

# LEGAL NOTICE

*Leon et al. v. D7 Roofing Services, Inc. et al.*

*A California state court authorized this Notice. This is **not** a solicitation from a lawyer.*

**If you worked for D7 ROOFING SERVICES, INC. between November 26, 2010 and July 27, 2016, you may be eligible to receive a Settlement Check in the mail.**

*Your Legal Rights Are Affected Even If You Do Not Act. Read This Notice Carefully.*

## YOUR LEGAL RIGHTS AND OPTIONS

<b>You May:</b>	<b>Summary:</b>
<b>Do Nothing</b>	<p>If you do nothing and the Court approves the settlement, a Settlement Check will be mailed to the address on this Notice.</p> <p>Because it will take more than 2 years to receive a Settlement Check, you should keep your address updated. If your address has changed, you should follow the directions in Section 9 to provide an updated address so that you can receive a Settlement Check.</p> <p>All Class Members who do not “opt out” will receive a Settlement Check. There is no need to file anything in order to receive a Settlement Check.</p>
<b>Exclude Yourself (“Opt Out”)</b>	<p>If you “opt out” of the lawsuit, you <b>would not</b> be mailed a Settlement Check. But you would keep your right to sue on your own regarding any claims that are part of the Settlement. Go to Section 12 for directions on how to “opt out.”</p>
<b>Object</b>	<p><b>Any</b> employee may object to the Settlement. If you think the Settlement is unfair, you may submit a letter stating why you do not like the Settlement. Go to Section 14 for directions on how to object.</p>
<b>Speak at the Final Fairness Hearing</b>	<p>Class Members are permitted to appear and speak to the Court if they submit either a Notice of Intent to Appear or a written objection. Go to Section 16 for directions on how to submit a Notice of Intent to Appear and to Section 14 for how to object</p>

**The deadline for making these decisions is:  
April 19, 2017**

**D7 will not retaliate against you for participating in this settlement**

# BASIC INFORMATION

## 1. Why did I get this Notice?

The Court is providing this Notice to inform you and other Class Members about the proposed Settlement of this class action lawsuit before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, your options, who is eligible for the Settlement Checks and other benefits under the Settlement, and how to get them. If the Settlement is ultimately approved by the Court, the Settlement Checks and benefits will then be provided to Class Members.

Judge George C. Hernandez, Jr. of the Superior Court of California for Alameda County is overseeing this class action. The case is known as *Leon et al. v. D7 Roofing Services, Inc. et al.* Case No. RG14 749708.

## 2. What is this lawsuit about?

This lawsuit claims that D7 ROOFING SERVICES, INC., violated the California Labor Code as well as Industrial Welfare Commission, Wage Order Number 16-2001 and California's Unfair Competition Law by failing to pay all wages earned, including wages for "off-the-clock" work in the yard in the mornings and afternoons and travel time for in-town and out-of-town jobs on public and private jobs; failing to pay the overtime premium; failing to pay the proper prevailing wage on public works projects; failing to pay for reporting time; failing to provide accurate wage statements; failing to provide meal and rest periods and accurate itemized wage statements required by California law; failing to provide tools and safety equipment required under Wage Order 16. D7 has denied all these claims.

## 3. What is a class action?

In a class action lawsuit, the "Class Representatives" (in this case, Felix Leon, Alberto Ramirez, and Sergio Romero) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The people who sue are called the "Plaintiffs." The company or persons they sue (in this case, D7 ROOFING SERVICES, INC. and JEFFREY WILLIAMSON) are called the "Defendants." One court resolves the issues for everyone in the Class. All decisions that this Court makes concerning the Settlement will affect all Class Members.

## 4. Why is there a Settlement?

Instead of going to trial, the Plaintiffs and the Defendants agreed to attend a mediation (or negotiation session), and both sides agreed to this Settlement. That way, both sides can avoid the cost and risk of a trial, and the Class Members will get compensation. The Class Representatives and Class Counsel think it is in the best interest of the Class to settle this case on the terms described below. Although Plaintiffs believe they could have obtained more money if they had gone to trial and won, the Defendants believe the Plaintiffs would not prevail at all. Thus, a Settlement was reached. The Court has **not** decided whether Plaintiffs' position or Defendants' position is the correct one.

## 5. How do I know if I am part of the Settlement?

To see if you will get a Settlement Check and other benefits from the Settlement, you first have to decide if you are a Class Member. If you were an hourly construction worker who worked for D7 Roofing Services, Inc., in the state of California at any time from November 24, 2010 through July 27, 2016, you are a Class Member. It does not matter if you did other kinds of work for part of the Class Period. Your Settlement Check will be based only on the number of weeks that you were paid hourly for construction work for D7. If you received this Notice, D7's records indicate that you are a Class Member.

# TERMS OF THE SETTLEMENT

## 6. What does the Settlement provide?

D7 has settled for a gross Total Settlement Amount of \$655,000. All the participating Class Members that can be found by the Settlement Administrator are entitled to Settlement Checks and other remedies, as explained below.

Assuming that the Court grants fees and costs, of this Amount:

- **\$370,500** (or 56 percent of the Total Settlement Amount) will be divided among all Class Members. ***D7 is required to mail Settlement Check to each and every Class Member.*** Go to Section 9 for directions on how to update your address.
- **\$196,500** (or 30 percent of the Total Settlement Amount) will go to Class Counsel's attorneys' fees, subject to the Court's approval. Go to Section 19 for more information.
- **\$15,000** (or 2.2 percent of the Total Settlement Amount) will go to the three Class Representatives (\$5,000 each) for their service to the Class, subject to the Court's approval. Go to Section 20 for more information.
- **\$38,000** (or 5.8 percent of the Total Settlement Amount) will go Class Counsel to pay for the costs in this lawsuit, subject to the Court's approval. Go to Section 19 for more information.
- **\$11,000** (or 1.7 percent of the Total Settlement Amount) will go to the Settlement Administrator to pay for the costs of administrating this Settlement, subject to the Court's approval. The Settlement Administrator is a third party and not affiliated with D7.
- **\$32,000** (or 4.8 percent of the Total Settlement Amount) will be allocated as penalties under the Labor Code Private Attorney General Act of 2004, with \$24,000 (75%) being awarded to the State of California and \$8,000 (25%) being allocated to the Net Settlement Fund and awarded to the all the Class Members, subject to the Court's approval.

D7 has also agreed to the following additional terms:

- ***Meal and Rest Breaks Poster:*** D7 will post at a central location at its work site a bulletin in English and Spanish notifying its employees that they are authorized and permitted to take a first and second meal period in a manner that complies with California law, ant that they are authorized and permitted to take rest periods in a manner that complies with California law.
- ***Wage Order 16:*** D7 agrees to provide a copy of Wage Order 16 in English or Spanish to workers at hiring during two (2) years following the effective date of the Settlement. D7 also agrees to provide such document to all current workers before preliminary approval.

## 7. How much will my Settlement Check be?

Your share of the Settlement money will depend on how many weeks you worked for D7 ROOFING SERVICES, INC., between November 26, 2010 until July 27, 2016. These are called your "Workweeks." For example, if you worked for D7 for six (6) weeks, you would be entitled to \$104.04. If you worked for one year, you would be entitled to \$901.68. If you worked for four (4) years, you would be entitled to \$3,606.72. Remember that your Workweeks do not have to run consecutively. So, for example, if you worked for 12 weeks, after which, you took a break for a few months, but then you came back and worked for two (2) additional weeks, your total in Workweeks would be 14 Workweeks. Go to Section 9 for directions on how to check your Workweeks number.

## 8. When will I get my Settlement Check?

Settlement Checks will be mailed out ten (10) days after Defendant makes all the payments to the Settlement Fund and all objections and appeals have been resolved in the case. This Final Fairness Hearing is currently scheduled for April 11, 2017. Assuming that the Court grants final approval, ***it will still take two years or more to fund the Settlement Fund and send the checks.*** The Settlement Administrator will not be able to send the checks until December 2018. Class Members will be informed continuously on the progress of the Final Fairness Hearing and this Settlement. Please be patient.

**9. How do I help make sure my Settlement Check has the correct amount of money and is sent to the correct address?**

You should review the information on your Class Member Information Form, to make sure it is accurate. If it is accurate, you do not have to send in any response in order to participate in the Settlement and receive a Settlement Check. If it is not accurate, you should fully fill out the Information Form, indicating all corrections, and either send it by **April 19, 2017** to:

**D7 ROOFING SERVICES, INC. Settlement  
Settlement Administrator  
c/o Phoenix Class Action Administration Solutions  
P.O. Box 7208  
Orange, CA 92863**

You may also call 1-800-784-2174 to provide your corrections via telephone.

You should make a copy of your Information Form for your records. You may want to send it via certified or registered mail, and keep the receipt, in case there is a problem with your Form. If you send in documents with your Information Form, you should send copies and keep your originals.

If you move, you must send or call in your new address. You should keep a current address in file with the Settlement Administrator at all times. Call 1-800-784-2174 if you have a new address.

**10. What am I giving up if I take the Settlement Check?**

All Class Members who stay in the Class give up or “release” their legal claims against D7 ROOFING SERVICES, INC. in this lawsuit. *To be clear, if you do not “opt out” of the Class, you give up or “release” your legal claims in this lawsuit, regardless of whether you cash your Settlement Check or receive any money in this Settlement.* The following is the full text of your legal release. Please read it carefully:

“You (a ‘Releasing Party’) shall release and discharge Defendants D7 Roofing Services, Inc., and its present and former owners, parent companies, subsidiaries, related or affiliated companies, partners, officers, directors, employees, agents, attorneys, accountants, insurers, successors and assigns, and any other person acting on their behalf and Defendant Jeffrey L. Williamson (“Released Parties”), from any and all causes of action, claims, rights, damages, punitive or statutory damages, penalties, demands, obligations, debts, liabilities, wages, benefits, attorneys’ fees, expenses and costs, and losses, whether at law or in equity, whether under federal, state, and/or local law, statute, ordinance, regulation, common law, or other source of law, (a) that were brought in the Action; or (b) that arise out of the facts alleged in the Complaint, including without limitation all claims under the California Labor Code, Industrial Welfare Commission Wage Orders and the California Business and Professions Code, claims for restitution and other equitable relief, liquidated damages, punitive damages, or waiting time penalties from November 26, 2010 until July 27, 2016 (“Released Claims”).”

Please call Class Counsel at 415-762-0270, if you have questions about this release.

**EXCLUDING YOURSELF (“OPTING OUT”)**

**11. What is “opting out”?**

If you want to keep the right to sue D7 ROOFING SERVICES, INC., on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself from or “opting out” of the Class. If you opt out, you will not receive a payment from the Settlement.

## 12. How do I “opt out” of this Settlement?

If you want to “opt out” of the Settlement, you must send a letter by mail stating that you want to “opt out” or be excluded from *Leon v. D7 Roofing Services, Inc.* Be sure to include your name, address, telephone number, and your signature. You must mail your letter no later than **April 19, 2017** to:

**D7 ROOFING SERVICES, INC. Settlement  
Settlement Administrator  
c/o Phoenix Class Action Administration Solutions  
P.O. Box 7208  
Orange, CA 92863**

You should make a copy of your letter for your records. You may want to send it via certified or registered mail, and keep the receipt, in case there is a problem with your letter.

If you ask to “opt out,” you will not get a Settlement Check or any benefits under the Settlement. You also *cannot* object to the Settlement. You will not be legally bound by anything that happens in this case. You may be able to sue D7 Roofing Services, Inc., in the future.

## OBJECTING TO THE SETTLEMENT

### 13. What’s the difference between “opting out” and objecting?

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object *only if* you stay in the Class. “Opting out” is telling the Court that you don’t want to be part of the Class. If you “opt out,” you have no basis to object because the case no longer affects you.

### 14. How do I object to the Settlement?

You can object to the entire Settlement or any part of it. You must give reasons why you think the Court should not approve it. The Court will consider your views. But you will still be bound by all the Court’s orders, even if your objection is rejected. If you file an objection, you will still receive a settlement payment. To object, you must send a letter saying that you object to *Leon v. D7 Roofing Services, Inc.* Be sure to include your name, address, telephone number, your signature, and the reasons you are objecting to the Settlement. Mail your objection to this address and postmarked no later than **April 19, 2017** to:

**D7 ROOFING SERVICES, INC. Settlement  
Settlement Administrator  
c/o Phoenix Class Action Administration Solutions  
P.O. Box 7208  
Orange, CA 92863**

You should make a copy of your letter for your records. You may want to send it via certified or registered mail, and keep the receipt, in case there is a problem with your letter.

## THE COURT'S FINAL FAIRNESS HEARING

### 15. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Fairness Hearing at 2:30 p.m. on April 11, 2017, at the Superior Court of California, Alameda County, located at 1221 Oak Street, 3<sup>rd</sup> Floor, Oakland, California 94612, in Department 17. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Hernandez will also listen to people who have asked to speak at the hearing. You are welcome to come at your own expense. If you have submitted a written objection, you don't have to come to the 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 it's not necessary. After the hearing, the Court will decide whether to approve the Settlement.

### 16. May I speak at the Final Fairness Hearing?

If you have not "opted out," you may ask for permission to speak at the Final Fairness Hearing. You can speak regardless of whether you submitted a written objection as described above. To speak at the Hearing, you must send a letter stating your "Notice of Intent to Appear in *Leon v. D7 Roofing Services, Inc.*" Be sure to include your name, address, telephone number, and your signature. Also include some information about what you intend to say and whether you will be represented by a lawyer. Your "Notice of Intent to Appear" must be postmarked no later than **April 19, 2017** and mailed to:

**D7 ROOFING SERVICES, INC. Settlement  
Settlement Administrator  
c/o Phoenix Class Action Administration Solutions  
P.O. Box 7208  
Orange, CA 92863**

You should make a copy of your letter for your records. You may want to send it via certified or registered mail, and keep the receipt, in case there is a problem with your letter.

## IF YOU DO NOTHING

### 17. What happens if I do nothing at all?

If you do nothing, a Settlement Check will be mailed to you automatically. You give up your right to sue D7 and Williamson on your own regarding all claims that are part of this Settlement. Unless you "opt out" or object to the Settlement, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against D7 or Williamson about the legal issues in this case, ever again.

## THE LAWYERS AND CLASS REPRESENTATIVES REPRESENTING YOU

### 18. Do I have lawyers in this lawsuit?

Molteni Employment Law ("MEL") and Albert G. Stoll Jr., A Law Corporation ("AGS") represent you and other Class Members. These lawyers are called "Class Counsel." These lawyers are being paid out of the Settlement Fund, and you will not be charged separately for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **19. How will the lawyers be paid?**

Class Counsel will ask the Court to approve payment of up to \$196,500 for attorneys' fees and \$38,000 in costs and expenses associated with investigating the facts, litigating the case, and negotiating the Settlement. This amount is to be deducted from the \$655,000 Total Settlement Sum.

### **20. What is the Class Representative getting?**

Class Counsel will also ask the Court to approve an award of up to \$5,000 for each Class Representative, for a total of \$15,000 for the Class Representatives, collectively. This proposed award is for the time and effort they spent on your behalf in bringing this lawsuit against D7.

## **GETTING MORE INFORMATION**

### **22. What if I still have questions?**

This Notice summarizes the proposed Settlement. More details are in the Joint Stipulation of Class Settlement and other important documents such as the Complaint. You can get copies of these documents by calling Class Counsel at 415-762-0270.

You can also access these documents online for free at [www.phoenixclassaction.com/leonvd7roofing](http://www.phoenixclassaction.com/leonvd7roofing). For a small fee, all of the pleadings and other records in this litigation, including the Settlement Agreement, may be examined online on the Alameda County Superior Court's website, known as "DomainWeb" at <https://publicrecords.alameda.courts.ca.gov/PRS/>. After arriving at the website click the "Search BY Case Number" link, then enter RG14749708 as the case number and click "SEARCH". Image of every document filed in the case may be viewed (for a charge) through the "Register of Actions". You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

If you have problems accessing these documents online, or if you have other questions about these documents, please do *not* e-mail or call the Court. Please call Class Counsel at 415-762-0270.

### **23. How do I get more information?**

You can call the Settlement Administrator at 1-800-784-2174. You can also call Class Counsel, Cristina Molteni of Molteni Employment Law at 415-762-0270 (Spanish spoken.)