

NOTICE OF COURT-APPROVED SETTLEMENT
OF FLSA OVERTIME CASE
AGAINST THE CITY OF SAN DIEGO

You may be entitled to receive a cash settlement and your rights will be affected if you fail to act. Please read this Notice carefully.

Why are you getting this Notice?

Because you joined the FLSA overtime case titled *Kelley, et al. v. City of San Diego* as a plaintiff and may be entitled to receive a cash settlement now that United States District Court Judge Gonzalo P. Curiel has approved the parties' settlement as fair and reasonable.

To receive a portion of the settlement, you must return a signed Release to Simpluris, the Settlement Administrator chosen by the parties to the litigation. Based on the number of total Releases returned, the City has agreed to pay up to a total of \$3,400,000.00 to settle all claims in the case.

Each plaintiff will be paid the full amount the City owes under the FLSA for the alleged underpayment of overtime during the claims period, plus an equal amount in liquidated damages. The amounts vary according to several factors, including: how much FLSA-eligible overtime each plaintiff worked (not all City-paid overtime is FLSA-eligible), the amount of overtime paid to each plaintiff in a work period based on contract in excess of requirements under the FLSA, and the amount of total Flexible Benefits Plan Credits the plaintiff had available.

More information about the terms of the settlement is in the Settlement Agreement which is available on the website of Settlement Administrator Simpluris at www.SDFDsettlement.com.

What do you need to do to receive any cash settlement the City owes you?

To receive any payment the City owes you under the settlement, you must return the enclosed Acknowledgment and Acceptance of Settlement and Release of Claims ("Release") to the Claims Administrator within 90 days of the postmark date on this Notice, May 24, 2021. You may use one of the following methods to return it:

On-Line Electronic Signing. Go to www.SDFDsettlement.com and follow the instructions to log in as a Plaintiff, read, date, electronically sign and submit your Release online.

Signing and Returning by E-Mail, Fax or Regular Mail. Read, date and sign the Release form enclosed with this Notice and return it:

By email to: SDFDsettlement@simpluris.com

By fax to: (714) 824-8591

By mail to: SDFD Settlement, P.O. Box 26170, Santa Ana, CA 92799; (866) 719-5313

When and how will you receive any payment owed?

You will receive the money owed to you from the City within approximately 45 days of the City's receipt of your release. You will receive TWO separate checks: half of the settlement is being paid as retroactive W-2 wages owed with customary payroll deductions and contributions; the other half is being paid as liquidated damages subject to a 1099. If you are actively employed by the City at the time the payment is made, the wage portion of your settlement will be added to your regular paycheck and shown on your paystub as "FLSA Overtime Settlement." If you are a former City employee at the time of your retroactive W-2 wage payment, City Payroll will mail you a check at the address you have provided.

Whether you are an active or former employee at the time of payment, your check for the liquidated damages portion of the settlement will be mailed to you by Settlement Administrator Simpluris. Any attorney fees and litigation costs you owe under the Attorney-Client agreement you signed with counsel for Plaintiffs will be deducted from your liquidated damages. More information about the calculation of your attorney fees and litigation costs is available on the website of Settlement Administrator Simpluris at www.SDFDsettlement.com.

NOTE: You are unlikely to receive your two settlement checks on the same date since the City will process the W-2 overtime wage portions on normal paydays and the liquidated damages checks will be separately processed by Simpluris. Please do not contact the City or SDFD Payroll Department about your check for overtime back wages.

What happens if you do not date, sign and return the Release?

If you do not date, sign and return the release, you will not receive any payment otherwise owed to you in this case and your claim will be dismissed by the court.

Even if you do not return the Release, however, you will be bound by the settlement and you will not be permitted to pursue your claim in another action.

Who will answer your questions?

If you have *technical* questions about returning your Release or to confirm receipt of your Release by the Settlement Administrator, you may contact the Settlement Administrator Simpluris at (866) 719-5313.

For all other questions – and *any* questions related to the settlement terms or how your cash payment (if any) was calculated -- please contact the attorney for your case listed below.

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DO NOT CONTACT THE COURT, THE CITY ATTORNEY'S OFFICE OR THE CITY OR SDFD PAYROLL ABOUT THIS MATTER