

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**ERIC JONES, on behalf
of himself and all others
similarly-situated,**

Plaintiff,

v.

CASE NO.: 8:20-cv-2945-T-33SPF

**SCRIBE OPCO, INC.,
d/b/a BIC GRAPHIC,**

Defendant.

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING

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

This **Notice of Proposed Class Action Settlement and Hearing** provides important information regarding your right to participate in or to opt out of a proposed settlement in a class action lawsuit. Named Plaintiff, Eric Jones (“Plaintiff”), filed a lawsuit against Defendant, Scribe Opco, Inc. (“Defendant” or “Scribe”). The original complaint in this lawsuit was filed on December 9, 2020. Plaintiff’s Complaint alleged that Defendant violated the Worker Adjustment and Retraining Notification Act (“WARN Act”) by terminating the Named Plaintiff with no advance notice in violation of the WARN Act. Defendant has, at all relevant times, denied Plaintiff’s allegations and has asserted its compliance with the law.

- At this point in the case, the presiding judge has not made any determination about who is right or wrong. Rather, instead of proceeding with potentially years of litigation with uncertain outcomes, the parties have agreed to resolve the lawsuit through a Court-supervised settlement to avoid further cost and uncertainty.

- Plaintiff proposes to settle this dispute on behalf of himself and all other former employees who were subject to a mass layoff at Scribe in 2020 that meet a certain definition. The settlement class is defined as follows: All persons employed by Defendant, who worked at one of Defendant’s facilities in Florida or Minnesota, which employed 50 or more full-time employees, excluding part-time employees (as defined under the WARN Act) (the “Facilities”), who were laid off or furloughed without cause on their part, on or about March 25, 2020, or within thirty days of that date or thereafter as part of, or as the reasonably expected consequence of, a mass layoff (as defined by the WARN Act) at the Facilities which lasted longer than six months, who do not timely opt-out of the class (the “Class”), but excluding individuals who, according to Defendant’s records, declined reinstatement.

- Membership in the Settlement Class will be determined based upon Defendant’s records. It is estimated that the Settlement Class is comprised of 212 potential members.

- You received notice of this settlement by mail because records indicate that you are eligible to receive benefits from this proposed class action settlement.
- Your rights and options—and the deadlines to exercise them—are explained in this Notice. Here is a brief summary of your rights and options.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Do Nothing	If you do nothing and the Court approves this settlement, you will receive a settlement payment. As a member of the Settlement Class, you will release Defendant from any potential liability regarding the WARN Act claims at issue in this lawsuit and any similar state law claims.
Ask to be Excluded by February 16, 2023	If you do not want to be included in the case and the settlement, you must take action to exclude yourself. This is called “opting out.” To opt out, you must state in writing that you have elected to opt out of the case and the settlement and send your written notice to the Settlement Administrator by February 16, 2023. If you elect to opt out, you will not receive a settlement payment in this case, but you may pursue your own action against Defendant for the claims raised in this case if you choose to do so.
Object by February 16, 2023	You may write to the Court about why you don’t like the settlement, if you object to any of its terms. To object to the settlement you must: (i) state your objection with specificity; (ii) state whether your objection pertains only to yourself or some or all of the Settlement Class; and (iii) return your objection by February 16, 2023. If you wish, you may attend the Final Approval Hearing and ask to speak in person to the Court about the fairness of the settlement. But you are not required to attend the hearing if you have filed an objection. You may not file an objection if you opt out of the settlement.

The Court still has to decide whether to approve this settlement, which may take some time, as explained below.

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1. Why did I receive a notice?

You were sent notice by mail of this proposed settlement because you are a member of the Settlement Class. Participation in the Settlement Class is based upon Defendant's records. The Notice of Settlement you received by mail directed you to the Settlement Administrator's website, which provides additional information regarding this settlement, including this more detailed Notice of Proposed Class Action Settlement and Hearing. As a potential member of the Settlement Class, you have a right to know about the proposed settlement of this case as a class action and about your options to participate as a Settlement Class Member, your ability to object to the settlement terms as a class member, and your right to opt out of the settlement before the Court decides whether to grant final approval of the settlement. If the Court approves the settlement, and after all objections or appeals relating to that settlement are resolved, the benefits provided for by the settlement will be available to all Settlement Class Members who have not elected to opt out.

This Notice explains the lawsuit, the proposed settlement, your legal rights, the settlement benefits and who will be eligible to receive a benefit from the settlement fund, and the basis upon which benefits will be paid. A copy of the Settlement Agreement is available to Settlement Class Members on this website.

2. What is the lawsuit about?

The original complaint in this lawsuit was filed on December 9, 2020. Plaintiff's Complaint alleged that Defendant violated the Worker Adjustment and Retraining Notification Act ("WARN Act") by terminating the Named Plaintiff with no advance notice in violation of the WARN Act. Defendant has, at all relevant times, denied Plaintiff's allegations and affirmatively asserted its compliance with the law. In addition, Defendant has further raised various affirmative defenses in this Action.

Although the Court has authorized this Notice of Proposed Class Action Settlement, the Court has not determined or ruled upon the merits of the claims or defenses asserted by either side in the lawsuit. The Court has not found Defendant violated the law in any way. The Court has not found that the Plaintiff would prevail in this case. The Court has not made any determination that Plaintiff will recover any damages in this litigation.

3. Why is this case a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, individuals with similar claims are generally treated alike. In this class action, the Plaintiff ("Class Representative") seeks to assert a WARN Act claim on behalf of himself and all members of a putative class who were part of the mass layoff at Scribe in 2020 and who meet the class definition's parameters. The parties have agreed to settle the case on a class basis. The Court will review and approve of the terms of the proposed Settlement to assure that all members of the settlement class are adequately and fairly represented. Settlement Class Members are not individually responsible for the costs and fees of Class Counsel, which the Court must approve and which, if approved, will be paid from the Settlement Fund.

4. Why is there a settlement?

The Court has not decided the merits of this case in favor of the Class Representative or in favor of Defendant. Instead, counsel for the Settlement Class investigated the facts and applicable law regarding

the Class Representative's claims and Defendant's defenses. The parties engaged in lengthy and arm's-length negotiations to reach this settlement. The Class Representative and Counsel for the Settlement Class believe that the proposed settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class Members.

Both sides agree that, by settling, Defendant is not admitting any liability or that Defendant did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation by agreeing to this Settlement.

Who Is Included In The Settlement

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

You are included in the settlement if you fit the definition set forth on the first page of this notice. If you received a notice of settlement in the mail, then records indicate you are a member of the Settlement Class. If you are not certain as to whether you are or should be a member of the Settlement Class, you may contact the Settlement Administrator to find out. In all cases, the question of settlement class membership will be determined based on the records of Defendant.

The Settlement Benefits—What You May Receive

6. What does the settlement provide, and what about taxes?

If the Court approves the settlement and you do not opt out, you will receive a payment by check. The Settlement Fund will be divided equally on a pro rata basis among all Settlement Class Members who do not opt out of the settlement. The gross amount payable to each Settlement Class Member (assuming all potential members participate) will be approximately \$1,635. However, certain deductions will be made from the Settlement Fund, as approved by the Court, for the costs of settlement administration (estimated at \$11,000) and a general release payment of \$5,000 to the Named Plaintiff. Plaintiff's counsel will ask for attorneys' fees and costs in the amount of \$116,666.66, plus litigation costs totaling \$7,835.91, which will be paid from the Settlement Fund. Class Members will each receive payment of approximately \$988 after the above deductions are made.

If any funds remain in the settlement account after all checks have been distributed to Settlement Class Members and the 60-day period for cashing the settlement checks has expired, and after attorneys' fees and litigation costs have been deducted, all administrative costs have been paid, and the Class Representative has been paid \$5,000 to provide a general release of all claims, the remaining unclaimed funds will constitute a "*cy pres*" fund and will be paid to a non-profit beneficiary upon the Court's approval. The parties have proposed to award the *cy pres* fund to Bay Area Legal Services, a non-profit corporation.

Payments to Class members from the Gross Settlement Fund shall be made net of all applicable employment taxes as determined to be due by the Settlement Administrator, including, without limitation, FICA/Medicare tax and federal, state and local income and unemployment tax withholding (the "Tax and Withholding Amounts"). Payments of Class Counsel's Fees and Class Counsel's Expenses shall be made to Class Counsel by the Settlement Administrator without withholding and reported to the IRS and the payee under the payee's name and taxpayer identification number, which such payee shall provide for this purpose, on a 1099 Form. The General Release Payment shall be made by the Settlement Administrator without withholding and reported to the IRS and the payee under the payee's name and social security number on a 1099 Form. The payment of administration fees and costs to the Settlement Administrator shall be made without withholding and reported to the IRS and the payee

under the payee's name and social security number on a 1099 Form. The Settlement Administrator will issue W-2 forms and 1099 forms, as applicable. Class members shall be informed in the Notice that, after the payments contemplated under the Settlement have been made and issued, each Class member is responsible for any resulting tax obligations.

7. How do I receive a benefit from the Settlement?

To receive your settlement payment, you do not have to do anything. Your interest in this matter will be represented by the Plaintiff as Class Representative and by Class Counsel as counsel for the Settlement Class. As a Settlement Class Member, you will be bound by the terms of the Settlement Agreement and any judgment arising from the settlement. If the Court approves the settlement at or after the Final Approval Hearing, you will automatically receive a settlement check for your share of the funds remaining in the Settlement Fund after deduction for Court-approved awards and expenses.

8. When would I receive my benefit?

The Court will hold a Final Approval Hearing on March 17, 2023 at 1:00 p.m. at the United States District Court for the Middle District of Florida, U.S. Federal Building and Courthouse, 801 North Florida Avenue, Tampa, Florida 33602, Courtroom 14B, to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals or objections that must be resolved before the settlement will become effective. Settlement payments to members of the Settlement Class will be made only if the settlement is finally approved by the Court and only after all appeals or objections are resolved. This may take some time, so please be patient. You may check on the status of this approval process by visiting this website.

9. What am I giving up to receive a benefit or stay in the class?

On the Effective Date, and in consideration of the benefits provided by the settlement, the sufficiency of which will have been determined by the Court and acknowledged by the Parties, all Settlement Class Members and their attorneys, agents, spouses, parents, children, beneficiaries, heirs, assigns, and dependents who have not opted out of the Settlement Class will fully and forever release, waive, acquit, and discharge Defendant and each of the Released Parties from any and all claims arising out of the facts alleged in the Complaint filed in the Action, including but not limited to any and all claims that are alleged or could have been alleged in the Lawsuit, relating to the WARN Act claims asserted in this litigation, or the cessation of employment that were or could have been asserted in the Action, including but not limited to loss of wages and benefits or loss of earning capacity (together, the "Released Claims"), whether or not Named Plaintiff and such Settlement Class Members have received a monetary benefit from the Settlement, whether or not such Class Members have actually received the Settlement Notice, whether or not such Class Members have filed an objection to the Settlement or to any application by Class Counsel for an award of attorneys' fees and costs, and whether or not the objections or claims for distribution of such Class Members have been approved or allowed. This is not a general release, but is meant to include claims related to failure to provide sufficient notice prior to termination under federal or state law comparable to WARN Act claims.

10. Do I have to participate in the Settlement?

No. You may choose to be excluded from the Settlement and you will not be bound by the Settlement Agreement or any judgment or other final disposition of the lawsuit. You will retain any claims you may have against Defendant, and Defendant will retain any defenses it has to your claims. To request exclusion, you must state in writing your desire to opt out and to be excluded from the Settlement Class.

Your request to opt out which will exclude you from the Settlement must be sent by first class mail, postmarked on or before February 16, 2023. You must send your written opt out notice to:

Jones v. Scribe Opco, Inc.
c/o Settlement Administrator
P.O. Box 23309
Jacksonville, FL 32241-3309
(888) 755-4360

If your written opt out request is not postmarked on or before February 16, 2023, your request for exclusion will be invalid, and you will be bound by the terms of the settlement approved by the Court, including without limitation, the terms of the Settlement Agreement and the judgment ultimately rendered in the case, and you will be barred from bringing any claims against Defendant which arise out of or relate in any way to the claims in the case as specified in the Release referenced above.

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

No. If you do not opt out of the settlement, you will give up any right to sue Defendant for the claims that this settlement resolves under the WARN Act or any state law equivalent.

12. If I exclude myself, will I receive any benefits from this settlement?

No. If you opt out and thereby exclude yourself, you are not part of the settlement and will get no money from it.

The Lawyers Representing the Settlement Class

13. Will I have a lawyer in this case?

The Court has appointed Eric Jones as the Class Representative. The Court has appointed Luis A. Cabassa, Brandon J. Hill, and Amanda Heystek of Wenzel Fenton Cabassa, P.A., along with Chad A. Justice from Justice Litigation Associates, as Counsel for the Settlement Class. Class Counsel's contact information is as follows:

Luis A. Cabassa, Esq.
Brandon J. Hill, Esq.
Amanda E. Heystek, Esq.
WENZEL FENTON CABASSA, P.A.
1110 North Florida Ave., Suite 300
Tampa, FL 33602
(813) 224-0431
lcabassa@wfclaw.com
bhill@wfclaw.com
aheystek@wfclaw.com

Chad A. Justice
Direct: 813-755-1550
Office: 813-566-0550
Fax: 813-566-0770

Counsel for the Settlement Class represent the interests of all the Settlement Class Members. You may hire your own attorney to advise you regarding this matter and the proposed settlement if you so choose, but you are not required to do so and if you hire your own attorney, you will be responsible for paying that attorney's fees and costs.

14. How will Class Counsel be paid?

Class Counsel will apply to the Court for an award of attorneys' fees, in an amount not to exceed \$116,666.66, plus litigation costs totaling \$7,835.91. Class Counsel also will seek a general release payment not to exceed \$5,000 for the Class Representative. The Court may award less at its discretion. Attorneys' fees and litigation costs will be paid from the Settlement Fund.

Objecting to the Settlement

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

You may object to any aspect of the proposed settlement by filing and serving a written objection. Your written objection must include: (1) your name, address, telephone number, email address and signature; (2) a detailed statement of the specific factual and legal basis for the objection(s) being asserted; (3) a statement of whether your objection pertains to just your individual settlement payment, or whether you are seeking to make a broader objection relating to some or all of the Settlement Class; (4) a notice of your intent to appear at the Final Approval Hearing if you intend to appear; (5) a detailed description of any and all evidence, including copies of any exhibits, which you may offer at the Final Approval Hearing, and (6) the name and number of this case (as set forth on the first page of this notice).

You must file any objection with the Clerk of the Court at the address below no later than February 16, 2023:

United States District Court
Middle District of Florida
U.S. Federal Building and Courthouse
801 North Florida Avenue, Tampa, FL 33602

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

16. Is there a difference between objecting and opting out?

Yes. By objecting, you are telling the Court that you don't like something about the Settlement but you are agreeing to be bound by the Settlement as approved by the Court. You may object only if you stay in the Settlement Class. If you elect to opt out of the Settlement Class, you are telling the Court that you do not want to be part of the Settlement. If you opt out and thereby exclude yourself from the settlement, you will have no basis to object because the lawsuit and settlement no longer affect you or any potential claims you may have.

17. Where and when will the Court decide whether to approve the settlement?

There will be a Final Approval Hearing to consider the fairness, reasonableness, and adequacy of the proposed settlement on March 17, 2023, at 1:00 p.m. at the United States District Court, Middle District of Florida, U.S. Federal Building and Courthouse, 801 North Florida Avenue, Tampa, Florida 33602, Courtroom 14B. At the Court’s discretion, the hearing may be postponed to a later date so you should visit this website for updates prior to the hearing date set forth above. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representative and Class Counsel; and whether an order and final judgment should be entered approving the proposed settlement. The Court also will consider Settlement Class Counsel’s application for an award of attorneys’ fees and expenses.

You will be represented at the Final Approval Hearing by Class Counsel, unless you choose to enter an appearance in person or through your own attorney. The appearance of your own attorney is not necessary to participate in the Final Approval Hearing. Again, should you choose to engage your own attorney, it will be at your own expense.

18. Do I have to come to the hearing?

No. Class Counsel will represent the Settlement Class Members at the Final Approval Hearing, but you are welcome to attend the hearing at your own expense. If you file an objection, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay your own attorney to attend, if you wish.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing if you submitted a written objection.

Getting More Information

20. Are there more details about the settlement?

For more details regarding the lawsuit or the settlement, you may refer to the papers filed in this case during regular business hours at the Clerk of the Court’s office, United States District Court, Middle District of Florida, U.S. Federal Building and Courthouse, 801 North Florida Avenue, Tampa, Florida 33602, Clerk’s office, File: *Jones v. Scribe Opco, Inc.*, pending as Case No.: 8:20-cv-2945.

You may also access papers filed in this case on-line through the Public Access to Court Electronic Records (“PACER”) service at www.pacer.gov; however, you may need to create an account and certain fees may apply. You may also obtain a copy of the full Settlement Agreement and certain papers filed in this case by sending a written request to the Settlement Administrator, at the address above. You may also access the full Settlement Agreement and certain pleadings filed in this case on this website.

21. How may I get more information?

You may contact the Settlement Administrator or Class Counsel using the information below:

Settlement Administrator: Jones v. Scribe Opco, Inc., c/o Settlement Administrator, P.O. Box 23309, Jacksonville, FL 32241-3309, (888) 755-4360

Settlement Class Counsel: Luis A. Cabassa, Brandon J. Hill, and Amanda Heystek of Wenzel Fenton Cabassa, P.A., 1110 N. Florida Ave., Suite 300, Tampa, Florida 33602, (813) 224-0431, or Chad A. Justice of Justice Litigation Associates, at 1205 N Franklin St., Suite 326, Tampa, FL 33602, 813-755-1550.

You should not contact the Court to ask questions about this settlement.