

KING COUNTY SUPERIOR COURT

McCracken et al. v. Pacific Cargo Services, LLC et al., King County Superior Court No. 11-2-27357-1 SEA

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

If you were employed as a driver or courier with Pacific Cargo Services or Pacific Courier Services at any time between August 10, 2005 and November 26, 2012, please read this notice carefully. Your rights may be affected by a proposed settlement.

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

- Two former employees sued defendants Pacific Cargo Services, LLC, Pacific Courier Services, LLC, and related defendants (collectively, the "PCS Entities") and their owner James Holman for violating Washington and Oregon law by failing to pay overtime compensation. The lawsuit was filed as a class action. In January 2013, the parties in the lawsuit reached a settlement and sent notice to all class members. The settlement required the PCS Entities and Mr. Holman to assign the malpractice claims they had against their former attorneys, Garvey Schubert Barer and Nancy Cooper, to Plaintiffs. The Court granted final approval of the settlement on November 8, 2013.
Plaintiffs pursued the malpractice claims of Mr. Holman in Oregon superior court. (The malpractice claims of the PCS Entities were ultimately disposed of in a bankruptcy proceeding.) The parties have now reached a proposed settlement of those claims that will require Garvey Schubert Barer and Nancy Cooper to pay \$475,000. The settlement funds will be distributed to members of the following classes: (1) all individuals who worked as drivers or couriers for the PCS Entities in the state of Washington at any time from August 10, 2005 to November 26, 2012; and (2) all individuals who worked as drivers or couriers for the PCS Entities in the state of Oregon at any time from December 7, 2005 to November 26, 2012.
Your legal rights are affected, and you have a choice to make now:

Table with 2 columns: Legal Option and Description. Options include: Do Nothing and Obtain the Benefits of the Settlement, Ask to Be Excluded, Object, and Go to a Hearing.

- Your rights and options—and the deadlines to exercise them—are explained in this notice.

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1. Why did I get this notice?

You received this notice because you have been identified as a person who was employed as a driver or courier by the PCS Entities in Washington or Oregon at some point during the period from August 10, 2005 to November 26, 2012.

2. What is the purpose of this notice?

The purpose of this notice is to inform you that a proposed settlement has been reached of the malpractice claims that Mr. Holman assigned to Plaintiffs as part of the settlement of the class action lawsuit entitled *McCracken et al. v. Pacific Cargo Services, LLC et al.*, King County Superior Court Case No. 11-2-27357-1 SEA. Because your rights will be affected by the settlement, it is extremely important that you read this notice carefully. This notice summarizes the settlement and your rights under it.

3. What is this class action about?

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. Representative plaintiffs, also known as “class representatives,” assert claims on behalf of a group of similarly situated people.

In this case, Plaintiffs Kyle McCracken and Guy Oakes filed a lawsuit against Pacific Cargo Services, LLC, Pacific Cargo Services-Washington, LLC, Pacific Courier Services, LLC, Pacific Courier Services-Washington, LLC, ITG Washington, LLC, Integrity Transportation Group, LLC (collectively, the “PCS Entities”) and James Holman on August 10, 2011. Plaintiffs alleged that the PCS Entities and Mr. Holman violated Washington and Oregon law by failing to pay overtime compensation to drivers and couriers. Plaintiffs also alleged that the PCS Entities and Mr. Holman violated the law by failing to provide proper rest periods, failing to make and keep accurate records of hours worked, and by engaging in unfair and deceptive practices.

Plaintiffs settled the class action lawsuit with the PCS Entities and Mr. Holman in exchange for a stipulated judgment and assignment of any malpractice claims the PCS Entities and Mr. Holman had against their former attorneys, Garvey Schubert Barer and Nancy Cooper, to Plaintiffs. The PCS Entities subsequently filed for bankruptcy, and the malpractice claims of the PCS Entities were disposed of in that action.

Plaintiffs pursued the malpractice claims assigned by Mr. Holman in Oregon superior court and ultimately negotiated a settlement with Garvey Schubert Barer and Nancy Cooper for \$475,000. The settlement is the result of arm’s-length negotiations. Plaintiffs and their attorneys assert that in light of the risks and expenses associated with continued litigation, this settlement is fair and appropriate under the circumstances. No court has ruled on the merits of Plaintiffs’ employment claims or the malpractice claims against Garvey Schubert Barer and Nancy Cooper or any related defenses against the claims.

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4. Who is covered by the settlement?

In connection with the settlement of the class action lawsuit, the King County Superior Court certified the following two classes for settlement purposes (the “Settlement Classes”): (1) all individuals who worked as drivers or couriers for PCS in the state of Washington at any time from August 10, 2005 to November 26, 2012 (the “Washington Class”); and (2) all individuals who worked as drivers or couriers for PCS in the state of Oregon at any time from December 7, 2005 to November 26, 2012 (the “Oregon Class”). Any individual who submits a timely request for exclusion will not be included in or bound by the settlement.

5. What claims are resolved by the settlement?

The settlement will resolve the malpractice claims Mr. Holman assigned to Plaintiffs as part of the settlement of the class action lawsuit.

6. What are the basic terms of the settlement?

Subject to Court approval, the settlement will require Garvey Schubert Barer and Nancy Cooper to pay \$475,000. The settlement will be disbursed to members of the Settlement Classes in proportion to the amount of overtime hours they worked from August 10, 2005 to November 26, 2012 (if they are a member of the Washington Class) or from December 7, 2005 to November 26, 2012 (if they are a member of the Oregon Class).

Each member of the Settlement Classes will release their claims against Garvey Schubert Barer and Nancy Cooper, each of their present and former parents, affiliates and subsidiaries, and each present and former partner, attorney, director, officer, employee, insurer, or any other agent of any of the foregoing entities, or any other party who could be deemed responsible or liable for the claims discussed herein, of and from any and all claims and causes of action whatsoever that Plaintiffs or James Holman have or may have, which arose from or arise by reason of Garvey Schubert Barer’s and Nancy Cooper’s acts or omissions in acting as attorneys for the PCS Entities and/or James Holman or for any of the former affiliates of the PCS Entities and/or James Holman.

Plaintiffs will request that the Court approve incentive awards in the amount of \$2,000 to Kyle McCracken and Guy Oakes in recognition of the time and effort they expended in representing the Settlement Classes.

7. Who represents the Settlement Classes?

The Court designated Plaintiff Kyle McCracken to represent the Washington Class and Plaintiff Guy Oakes to represent the Oregon Class.

The Court has also designated Toby J. Marshall of the law firm of Terrell Marshall Law Group PLLC and Jon W. MacLeod of the law firm MacLeod LLC to represent the interests of the Settlement Classes as Class Counsel.

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8. Can I exclude myself from the settlement?

If you do not want to participate in the settlement, you must submit a written statement requesting exclusion from the settlement. Your request for exclusion must include your full name, current mailing address, and phone number, and must include the statement “I wish to be excluded from the settlement of the malpractice claims that were assigned to Plaintiffs in the case entitled *McCracken v. Pacific Cargo Services, LLC*, No. 11-2-27357-1 SEA.” The request for exclusion must be signed and returned by mail to:

GSB Settlement
c/o Terrell Marshall Law Group PLLC
936 N. 34th Street, Suite 300
Seattle, WA 98103

In order to be valid, the request for exclusion must be postmarked no later than July 7, 2017.

If you submit a timely and valid request for exclusion, you will not be eligible to receive a payment from the settlement fund. If you want to receive a payment, please do not submit a request for exclusion.

9. If I want to, how do I object to the settlement?

If you believe the proposed settlement is unfair or inadequate in any respect, you may object to the settlement, either personally or through an attorney, by filing a written objection with the Court and mailing a copy of your written objection to Class Counsel at the address listed below.

All objections must be signed and must include your address, telephone number, and the name of the litigation (*McCracken v. Pacific Cargo Services, LLC*, King County Superior Court No. 13-2-15514-1 SEA). All objections must be filed with the Court and postmarked to Class Counsel no later than **July 7, 2017**. If you submit a timely objection, you may appear at your own expense at the Final Approval Hearing described in Section 11, either personally or through an attorney. Your objection should clearly explain why you object to the proposed settlement and must state whether you intend to appear at the Final Approval Hearing, either personally or through an attorney.

The address for Class Counsel is as follows:

Toby J. Marshall
Terrell Marshall Law Group PLLC
936 N. 34th Street, Suite 300
Seattle, WA 98103

Any member of the Settlement Classes who does not object in the manner described above shall be deemed to have waived any objections, and shall forever be foreclosed from objecting to the fairness or adequacy of the proposed Settlement and any and all other aspects of the settlement.

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10. What if I do nothing?

If you do nothing in response to this notice, you will automatically be included in and bound by the settlement. You will receive a payment from the settlement fund in proportion to the number of overtime hours you worked from August 10, 2005 to November 26, 2012 (if you are a member of the Washington Class) or from December 7, 2005 to November 26, 2012 (if you are a member of the Oregon Class). You will be deemed to have released all claims and parties identified in Section 6.

11. What is the settlement approval procedure?

The Court will hold a Final Approval Hearing on **August 25, 2017 at 11:00 a.m.** to consider the fairness and adequacy of the proposed settlement. The hearing will be held in Courtroom W-1060 at the King County Courthouse located at 516 Third Avenue, Seattle, WA 98104. 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 by submitting a valid and timely request for exclusion, you are not entitled to comment on or object to the settlement or to be heard at the hearing.

12. What will happen if the settlement is approved?

If the Court approves the settlement, the settlement funds will be distributed to members of the Settlement Classes. It is important that Class Counsel maintain your current contact information. If you move or otherwise determine that your contact information is outdated, please provide Class Counsel with an updated mailing address, email address, and phone number. Class Counsel can be contacted as follows:

Terrell Marshall Law Group PLLC
936 N. 34th Street, Suite 300
Seattle, WA 98103

Email
classactions@terrellmarshall.com

Phone
(206) 518-6228

When you contact Class Counsel, please note that it is for the GSB Settlement in the case of *McCracken v. Pacific Cargo Services, LLC*.

13. How will Class Counsel be paid?

Class Counsel will apply to the Court for an award of attorneys' fees, litigation expenses, and administrative costs, to be paid out of the \$475,000 settlement fund. Class Counsel have not been compensated for their work litigating the class action, the malpractice case, and related proceedings in bankruptcy court. Class

QUESTIONS? VISIT www.terrellmarshall.com/class-actions/pacific-cargo-services OR CALL CLASS COUNSEL AT (206) 518-6228

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Counsel intend to ask the Court for approval of an award of attorneys' fees in an amount not to exceed 35% of the settlement fund, reimbursement of unpaid litigation costs of approximately \$40,000, and administrative costs of approximately \$7,500 for mailing of notice and distributing the settlement fund. Any payments to Class Counsel must first be approved by the Court.

14. What if I would like more information?

This notice only summarizes the lawsuit, the settlement, and other related matters. You can obtain more information about the lawsuit and the settlement from the settlement website, www.terrellmarshall.com/class-actions/pacific-cargo-services, or by contacting Class Counsel at the address, email or telephone number provided about in Section 12. You can also obtain more information about the lawsuit and settlement by reviewing the Court's files at the King County Superior Court Clerk's Office, located at 516 Third Avenue, Room E-609, from 9:00 a.m. to 4:30 p.m., Monday through Friday. Do not call the Court.