

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

Irina Loginova on behalf of all others similarly situated,

CASE NO. RG18919000

Plaintiffs,

v.

The Russian School of Mathematics, Inc. and DOES 1  
through 10 inclusive,

**NOTICE OF CLASS ACTION  
SETTLEMENT**

Defendants.

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**IMPORTANT NOTIFICATION TO POTENTIAL CLASS MEMBERS**

**IF YOU WERE EMPLOYED BY THE RUSSIAN SCHOOL OF MATHEMATICS AS AN HOURLY TEACHER AT ANY TIME FROM MARCH 2, 2014 TO AUGUST 8, 2018 YOU ARE ENTITLED TO PAYMENT AS A CLASS MEMBER IN A CLASS ACTION SETTLEMENT.**

**A \$2,200,000.00 SETTLEMENT FUND HAS BEEN CREATED TO PAY CLAIMS OF CLASS MEMBERS IN ORDER TO SETTLE A WAGE AND HOUR LAWSUIT.**

**IF YOU WERE EMPLOYED BY THE RUSSIAN SCHOOL OF MATHEMATICS AS AN HOURLY TEACHER AT ANY TIME FROM MARCH 2, 2014 TO AUGUST 8, 2018 AND WANT TO RECEIVE A SHARE OF THE SETTLEMENT DESCRIBED IN THIS NOTICE, YOU DO NOT HAVE TO TAKE ANY ACTION, WHATSOEVER.**

**IF YOU WERE EMPLOYED BY THE RUSSIAN SCHOOL OF MATHEMATICS AS AN HOURLY TEACHER AT ANY TIME FROM MARCH 2, 2014 TO AUGUST 8, 2018 AND DO NOT WANT TO RECEIVE A SHARE OF THE SETTLEMENT DESCRIBED IN THIS NOTICE, YOU MUST SEND A LETTER TO THE CLAIM ADMINISTRATOR, AS DESCRIBED BELOW.**

**YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR RIGHTS, WHETHER YOU ACT OR DO NOT ACT.**

**THE ALAMEDA COUNTY SUPERIOR COURT AUTHORIZED THIS NOTICE. THIS IS NOT A LAWSUIT AGAINST YOU, AND THIS IS NOT A SOLICITATION FROM A LAWYER.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>RECEIVING A SETTLEMENT PAYMENT</b>	If you wish to receive the settlement described in this notice, you do not have to take any action and a settlement check will be sent to you if the Court approves the Settlement.
<b>EXCLUDE YOURSELF</b>	If you exclude yourself by opting out of the class, you get no payment but you retain your right to pursue your claims against The Russian School of Mathematics in a separate action or proceeding.
<b>OBJECT</b>	If you disagree with the proposed Settlement, you may submit an objection. You may also appear in Court and explain why you do not like the Settlement or use an attorney to appear for you. If the Court agrees with your objection, the parties can choose whether to withdraw the settlement or change its terms. If you object, this does not mean you opt out of the class. As explained below, if you opt out of the class, you will not be permitted to object to the settlement terms.
<b>DO NOTHING</b>	If you do nothing, you will receive a payment and your right to pursue a claim against The Russian School of Mathematics will be waived even if you do not cash the check.

### **BASIC INFORMATION**

#### **1. Why did I receive this Notice?**

You received this Notice because The Russian School of Mathematics' records show that you worked for The Russian School of Mathematics as an hourly teacher between March 2, 2014 and August 8, 2018.

This Notice explains that the Court has granted preliminary approval of a proposed Settlement of a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court decides whether to grant Final Approval of the proposed Settlement.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for benefits, and how to get these benefits.

The Court in charge of the case is the Superior Court of the State of California, County of Alameda, and the case is known as *Irina Loginova, individually and on behalf of all others similarly situated, v. The Russian School of Mathematics*, Case No. RG18919000.

**DO NOT CONTACT THE COURT DIRECTLY WITH QUESTIONS. THE COURT WILL NOT ANSWER ANY OF YOUR QUESTIONS.**

#### **2. What is this lawsuit about?**

The lawsuit claims that The Russian School of Mathematics (referred to as "Defendant"): (1) failed to pay minimum wage; (2) failed to pay all wages due and owing; (3) failed to provide wage statements; (4) failed to provide meal and rest breaks; and (5) committed unfair business practices. Irina Loginova (referred to as the "Named Plaintiff") allege both class claims and representative claims under the Private Attorneys' General Act ("PAGA").

Defendant denies these allegations and contends, among other things, that the Class Members were paid all wages due and owing to them, were provided meal and rest breaks and were not subjected to unlawful terms and conditions of employment. However, in order to avoid the time and expense of proceeding with the lawsuit through arbitration, possible appeals, and final judgment, the Named Plaintiff and Defendant agreed to enter into a settlement of this case ("Settlement").

**Defendant, Class Counsel and Named Plaintiff Irina Loginova encourage you to consider this to be a fair settlement.**

#### **3. What is a class action?**

In a class action, one or more people, called Class Representative (in this case Irina Loginova.), file a lawsuit on behalf of people who they believe have similar claims ("Class Members"). The individuals or companies who are being sued are known as Defendant. The Court will resolve the issues for all Class Members, except for those who exclude themselves from the Class.

#### **4. What is a settlement?**

A class action Settlement occurs when the Class Representative and Defendant decide to settle the case rather than seek a decision from a judge or jury. The proposed Settlement must be approved by the Court. This happens in two stages. First, if the Court is satisfied that the proposed Settlement appears fair, adequate and reasonable, it grants preliminary approval and orders that a Notice like this be sent to the Class Members. Class Members can then request exclusion, or object to the proposed Settlement. Second, once Class Members

have had had an opportunity to make this decision, the Court reviews this information – and submissions by all interested persons – and decides whether to grant final approval of the Settlement. If the Court grants final approval, the Class Members who did not ask to be excluded will become Settlement Class Members and will be paid out of the Settlement monies in exchange for a release of claims.

#### WHO IS INCLUDED IN THE SETTLEMENT

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

Any person who worked for The Russian School of Mathematics as an hourly teacher between March 2, 2014 and August 8, 2018 is entitled to participate in the Settlement.

##### 6. Are there exceptions to being included?

No, as long as you worked as an hourly teacher between March 2, 2014 and August 8, 2018, you are a member of the Class and may participate in the Settlement.

#### THE SETTLEMENT BENEFITS – WHAT YOU GET

##### 7. What does the settlement provide?

Defendant has agreed to create a fund of \$2,200,000.00 to be divided among all Class Members who do not choose to exclude themselves from the Settlement. This fund will also pay for Plaintiffs' attorneys' fees and costs, enhancements to the Named Plaintiff (who is also referred to as a Class Representative), and other payments made pursuant to this Settlement.

##### 8. How much will my payment be?

Your share of the Settlement depends upon the amount you were paid for teaching time during the class period. Attached to this Notice is a Statement of Settlement Share which indicates the amount you were paid for teaching time from the Russian School of Mathematics during the class period and the approximate payment that you are expected to receive, unless you choose to exclude yourself from the settlement. The Statement of Settlement Share also indicates the portion of the Settlement Share from which payroll taxes will be deducted. The remaining portion of the Settlement Share is considered, interest and penalties, and will be reflected on an IRS Form 1099. You alone are responsible for paying any appropriate taxes on the latter amount.

##### 9. What if I think that my payment under the Settlement has been incorrectly calculated?

Your share of the Settlement is shown on the Statement of Settlement Share which is sent to you with this Notice. If you believe that the Statement is incorrect with respect to the amount you were paid for teaching time during the class period, or contains some other errors, you may challenge the calculations by sending a letter, explaining the error, to Simpluris, the Settlement Administrator, at the following address:

Settlement Administrator  
P.O. Box 26170  
Santa Ana, CA 92799  
(888) 369-3780

Simpluris will work with counsel for both parties to try and resolve any concerns you may have regarding the calculation of your Settlement Share. You may also contact counsel for Named Plaintiff to discuss any questions or concerns regarding your Settlement Share.

#### HOW YOU GET A PAYMENT

##### 10. How can I get a payment?

To receive payment, you do not need to take any action. If the Settlement is approved, a check will be sent to you.

##### 11. When would I get my payment?

The Court will hold a hearing on June 25, 2019 at 3:00 p.m. to decide whether to finally approve the Settlement. If the Court approves the Settlement, there may be appeals. Resolving any appeals can take time, perhaps more than a year. Please be patient. However, if the Court approves the Settlement at the hearing and there are no appeals, payments will be made within a few months after the hearing.

##### 12. What am I giving up to get a payment?

If you accept the payment, you will release Defendant and their members, managers, officers, directors, employees, insurers and

attorneys from all claims and causes of action asserted in this Litigation, all claims and causes of action related in any way to the facts, claims, and causes of action alleged in this Litigation, even if presently unknown or unasserted, and all claims and causes of action that could have been pled in this Litigation. The release includes any and all past and/or present claims for alleged failure to pay minimum wage, failure to pay all wages due and owing, failure to provide proper wage statements, failure to provide meal and rest breaks, unfair business practices and violations of the Private Attorneys' General Act ("PAGA"). This Release is final.

If you choose not to accept the payment but do not opt out of the lawsuit, you will still be releasing all claims and causes of action asserted in this Litigation, all claims and causes of action related in any way to the facts, claims, and causes of action alleged in this Litigation, even if presently unknown or unasserted, and all claims and causes of action that could have been pled in this Litigation, including: all claims that you may have for the Russian School of Mathematics, Inc. alleged failure to pay minimum wage, failure to pay all wages due and owing, failure to provide proper wage statements, failure to provide meal and rest breaks, unfair business practices and violations of the Private Attorneys' General Act ("PAGA").

You can review the exact language of the release by reviewing paragraphs 28A-B, 89-92 of the Settlement Agreement, which is available online at <http://simpluris.com/case-information>.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you want to keep the right to sue or continue to sue Defendant on your own regarding the legal issues raised in or related to this case, then you must exclude yourself from the Settlement. This is called "opting out" of the Class. If you exclude yourself from the Settlement, you will not receive any payment at all from this Settlement.

#### **13. How do I request to be excluded from the Settlement?**

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from *Irina Loginova, individual and on behalf of all others similarly situated, v. The Russian School of Mathematics*, Case No. RG18919000. Be sure to include your name, mailing address, email address (if any), telephone number, and your signature. Your exclusion request must be postmarked no later than April 30, 2019 to:

Settlement Administrator  
P.O. Box 26170  
Santa Ana, CA 92799  
(888) 369-3780

If you ask to be excluded, you will not receive any settlement payments and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. You will be able to sue or continue to sue Defendant in the future. If you are represented by an attorney in a pending lawsuit against Defendant, speak to your lawyer in that case immediately. You may need to exclude yourself from this Class to continue your own lawsuit.

#### **14. What happens if I do nothing?**

If you do nothing regarding this notice, your rights will still be affected. After final approval of the Settlement Agreement by the Court, you will receive a payment and your right to pursue a claim against Defendant will be waived even if you do not cash the check.

### **THE LAWYERS REPRESENTING THE CLASS**

#### **15. Do I have a lawyer in this case?**

The law firm of Duckworth & Peters, LLP represents Class Members, and is called Class Counsel. Class Counsel will be paid from the settlement amount, so you will not be charged personally for the firm's work on this case and in negotiating this settlement. If you want to be individually represented by a lawyer, you may hire one at your own expense.

#### **16. How will the lawyers and Class Representatives be paid?**

Class Counsel will ask the Court to approve the payment of \$440,000 for attorneys' fees (20% of the total) and \$11,500 for costs and expenses associated with investigating the facts, litigating the case, and negotiating the settlement. A payment not to exceed \$6,099 will also be made for the costs of the Claims Administrator administering the Settlement. A payment of up to \$7,500 will be made to Irina Loginova, for her work in bringing this lawsuit and in exchange for her waiving a much broader array of personal claims than you are waiving.

A payment of \$7,500 will also be made to the State of California's Labor and Workforce Development Agency to satisfy alleged Labor Code violations pursuant to the California Labor Code Private Attorneys General Act of 2004 ("PAGA").

The Court may award less than these amounts. Defendant has agreed not to oppose Class Counsel's request for these fees and expenses.

### OBJECTING TO THE SETTLEMENT

#### 17. How do I tell the Court that I do not like the Settlement?

If you think that the proposed Settlement is unfair, inadequate or unreasonable, you may object to the proposed Settlement. If you want to object to all or any part of the Settlement, you must send the Settlement Administrator a notice, in which you can either describe your objections to the Settlement or indicate that you intend to appear at the Final Hearing. If there are any documents that you would like the Court to consider, you should send them with your notice of objection. You must mail or personally deliver copies of your objection to the addresses listed below postmarked no later than April 30, 2019:

Settlement Administrator:  
P.O. Box 26170,  
Santa Ana, CA 92799  
(888) 369-3780

#### 18. What's the difference between objecting and "Opting Out"?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Settlement or "opting out" is telling the Court that you do not want to be part of the Class or receive any payment from the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

#### 19. What happens if I do nothing at all?

By doing nothing, you will receive a check if the Court grants final approval of the Settlement. However, if you wish to object, you must send the Court notice. See Question 14 for more details about "doing nothing."

### THE COURT'S FINAL APPROVAL FAIRNESS HEARING

#### 20. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Fairness Hearing at 3:00 p.m. on June 25, 2019, at the Superior Court of California, County of Alameda, located at Department 23, 1221 Oak Street, Oakland, California, 94612 before The Honorable Judge Brad Seligman. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement.

#### 21. May I attend the hearing and speak?

Anyone may attend this hearing. If you are a Class Member and wish to speak, you must file and serve an objection (as described above under Question 17), before you can speak at the hearing. You do not need to hire a lawyer in order to speak at the hearing, but you are not prohibited from bringing a lawyer to speak on your behalf.

### GETTING MORE INFORMATION

#### 22. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. For a more detailed statement of the matters involved in the Action and the proposed Settlement, you can view a copy of the proposed Settlement and other key documents in this case at the following web address: <http://simpluris.com/case-information>.

#### 23. How do I get more information?

You can call the Claims Administrator, at 1-888-369-3780, toll free, or write to:

Settlement Administrator  
P.O. Box 26170,  
Santa Ana, CA 92799

The pleadings and other records in this litigation may be examined online on the Alameda County Superior Court's website, known as "DomainWeb," at:

<https://publicrecords.alameda.courts.ca.gov/PRS/>

After arriving at the website, click the "Search By Case Number" link, then enter RG18919000 as the case number and click "Search." Images of every document filed in the case may be viewed through the "Register of Actions" at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings."

You may also contact Class Counsel, Tom Duckworth of Duckworth & Peters. LLP. You can e-mail him at Tom@Duckworthpeters.com or call at 1-415-433-0327.

**DO NOT CALL THE COURT**