

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

CAROL FERGUSON and LYNDA
FREEMAN,

Plaintiffs,

v.

GLADSTONE AUTO, LLC and
CARROS, INC.,

Defendants.

Case No. 18CV07330

NOTICE

NOTICE TO CLASS OF RIGHT TO OPT-OUT

«fname» «lname» «MailID»

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«City», «State» «Zip»

To: all employees of Gladstone Auto, LLC and/or Carros, Inc. who worked on or after February 16, 2012 (the “Class” or “Class Members”).

Introduction

1. There is currently pending in the Clackamas County Circuit Court (the “Court”) an action brought under Oregon’s wage-and-hour laws captioned as above (the “Action”). The Court has certified this case as a class action, and records indicate that you are a member of the class. This notice constitutes notice to the Class of the right to opt out of the class action against the Defendants and the required procedures for doing so.

Description of the Class Action

2. On March 1, 2018, Carol Ferguson and Lynda Freeman (the “Class Representatives” or “Plaintiffs”) filed the Action with the Court, on behalf of themselves and purportedly on behalf of the putative Class Members, and against Gladstone Auto, LLC and Carros, Inc. (the “Defendants”), asserting that the Defendants violated Oregon law in two categories of violations. Specifically, it is alleged that (a) from January 1, 2017 through October 15, 2017, Defendants made wage deductions of more than the applicable rate for the Oregon Workers’ Benefit Fund assessment, and (b) the Defendants failed to pay for clocked-out breaks of fewer than 30 minutes on or after March 1, 2012 (collectively, the “Claims”).

3. In general, Oregon law prohibits unlawful deductions from wages and requires employers to pay workers who do not receive a full 30-minute meal period. Plaintiffs have therefore brought this action under state wage and hour statutes for certain former employees who experienced unlawful deductions between January 1, 2017 and October 15, 2017, and/or were not paid for clocked-out breaks of fewer than 30 minutes on or after

March 1, 2012, to recover unpaid wages, statutory damages, civil penalties, prejudgment interest, attorney fees, costs, and disbursements from the Defendants.

4. Defendants deny that they committed any of the violations alleged by the Class Representatives and deny that they have done anything wrong. Defendants also have alleged a defense in this case to try to reduce amounts owed to the Class by amounts allegedly overpaid for PTO when Defendants' business was sold in October 2020.

Your Rights in the Class Action

5. Plaintiffs have identified you, to the best of their knowledge, information and belief, as one of the individuals who are currently within the Class definitions, *i.e.*, who performed work for one of the Defendants on or after February 16, 2012. **If you wish to participate in the case against the Defendants, and to potentially share in any money recovered from them, you do not need to do anything.** You are already a part of the class. If you remain in the class, you will be bound by any rulings or judgment in the case, whether favorable or unfavorable, including on the Class's two claims for money damages, and on Defendants' defense to reduce that Class recovery to recoup alleged PTO overpayments.

If you do not want to participate or potentially receive any money recovered from the defendants, you may opt out of the Class by submitting a written, signed and dated statement of your wish to opt out (including your name, address, telephone number and social security number) by certified mail, return receipt requested, to Ferguson v. Gladstone Auto, LLC Notice Administrator, c/o Settlement Services, Inc., PO Box 10269, Tallahassee, FL 32302-2269. The written, signed and dated opt-out statement (including your name, address, telephone number, and social security number) must be received no later than **August 17, 2023** (the "Opt-Out Deadline"). Any requests for exclusion received after the Opt-Out Deadline will not be effective, and such person will be a member of the Class. If you request exclusion from the class, you will not be bound by any rulings or judgment in this case and keep any rights you may have to sue the Defendants separately for the same legal claims in this case.

Other Information

6. You can find out more information about this Class Action at www.gladstoneautostateclassaction.com. Any questions from members of the Class concerning this notice or the Class Action should be directed to Ferguson v. Gladstone Auto, LLC Notice Administrator, c/o Settlement Services, Inc., PO Box 10269, Tallahassee, FL 32302-2269.

7. While the Court has approved the sending of this notice, that does not indicate, and is not intended to indicate, that the Court has any opinion as to the respective claims or defenses asserted by the parties in the Class Action.

Please do not call the Court concerning this matter.