

October 31, 2022

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Wright, et al. v. Frontier Management LLC, et al.,
United States District Court, Eastern District of California, Case Number 2:19-cv-01767-
JAM-CKD

NOTICE OF COLLECTIVE ACTION SETTLEMENT
PLEASE READ THIS NOTICE CAREFULLY.

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

You have been sent this Notice because there is a proposed settlement (the “Settlement”) of a collective action lawsuit because you previously completed an Opt-In Consent Form in the federal lawsuit *Wright, et al. v. Frontier Management LLC, et al.*, United States District Court, Eastern District of California, Case No. 2:19-cv-01767-JAM-CKD and the records of Frontier Management LLC; Frontier Senior Living, LLC; and/or GH Senior Living, LLC d/b/a Greenhaven Estates Living (collectively, “Defendants”) show you performed work for Defendants in the United States of America sometime between March 13, 2017 and March 1, 2022. Because you fit this definition, **you may be entitled to receive money from a Settlement¹ in this case, as described below.**

1. Why Should You Read This Notice?

The purpose of this Notice is to inform you of the pending Settlement and your rights to share in the monetary proceeds of this Settlement under it. Please understand this is not a notice of a lawsuit against you. You have not been sued. You are not required to appear in Court in response to this Notice. Please review this Notice and consider your options carefully.

The United States District Court, Eastern District of California, has preliminarily approved the Settlement as fair and reasonable. The Court will hold a Final Approval Hearing on March 1, 2023 at 1:30 p.m., before the Honorable John A. Mendez at the United States District Court, Eastern District of California, 14th Floor, Courtroom 6.

¹ This notice summarizes the proposed Settlement. The capitalized terms in this Notice of Settlement have defined meanings that are set out in detail in the Settlement Agreement. To review a copy of the Settlement Agreement, please visit the Settlement website at frontiermanagementsettlement.com.

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2. What Is This Case About?

This lawsuit alleges that individuals whom Defendants employed as non-exempt employees and who worked for Defendants between March 12, 2017 and March 1, 2022, were not provided meal and rest breaks, were not compensated for all hours worked, and were not paid minimum, straight time, overtime or wages. This lawsuit seeks recovery of unpaid wages, statutory damages, civil penalties, interest, and attorneys' fees and costs. The claims in this lawsuit included claims brought under the federal Fair Labor Standards Act ("FLSA").

Defendants contend that they have strong legal and factual defenses to these claims, but they recognize the risks, distractions, and costs associated with litigation. Defendants contend that the wage and hour policies and practices at issue, including those regarding payment for time worked, overtime pay, meal breaks, rest breaks, and expense reimbursement, are lawful and have been lawful throughout the relevant time period. Defendants also contend that Plaintiffs' claims do not meet the requirements for collective treatment.

This Settlement is the result of good faith, arm's length negotiations between Plaintiffs and Defendants, through their respective attorneys. Both sides agree that in light of the risks and expenses associated with continued litigation, this Settlement is fair and appropriate under the circumstances, and in the best interests of the Collective Members. This Settlement is a compromise and is not an admission of liability on the part of Defendants.

The Court has not ruled on the merits of Plaintiffs' claims or Defendants' defenses.

The Settlement Administrator has created a Settlement website, which can be accessed at frontiermanagementsettlement.com. The Settlement website allows interested persons to view the Settlement Agreement, all papers filed by Class Counsel to obtain Court approval of the Settlement Agreement, and this Notice of Settlement (in generic form). The Settlement website also provides contact information for Class Counsel and the Settlement Administrator.

3. How Will the Settlement Payment Be Distributed?

The total settlement amount is \$9,500,000, which Defendants will pay into a settlement fund. This amount will mostly be distributed to the current and former employees who meet the definitions for participating in the Settlement, but it will also be used to pay for attorneys' fees and costs awarded by the Court, any enhancement payments to Plaintiffs that are awarded by the Court, the Settlement Administrator's costs, and a payment to the California Labor and Workforce Development Agency (LWDA) that is required by the Labor Code Private Attorneys General Act of 2004 ("PAGA").

The attorneys for Plaintiffs and the Settlement Class (referred to as "Class counsel") will ask the Court to award them up to one-third (1/3) of the settlement amount, which is \$3,166,663.50, to compensate them for their services in this matter. Class Counsel will also request reimbursement for their costs spent in litigating this case, not to exceed \$110,000. Class Counsel will file a motion with the Court setting forth the bases for their requested costs and fees.

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The Named Plaintiffs will ask the Court to award them in the amounts of \$10,000 to Plaintiff Joshua Wright, and \$5,000 each to Named Plaintiffs Loretta Stanley, Haley Quam, and Aiesha Lewis for their roles as the named plaintiffs prosecuting this lawsuit on the behalf of all Class and Collective Members, and up to \$5,000 to Emily Gracey for her role as the named plaintiff prosecuting the *Emily Gracey v. Frontier Management, LLC, et al.*, Stanislaus Superior Court, Case No. CV-22-000990, matter on behalf of the State of California.

The Settlement Administrator's costs are estimated to be no more than \$149,400, and this payment will also come from the settlement fund.

The payment to the LWDA and Aggrieved Employees in connection with the PAGA component of the Settlement will be \$95,000, and this payment will also come from the settlement fund.

The remainder of the settlement fund after subtracting the amounts described above is the "Net Settlement Amount" that will be distributed to Participating Individuals, which include Collective Members, State Class Members who do not opt out of the Settlement and Aggrieved Employees.

4. How Much Can I Expect to Receive?

According to records maintained by Defendants, your total estimated settlement payment will be at least \$<<Total plus PAGA Award Rounded>>. This amount is an estimated amount, and your final settlement payment is expected to differ from this amount (i.e., it could be higher or lower) and will be calculated as set forth below. All Settlement Award determinations will be based on Defendants' timekeeping, payroll, and/or other records for Settlement Class members. Based on Defendants' records, you are estimated to have worked <<FLSA Opt-Ins Total Workweeks1>> workweeks for Defendants during the relevant period outside the states of California, Washington, Oregon, and Illinois.

You do not need to do anything to be sent your settlement payment. Just watch your mail for a check and cash it when you get it. You will have 180 days to cash the check. If at the conclusion of the 180-day check void period, there are any uncashed checks, those monies will be paid to the Parties' agreed upon *cy pres* recipient, Legal Aid at Work, subject to the Court's approval in the Final Approval Order, if the total residual amount is less than \$95,000. If the total residual amount is \$95,000 or greater, a second distribution will occur to those Participating Individuals who cashed their check on a *pro rata* basis.

If you dispute the number of workweeks as shown on this Notice of Settlement, you may produce evidence to the Settlement Administrator establishing the dates you contend to have worked for Defendants. To do so, send a letter to the Settlement Administrator explaining the basis for your dispute and attach copies of the supporting evidence. Unless you present convincing evidence proving you worked more workweeks than shown by Defendants' records, your Settlement Award will be determined based on Defendants' records. Any disputes must be postmarked by **Friday, December 30, 2022**, and should be mailed to Frontier Management Settlement Administrator P.O.

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Box 10968 Tallahassee, FL 32302-2968. The Settlement Administrator will notify you of the decision on the dispute.

Payments to Collective Members will be calculated on the number of eligible workweeks. Each Collective Member will be eligible to receive a *pro rata* share of the Net Settlement Amount based on the total number of eligible workweeks that the he or she worked for Defendants during the relevant periods. Participating Individuals shall receive a *pro rata* portion of the Net Settlement Amount as follows:

1. For each week during which the Participating Individual worked for either Frontier Management LLC; Frontier Senior Living, LLC; or GH Senior Living, LLC at any time in California (between September 6, 2015 and March 1, 2022); Washington (between July 8, 2017 and March 1, 2022); Oregon (between July 8, 2014 and March 1, 2022); Illinois (between July 8, 2017 and March 1, 2022); and in the United States, excluding the states California, Washington, Oregon, and Illinois (between and including March 12, 2017 and March 1, 2022), he or she shall be eligible to receive a *pro rata* portion of the Net Settlement Amount based on the number of workweeks the Participating Individual worked.
2. Each workweek during which work was performed in the United States will be equal to one (1) settlement share. To reflect the increased value of state law claims, workweeks during which work was performed in California will be equal to five (5) settlement shares, workweeks during which work was performed in Washington will be equal to three (3) settlement shares, workweeks during which work was performed in Oregon will be equal to three (3) settlement shares, and workweeks during which work was performed in Illinois will be equal to two (2) settlement shares.
3. The total number of settlement shares for all Participating Individuals will be added together and the resulting sum will be divided into the Net Settlement Amount to reach a per share dollar figure. That figure will then be multiplied by each Participating Individual's number of settlement shares to determine the Participating Individual's *pro rata* portion of the Net Settlement Amount.

For tax reporting purposes, Settlement Awards to Collective Members will be allocated as follows: twenty-five percent (25%) of each Settlement Award shall be allocated as wages, and seventy-five percent (75%) of each Settlement Award shall be allocated as penalties and interest. None of the Parties or attorneys makes any representations concerning the tax consequences of this Settlement or your participation in it. Collective Members should consult with their own tax advisors concerning the tax consequences of the Settlement.

It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your monetary Settlement Award. If you fail to keep your address current, you may not receive your Settlement Award.

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5. What Are The Releases for Collective Members?

Upon Final Approval of the Settlement Agreement and payment of amounts set forth under the Settlement, all Collective Members release claims as follows (“Released Claims”) against Defendants and their present and former parent companies, subsidiaries, related or affiliated companies or entities, communities and/or community real estate owners affiliated or related to Defendants (such as those listed in Exhibit A and Exhibit B in the Settlement Agreement), and any of their shareholders, affiliates, and owners, members, joint employers, representatives, officers, directors, employees, agents, attorneys, insurers, predecessors, successors and assigns, as well as any individual or entity that could be liable for any of the Released Claims, and Defendants’ Counsel (collectively, the “FLSA Releasees”). The FLSA Releasees do not include the entities ISL Employees, Inc. and Integrated Senior Living, LLC.

- **Released FLSA Claims:** Opt-In Plaintiffs shall release all Releasees and FLSA Releasees from the following rights or claims: any and all claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* (“FLSA”) that were pled or could have been pled based on or arising out of the factual predicates and/or allegations of any Complaints in the Action, including but not limited to the Operative Complaint, between March 13, 2017 and March 1, 2022, as well as any state law minimum wage and overtime wage claims to the extent they overlap with the FLSA time period (between March 13, 2017 and March 1, 2022). The Final Approval Order and the Judgment entered as a result of this Settlement shall have *res judicata* and preclusive effect to the fullest extent allowed by law.

6. What Are My Rights?

Please see Section 4 above for an estimate of how much you will receive under the settlement as a Collective Member. To obtain payment under the settlement as a Collective Member, you **MUST** cash the settlement check that will be sent to you in several months. Therefore, you have two options:

- **Opt-In:** Cash the settlement check that will be sent to you to receive a payment as a Collective Member.
- **Do Nothing:** Do not cash the settlement check that will be sent to you. If you do not cash the settlement check, you will not receive any payment under the Settlement as a Collective Member, and your claims against Defendants under the FLSA will be released.

7. Can Defendants Retaliate Against Me for Participating in this Lawsuit?

No. Your decision as to whether or not to participate in this Lawsuit will in no way affect your work or employment with Defendants or future work or employment with Defendants. It is

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unlawful for Defendants to take any adverse action against you as a result of your participation in this Lawsuit. In fact, Defendants encourage you to participate in this Settlement.

8. Who Are the Attorneys Representing Plaintiffs and the Settlement Class?

Plaintiffs and the Settlement Class are represented by the following attorneys acting as Class Counsel:

Carolyn H. Cottrell

Ori Edelstein

Michelle S. Lim

SCHNEIDER WALLACE

COTTRELL KONECKY LLP

2000 Powell Street, Suite 1400

Emeryville, CA 94608

Telephone: (800) 689-0024

Facsimile: (415) 421-7105

ccottrell@schneiderwallace.com

oedelstein@schneiderwallace.com

mlim@schneiderwallace.com

9. How Will the Attorneys for the Settlement Class Be Paid?

Class Counsel will be paid from the Gross Settlement Amount of \$9,500,000. You do not have to pay the attorneys who represent the Settlement Class. The Settlement Agreement provides that Class Counsel will request attorneys' fees of up to one-third (1/3) of the Gross Settlement Amount (i.e., \$3,166,663.50) plus their out-of-pocket costs, not to exceed \$110,000.00. Class Counsel will file a Motion for Attorneys' Fees and Costs with the Court. The amount of attorneys' fees and costs awarded will be determined by the Court at the Final Approval Hearing.

10. Where can I get more information?

If you have questions about this Notice, or the Settlement, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Settlement, you should contact the Class Counsel.

This Notice is only a summary. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at the Settlement website at frontiermanagementsettlement.com, by contacting Class Counsel toll-free at (800) 689-0024, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.caed.uscourts.gov>, or by visiting the office of the Clerk of the Court for the Sacramento Courthouse of the United States District Court, Eastern District of California at 501 I Street, Room 4-200, Sacramento, CA 95814, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

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PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT, THE JUDGE; FRONTIER MANAGEMENT LLC; FRONTIER SENIOR LIVING, LLC; OR GH SENIOR LIVING, LLC FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS LAWSUIT.

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