

NOTICE OF SETTLEMENT OF COLLECTIVE ACTION LAWSUIT

Fitzgerald v. Forest River Manufacturing, LLC
USDC ND IN, Case No. 3:20-cv-01004-DRL-MGG

You are receiving this Notice of Settlement of Collective Action Lawsuit (“Notice”) because you previously opted into this collective action, and you are eligible to participate in the Settlement of that lawsuit. A federal District Court has approved this Notice. This is not a solicitation from a lawyer.

The Notice you received early this year provided details as to the relevant time period and asserted claims. Defendant continues to deny all allegations of wrongdoing and asserts that you were properly paid in accordance with all applicable laws, and the Court has not decided in favor of either Party. The Parties have entered into this Settlement solely with the intention of avoiding further litigation.

Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
RETURN THE CLAIM FORM	By returning a properly completed Claim Form and Release, you agree to participate in the Settlement and will receive a Settlement payment. To participate in the Settlement, you must return a properly completed Claim Form and Release by July 31, 2023. If you participate in the Settlement, you agree to be bound by the terms of the Settlement, including the release of your wage and hour claims.
DO NOT RETURN THE CLAIM FORM	If you do not wish to participate in the Settlement, you should not return the Claim Form and Release. If you do not return a properly completed Claim Form and Release by July 31, 2023, you will not receive a Settlement payment, you will not be bound by the terms of the Settlement, and you will have the right to bring your own lawsuit, with an attorney of your choosing, at your own expense. If you choose not to participate in this Settlement and wish to file your own lawsuit, you should act promptly because your claim is subject to a statute of limitations.

BASIC INFORMATION

1. Why did I get this Notice?

You have received this Notice because you previously joined this collective action and are eligible to participate in the Settlement of this lawsuit. The lawsuit alleges that Forest River miscalculated the overtime rate of pay for Heather Fitzgerald and those similarly situated to her.

The Court ordered that you be sent this Notice. This Notice explains the lawsuit, the Settlement, your legal rights, and what benefits are available to you.

The Court overseeing the lawsuit is the United States District Court for the Northern District of Indiana. The lawsuit is known as *Fitzgerald v. Forest River Manufacturing LLC*, Case No. 3:20-cv-01004-DRL-MGG. The person who filed the lawsuit is called the “Representative Plaintiff.”

2. What does the Settlement provide?

Defendant has agreed to pay a total of \$395,000.00. This amount includes \$131,666.67 for Representative Plaintiff’s attorneys’ fees, which shall not exceed one-third (1/3) of the total Settlement amount, plus reimbursement of the attorneys’ reasonable, actual out-of-pocket costs. This amount also includes a service award for Representative Plaintiff. The remaining amount will be provided to persons who receive this Notice and return the completed Claim Form and Release by July 31, 2023.

3. How will my payment be calculated?

Settlement payments to those who participate in the Settlement will be calculated based on a formula that has been approved by the Court as fair and reasonable.

Based on this formula, you are estimated to receive approximately <<estimated award>>, half of which is subject to deductions for applicable taxes and withholdings like any other paycheck, and for which you will receive an IRS Form W-2; and half of which will have no deduction taken and will be reported on an IRS Form 1099. Your payment may increase if all the individuals who initially joined the case do not decide to participate in the Settlement.

4. How can I get my payment?

To get your payment, you must fully complete the enclosed Claim Form and Release and mail it to the Settlement Administrator in the enclosed envelope postmarked no later than July 31, 2023. You may also complete the Claim Form and Release on the Settlement website, e-mail or fax the Claim Form and Release to the Settlement Administrator, so that it is received no later than July 31, 2023. The Settlement Claims Administrator’s complete contact information is:

Fitzgerald v Forest River Manufacturing, LLC
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164

Settlement Website: www.ForestRiverFLSASettlement.com
Email: ForestRiverFLSASettlement@atticusadmin.com

Toll-Free: 1-800-214-9556
Fax: 1-888-326-6411

It is **your responsibility** to keep a current address on file with the Settlement Administrator. Please make sure to notify the Settlement Administrator of any change of address.

5. When will I get my payment?

You will be sent a check on or around October 13, 2023. This date is subject to change. Please be patient. **Note that checks will become null and void after 180 days of their issuance.**

6. What am I giving up if I sign the Claim Form and Release to get a payment?

By returning the Claim Form and Release by July 31, 2023, you are fully and completely releasing and discharging Defendant and others affiliated with it from all state and federal wage and hour claims as of the date you cash the Settlement payment check. You should read the Claim Form and Release carefully before signing it.

7. What rights do I have if I do not sign and return the Claim Form and Release?

If you do not sign and return the Claim Form and Release, then you will not participate in the Settlement and you will not receive any payment. If you do not participate in the Settlement, you will not be bound by any Court orders and you will have the right to bring your own lawsuit with your own attorney at your own cost. If you elect not to participate in the Settlement, you are encouraged to contact another attorney as soon as possible because there is a statute of limitations that will apply to your claim.

8. How do I get more information?

When you joined this collective action, you designated the below law firms to represent you as your attorneys. If you have other questions about the Settlement, you can contact the attorneys, as follows:

Hassler Kondras Miller LLP (812) 232-9691 www.hkmlawfirm.com	Nilges Draher LLC (234) 401-9089 www.ohlaborlaw.com	Coffman Legal LLC (614) 949-1181 www.mcoffmanlegal.com
--	---	---

DATED: May 31, 2023

CLAIM FORM AND RELEASE

THIS CLAIM FORM AND RELEASE MUST BE POST-MARKED OR OTHERWISE SUBMITTED TO THE SETTLEMENT ADMINISTRATOR NO LATER THAN JULY 31, 2023.

I. CONSENT TO PARTICIPATE IN SETTLEMENT

I understand that this lawsuit is being brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201, *et seq.* I understand that I have already joined this collective action (*Fitzgerald v. Forest River Manufacturing, LLC*, Case No. 3:20-cv-01004-DRL-MGG) pursuant to 29 U.S.C. § 216(b). Having already joined this collective action, I agreed to be bound by any Settlement or judgment of the court on all issues in this case. I now consent to participate in the Settlement of this lawsuit.

II. RELEASE

In exchange for my receipt of the Settlement payment, I hereby release and forever discharge Forest River Manufacturing, LLC and all of its parents, subsidiaries, affiliates, predecessors, successors, and assigns, and all of their respective present and former partners, officers, directors, shareholders, agents, independent contractors, employees, and attorneys, in their representative as well as their individual capacities, along with any other persons or entities acting by, through, under, or in concert with, any of these persons or entities (“Releasees”), from any and all claims, demands, damages, attorneys’ fees, costs, expenses, and causes of action of any kind or nature, whether known or unknown, that arise prior to the date I cash the Settlement payment check being provided to me under the Settlement agreement that I have or may have on account of or relating in any way to (a) unpaid wages, unpaid overtime wages, untimely paid wages, wage payments, and/or bonus or incentive compensation, and/or (b) Indiana wage payment laws, Indiana wage laws, and/or the Fair Labor Standards Act, including without limitation any claims for damages, unpaid costs or expenses, penalties, liquidated damages, punitive damages, attorneys’ fees, litigation costs, restitution, or equitable relief.

Full Legal Name (please print)

Signature

Maiden or other names worked under

Street Address

E-mail Address

City, State and Zip Code

Telephone Number