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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF NAPA**
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10 CORAL MCQUEEN and FELICIA
11 TREVINO, individually and on behalf of all
12 others similarly situated and on behalf of the
general public,

13 Plaintiffs,

14 v.

15 ODD FELLOWS HOME OF CALIFORNIA,
16 a California corporation; and DOES 1-100,

17 Defendants.
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22

Case No. **C-26-64176**

**DECLARATION OF MELISSA MEADE ON
BEHALF OF CLAIMS ADMINISTRATOR WITH
RESPECT TO CLAIMS, OPT OUTS, AND
OBJECTIONS RECEIVED**

Date: November 19, 2015

Time: 8:30a.m.

Dept: F
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1 I, Melissa Meade, declare as follows:

2 1. I am the Director of Case Management at Phoenix Settlement Administrators (PSA), the
3 Court-appointed Class Action Settlement Administrator for *McQueen et al. v. Odd Fellows Home of*
4 *California*. I have personal knowledge of the facts stated herein and, if called upon to testify, I could and
5 would testify competently to such facts.

6 2. PSA was selected by the Parties to provide notice of the Settlement and class
7 administration duties in this action. Pursuant to the Settlement Agreement for this matter, PSA was
8 responsible for (i) preparing, printing, and mailing the *Notice of Proposed Class Action Settlement* and
9 *Claim Form* (herein referred to collectively as the "Notice Packet"); (ii) responding to inquiries from
10 Class Members; (iii) determining the validity of opt-outs; (iv) calculating the Net Settlement Amount
11 and the Individual Settlement payments; (v) issuing the Individual Settlement Payment checks and
12 distributing them to Participating Class Members; (vi) issuing the payment to Class Counsel for
13 attorneys' fees and costs, the Enhancement check to Named Plaintiffs, and the employer payroll taxes to
14 the appropriate taxing authorities; and (vii) such other tasks as set forth in the Agreement or as the
15 Parties mutually agree or as the Court orders.

16 3. PSA received the Court-approved text for the Notice documents from Plaintiff's Counsel
17 on September 4, 2015.

18 4. PSA finalized a 6-page Notice and 2-page Claim Form. PSA received written approval
19 from both parties and a sufficient number were printed to mail to all Class Members. Attached hereto as
20 Exhibit "A" is a true and correct copy of the Notice Packet.

21 5. On September 1, 2015, PSA received a data file from Defense Counsel that contained
22 names, last known mailing addresses, telephone numbers, Social Security numbers, and dates of
23 employment for each Class Member during the Class Period. The final mailing list contained Nine
24 Hundred Seventy One (971) Class Members.

25 6. On September 14, 2015, PSA conducted a National Change of Address (NCOA) search
26 in an attempt to update the class list of addresses as accurately as possible. A search of this database
27 provides updated addresses for any individual who has moved in the previous four years and notified the
28 U.S. Postal Service of their change of address.
29

1 7. The Notice Packets were enclosed in envelopes with names and last known addresses
2 printed on them. On September 15, 2015, the Notice Packets were mailed via U.S. first class mail to all
3 Class Members.

4 8. On October 16, 2015, PSA mailed Reminder Postcards to the Five Hundred Ninety (590)
5 Class Members who to date had not yet filed a Claim Form or Request for Exclusion. Attached hereto as
6 Exhibit "B" is a true and correct copy of the Reminder Postcard template.

7 9. As of the date of this declaration, Twelve (12) Notice Packets have been returned to PSA.
8 Those with a forwarding address were forwarded accordingly. For the Notice Packets returned from the
9 post office without a forwarding address, PSA attempted to locate a current mailing address using
10 TransUnion TLOxp, one of the most comprehensive address databases available for skip tracing. As of
11 the date of this declaration, no Notice Packets remain undeliverable with no forwarding address and
12 where no new address could be found through skip trace.

13 10. PSA has received a total of Four Hundred Twelve (412) responses, of which Four
14 Hundred Eleven (411) are valid claims.

15 11. PSA has received One (1) Request for Exclusion.

16 12. PSA has received no Objections to the Settlement.

17 13. There are no outstanding disputes.

18 14. In summary, as of the date of this declaration, PSA has received a total of Four Hundred
19 Eleven (411) Valid Claimants. This represents 42.32% of the class. The Valid Claimants claim
20 64,394.75 weeks out of a total 118,005.14 class weeks and claim \$211,000.60 of the \$421,490.99 Net
21 Settlement Amount. Based on these calculations, the highest claimed amount is estimated to be \$828.17,
22 the lowest claimed amount is estimated to be \$42.63 and the estimated average claimed amount is
23 \$513.38.

24 15. The claims deadline in this matter is October 30, 2015. In order to allow all valid
25 postmarked claims to be received and processed, on Monday, November 16, 2015, I will submit a
26 Supplemental Declaration to the Court with final information regarding the number of valid claims,
27 Requests for Exclusion and Objections received, as well as any other relevant information.

16. PSA's estimated costs associated with the administration of this matter are \$12,780.00. This includes all costs incurred to date, as well as estimated costs involved in completing the settlement distribution.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 23rd day of October, 2015, at Newport Beach, California.


MELISSA MEADE

1 **PROOF OF SERVICE**

2 I, J. Michael Solano, am a paralegal for the firm representing Plaintiffs herein, I am over the age of
3 eighteen years, and not a party to the within action. My business address is North Bay Law Group, 116
E. Blithedale Avenue, Suite 2, Mill Valley, California 94941.

4 On October 26, 2015, I served the within document(s):

5 **DECLARATION OF MELISSA MEADE ON BEHALF OF CLAIMS ADMINISTRATOR WITH**
6 **RESPECT OT CLAIMS, OPT OUTS, AND OBJECTIONS RECEIVED**

7 I caused such document to be delivered by hand in person to:

8 N/A

9 I caused such document to be delivered by e-mail or regular mail:

10 N/A

11 I am readily familiar with the Firm's practice of collection and processing correspondence for mailing.
12 Under that practice, the document(s) would be deposited with the U.S. Postal Service on that same day
with postage thereon fully prepaid in the ordinary course of business, addressed as follows:

13 Mark Posard
14 GORDON & REES LLP
275 Battery Street, Suite 2000
15 San Francisco, California 94111

16 I declare under penalty of perjury that the above is true and correct.

17 Executed on October 26, 2015, at Mill Valley, California.

18 
19 J. Michael Solano

Exhibit A

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF NAPA
MCQUEEN, ET AL. V. ODD FELLOWS HOME OF CALIFORNIA - CASE NO. 26-64176
NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND
FINAL SETTLEMENT APPROVAL HEARING

A court authorized this notice. This is not a solicitation from a lawyer.

IF YOU HAVE BEEN EMPLOYED BY ODD FELLOWS HOME OF CALIFORNIA AS A NON-EXEMPT EMPLOYEE IN THE STATE OF CALIFORNIA DURING ALL OR PART OF THE PERIOD FROM MAY 24, 2010 THROUGH MAY 29, 2015 YOU COULD RECEIVE A PAYMENT FROM A PROPOSED CLASS ACTION SETTLEMENT.

- A proposed class action settlement (“the Settlement”) has been reached between plaintiffs Coral McQueen and Felicia Trevino (“Plaintiffs” or “Class Representatives”), on behalf of themselves and the below-defined Settlement Class, and defendant Odd Fellows Home of California (“Odd Fellows” or “Defendant”).
- The Settlement resolves a class action lawsuit about claims that Odd Fellows violated various California wage and hour labor laws including, among other things, (1) allegedly failing to pay accurate overtime compensation in accordance with California labor laws, (2) allegedly failing to provide employees with meal and rest periods in accordance with California law, (3) allegedly failing to provide accurate written wage statements to employees, and (4) allegedly failing to timely pay earned wages to employees following the termination of their employment. Odd Fellows denies all liability to Settlement Class members, asserts that Odd Fellows has fully complied with all applicable wage and hour laws, and has entered into the Settlement solely for purposes of resolving this dispute.
- The Settlement provides for cash payments to Odd Fellows employees who worked as non-exempt employees in California during all or part of the period from May 24, 2010 through May 29, 2015 (“Class Period”). As explained in more detail below, the approximate minimum pre-tax settlement payment that you will receive is based pro rata on the total number of weeks that you were a non-exempt employee during the Class Period in proportion to the total number of weeks worked by all non-exempt employees during the Class Period (“Pro Rata Settlement Payment”). If you were hired on or after January 1, 2015, you are not entitled to a Pro Rata Settlement Payment but instead you are entitled to receive a flat payment of \$100. Additionally, if you were no longer employed by Odd Fellows as of May 29, 2015, you are entitled to receive an additional payment of \$150 (“Former Employee Payment”).
- The enclosed Claim Form lists the approximate minimum pre-tax settlement payment to which you qualify under the Settlement. Additionally, the Claim Form lists the number of weeks you worked as a non-exempt employee during the Class Period, which is the specific information that was used to determine your approximate minimum settlement payment.

OVERVIEW OF YOUR LEGAL RIGHTS AND OPTIONS UNDER THE SETTLEMENT	
PARTICIPATE	To receive a cash payment from the Settlement, you must return the enclosed Claim Form by no later than October 30, 2015 .
DO NOTHING	If you do nothing you will not receive any cash payment from the Settlement and you will give up your rights to be part of any other lawsuit against Defendant involving claims arising under California law that are the same as or similar to the ones in this case.
EXCLUDE YOURSELF	The only way for you to retain your rights against Defendant involving legal claims that arise under California law and are the same as or similar to the ones in this case is to submit a valid Request for Exclusion to the Claims Administrator postmarked no later than October 30, 2015 .
OBJECT	If you were employed by Defendant in California and wish to object to the Settlement, you must not exclude yourself from the Settlement and you must file with the Court and mail to the Claims Administrator and all counsel of record your written objection and supporting papers no later than October 30, 2015 .

- These rights and options, and how to exercise them, are explained in more detail in this notice and on the enclosed Claim Form. The Court handling this case still has to decide whether to grant final approval to the Settlement. Payments will only be issued if the Court grants final approval to the Settlement.
- Additional information regarding the Settlement is available through the Claims Administrator or Class Counsel, whose contact information is provided in this notice. Additionally, the full terms of the Settlement, as well as the relevant pleadings in this lawsuit can be found online at the following address: www.phoenixclassaction.com/mcqueenvoddfellows.

FREQUENTLY ASKED QUESTIONS

BASIC INFORMATION

1. Why did I get this notice?

Odd Fellows' records show that you are, or have been, employed as a non-exempt employee in California during all or part of the period from May 24, 2010 through May 29, 2015. This notice explains the lawsuit, the Settlement, and your legal rights.

The lawsuit in the Superior Court of California, County of Napa, is known as *McQueen et al. v. Odd Fellows Home of California*, Case No. 26-64176 ("Action"). Coral McQueen and Felicia Trevino are called the "Plaintiffs" and the company they sued, Odd Fellows Home of California, is called the "Defendant." The judge assigned to oversee this class action is the Honorable Diane M. Price (the "Court").

2. What is the Action about?

The Action generally involves claims under California wage and hour laws. Plaintiffs are or were employed by Odd Fellows as non-exempt employees in the State of California. Plaintiffs allege, among other things, that Defendant allegedly failed to pay accurate overtime compensation to California employees, allegedly failed to provide California employees with meal and rest periods in compliance with California law, allegedly failed to provide accurate written wage statements to California employees and allegedly failed to timely pay earned wages to California employees following the termination of their employment. Defendant denies all liability and asserts that it has fully complied with all applicable wage and hour laws, asserts that the Action should not be a class action except for purposes of the Settlement and it has entered into the Settlement solely for purposes of resolving this dispute.

3. Why is this lawsuit a class action?

In a class action, one or more individuals are called the "class representatives." In this case, Coral McQueen and Felicia Trevino are the class representative who brought suit on behalf of other employees who have similar claims. All of these people are a "class" or "class members." One court resolves the issues for all class members, except for those who exclude themselves from the class. On **August 21, 2015**, the Honorable Diane M Price issued an order conditionally certifying the Settlement Class defined in response to Question 4 below for purposes of settlement only.

4. Who is in the Settlement Class?

The Settlement Class is defined as follows:

- All individuals employed as a non-exempt employees by Defendant Odd Fellows Home of California in the State of California during the period from May 24, 2010 to May 29, 2015.

5. Why is there a settlement?

After conducting substantial discovery, including the exchange of extensive documentation and class data, both sides agreed to the Settlement to avoid the cost and risk of further litigation. The Settlement does not mean that any law was broken. Odd Fellows denies all of the legal claims in the case. The Class Representatives and their lawyers think the Settlement is in the best interests of all Settlement Class members.

THE SETTLEMENT BENEFITS—WHAT YOU GET

6. What does the settlement provide?

Under the terms of the Settlement, Odd Fellows agrees to pay a total settlement amount of up to \$729,700. Deducted from the total settlement amount will be sums approved by the Court for attorneys' fees (not to exceed \$243,200, 33.33% of the Gross Settlement Fund), attorneys' actual costs as approved by the Court (not to exceed \$15,000), enhancement awards to Plaintiffs for their services as the Class Representatives (not to exceed \$10,000) as approved by the Court, a Private Attorney General Act ("PAGA") payment in the amount of \$10,000 payable to the California Labor Workforce Development Agency ("LWDA") and the fees and expenses of the Claims Administrator (not to exceed \$30,000). The total Court-awarded deductions from the Total Settlement Amount will result in a Claim Pool of at least \$421,500, which will be used for payments to those employees who submit valid Claim Forms.

The Claim Pool will be made available for distribution to individuals who were employed in the State of California as non-exempt employees with Odd Fellows during all or some of the period from May 24, 2010 to May 29, 2015 (the "Class Period"). If you submit a complete and timely Claim Form you are entitled to one or more of the following three payments under the terms of the Settlement: (1) a Pro Rata Settlement Payment, (2) a Former Employee Settlement Payment, and/or (3) a Recent Employee Settlement Payment.

To the extent you worked during some or all of the period from May 24, 2010 through May 29, 2015, you are entitled to a Pro Rata Settlement Payment, which is based pro rata on each non-exempt employee's total number of weeks worked during the Class Period in proportion to the total number of weeks worked by all employees during the Class Period. For example purposes only, if the entire Settlement Class' total number of weeks worked during the Class Period was 1,000, and your total number of weeks worked during the Class Period was 50, your minimum individual Pro Rata Settlement Payment will be .5% of the amount available for distribution to the Pro Rata Settlement Class (1,000 total work weeks pay periods divided by 50 pay period actually worked = .5%). To the extent you were hired during the period from January 1, 2015 through May 29, 2015, you are not entitled to a Pro Rata Settlement Payment and instead you are entitled to a Recent Employee Settlement Payment in the amount of \$100. Finally, if you were no longer employed by Defendant as of May 29, 2015, you are also entitled to receive a Former Employee Settlement Payment in the amount of \$150. In the event that the aggregate amount to be paid to all of the Class Members who have timely submitted a valid Claim Form is less than 50% of the Claim Pool then the difference shall be distributed amongst each of the members of the Settlement Class entitled to a Pro Rata Settlement Payment who have timely submitted a valid Claim Form on a pro rata basis.

The attached Claim Form lists the various settlement payment(s) for which you qualify and the approximate minimum pre-tax amount you would be entitled to receive if you participate in the Settlement and submit a complete and timely Claim Form. If you believe the Claim Form is incorrect and you wish to challenge the payroll information used by the Claims Administrator to determine your approximate minimum settlement payment, please notify the Claims Administrator no later than October 30, 2015:

Phoenix Settlement Administrators
P.O. Box 27907
Santa Ana, California 92799
Telephone (888) 613-5553

You must submit written evidence to support your challenge to the payroll information with the enclosed Claim Form. The Claims Administrator will have full discretion as to whether to accept or deny your challenge. The Claims Administrator will make a determination on your dispute based on your employment records and any other documents you submit. In resolving a dispute, Odd Fellows' records shall be presumed to be accurate and correct unless the information you submit proves otherwise.

7. What am I giving up in exchange for the settlement benefits?

In exchange for the settlement payment being provided, Plaintiffs and each member of the Settlement Class who does not submit a valid Request for Exclusion (defined in response to Question 10 below) will release and discharge Odd Fellows from the claims at issue in the above entitled lawsuit. This release will cover all "Class Members' Released Claims," which shall mean any and all claims or causes of action that are based on or reasonably relate to the claims asserted in the First Amended Complaint by Plaintiffs, including claims for the following: (a) all claims for failure to pay wages for hours worked, including overtime and double time pay; (b) all claims for failure to pay the minimum wage in accordance with applicable law; (c) all claims for the failure to provide meal and/or rest periods in accordance with applicable law, including payments for missed meal and/or rest periods and alleged non-payment of wages or premium pay for meal periods and rest periods worked and not taken; (d) all claims for the unlawful and/or fraudulent deductions of wages from employees as a result of Odd Fellows payroll and timekeeping policies and procedures; and (e) any and all claims for recordkeeping or pay stub violations, waiting time penalties and all other civil and statutory penalties related to the above-referenced claims, including those recoverable under the PAGA, the California Unfair Competition Act, and in particular, California Bus. & Prof. Code §§ 17200 *et seq.*, California Code of Civil Procedure § 1021.5; and any other provision of the California Labor Code or any applicable California Industrial Welfare Commission Wage Orders, in all of their iterations.

Additionally, as to the Class Members' Released Claims only Plaintiffs and each member of the Settlement Class who does not submit a valid Request for Exclusion expressly waives the provisions of Section 1542 of the California Civil Code (or other similar provision), which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW 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.

You can talk to one of the lawyers listed below for free or you can hire and talk to your own lawyer if you have questions about the Class Released Claims and what they mean.

HOW TO GET A PAYMENT

8. How do I get a payment?

To receive a payment, you must complete and submit the enclosed Claim Form. You must complete and submit the Claim Form sent to you with this Notice and mail it postmarked no later than **October 30, 2015** to:

Phoenix Settlement Administrators
P.O. Box 27907
Santa Ana, California 92799
Telephone (888) 613-5553

Claim Forms that do not include all required information and/or that are not timely submitted will be deemed null, void, and ineffective. Settlement Class members who fail to submit a valid and timely Request for Exclusion on or before the above-specified deadline shall be bound by all terms of the Settlement and any final judgment entered in the Action if the Settlement is approved by the Court regardless of whether or not they have submitted valid Claim Forms.

9. When will I get my check?

Checks will be mailed to Settlement Class members eligible to receive benefits under the Settlement, after the Court grants “final approval” of the Settlement. If the judge approves the settlement after a hearing on **November 19, 2015** (see “The Court’s Fairness Hearing”), there may be appeals. If there are any appeals resolving them could take some time, so please be patient. Provided that the Court grants “final approval” of the Settlement, checks will be sent out in approximately January 2016, assuming there are no appeals. To the extent you have questions regarding when checks will be mailed, please contact the Claims Administrator.

EXCLUDING YOURSELF FROM THE SETTLEMENT

10. How do I ask the Court to exclude me from the Settlement Class?

If you do not wish to participate in the Settlement, you may be excluded (i.e., “opt out”) by sending a timely letter in writing that contains your name, address, telephone number and the last four digits of your Social Security Number, stating that you wish to be excluded from the Settlement Class in the matter of *McQueen et al. v. Odd Fellows Home of California*. (“Request for Exclusion”). If you opt out of the Settlement, you will not be releasing your California state-law claims. The Request for Exclusion must be signed, dated and mailed by First Class U.S. Mail, or the equivalent, postmarked no later than **October 30, 2015** to:

Phoenix Settlement Administrators
P.O. Box 27907
Santa Ana, California 92799
Telephone (888) 613-5553

Requests for Exclusion that do not include all required information and/or that are not timely submitted will be deemed null, void, and ineffective. Any Settlement Class Member who fails to submit a valid and timely Request for Exclusion on or before the above-specified deadline shall be bound by all terms of the Settlement and any Judgment entered in the Action if the Settlement receives final approval from the Court.

11. If I exclude myself, can I get anything from the Settlement?

No. By electing to be excluded from the Settlement Class, (1) you will not receive the check generated by the Settlement (if approved), even if you would otherwise be entitled to it; (2) you will not be bound by any further order or judgments entered for or against the Settlement Class; (3) you will have no right to object to the settlement or be heard at any hearing scheduled for the Court’s consideration of the settlement; and (4) you may present any claims against Defendant that were asserted by Plaintiffs in this case.

12. If I don’t exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Odd Fellows for any of the Class Members’ Released Claims described in response to Question 7 above. You must exclude yourself from the Settlement Class to start or continue your own lawsuit.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The following lawyers have been retained to serve as Class Counsel for the Settlement Class:

James Rush LAW OFFICES OF JAMES D. RUSH 7665 Redwood Blvd., Suite 200 Novato, California 94945-1405 Telephone: 415.897.48011 Facsimile: 415.897.5316	David S. Harris NORTH BAY LAW GROUP 116 E. Blithedale Ave., Suite 2 Mill Valley, California 94941 Telephone: 415.388.8788 Facsimile: 415.388.8770
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14. Who are the lawyers Representing Odd Fellows Home of California?

The following lawyers have been retained to represent Odd Fellows Home of California in this case:

Mark Posard
GORDON & REES LLP
633 West Fifth Street, 52nd floor
Los Angeles, California 90071
(213) 270-7833
(415) 875-3343

15. How will the costs of the lawsuit and the settlement be paid?

Subject to court approval, Class Counsel can petition the Court for up to \$243,200 in attorneys' fees (33.33% of the gross settlement fund) and actual costs incurred (not to exceed \$15,000). The Court may award less than these amounts. In addition, and subject to Court approval, Plaintiffs Coral McQueen and Felicia Trevino will each seek an enhancement award of \$5,000 for their participation in this lawsuit and for taking on the risk of litigation. Class Counsel has filed its Motion for Attorneys' Fees, Costs and Enhancement Award, which can be found online at: www.phoenixclassaction.com/mcqueenvddfellows.

Furthermore, and subject to Court approval, the Settlement Administrator's costs and fees associated with administering the Settlement shall be paid from the total Settlement amount, which will not exceed \$30,000.

OBJECTING TO THE SETTLEMENT

16. How do I object to the Settlement?

Any member of the Settlement Class may object to the proposed Settlement, or any portion thereof, by a written objection, and supporting papers, which must be filed with the Court and mailed to all counsel of record no later than **October 30, 2015**. The Court's and counsel of record's addresses are the following:

Superior Court of California County of Napa 1111 Third Street, 1 st Floor Napa, California 94559	Mark Posard GORDON & REES LLP 633 West Fifth Street, 52nd floor Los Angeles, California 90071
James Rush LAW OFFICES OF JAMES D. RUSH 7665 Redwood Blvd., Suite 200 Novato, California 94945-1405	David S. Harris NORTH BAY LAW GROUP 116 E. Blithedale Ave., Suite 2 Mill Valley, California 94941
Phoenix Settlement Administrators P.O. Box 27907 Santa Ana, California 92799 Telephone (888) 613-5553	

A written objection must contain the objecting person's full name, current address and specifically state all objections and the reasons therefore, and include any and all supporting papers (including, without limitation, all briefs, written evidence, and declarations). A Settlement Class member who desires to object but who fails to comply with the objection procedure set forth herein shall be deemed

not to have objected. Any member of the Settlement Class who does not timely submit written objections shall not be permitted to present his or her objections at the Court's Fairness Hearing. Any Settlement Class who submits an objection remains eligible to receive monetary compensation from the Settlement if he or she submits a timely and valid Claim Form. Only Settlement Class members who do not file a Request for Exclusion may file objections.

17. What's the difference between objecting and asking to be excluded?

Objecting is simply telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you will have no basis to object because the Settlement will no longer affect you. You will receive no money under the settlement if you exclude yourself.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. If you have filed a timely objection or notice of intention to appear you may attend and you may ask to speak, but you don't have to.

18. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Approval Hearing on **November 19, 2015 at 8:30 a.m.** in Department F at the Superior Court of California, County of Napa Courthouse, which is located at 1111 Third St, 3rd Floor, Napa, California 94559. The Hearing may be moved to a different date and/or time without additional notice. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will only listen to people who have filed a timely objection or Notice of Intention to Appear. The Court will also decide how much to pay Class Counsel for attorneys' fees and costs and how much of an enhancement award to pay the Class Representatives. After the Hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the judge may have. 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 mailed your written objection on time, the Court will consider it. You may also pay another lawyer at your own expense to attend and enter an appearance on your behalf, but it is not required.

20. 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 that it is your "Notice of Intention to Appear" in the *McQueen et al. v. Odd Fellows Home of California* settlement. Be sure to include your name, address, telephone number, and your printed and signed name. Your Notice of Intention to Appear must be postmarked no later than October 30, 2015, and be sent to the Clerk of the Court, Claims Administrator and the Counsel of Record, at the addresses above. You cannot speak at the hearing if you excluded yourself, and you will not be able to speak unless you timely file a Notice of Intention to Appear or an Objection.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a member of the Settlement Class and you do nothing, you will not receive a payment from this Settlement and you will not be able to start a lawsuit or continue a lawsuit against Defendant about the state-law claims in this case described in response to Question 7 ever again. You will get no compensation and you will be releasing your state-law claims.

GETTING MORE INFORMATION

22. How do I get more information?

This notice summarizes the Settlement. More details are in the Settlement. You may contact Class Counsel, Counsel for Odd Fellows or the Claims Administrator for more information. Additionally, copies of the settlement agreement, pleadings and other important filings in the Action can be found online at the following address: www.phoenixclassaction.com/mcqueenvoddfellows

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE OR ODD FELLOWS WITH INQUIRIES.

Date: September 15, 2015

CLAIM FORM

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF NAPA
MCQUEEN, ET AL. V. ODD FELLOWS HOME OF CALIFORNIA - CASE NO. 26-64176

YOU MUST TIMELY COMPLETE, SIGN AND RETURN THIS FORM BY OCTOBER 30, 2015 TO BE ELIGIBLE FOR A MONETARY RECOVERY.

<<PSA ID>>

<<Last, First>>

<<Address 1 >>

<<City, State>>

<<Telephone Number>>

If your name or address is different from those shown above, print the corrections on the lines to the right. If you move, please send us your new address.

YOU MUST COMPLETE, SIGN AND MAIL THIS FORM BY FIRST CLASS U.S. MAIL OR EQUIVALENT, POSTAGE PAID, POSTMARKED ON OR BEFORE **October 30, 2015** ADDRESSED AS FOLLOWS TO BE ELIGIBLE TO RECEIVE A RECOVERY.

Phoenix Settlement Administrators
P.O. Box 27907
Santa Ana, California 92799
Telephone (888) 613-5553

Under the terms of this Settlement, you qualify to claim a minimum pre-tax payment of approximately \$<<Est. Amt>> (“Settlement Amount”). This Settlement Amount is the minimum estimated gross amount that you will receive if you timely submit this Claim Form. As set forth in the Notice of Proposed Class Action Settlement (“Class Notice”) you received with this Claim Form, your actual Settlement Amount may end up being higher than the above-referenced estimate, depending on the number of Class Members who actually file claims. In any event, your gross Settlement Amount will be subject to appropriate withholding for applicable taxes relating to the wage portion of the settlement payment. Your Settlement Amount will be characterized as 1/3 wages and 2/3 interest and penalties.

As explained in detail in the enclosed Class Notice, your gross Settlement Amount is based on your employment in the State of California as a non-exempt employee with Odd Fellows Home of California (“Odd Fellows”) during all or some of the period from May 24, 2010 through May 29, 2015 (the “Class Period”). You are entitled to the following settlement payment(s) under the terms of the Settlement:

[Pro Rata Settlement Payment -- Odd Fellows payroll records indicate you were employed during some or all of the period between May 24, 2010 and May 29, 2015, which entitles you to a minimum pre-tax Pro Rata Settlement Payment of <<Est. Amt>> based on Odd Fellows’ payroll records, which indicate you worked <<WW>> weeks during some or all of the Class Period. Thus, your estimated Pro Rata Settlement Amount is based on your pro rata number of weeks worked during the Class Period in proportion to the total number of weeks worked by all Class Members during the Class Period.]

If you disagree with the total number of work weeks you worked during the period of May 24, 2010 through May 29, 2015, as referenced above, you may dispute this number by submitting satisfactory documentation to the Claims Administrator with this Claim Form showing that you worked a different number of work weeks during the applicable portion of the Class Period. The Claims Administrator will then make a determination on your dispute based on your employment records and any other documents you submit. In resolving a dispute, Odd Fellows’ records shall be presumed to be accurate and correct unless the information you submit proves otherwise.]

[Recent Employee Settlement Payment – Odd Fellows’ payroll records indicate you were hired during the period between January 1, 2015 through May 29, 2015, which entitles you to a Recent Employee Settlement Payment in the amount of \$100.]

[Former Employee Settlement Payment – Odd Fellows’ payroll records indicated you were no longer employed by Odd Fellows on May 29, 2015. As a result, you are entitled to receive an additional Former Employee Settlement Payment in the amount of \$150.]

RELEASE OF CLAIMS

By signing this Claim Form and in exchange for the payment described above, you agree to the following release:

I have received the Notice of Proposed Class Action Settlement. I submit this Claim Form under the terms of the proposed Settlement described in the Notice of Proposed Class Action Settlement. I also submit to the jurisdiction of the Superior Court of California with respect to my claim as a class member and for purposes of enforcing the release of claims stated in the Settlement Agreement. I further acknowledge that I am bound by the terms of any court judgment that may be entered in this class action. I agree to furnish additional information to support this claim if required to do so.

Upon receipt of my share of the Settlement Amount, I hereby release and discharge Defendant Odd Fellows Home of California and its former and present parents, subsidiaries, and affiliates, and their current and former officers, directors, employees, partners, shareholders and agents, and the predecessors and successors, assigns, and legal representatives of all such entities and individuals ("Class Members' Released Parties"), from the claims below arising during the period from May 24, 2010, through May 29, 2015 ("Class Members' Released Period"). The claims released by the Class Members include, but are not limited to, statutory, constitutional, contractual or common law claims for wages, damages, unpaid costs, penalties, liquidated damages, punitive damages, interest, attorneys' fees, litigation costs, restitution, or equitable relief, for the following categories of allegations: (a) all claims for failure to pay wages for hours worked, including overtime and double time pay; (b) all claims for failure to pay the minimum wage in accordance with applicable law; (c) all claims for the failure to provide meal and/or rest periods in accordance with applicable law, including payments for missed meal and/or rest periods and alleged non-payment of wages or premium pay for meal periods and rest periods worked and not taken; (d) all claims for the unlawful and/or fraudulent deductions of wages from employees as a result of Odd Fellows payroll and timekeeping policies and procedures; and (e) any and all claims for recordkeeping or pay stub violations, waiting time penalties and all other civil and statutory penalties related to the above-referenced claims, including those recoverable under the PAGA, the California Unfair Competition Act, and in particular, California Bus. & Prof. Code §§ 17200 *et seq.*, California Code of Civil Procedure § 1021.5; and any other provision of the California Labor Code or any applicable California Industrial Welfare Commission Wage Orders, in all of their iterations ("Class Members' Released Claims").

Additionally, as to the Class Members' Released Claims only I expressly waive the provisions of Section 1542 of the California Civil Code (or other similar provision), which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW 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.

I agree that I will not make a claim against any of the Class Members' Released Parties that is in any way related to the Class Members' Released Claims.

By submitting this Claim Form, I hereby consent to participate in the lawsuit identified above, which I understand is brought under California state law. By submitting a claim, I hereby designate the David Harris and James Rush ("Class Counsel") to represent me in the litigation. Class Counsel has the legal right and authority to act as my representative and to make decisions on my behalf concerning all matters pertaining to this litigation.

I have read and understand the Class Notice that was mailed with this Claim Form and Release, and agree to abide by the terms of the Class Notice and this Claim Form and Release.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct

Executed this ____ day of _____, 2015, at _____, _____ State

Your Signature: _____

Your Name: _____

Exhibit B

REMINDER POSTCARD

McQueen et al. v. Odd Fellows Home of California
Superior Court Case No. C-26-64176

On September 4, 2015, you were mailed a Notice of Proposed Class Action Settlement and Claim Form in the above-referenced case. If you want to participate in the Settlement, you must complete, sign and submit a Claim Form. **It must be postmarked on or before October 30, 2015**

McQueen et al. v. Odd Fellows Home of California c/o
Phoenix Settlement Administrators
P.O. Box 27907
Santa Ana, Ca. 92799-7907
Fax (949)209-2503

If you have questions or have lost the Notice or Claim Form, call Phoenix Settlement Administrators at 1-888-613-5553.