours worked, a failure to timely pay for all wages when due, a failure to pay all wages arising out of or relating to any alleged missed, interrupted, shortened, untimely, unpaid, and/or non-compliant rest breaks and/or meal periods, as well as any attendant claims for unpaid wages, overtime payments, premium payments, interest, exemplary damages, and attorney’s fees and costs’ relating to each of the foregoing.

7. What are the basic terms of the Settlement?

Subject to Court approval, the essential terms of the Settlement are as follows:

FPG will pay a total of \$545,000 as part of the Settlement, apportioned as follows:

- **Class Fund:** FPG will pay \$357,500, which will be available for the payment of Settlement Awards to Settlement Class Members and Settlement Subclass Members who do not timely opt out of this Settlement. Thirty Percent (30%) of the Class Fund will be available to Settlement Class Members and Seventy Percent (70%) of the Class Fund will be available to Settlement Subclass Members.
- **Service Award:** FPG will pay \$7,500 to Plaintiff and Class Representative Cole W. Chambers as a service award in recognition of his efforts in prosecuting the Case.
- **Settlement Administration Expenses Award:** FPG will pay up to \$15,000 to the Settlement Administrator for the processing of the Settlement, including the expenses of providing notice of the Settlement to Settlement Class Members and Settlement Subclass Members, handling the claims administration process, processing payments to Settlement Class Members and Settlement Subclass Members, and handling tax reporting requirements.

- **Attorney’s Fees and Costs Award:** FPG will pay \$163,500 to Plaintiff’s attorney for the attorney’s fees award and up to \$1,500 for actual litigation costs they have incurred and will incur through final judgment in representing Plaintiff and the Settlement Class and Settlement Subclass.

Monetary Relief: The amount available to the Settlement Class and Settlement Subclass is intended to compensate Settlement Class Members and Settlement Subclass Members for the wages and other compensation they allegedly lost and damages they are allegedly owed as a result of the practices alleged in the Case.

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. Each Settlement Class Member who does not request exclusion shall receive a minimum settlement payment of \$25.00. The remaining monies from the Class Fund (after deducting for minimum settlement payments) will be allocated to individual Settlement Class Members and Settlement Subclass Members as follows: (i) thirty percent (30%) shall be allocated to Settlement Class Members pro-rata based on the total net amounts deducted for worker’s compensation/industrial insurance premiums between April 29, 2019, and October 21, 2022 as recorded in FPG’s payroll records; and (ii) seventy percent (70%) shall be allocated to Settlement Subclass Members pro-rata based on the number of hours worked for FPG in the State of Washington as a funeral director, funeral director in training, or other similar position within the funeral director family of positions at FPG (e.g., funeral director/embalmer, funeral director/embalmer in training, lead funeral director, and funeral arranger) between April 29, 2019, and October 21, 2022 as recorded in FPG’s time records. Checks will be mailed to Settlement Class Members by the Settlement Administrator. If any checks have not been negotiated within one hundred twenty (120) days after distribution, the funds from those checks will be sent in the corresponding Settlement Class Member’s name to the Unclaimed Property Fund for the State of Washington. FPG will not receive funds from any uncashed checks.

Tax Treatment of Settlement Awards: Forty Percent (40%) of each Settlement Award will be treated as wages and subject to normal tax withholding and shall be reported to the taxing authorities and the Settlement Class Member and Settlement Subclass Member on an IRS Form W-2. Sixty Percent (60%) of each Settlement Award will be treated as non-wages (a combination of penalties, enhancements, and prejudgment interest) on which there will be no tax withholding and for which an IRS Form 1099-MISC (marked “Other Income”) shall be issued to the taxing authorities and the Settlement Class Member and Settlement Subclass Member. In addition to the monies it is contributing to the Settlement Fund described above, FPG is also paying all required employer-paid taxes incurred as part of the Settlement. FPG’s payment of these employer-paid taxes will not decrease the funds available to Settlement Class Members and Settlement Subclass Members.

Release of Claims: Upon final approval by the Court, the Settlement Class and Settlement Subclass and each Settlement Class Member and Settlement Subclass Member who has not submitted a valid and timely written request to be excluded from the Settlement will irrevocably release all of the Released Claims (as defined in Section 6, above) against FPG relating to the period from April 29, 2019, through October 21, 2022. This Release requires you to waive and precludes you from bringing any Released Claims against the named Defendant in the case, Foundation Partners Group LLC, as well as its past, current, or future predecessors, successors, and assigns, together with each of their respective parent companies, subsidiaries, related or affiliated companies, members, shareholders, owners, officers, directors, employees, agents, attorneys, and insurers, along with any other individual or entity who could be jointly or severally liable for any of the Released Claims.

Dismissal of Action: Upon final approval, the Court will enter a judgment of dismissal of the Case with prejudice, but shall retain jurisdiction to enforce the terms of the settlement.

HOW YOU CAN GET PAYMENT

8. How can I get a payment?

To get a payment, you need do nothing. As long as you do not submit a written request to be excluded from the Settlement, you will be a Settlement Class Member and Settlement Subclass Member and will be entitled to payment.

9. When would I get my payment?

The Court will hold a hearing on February 24, 2023 to decide whether to finally approve the settlement. If the Pierce County Superior 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 of more to resolve. In the event of an appeal, information regarding the appeal’s progress will be made available at <https://www.cptgroupcaseinfo.com/FPGSettlement>.

If there is no appeal, we expect payments will go out within approximately sixty (60) days of the Court’s final approval of the Settlement. Please be patient.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

The Court has decided that lawyers from the law firm of Entente Law PLLC are qualified to represent you and all Settlement Class Members and Settlement Subclass Members. These lawyers are called “Class Counsel.” You will not be charged for these lawyers. If you want to be represented by our own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

As indicated above, Class Counsel will seek payment of their attorney’s fees in the amount of \$163,500, and their litigation costs in an amount of up to \$1,500, each of which must be approved by the Court as part of the final approval of this Settlement. Class Counsel have been working on this case since approximately March 2022, and have not received any fees or reimbursements for the costs of the lawsuit.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I exclude myself from the Settlement?

If you fit the definition of a Settlement Class Member and/or Settlement Subclass Member and want to exclude yourself from the Settlement, you must request exclusion in writing by January 13, 2023. You may be excluded as a member of the Settlement Class and Settlement Subclass by submitting a written request stating, “I request that I be excluded from the Class in the case of Cole W. Chambers v. Foundation Partners Group LLC.” The request must include your name, address, and signature. You must mail or email a copy of the letter to the Settlement Administrator at the following address postmarked no later than January 13, 2023:

Cole W. Chambers v. Foundation Partners Group, LLC Settlement Administrator
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
FPGSettlement@cptgroup.com

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. If you exclude yourself, you will not be bound by the terms of the Settlement, including the Release described in Sections 6 and 7, above. This means you will retain the right at your own expense to pursue any claims you may have against FPG.

OBJECTING TO THE SETTLEMENT

13. If I don’t like the Settlement, how do I tell the Court?

If you are a Settlement Class Member and/or Settlement Subclass 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 (*Cole W. Chambers v. Foundation Partners Group LLC*, Pierce County Superior Court Civil Case No. 22-2-06113-3), the reasons you object to the Settlement, and a signature. You must mail a copy of the objection to the following address **postmarked no later than January 13, 2023:**

Cole W. Chambers v. Foundation Partners Group, LLC Settlement Administrator
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
FPGSettlement@cptgroup.com

THE COURT’S FAIRNESS HEARING

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

The Court will hold a Fairness Hearing at 9:00 a.m. on February 24, 2023, at the Pierce County Superior Court, Department 15, 930 Tacoma Ave S, Tacoma, WA 98402.

If there are objections, the Court will consider them. Judge Gretchen Leanderson will listen to people who have asked to speak at the hearing (see Section 16). After the hearing, the Court will decide whether to finally approve the Settlement, including Class Counsel’s request for attorney’s fees, costs, Settlement Administration Expenses, and Service Award for the named Plaintiff. We do not know how long that decision will take.

15. Do I have to come to the hearing?

No. Class Counsel will answer any questions Judge Gretchen Leanderson may have, but you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but that is not necessary.

16. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying it is your “Notice of Intention to Appear in Cole W. Chambers v. Foundation Partners Group LLC, Pierce County Superior Court Civil Case No. 22-2-06113-3.” Be sure to include your name, address, phone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than January 13, 2023, and be sent to the Court, Class Counsel, and Defense Counsel at the three addresses set forth below:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Hon. Gretchen Leanderson Pierce County Superior Court Department 15 930 Tacoma Ave S Tacoma, WA 98402	James B. Pizl Entente Law PLLC 315 39 th Ave SW, Suite 14 Puyallup, WA 98373	Peter H. Nohle Jackson Lewis P.C. 520 Pike Street, Suite 2300 Seattle, WA 98101

IF YOU DO NOTHING

17. What happens if I do nothing at all?

If you do nothing—that is, if you do not mail or deliver a timely written request to exclude yourself from the Settlement—you will be part of the Settlement Class and Settlement Subclass and will be entitled to a share of the Settlement. You will also be bound by the terms of the Settlement, including the Release described in Sections 6 and 7, above.

GETTING MORE INFORMATION

18. 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 visiting the website <https://www.cptgroupcaseinfo.com/FPGSettlement>, which has a copy of the Settlement Agreement posted. Plaintiff’s motion for final approval of the settlement agreement, including Class Counsel’s request for attorney’s fees, costs, Settlement Administration Expenses, and a Service Award for the named Plaintiff will be available for you to review on February 17, 2023 at <https://www.cptgroupcaseinfo.com/FPGSettlement>.