

KING COUNTY SUPERIOR COURT

If you provided services for FedEx Ground in Washington as a package delivery driver paid by a Contracted Service Provider any time from November 4, 2011 to the present, please carefully read this notice. It may affect your rights.

This is a court-ordered notice. This is not a solicitation from a lawyer.

- A former driver (“Plaintiff”) who provided services for FedEx Ground Package System, Inc. (“FedEx Ground”) as a package delivery driver paid by Contracted Service Providers has sued FedEx Ground based on alleged violations of Washington state overtime and rest/meal break laws. Plaintiff alleges, on behalf of himself and the class, that FedEx Ground is a “joint employer” of the drivers who have delivered packages for the company and have been paid by Contracted Service Providers.
- The Court has allowed, or “certified,” the lawsuit to proceed as a class action on behalf of persons who, at any time from November 4, 2011 to the present, performed services for FedEx Ground as package delivery drivers in the Ground or Home Delivery divisions and have been paid by a Contracted Service Provider that had an Operating Agreement with FedEx Ground.
- FedEx Ground denies the allegations in the lawsuit.
- The Court has not decided whether FedEx Ground did anything wrong. There is no money available at this time and no guarantee that there ever will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome.</p> <p>By doing nothing, you keep the possibility of getting money that may come from a trial or a settlement. But you will not be able to sue FedEx Ground separately about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED FROM THE LAWSUIT BY MARCH 29, 2016	<p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded from the lawsuit and money is later awarded to the drivers, you won’t share in that money. But you keep any rights to sue FedEx Ground separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded, you must act **by March 29, 2016**.
- Plaintiff, the drivers who do not opt out, and their lawyers must prove the claims against FedEx Ground at a trial. Trial is currently scheduled for August 1, 2016, but that date may change. If money is obtained as a result of this lawsuit, you will be notified about how to participate.

- **Any questions? Read on and visit www.terrellmarshall.com/fedex.**

BASIC INFORMATION

1. Why did I get this notice?

FedEx Ground's records show that you currently or previously performed services in Washington during the class period (from November 4, 2011 to the present) as a package delivery driver for FedEx Ground paid by a Contracted Service Provider. This notice explains that the Court has allowed or "certified" a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against FedEx Ground, on your behalf, are correct. Judge William Downing of King County Superior Court is overseeing this class action. The lawsuit is known as *Spencer v. FedEx Ground Package System, Inc.*, Case No. 14-2-30110-3 SEA.

2. What is this lawsuit about?

Plaintiff claims that FedEx Ground is the joint employer of package delivery drivers paid by Contracted Service Providers and that FedEx Ground has violated Washington state wage and hour laws by failing to pay overtime compensation when drivers work over 40 hours in a week and failing to affirmatively provide meal and rest breaks. FedEx Ground denies these claims. More information about Washington state wage and hour laws and employee rights can be found at the website of the Washington State Department of Labor and Industries, www.lni.wa.gov/WorkplaceRights/.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case, former FedEx Ground driver Mitch Spencer) sue on behalf of other people who have similar claims. The people together are called a "Class" or "Class Members." The driver who sued—and all Class Members like him—are called the Plaintiffs. The company they sued (in this case FedEx Ground) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move toward a trial because it meets the requirements of Washington State Superior Court Civil Rule 23, which governs class actions in Washington. Specifically, the Court found:

- There are a significant number of people who perform or performed services for FedEx Ground as package delivery drivers in Washington since November 4, 2011;
- There are legal questions and facts that are common to all Class Members;
- The claims of Plaintiff Mitch Spencer are typical of the claims of the rest of the Class;
- Plaintiff Mitch Spencer and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Granting Plaintiff's Motion for Class Certification, which is available at www.terrellmarshall.com/fedex.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

Plaintiff claims FedEx Ground is the joint employer of the drivers and has violated Washington state wage and hour laws by failing to pay overtime compensation when drivers work over 40 hours in a week and failing to affirmatively provide drivers with meal and rest breaks.

You can read Plaintiff's Class Action Complaint at www.terrellmarshall.com/fedex.

6. How does FedEx Ground respond?

FedEx Ground denies that it did anything wrong and maintains that it is not the joint employer of the drivers. You can read FedEx Ground's current Answer to the Complaint at www.terrellmarshall.com/fedex.

7. Has the Court decided who is right?

The Court hasn't decided whether FedEx Ground or the Plaintiff is correct with respect to the claims set forth in Section 5 above. By establishing the Class and issuing this notice, the Court is not suggesting that Plaintiff will win or lose this case, or that FedEx Ground has taken any improper actions. Plaintiff must prove his claims at trial. (See "The Trial" below on page 5.)

8. What is Plaintiff asking for?

On behalf of himself and the Class Members, Plaintiff seeks money damages, exemplary damages, interest, attorneys' fees, and costs.

9. Is there any money available now?

No money is available now because the Court has not decided whether FedEx Ground did anything wrong, and the two sides have not settled the case. There is no guarantee that money ever will be obtained. If they are, you will be notified about how to participate.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

A Superior Court Judge decided that the following individuals are Class Members:

All persons who, between November 4, 2011 and the date of final disposition of this action, have performed services for FedEx Ground Package System, Inc. ("FedEx Ground") as package delivery drivers in the Ground or Home Delivery divisions and have been paid by a Contracted Service Provider that had an Operating Agreement with FedEx Ground.

Excluded from this class are (1) drivers who, during the entire period during which they delivered packages for FedEx Ground, were paid on an hourly basis and received compensation equal to one and one-half times their regular rate for all hours worked over 40 in a week; (2) drivers who have entered an Operating Agreement with FedEx Ground at any point since November 4, 2011; and (3) drivers who have been owners or corporate officers of any entity that had an Operating Agreement with FedEx Ground since November 4, 2011.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded, and you have to decide this now.

11. What happens if I do nothing at all?

If you meet the class definition in Section 10 above, you are automatically included in the lawsuit. By doing nothing you are staying in the Class. If Plaintiff obtains money for the Class, either as a result of the trial or

a settlement, all Class members will be notified about how to apply for a share. Keep in mind that if you do nothing now, regardless of whether Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue, FedEx Ground as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this lawsuit.

12. What happens if I ask to be excluded?

If you do not wish to be part of this lawsuit against FedEx Ground, you will need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class and is sometimes called “opting out” of the Class—you won’t get any money from this lawsuit even if Plaintiff obtains them as a result of the trial or from any settlement (that may or may not be reached) between FedEx Ground and Plaintiff. However, if you have any claims against FedEx Ground, you may then be able to sue or continue to sue FedEx Ground for wage and hour violations that occurred or occur at any time. If you exclude yourself, you will not be legally bound by any orders the Court issues or judgments the Court makes in this lawsuit.

If you start your own lawsuit against FedEx Ground after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against FedEx Ground, you should talk to your own lawyer soon because any claim you have may be subject to a statute of limitations.

13. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Spencer v. FedEx Ground Package System, Inc.*, Case No. 14-2-30110-3 SEA. Be sure to include your name, address and phone number, and sign the letter. You must submit your Exclusion Request by **March 29, 2016** by mail, facsimile or email by sending it to:

FedEx Ground Notice Administrator
c/o Terrell Marshall Law Group, PLLC
936 N 34th Street, Suite 300
Seattle, Washington 98103
Fax: 206.319.5450
Email: classactions@terrellmarshall.com

Any Exclusion Request sent by mail must be postmarked by **March 29, 2016**. Exclusion Requests sent by facsimile or email must be received by **March 29, 2016**.

14. Can FedEx Ground retaliate against me for staying in the Class or excluding myself?

No. The law does not allow retaliation or discrimination against anyone who chooses to stay in or be excluded from a class action. This means FedEx Ground, its owners, officers, managers and supervisors (and the Contracted Service Provider that paid or pays you) cannot legally retaliate against you for participating in this lawsuit.

The choice of whether to remain in the Class or exclude yourself from the lawsuit is entirely up to you.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has decided that the Seattle, Washington law firm Terrell Marshall Law Group PLLC is qualified to represent you and all Class Members. The lawyers are called “Class Counsel.” They are experienced in handling similar cases against employers. More information about Terrell Marshall Law Group PLLC, their practice, and their lawyers’ experience is available at www.terrellmarshall.com.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel get money for the Class, they may ask the Court for fees and costs. You won't have to pay these fees and costs. If the Court grants Class Counsel's request, the fees and costs will be either deducted from any money obtained for the Class or paid separately by FedEx Ground.

THE TRIAL

Trial is currently scheduled for August 1, 2016, but this date may change.

18. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove Plaintiff's claims at a trial. During the trial, a jury or judge will hear all of the evidence and decide who is right about the claims in the lawsuit. There is no guarantee that Plaintiff will win or that he will get any money for the Class. At this time, trial is currently scheduled for August 1, 2016, but this date may change.

19. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for Plaintiff, and FedEx Ground will present its defenses. You or your own lawyer may come at your own expense.

20. Will I get money after the trial?

If Plaintiff obtains money as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website www.terrellmarshall.com/fedex, where you will find the Court's Order Granting Plaintiff's Motion for Class Certification, Plaintiff's Complaint, and FedEx Ground's Answer to the Complaint. You may also get more information by calling Class Counsel at 1-855-349-7023 (toll free) or writing to:

FedEx Ground Notice Administrator
c/o Terrell Marshall Law Group PLLC
936 N 34th Street, Suite 300
Seattle, Washington 98103

Additional information is available at:

www.terrellmarshall.com/fedex

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