

**NOTICE TO CURRENT AND FORMER HOSPITALITY WORKERS OF
SODEXO, INC AND/OR SODEXOMAGIC, LLC,
WHO WORKED AT ANY TIME IN SEATAC, WASHINGTON FROM
JANAURY 1, 2014 TO AUGUST 31, 2015 (“CLASS MEMBERS”)**

- The parties have reached a proposed settlement in the class action lawsuit entitled *Tupua v. Sodexo, Inc. and Sodexomagic LLC*, King County Superior Court Case No. 16-2-08852-0 KNT.
- To settle this action, pursuant to approval by the Court, Sodexo, Inc. and/or Sodexomagic, LLC (“Sodexo” or “Defendants”) will pay a total of \$315,000.
- You are receiving this notice because you have been identified as a Class Member. If approved, the proposed settlement will be binding upon Class Members. Please read this notice carefully to understand your options and legal rights under the settlement.
- **IMPORTANT: Class Members must fill out and return a Claim Form no later than May 31, 2017 in order to receive money from the settlement. A Claim Form in your name is included with this notice.**¹

1. Why did I get this notice?

You received this notice because you have been identified from existing records as a member of the following class: All current and former hospitality workers who were employed by Defendants in SeaTac, Washington at any time from January 1, 2014 through to August 31, 2015.

2. What is this lawsuit about?

Plaintiff To’avalu Tupua claims Sodexo violated Washington State law and the SeaTac Minimum Wage Ordinance by failing to pay hospitality workers the minimum wages they were owed under Washington and SeaTac laws. Sodexo denies Plaintiff’s claims. Plaintiff filed this lawsuit in April 2016 in King County Superior Court.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Sodexo. Instead, both sides agreed to a settlement after mediated settlement discussions. This allows the parties to avoid the risks and costs of a trial and entitles the Class Members to receive compensation without undue delay. Plaintiff and her attorneys (“Class Counsel”) think the settlement is fair, reasonable, adequate, and in the best interests of the Class Members.

4. What claims are resolved by the settlement?

The settlement will resolve all claims that Class Members could have brought against Sodexo regarding Sodexo’s alleged failure to pay Class Members their minimum wages, as set forth in answer to Question 2 above, during the period from January 1, 2014 through to August 31, 2015.

5. What are the basic terms of the settlement?

Subject to Court approval, the essential terms of the settlement are as follows:

Settlement Payments: Sodexo will pay \$315,000. As part of the settlement: (a) a payment to the named Plaintiff in an amount up to \$5,000 to compensate Plaintiff for her services in bringing forth this lawsuit and representing the Class; (b) a payment of approximately \$63,000 to Class Counsel for their attorneys’ fees; (c) a payment of approximately \$2,000 to reimburse Class Counsel for the litigation expenses they have incurred

¹ If you believe you are a Class Member and the name on the enclosed Claim Form is NOT yours, please call 206-388-5887 to request a Claim Form with your name.

since March 2016 in representing Plaintiff and Class Members; (d) a payment of approximately \$3,000 to reimburse Class Counsel for their fees and costs for acting as the Settlement Administrator; and, (e) a payment of approximately \$242,000 to the Class (the “Class Fund”), which will be distributed to those Class Members who submit valid and timely Claim Forms;

Distribution of Settlement Fund: Each Class Member who submits a valid and timely Claim Form will receive a proportional share of the Class Fund. Those shares will be based on the difference between what was paid to Class Members versus the prevailing minimum wage rate established by the SeaTac Minimum Wage Ordinance during the applicable period.

Tax Treatment of Settlement Payments: Two-thirds (66.6%) of each award to a Class Member will be treated as wages and subject to normal payroll tax withholdings and payments. The other one-third (33.4%) of each award to a Class Member will be treated as prejudgment interest on which there will be no tax withholding. **Please consult an accountant regarding the taxes you may owe if you receive money from the settlement.**

Class Counsel’s Fees and Expenses: The settlement provides a process for the King County Superior Court to review and approve a payment out of the gross settlement amount to Class Counsel for the attorneys’ fees they have incurred in relation to the lawsuit. Class Counsel is seeking payment of 20% of the gross amount or approximately \$63,000 for their fees. Subject to approval by the King County Superior Court, Class Counsel will also be reimbursed for the expenses that they have incurred in representing Plaintiff and the Class. Class Counsel is seeking a payment of approximately \$2,000 to reimburse them for these costs. These payments are separate from and in addition to the Class Fund payment. Class Counsel have been working on this case since March 2016 but have not yet received anything for their efforts. If the Court approves Class Counsel to administer the settlement, Class Counsel will seek approximately \$3,000 for their estimated fees and costs to act as the Settlement Administrator.

Class Representative Service Award: The settlement provides for service awards to the Plaintiff and Class Representative, To’avalu Tupua, in the amount of up to \$5,000.

Release of Claims: Upon final approval by the Court, Class Members will release Sodexo from all claims brought against Sodexo in this lawsuit. The release specifically includes any claims for failure to pay prevailing minimum wages, exemplary damages, interest, fees, costs, attorneys’ fees and all other claims and allegations that were made in the lawsuit or could have been made in the lawsuit, including all claims under federal, state, or local laws pertaining to unpaid wages, breach of contract, failure to comply with any timekeeping or recordkeeping requirements, failure to allow rest and meal periods that comply with WAC 296-126-092, and including exemplary damages, or any assertion of rights relating to any of the foregoing.

For the full language of the release, and to review the entire settlement agreement please visit www.rekhiwolk.com/classactions/seatac-airport-sodexo-minimum-wage-violation/.

Dismissal of Action: Upon Final Approval the Court will enter a Judgment of Dismissal of the Lawsuit with prejudice but may retain jurisdiction to enforce the terms of the settlement.

6. How can I get a payment?

To get a payment, you **must** complete and return a Claim Form to the following address:

Tupua v. Sodexo Settlement Administrator
Rekhi & Wolk
529 Warren Ave. N., Suite 201
Seattle, WA 98109

A Claim Form is attached to this Notice. Read the instructions carefully, fill out the Claim Form, sign it, and mail it to the address above **postmarked no later than May 31, 2017.**

7. When will I get my payment?

As noted above, the only way to get money from the settlement is to complete and return a timely Claim Form. The Superior Court will hold a hearing on June 23, 2017 to decide whether to approve the settlement. If the Court approves the settlement, the parties will then have to wait to see whether there is an appeal. This will take at least 30 days and, if there is an appeal, can take up to a year or more to resolve. In the event of an appeal, information regarding its progress will be posted at www.rekhiwolk.com/classactions/seatac-airport-sodexo-minimum-wage-violation/. If there is no appeal, payments will then be processed and paid to Class Members arising from the settlement. Please be patient.

8. Do I have a lawyer in this case?

The Superior Court has decided that lawyers from Rekhi & Wolk, P.S. are qualified to represent you and all Class Members. The lawyers are called “Class Counsel.” You will not be charged for these lawyers. If you want your own lawyer, you may hire one at your own expense.

9. If I don’t like the settlement, how do I tell the Court?

If you are a Class Member and you do not like the settlement, you can object. If you object, you must do so in writing and you must state the reasons why you think the Court should reject the settlement. The Superior Court will consider your views. If you send a letter, be sure to include the following information: your name, address, and telephone number; the name of the case: *Tupua v. Sodexo, Inc. and Sodexomagic LLC*, King County Superior Court Case No. 16-2-08852-0 KNT; the reasons you object to the settlement; and your signature. You must mail a copy of the objection letter postmarked no later than **May 31, 2017** to Tupua v. Sodexo Settlement Administrator, Rekhi & Wolk, 529 Warren Ave. N., Suite 201, Seattle, WA 98109.

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

The Court will hold a Fairness Hearing at 9:00 am on June 23, 2017, 2017, at the King County Superior Court, 401 Fourth Avenue N., Kent, Washington, 98032, in Courtroom 3C of Judge Elizabeth Berns. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. You do not have to come to the hearing.

11. What happens if I do nothing at all?

If you do not submit a Claim Form postmarked by **May 31, 2017**, you will not receive a share of the settlement but you will release all claims against Defendant.

12. How do I get more information?

For further information, visit www.rekhiwolk.com/classactions/seatac-airport-sodexo-minimum-wage-violation/ or write to Class Counsel at Rekhi & Wolk, P.S., 529 Warren Ave. N., #201, Seattle, WA 98109 or call: 206-388-5887.

CLAIM FORM

YOU MUST SUBMIT THIS FORM TO RECOVER ANY MONEY

To receive money from the settlement, complete this form and return it to the following address postmarked no later than May 31, 2017:

Tupua v. Sodexo Settlement Administrator
Rekhi & Wolk
529 Warren Ave. N., Suite 201
Seattle, WA 98109

Name: **XXXXXXXX**

Last Four Digits of Social Security Number (for verification): XXX-XX-_____

Address:

Street (*please use your permanent mailing address*)

City

State

Zip

Phone:

Signature:

Date:

If you change your address or phone number after sending in this form, please contact the Settlement Administrator at 206-388-5887. If you do not update your contact information, you may not receive your payment.