

Superior Court of California, County of Contra Costa
Jeffrey Pruitt v. Trustaff Travel Nurses, LLC
 Case No. C17-01930

*A court has authorized this notice. This is not a solicitation.
 This is not a lawsuit against you and you are not being sued.
 Your legal rights are affected whether you act or do not act.*

NOTICE OF CLASS ACTION SETTLEMENT

To: All persons who were employed by Trustaff Travel Nurses, LLC (“Trustaff”) as non-exempt, hourly temporarily-assigned employees who were provided assignments at facilities in the State of California any at time between September 13, 2016 through November 1, 2018.

CLASS MEMBERS MAY BE ELIGIBLE TO RECEIVE A PAYMENT FROM THE CLASS ACTION SETTLEMENT DESCRIBED IN THIS NOTICE.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	To receive your Settlement Payment, you do not need to do anything. Your payment will be mailed to you, automatically, after the Court grants final approval to the settlement. <i>[You must, however, keep a current address on file with the Settlement Administrator to ensure receipt of your check.]</i>
CHANGE CONTACT AND ADDRESS INFORMATION	Update your address with the Administrator to ensure your check is sent to the correct address. A change of address form has been included with this Notice.
EXCLUDE YOURSELF	You may exclude yourself (opt out) of the settlement, if you do not want to participate in the settlement. If you timely exclude yourself, you will not receive any payment under the settlement. This is the only option that allows you to pursue your own claims (in your own lawsuit, at your own expense) against Trustaff about the legal claims in this case, as opposed to having your claims addressed in the Settlement.
OBJECT	Write to the Court if you think the settlement is not fair.
GO TO A HEARING	Ask to speak in Court about why you think the settlement is not fair.

- **YOUR RIGHTS AND OPTIONS – AND THE DEADLINES TO EXERCISE THEM – ARE EXPLAINED IN THIS NOTICE.**
- **TRUSTAFF WILL NOT RETALIATE IN ANY MANNER AGAINST ANY CLASS MEMBER FOR PARTICIPATING IN OR FOR EXCLUDING HIMSELF OR HERSELF FROM THE SETTLEMENT.**

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why did I get this notice packet? Page 3
2. What is this Class Action Lawsuit about?..... Page 3
3. Why is there a settlement? Page 3
4. Who are the Parties in this Lawsuit?..... Page 3
5. Who are the Attorneys for the Parties? Page 3

THE TERMS OF THE SETTLEMENT

6. What is the Settlement Amount?..... Page 4
7. How will the Settlement Payments be calculated?..... Page 4

HOW TO GET A PAYMENT

8. How can I get a Settlement Payment and Approximately How Much Will It Be? Page 4
9. What do I do if I believe my Compensable Overtime Hours are incorrect? Page 4
10. If I am eligible, when can I expect to receive my Settlement Payment?..... Page 5
11. What am I giving up to get a payment?..... Page 5

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of the settlement? Page 6
13. If I don't exclude myself, can I sue Truststaff for the same thing later? Page 6
14. If I exclude myself, can I get money from this settlement? Page 6

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I don't like the settlement? Page 6
16. What's the difference between objecting and opting out of the case? Page 7

THE COURT'S FINAL APPROVAL/FAIRNESS HEARING

17. When and where will the Court decide whether to approve the settlement? Page 7
18. Do I have to come to the hearing?..... Page 7
19. May I speak at the hearing?..... Page 7

GETTING MORE INFORMATION

20. Who should I contact if I have questions about the settlement? Page 7

ADDITIONAL IMPORTANT INFORMATION Page 7

BASIC INFORMATION

1. **Why did I get this notice packet?**

You received this notice because the records of Truststaff Travel Nurses, LLC (“Truststaff”) identify you as someone Truststaff employed as a non-exempt, hourly temporarily-assigned employee who was provided at least one assignment at facilities in the State of California at any time from September 13, 2016 through November 1, 2018.

The purpose of this notice is to explain the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of the State of California, Contra Costa County, and the case is known as *Jeffrey Pruitt v. Truststaff Travel Nurses, LLC*, Case No. C17-01930 (“Action” or “Lawsuit”). There was a hearing on November 1, 2018 in Contra Costa County Superior Court. The Court preliminarily approved the Settlement and directed that you receive this Notice. The Court will hold a Final Approval hearing concerning the proposed Settlement on March 21, 2019 at 9:00 a.m., in Department 39 of the Contra Costa County Superior Court located at 725 Court Street, Martinez, CA 94553. The Final Approval Hearing may be changed to another date without further notice.

2. **What is this Class Action Lawsuit about?**

The Lawsuit, which was filed on October 6, 2017, alleged claims against Truststaff for (1) unpaid overtime wages under California Labor Code sections 510 and 1194; (2) waiting time penalties under California Labor Code section 203; (3) unfair business practices under California Business & Professions Code section 17200, et seq., and (4) penalties under the Private Attorneys General Act of 2004 (“PAGA”).

Truststaff denies all allegations of the Lawsuit and contends that it has fully complied with the California Labor Code and all other applicable laws. The settlement is not an admission of any wrongdoing by Truststaff or an indication that any law was violated. The Parties have reached a settlement subject to Court approval as represented in the Stipulation of Class Action Settlement (the “Stipulation”).

3. **Why is there a settlement?**

The Court has not decided in favor of Plaintiff Jeffrey Pruitt, or in favor of Defendant Truststaff. There was no trial. Instead, both sides agreed to a no-fault settlement of the Lawsuit (“Settlement”).

4. **Who are the Parties in this Lawsuit?**

Truststaff employed Plaintiff Jeffrey Pruitt as an hourly, nonexempt employee, and he worked some temporary assignments in the State of California.

Defendant is Truststaff Travel Nurses, LLC.

5. **Who are the Attorneys for the Parties?**

Counsel for Plaintiff and the Class (Class Counsel)

HAYES PAWLENKO LLP

Matthew B. Hayes
Kye D. Pawlenko
595 E. Colorado Blvd., Ste. 303
Pasadena, CA 91101
Tel: 626.808.4357
Fax: 626.921.4932

Counsel for Defendant

MORGAN, LEWIS & BOCKIUS LLP

Daryl S. Landy
600 Anton Blvd., Suite 1800
Costa Mesa, CA 92626
Tel: 714.830.0600
Fax: 714.830.0700

If you have questions regarding this Settlement, you should contact one of the attorneys for Plaintiff and the Class (Class Counsel) or the Settlement Administrator.

The Settlement Administrator is CPT Group, Inc.

THE TERMS OF THE SETTLEMENT

6. What is the Settlement Amount?

The proposed Settlement provides for a payment of \$2,000,000.00 (referred to as the “Gross Settlement Amount”). Class Counsel will apply to the Court for attorneys’ fees of no more than thirty-three percent (33%) of the Gross Settlement Amount and for a reimbursement for litigation costs of no more than \$15,000.00. Class Counsel will apply for a Class Representative Service Award of no more than \$10,000.00 for Mr. Jeffrey Pruitt for his work and efforts prosecuting this case, and for undertaking the risks of payment of costs (a risk if there had been an unsuccessful outcome in this Lawsuit). The settlement also includes a payment of \$112,500 to the California Labor Workforce Development Agency for penalties under PAGA. The exact amount of the attorneys’ fees, litigation costs, Class Representative Service Award, and Settlement Administrator costs will be determined by the Court at the Final Approval hearing. The remaining portion of the Gross Settlement Amount, the “Settlement Pool,” is currently estimated to be approximately \$1,182,833.34. The Settlement Pool will be apportioned and paid out to eligible Class Members who do not request to be excluded (“opt out”) of the settlement. **You are not required to submit a claim form to be eligible receive payment from the Settlement Pool.**

7. How will the Settlement Payments be calculated?

Eligible Class Members who do not opt out of the Settlement will receive their share of the Settlement Pool based on the formula described below.

Here’s how it works:

Each eligible Settlement Class Member’s share of the Settlement Pool will be determined based upon a percentage of the total number of overtime hours that Settlement Class Member worked during the time period covered by the Settlement. To be eligible for a Settlement Payment, a Class Member must have worked overtime during at least one pay period any time between September 13, 2016 and November 1, 2018.

All Settlement Payments to Settlement Class Members shall be allocated as follows for tax purposes: (a) 33.3% for compromise of a claim for alleged interest; (b) 33.3% for resolution of alleged unpaid wage claims; and (c) 33.3% for alleged penalties under the California Labor Code. The portion of the Settlement Payment attributable to unpaid wages will be subject to regular and/or applicable payroll and income tax withholdings, and will be reported on an IRS Form W-2. You will receive an IRS Form 1099 for the portion of the Settlement Payment attributable to alleged interest and penalties. Settlement Class Members receiving a Settlement Payment will be responsible for correctly characterizing this compensation for tax purposes and paying taxes due, if any.

HOW TO GET A PAYMENT

8. How can I get my Settlement Payment and Approximately How Much Will It Be?

If you are eligible for a Settlement Payment and you do nothing, you will automatically receive your Settlement Payment approximately 30 days after the Court approves the Settlement at a Final Approval Hearing. You must, however, notify the Settlement Administrator of any change in your name, mailing address and/or telephone number if the information shown on the envelope in which you received this notice is not correct. **It is your responsibility to keep the Settlement Administrator informed of any change in your address. Your Settlement Payment will be mailed to the last known address the Settlement Administrator has on file for you.** Settlement Payment checks should be deposited soon after receipt. Checks uncashed after 180 days will be voided and the funds sent to the California Department of Industrial Relations’ Unclaimed Wages Fund for the benefit of the employee.

The amount of your payment is estimated to be «**estAmount**». That amount is based on Trustaff’s records that show that you worked «**OTHours**» overtime hours on a temporary assignment in California during the period of September 13, 2016 through November 1, 2018.

9. What do I do if I believe my Compensable Overtime Hours are incorrect?

If you believe your amount of overtime hours worked during a temporary assignment in the State of California between September 13, 2016 through November 1, 2018 as stated in the paragraph above is incorrect, you may send a letter to the Settlement Administrator indicating what you believe to be the correct information. Your letter must be postmarked on or before January 29, 2019. You should include any documents or other information that supports what you believe to be the correct number of overtime hours. The Settlement Administrator will resolve any dispute regarding these issues based on Trustaff’s records and any information that you provide. The estimated payment amount and number of

overtime hours stated in the preceding paragraph will be presumed correct unless you supply company records from Truststaff or other competent records showing different information.

10. If I am eligible, when can I expect to receive my Settlement Payment?

If you do not exclude yourself from the Settlement, your share of the Settlement will be mailed to you approximately 30 days after the Court's final approval of the Settlement. ***Your share of the Settlement will be mailed to the address on file for you.*** If your mailing address is different than the address to which this Notice was mailed, you must return the change of address form in the pre-printed return envelope included with this Notice. You can also contact the Settlement Administrator to change your address at 1-888-530-9143. Please do not telephone or contact the Court for information about this settlement or the claims process.

11. What am I giving up to get a payment?

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against Truststaff concerning the legal claims being resolved in this case. Specifically, you will be giving up or "releasing" the claims described immediately below:

Release of Claims: After the Court has approved the Settlement, each Settlement Class member who has not submitted a timely and valid request to opt out of the Settlement will be bound by the approval and judgment and thereby fully release and discharge Truststaff and all affiliated entities (including past and present affiliates, parents, subsidiaries, predecessors, owners, members, successors, shareholders, divisions, and each of these entities' past and present assigns, directors, officers, employees, partners, shareholders, members, agents, insurers, attorneys, and representatives), from the following claims, which will be released from September 13, 2016 through November 1, 2018.

All claims and causes of action that are pled in or, based on the facts alleged, could have been pled in the Complaint or First Amended Complaint in the Action identified as *Jeffrey Pruitt v. Truststaff Travel Nurses, LLC*, Contra Costa Superior Court, Case No. C17-01930, namely the following (as well as all derivative claims and causes of action, i.e., claims that may arise from the same alleged violations):

- (a) all claims for alleged unpaid overtime, double-time, and/or wages pursuant to contract or statute;
- (b) all claims for the alleged failure to timely pay wages under California Labor Code sections 201, 202, 203, 204 or any other applicable Labor Code sections resulting or deriving from any of the claims referenced in sub-section (a);
- (c) all claims arising under California Business & Professions Code sections 17200, et seq., based upon any of the alleged unlawful conduct referenced in sub-sections (a) or (b);
- (d) all claims for penalties pursuant to PAGA based on alleged violation(s) of the Labor Code or any applicable California Industrial Welfare Commission Wage Order(s) resulting or deriving from any of the alleged unlawful conduct referenced in sub-sections (a), (b), and (c); and
- (e) any premiums, penalties, interest, costs, attorneys' fees, injunctive relief, declaratory relief, or accounting based on or resulting from the above-described claims (the "Released Claims").

All Class Members shall be bound by the release of claims unless they have affirmatively and effectively opted out of the settlement by submitting a valid and timely request for exclusion.

With respect to the Released Claims only, all Settlement Class Members waive their rights under California Civil Code section 1542, which states:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW ABOUT OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of the settlement?

If you wish to pursue your own separate lawsuit against Truststaff for the claims asserted in the Lawsuit, or if you otherwise wish not to participate in the settlement for whatever reason, you should exclude yourself from this case (that is, opt out of the Settlement). To opt out and exclude yourself from the case, you must send a signed and dated letter to the Settlement Administrator requesting to be excluded. The letter must state in substance:

“I want to opt out of the class action lawsuit and settlement entitled *Jeffrey Pruitt v. Truststaff Travel Nurses, LLC*, Contra Costa Superior Court Case No. C17-01930, filed on or around October 6, 2017. I understand that by requesting to be excluded from the settlement, I will receive no money from the settlement described in this Notice.”

The opt out request letter must include the case name, case number, your full name, current address, and last four digits of your social security number, must be signed by you, and must be postmarked and mailed to the Settlement Administrator at the following address (or in the enclosed pre-printed envelope) on or before January 29, 2019. Opt out requests postmarked after this date may be disregarded.

Jeffrey Pruitt v. Truststaff Travel Nurses, LLC
Class Action Settlement Administrator

c/o CPT Group, Inc.
 50 Corporate Park
 Irvine, CA 92606
 Email: truststaffsettlement@cptgroup.com
 Fax: 949-419-3446

A Request for Exclusion form has been included with this Notice for your convenience.

13. If I don't exclude myself, can I sue Truststaff for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Truststaff for the claims being released by this settlement. If you have a claim or lawsuit already filed against Truststaff, you should speak to your lawyer in that case immediately. You may need to exclude yourself from Settlement and this Lawsuit to continue your own lawsuit. Remember, the Opt Out deadline is January 29, 2019.

14. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you will not receive a Settlement Payment. No portion of the Settlement monies will go back to Truststaff as a result of a request to be excluded.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I don't like the settlement?

If you don't think the Settlement is fair, you can object to the Settlement and tell the Court that you don't agree with the Settlement or some part of it. The Court will consider your input. To object, you must mail a written objection to the Settlement Administrator, CPT Group, Inc., at the addresses listed below postmarked no later than January 29, 2019. The written objection must include the following: (1) the case name and number: *Jeffrey Pruitt v. Truststaff Travel Nurses, LLC*, Case No. C17-01930; (2) your full name, address, and last four digits of your social security number, (3) the specific reasons you object to the terms of the Settlement, and (4) your signature. You should also state in the written objection whether you (or your attorney) intends to appear at the Final Fairness/Approval Hearing. If you are represented by an attorney, the written objection should include the name, address, and telephone number of the attorney. Mail the objection to the addresses listed below postmarked on or January 29, 2019.

Jeffrey Pruitt v. Truststaff Travel Nurses, LLC
Class Action Settlement Administrator

c/o CPT Group, Inc.
 50 Corporate Park
 Irvine, CA 92606

16. What's the difference between objecting and opting out of the case?

Objecting is telling the Court that you don't like something about the settlement. You may object only if you stay in the Class. By contrast, requesting to be excluded or opting out of the case is telling the Court that you don't want to be part of the Class. If you opt out of the case, you have no basis to object because the case no longer affects you.

If you object to any of the terms of the Settlement, the Court will consider your objections when deciding whether to grant final approval to the Settlement.

THE COURT'S FINAL APPROVAL/FAIRNESS HEARING**17. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval/Fairness Hearing in Department 39 of the Superior Court of California, County of Contra Costa, located at 725 Court Street, Martinez, CA 94553 on March 21, 2019, at 9:00 a.m. At this hearing the Court will determine whether the settlement should be finally approved as fair, reasonable, and adequate. The Court will also be asked to approve Class Counsel's request for attorneys' fees and costs, the Class Representative's Service Award, and the payment to the LWDA for penalties under PAGA.

The Court may reschedule the Final Approval/Fairness Hearing without further notice to Class Members. However, any Class Member who has submitted a timely objection to the settlement will be notified by Class Counsel of any rescheduling of the date and time of the Final Approval/Fairness Hearing.

18. Do I have to come to the hearing?

No. Class Counsel will represent the interests of the Class at the hearing. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you timely mailed your written objection, the Court will consider it. You may also hire and pay your own lawyer to attend if you so desire.

19. May I speak at the hearing?

You may appear and ask the Court for permission to speak at the Final Approval/Fairness Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

GETTING MORE INFORMATION**20. Who may I contact if I have questions about the settlement?**

You may contact Class Counsel at the contact information listed in Paragraph 5 if you have any questions about the Settlement. You may also contact the court-appointed Settlement Administrator, CPT Group, Inc., by calling toll free 1-888-530-9143, or you can write to *Jeffrey Pruitt v. Truststaff Travel Nurses, LLC*, Class Action Settlement Administrator at the address shown in paragraph 15.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, OR TRUSTAFF FOR MORE INFORMATION.

ADDITIONAL IMPORTANT INFORMATION

A. **Truststaff** will not retaliate in any manner whatsoever against any Class Member who stays in the Class, who receives his or her Settlement Payment, or who requests to opt out of the case and settlement.

B. **It is your responsibility to ensure that the Settlement Administrator** has your current mailing address and telephone number on file, as this will be the address to which your Settlement Payment will be sent.

C. **Settlement Payment checks must be cashed soon after receipt.** Any money included in checks that remain uncashed after 180 days of the date of issuance will be forwarded for payment to the California Department of Industrial Relations' Unclaimed Wages Fund for the benefit of the employee, as described above. If your check is lost or misplaced, you should immediately contact the Settlement Administrator to request a replacement.