

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Dickerson et al. v. Cable Communications, Inc. et al., Case No. 3:12-cv-00012-PK

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
AND RELEASE OF CLAIMS**

If you are a current or former installation technician of Cable Communications, Inc. and worked in Oregon, please read this Notice carefully. This Notice affects your rights.

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

An Oregon lawsuit filed as a proposed wage and hour class action against Cable Communications, Inc. and William Kevin Touchton (collectively “CCI”) has been tentatively settled (the “Settlement”). You have received this Notice because you have been identified as a current or former non-managerial installation technician employed by CCI in Oregon at some point between December 19, 2005 and May 31, 2013.

Your legal rights are affected. Your options—**and the deadlines to exercise them**—are explained in this Class Notice.

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM FORM	To receive any money under the Settlement, you must return a valid and timely Claim Form as described below. A form is enclosed with this notice.
ASK TO BE EXCLUDED	To be excluded from the settlement, you must submit a written statement requesting exclusion from the Class as described below.
OBJECT TO THE SETTLEMENT	To object to the settlement, you must file a written statement with the Court explaining why you object as described below. You may also attend and be heard at a final Settlement hearing with the Court if you object.
DO NOTHING	If you do nothing, you will not receive any payment under the terms of the Settlement <u>and</u> you will still be releasing any and all claims you may have against CCI.

1. What is this lawsuit all about?

On January 13, 2012, Plaintiffs Donna Dickerson and Gerald Mittig filed a lawsuit against CCI in the United States District Court for the District of Oregon (Portland Division), Case No. 3:12-cv-00012-PK (the “Lawsuit”). The Lawsuit alleges that CCI failed to reimburse non-managerial installation technicians in Oregon for fuel expenses, failed to pay for work time, including overtime hours, non-productive hours, minimum wages, and termination wages, and made unlawful deductions from employee wages.

QUESTIONS? CALL (206) 518-6228

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CCI denied and continues to deny that any wrongdoing occurred, that Plaintiffs' claims are valid, or that Plaintiffs and proposed class members suffered any damage. CCI contends that non-managerial installation technicians in Oregon were properly paid all reimbursements, wages, and overtime pay and that any deductions from employee wages were proper. CCI also contends the Lawsuit is not suitable for class or collective action treatment except for purposes of this Settlement.

The Settlement is the result of arm's-length negotiations between Plaintiffs and CCI. The parties have investigated the facts and law throughout the prosecution of this action. Both sides agree that, in light of the risks and expenses associated with continued litigation, this Settlement is fair and appropriate under the circumstances. Please be advised that the Court has not ruled on the merits of Plaintiffs' claims or CCI's defenses, including whether the lawsuit could have been a class or collective action under applicable law.

2. Who is covered by the Settlement?

For settlement purposes only, the Court has certified the following class ("Class"):

All current and former employees of Cable Communications, Inc. who worked as non-managerial installation technicians in the state of Oregon at any time from December 19, 2005 through May 31, 2013 ("Claims Period").

The Settlement will cover all members of the Class who do not exclude themselves from the Settlement (referred herein as "Settlement Class Members"). Furthermore, to receive any payment under the Settlement, Settlement Class Members must submit a valid and timely Claim Form as described in this Notice. Each Settlement Class Member that submits a valid and timely Claim Form will be considered a "Qualified Claimant." Settlement Class Members who do not submit a Claim Form are still covered by the Settlement and will release any and all Oregon state wage and hour claims they may have against CCI regarding their employment during the Claims Period.

3. What claims are resolved by the Settlement?

Upon final approval by the Court, the Settlement will resolve any and all claims under Oregon state law that were or could have been asserted in the Class Action and that arise from or are reasonably connected with the factual allegations and claims asserted in the Class Action during the Class Period. In addition, for Qualified Claimants, the Settlement will resolve any and all claims under federal law that were or could have been asserted in the Class Action and that arise from or are reasonably connected with the factual allegations and claims asserted in the Class Action during the Class Period.

4. What are the basic terms of the Settlement?

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

Settlement Amount: CCI will pay a total of \$550,000 for: (a) the valid and timely claims of Settlement Class Members; (b) Class Counsel's fees and litigation expenses; (c) enhancement awards to the named Plaintiffs; and (d) the costs of administering the Settlement, as described below.

Distribution of Settlement Fund: Each Settlement Class Member who submits a valid and timely Claim Form will be treated as a Qualified Claimant and will receive a Settlement Payment. (A Class Member who submits an exclusion request will NOT be a Settlement Class Member and will NOT receive a Settlement Payment, even if that Class Member also submitted a Claim Form.) Each Qualified Claimant's Settlement Payment will be based

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on the total number of work weeks he or she worked for CCI as a non-managerial installation technician during the Claims Period (excluding any weeks spent on unpaid leave) and the total number of weeks all Qualified Claimants worked for CCI during the Claims Period (excluding weeks spent on unpaid leave). The amount of your estimated minimum Settlement Payment and the number of work weeks used to calculate this payment is pre-printed on the enclosed Claim Form. Individual Settlement Payments will be determined after attorneys' fees, litigation expenses, enhancement awards, and Settlement costs are deducted from the Settlement amount. Each Settlement Payment will be determined using the following formula: (1) the remaining Settlement Fund will be divided by the total number of weeks worked during the Claims Period by all Qualified Claimants, resulting in a gross weekly payout amount; and then (2) the gross weekly payout amount will be multiplied by the individual Qualified Claimant's total weeks worked (as described above).

Tax Treatment of Settlement Payments: The Settlement payment to each Qualified Claimant will be treated entirely as a non-wage based payment. CCI will send each Qualified Claimant an IRS Form 1099 for the Settlement Payment. Qualified Claimants are responsible for any income taxes owing on their individual payments.

Attorneys' Fees and Costs: Class Counsel has asked the Court to award attorneys' fees in an amount not to exceed \$165,000 (30% percent of the Settlement Fund) and actual litigation expenses and notice and claims administration costs in an amount expected to be approximately \$16,314.16.

Class Representative Enhancements: Class Counsel has asked the Court to authorize enhanced awards to named Plaintiffs Donna Dickerson and Gerald Mitting in the amount of \$2,000 each.

Release of Claims: As a condition for paying the settlement amount specified above, each and every Settlement Class Member will release Cable Communications, Inc., William Kevin Touchton, and each of their present and former affiliates, parent companies, subsidiaries, shareholders, officers, partners, directors, members, servants, employees, agents, attorneys, insurers, predecessors, representatives, accountants, past, present, and future, successors and assigns, and all persons acting under, by, through, or in concert with any of them ("Released Parties"), from any and all claims, debts, liabilities, demands, rights, obligations, guarantees, costs, expenses, attorneys' fees, damages, action or causes of action, contingent or accrued, under Oregon state law that were asserted in the Class Action or could have been asserted in tort, contract, or quantum meruit and that arise from or are reasonably connected with the factual allegations and claims asserted in the Class Action including, without limitation, any and all claims for alleged wage and hour violations under ORS 652.120, OAR 839-020-0030, ORS 652.140, ORS 652.150, and ORS 652.610, claims for breach of express or implied contracts, reimbursements owed, restitution and other equitable relief, liquidated damages, punitive damages, penalties under Oregon of any nature whatsoever, or any other benefit claimed during the Class Period. In addition, upon final approval by the Court, each and every Qualified Claimant, will release the Released Parties from any and all claims, debts, liabilities, demands, rights, obligations, guarantees, costs, expenses, attorneys' fees, damages, action or causes of action, contingent or accrued, under federal law that were asserted in the Class Action or could have been asserted in tort, contract, or quantum meruit and that arise from or are reasonably connected with the factual allegations and claims asserted in the Class Action during the Class Period, including, without limitation, any and all claims for alleged wage and hour violations under 29 U.S.C. §§ 201-219, reimbursements owed, restitution and other equitable relief, liquidated damages, punitive damages, or penalties under federal law of any nature whatsoever, or any other benefit claimed. The claims released in this paragraph are collectively referred to as "Released Claims" and include without limitation claims that Defendants suffered or permitted "off the clock" work, that Defendants failed to fully and properly pay employees for any wages, minimum wages or overtime wages due under Oregon and/or federal wage and hour laws, claims that Defendants did not pay all wages earned in a timely manner during employment or upon termination of employment, and/or that Defendants breached an express or implied contract with regard to reimbursements or wages. The Settlement Class Members and/or

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Qualified Claimants agree not to sue or otherwise assert any of the Released Claims against any of the Released Parties.

Dismissal of Action: If the Court approves the Settlement, the Court will enter a Judgment of Dismissal of the Lawsuit with prejudice but will retain jurisdiction to enforce the terms of the Settlement.

5. Who represents the Settlement class?

As part of the Settlement, the Court has designated Plaintiffs Donna Dickerson and Gerald Mittig to represent the Class and has appointed Toby J. Marshall of the law firm of Terrell Marshall Daudt & Willie PLLC, and Michael J. Estok of Lindsay Hart, LLP, to act as Class Counsel. These attorneys represent the interests of the Plaintiffs and all individuals in the Class.

6. What do I have to do to receive a Settlement Payment?

A Settlement Class Member must submit a valid and timely Claim Form in order to be considered a Qualified Claimant and receive a Settlement Payment. A Claim Form with your name and contact information should accompany this Class Notice. Please verify the information on the Claim Form is correct. If you did not receive a Claim Form, please contact the Claims Administrator immediately at (206) 518-6228.

To be considered valid, your Claim Form must include the last four digits of your social security number, must be signed by you, and must be returned to the Claims Administrator, postage paid, no later than August 19, 2013 at:

CCI Claims Administrator
c/o Terrell Marshall Daudt & Willie PLLC
936 N 34th St., Ste. 400
Seattle, WA 98103
Telephone: (206) 518-6228

ANY CLASS MEMBER WHO FAILS TO SUBMIT A VALID AND TIMELY CLAIM FORM WILL NOT RECEIVE A SETTLEMENT PAYMENT BUT WILL BE BOUND BY THE TERMS OF THE SETTLEMENT.

7. How can I exclude myself from the Settlement?

You have the right to request exclusion from the Settlement. By requesting exclusion you will not receive any Settlement Payment and will not be bound by the Release of Claims. **You can request exclusion by submitting a written request to the Claims Administrator no later than August 19, 2013.** An exclusion request must contain your full name, current home (or mailing) address, telephone number, and the last four digits of our Social Security number. It must specify in writing that you wish to be excluded from the Settlement and must be signed and mailed to the Claims Administrator at the address listed above, postage paid.

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8. How do I object to the Settlement?

You have the right to object to the Settlement. You may object to the Settlement, either personally or through an attorney, by filing a written objection with the Court and by sending a copy of your written objection to Class Counsel and Counsel for CCI at their addresses listed below. All objections must be filed with the Court and served on Class Counsel and Counsel for CCI no later than August 19, 2013. If you submit a timely objection, you may appear, either personally or through an attorney, and at your own expense, at the final approval hearing for the Settlement. You must provide written notice to the Court and counsel listed below if you intend to appear at the hearing. Therefore, your written objection should clearly explain why you object to the proposed Settlement and state whether you or someone on your behalf intends to appear at the final approval hearing.

Contact information for Class Counsel:

Toby J. Marshall
Terrell Marshall Daudt & Willie PLLC
936 N. 34th Street
Seattle, WA 98103
Tel: (206) 816-6603
Fax: (206) 350-3528

Michael J. Estok
Lindsay Hart, LLP
1300 SW Fifth Avenue, Suite 3400
Portland, OR 97201-5640
Tel: (503) 226-7677
Fax: (503) 226-7697

Contact information for CCI's counsel:

Mitchell C. Baker
Erin O. Sweeney
Fisher & Phillips LLP
111 SW 5th Avenue, Suite 4040
Portland, OR 97204
Tel: (503) 242-4262
Fax: (503) 242-4263

Settlement Class Members who fail to file and timely serve written objections in the manner specified above shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement and shall be bound by the terms of the Settlement. You must still submit a timely and valid Claim Form in order to receive any proceeds under the Settlement should your objection be denied.

9. What if I do nothing?

If you do nothing in response to this Class Notice, you will not receive a Settlement Payment but you will have relinquished your right to sue or recover from CCI on any your Oregon state wage and hour claims.

10. Can CCI retaliate against me for participating in or excluding myself from the Settlement?

No. The law prohibits retaliation or discrimination by an employer against any employee who chooses to participate in or opt-out of a class or collective action. The decision to participate in or opt-out of this Settlement is entirely your own.

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11. What is the Settlement approval procedure?

The Court will hold a final approval hearing on **Tuesday, October 15, 2013 at 10:00 a.m.** before the Honorable Paul Papak at the U.S. District Court of Oregon (Portland Division), 1000 Southwest Third Avenue, Portland Oregon 97204-2940. At the hearing, the Court will determine whether the Settlement should be approved and the Litigation be dismissed with prejudice. The final approval hearing may be continued without further notice. **You are not required to attend this hearing.** If you exclude yourself from the Settlement, you are not entitled to comment on or object to the Settlement or be heard at the hearing.

12. What will happen if the Settlement is approved? What if it is not approved?

If the Court approves the Settlement, the Claims Administrator will begin mailing Settlement Payments to Qualified Claimants. If someone objects to or appeals the Court's approval of the Settlement, payments will be delayed until all objections and appeals are resolved. If the Settlement is not approved by the Court, the Litigation will continue as if no settlement has been attempted. In that event, CCI retains the right to contest that the case be maintained as a class or collective action and to contest the merits of Plaintiffs' claims. If the settlement is not approved, there can be no assurance that the Lawsuit will be certified as a class or collective action or that individuals in the Class will recover anything at all.

13. What if I need more information or a copy of the Claim Form?

This Class Notice only summarizes the Litigation and terms of the Settlement. For more information on these issues, you may review the Court's files at the clerk's office at the U.S. District Court of Oregon (Portland Division), located at 1000 Southwest Third Ave., Portland, OR 97204, from 8:30 a.m. to 4:30 p.m., Monday through Friday. Any questions regarding this Class Notice, the Claim Form or the claims administration process, should be directed to the Claims Administrator. If your address changes or is different from the one on the envelope enclosing this Class Notice, please promptly notify the Claims Administrator.

**If you have any questions or concerns regarding the claims administration process,
please call the Claims Administrator at:**

(206) 518-6228

**PLEASE DO NOT CALL OR WRITE THE COURT, CCI, OR CCI'S ATTORNEYS FOR
ADDITIONAL INFORMATION.**