

Dear <<Firstname>> <<Lastname>>.

NOTICE OF CLASS ACTION SETTLEMENT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

LAURA BARTONI, CAMERON FRANCIS, HEATHER MURRAY, and JEFFERSON TODD WILHOYTE, on behalf of themselves and all others similarly situated,)	Case No. RG08382130
)	
Plaintiffs,)	Honorable Winifred Y. Smith
)	
vs.)	
)	
AMERICAN MEDICAL RESPONSE WEST and DOES 1 through 50, Inclusive,)	

**PLEASE READ THIS NOTICE CAREFULLY
IT MAY AFFECT YOUR LEGAL RIGHTS
YOU MAY BE ENTITLED TO
COMPENSATION FROM THIS
SETTLEMENT**

TO: EMTS, PARAMEDICS, DISPATCHERS AND OTHER FIELD EMPLOYEES AND COMMUNICATION CENTER EMPLOYEES WHO WORKED FOR AMERICAN MEDICAL RESPONSE WEST IN NORTHERN CALIFORNIA AT ANY TIME BETWEEN JUNE 23, 2004 AND DECEMBER 1, 2018.

The Alameda Superior Court (“Court”) has authorized this Notice in *Bartoni, et al. v. American Medical Response West*, in Case No. RG08382130 (the “Action”). This is not a solicitation from a lawyer.

A proposed settlement (the “Settlement”) has been reached in the Action, brought by four employees (“Plaintiffs”) of American Medical Response West. The Settlement has been granted preliminary approval by the Court. A final approval fairness hearing will be held on July 12, 2019 at 11:00 a.m. in Department 21 of the Court, located at 1221 Oak Street, Oakland, California, 94612.

The purpose of this Notice is to: (1) describe the Action, (2) inform you of the terms of the Settlement, and (3) inform you of your rights and options in connection with the Settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You do not need to do anything to receive the benefits of the Settlement. If you do nothing and the Settlement is granted final approval, you will receive a settlement payment and release all claims covered by this Settlement.
OBJECT	You may write an objection to the Court stating why you do not like the Settlement. You may also appear in Court or use an attorney to appear for you and explain why you do not like the Settlement, but you are not required to appear.
CHALLENGE	If you think that the information used to calculate your settlement share is not correct and wish to dispute it, you must submit a “challenge.” The calculation of your estimated share and challenge instructions are in Sections 6 and 7, below. The Settlement Administrator will resolve the dispute if the parties can’t agree, and you will receive a settlement payment and release all claims covered by this Settlement after the dispute is resolved.

IMPORTANT INFORMATION

The Settlement described in this Notice includes a release of legal claims arising on or before December 1, 2018 that were asserted or could have been asserted in the Plaintiffs’ complaint in this Action. **This release includes all claims that could have been asserted based on the facts alleged in the complaint, including *both meal period and rest period violations*, not just the rest period claims that were described in the previous notice mailed to Class Members in 2018.** This is a **broader** release of claims than those described in the previous notice, and is explained further in Section 11 of this Notice below. If you think the release is too broad, you may file an objection to the Settlement by following the instructions in Section 12 of this Notice below.

BASIC INFORMATION

1. Why did I get this Notice?

You received this Notice because American Medical Response West’s records show that it employed you as an EMT, Paramedic, dispatcher or other field employee or communication center employee in Northern California at some time between June 23, 2004 and December 1, 2018. This means you have a right to know about a proposed settlement of a class action lawsuit and claim for civil

penalties brought under the California Labor Code (the “Settlement”). This Notice explains the lawsuit, the Settlement, your legal rights, the rights you will release with this Settlement, who is eligible for settlement proceeds, and how to get them.

2. What is this case about?

Plaintiffs’ case alleged that American Medical Response West failed to provide 30-minute off-duty meal periods and 10-minute off-duty rest breaks to its EMTs, Paramedics, dispatchers, and other field employees and communication center employees in various counties in Northern California. Based on these claims, Plaintiffs also alleged that American Medical Response West failed to provide accurate wage statements and maintain accurate records, failed to pay “waiting time penalties”, engaged in unfair competition, and owes civil penalties under the California Labor Code Private Attorneys General Act of 2004 (“PAGA”). American Medical Response West denies any wrongdoing and denies that it violated any laws.

In October 2014, the trial court denied the Plaintiffs’ motion for class certification of the meal and rest period claims. In April 2017, the Court of Appeal affirmed the denial of class certification for the meal period portions of the case, but not the rest period portions of the case. In March 2018, the trial court then certified the rest period portions of the case as a class action. No court has made any decision on whether the claims in this lawsuit have merit.

After the trial court certified the rest period portion of the case as a class action, a notice was sent to Class Members in 2018 describing the case. That 2018 notice provided instructions for opting out of the class action as it pertained to the rest period portions of the case, which were the only claims certified as a class action at that time. If the Court grants final approval of the Settlement after the hearing described in Section 16 below, the Settlement will resolve and release ***not only the rest period portions of the case, but also meal period claims and all other claims that could have been asserted based on the facts alleged in the complaint.*** In other words, if approved, the Settlement will release broader claims than those described in the earlier notice. The release is described in Section 11 of this Notice below. If you think the release is too broad, you may file an objection to the Settlement as a whole. The instructions for filing objections are in Section 12 below.

3. Why is there a Settlement?

The Court has not issued a final decision about the case. Plaintiffs and their attorneys believe that their claims have merit. American Medical Response West denies any wrongdoing and believes the claims have no merit. In addition, American Medical Response West believes that Proposition 11, which passed on the November 2018 ballot, eliminates the claims asserted in the action. Instead of further litigation, which has already lasted more than ten years and could have lasted for more years with no certainty of outcome, both sides agreed to a settlement. That way, they avoid the cost of a trial and appeals, and the Class Members receive compensation sooner. Plaintiffs and Defendant and their lawyers believe the settlement is best for the Class Members.

WHO IS IN THE SETTLEMENT?

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

There are two broad groups of people who are part of this Settlement: (1) EMTs, paramedics and other field employees, and (2) dispatchers and other communication center employees. American Medical Response West’s records show that you are a member of at least one of these groups, and you may be a member of both. The precise description of each group is stated below, but in summary your membership depends on your job title(s), the county (or counties) in which you held these job titles, and when you performed the work in question.

The following is a precise description of the class of employees covered by this Settlement:

Field Employees (EMTs, Paramedics, RNs, CCTs, Drivers)

The field employees covered by the Settlement are individuals employed by American Medical Response West at any time between June 23, 2004 and December 1, 2018, on a full-time or part-time basis, in one or more of the following positions and Counties or locations in California:

For the entire period June 23, 2004 to December 1, 2018: EMT-1s, EMT-2s, EMT-Ps, Drivers, and Wheelchair Van Drivers in Tulare, Santa Cruz, Santa Clara, San Mateo (excluding EMT-Ps), Stanislaus (excluding Turlock Operations), Alameda, San Francisco, Contra Costa, San Joaquin (excluding Tracy Operations), Calaveras, Marin, Solano, Sonoma, Yolo, Sacramento, Placer, and Shasta Counties.

For the period from June 23, 2004 through July 28, 2010: EMT-1s, EMT-2s, EMT-Ps, Drivers, and Wheelchair Van Drivers in Monterey County.

For the period from July 1, 2006 to December 1, 2018: EMT-1s and Paramedics in San Benito County

CCTs and EMT/CCTs in Alameda, Contra Costa, San Mateo, and Yolo Counties

Paramedic CCTs in Contra Costa, Monterey, Placer, Sacramento, San Joaquin, Calaveras, and Santa Clara Counties

RNs and CCT/RNs employed in Alameda, Contra Costa, Monterey, Sacramento, Santa Clara, and Sonoma Counties.

For the period from July 1, 2008 to December 1, 2018: EMT-2s, EMT- Ps, Drivers, and Wheelchair Van Drivers in San Benito County.

Communication Center Employees (Dispatchers and Call Takers)

The communication center employees covered by the Settlement are individuals employed by American Medical Response West as dispatchers and/or call takers at any time between June 23, 2004 and December 1, 2018 on a full-time or part-time basis, in one or more of the following Counties in California:

For the entire period June 23, 2004 to December 1, 2018: Santa Clara, San Mateo, Stanislaus (excluding Turlock Operations), Sonoma, and Sacramento Counties.

For the period from June 23, 2004 through December 31, 2014: Tulare, Santa Cruz, Alameda, San Francisco, Contra Costa, San Joaquin (excluding Tracy Operations), Calaveras, Marin, Solano, Yolo, Placer, and Shasta Counties.

For the period from June 23, 2004 through July 28, 2010: Monterey County.

WHAT ARE THE TERMS OF THE SETTLEMENT?

5. What does the Settlement provide?

American Medical Response West has agreed to pay a total amount of seventeen million dollars (\$17,000,000) to resolve all claims asserted in the complaint, or that could have been asserted based on the facts alleged in the complaint. This will include (a) payments to the Class Members to be distributed as described in Section 6 below; (b) settlement administration expenses; (c) Plaintiffs' service awards for acting as the class representatives; (d) attorneys' fees and costs to Class Counsel; and (e) civil penalties to the State of California. The settlement administration expenses are currently estimated to be approximately \$33,279 and Plaintiffs have proposed that \$75,000 of the Settlement be allocated to the Labor and Workforce Development Agency to account for the civil penalties portion of the case. The Court preliminarily approved the Settlement on January 22, 2019. As discussed in Section 14 below, the attorneys representing the class will make an application to the Court for attorneys' fees of up to \$5,666,667, which is one-third (1/3) the total settlement amount of \$17,000,000, plus reimbursement of reasonable out-of-pocket costs. As discussed in Section 15 below, the Plaintiffs will also make an application for service awards for their work in prosecuting this case over a 10-year period. The Court has scheduled a final approval fairness hearing for July 12, 2019, to determine whether to grant final approval of the Settlement and whether to approve the applications for attorneys' fees and costs, and service awards. More information concerning the final approval fairness hearing is in Section 16 below.

6. How much will my payment be?

You will be paid out of the Net Settlement Fund. The Net Settlement is the amount remaining after payments for settlement administration expenses, service awards, attorneys' fees and costs, and civil penalties to the State of California. The amount of the Net Settlement Fund is currently estimated to be approximately \$11,050,000.

Each Class Member's share of the Net Settlement Fund will be calculated based on the number of weeks during which she or he worked in one of the field employee and/or communication center employee positions described in Section 4 above, between June 23, 2004 and December 1, 2018. First, the Net Settlement Fund will be divided by the total number of workweeks worked by all Class Members between June 23, 2004 and December 1, 2018 to establish a value for each workweek. Then, for each Class Member, this workweek value will be multiplied by the number of workweeks during which the Class Member worked in one of the field employee and/or communication center employee positions for American Medical Response West between June 23, 2004 and December 1, 2018. The result will be that Class Member's individual settlement amount.

American Medical Response West's records show that during the period of June 23, 2004 to December 1, 2018, you worked <<WksWkd>> workweeks in one of the field employee and/or communication center employee positions described in Section 4 above.

Based upon the estimated share for each compensable workweek, your settlement share is currently estimated at \$<<EstSet>>. This amount is subject to change, depending upon the Court's orders after the final approval fairness hearing and other possible factors.

7. Can I challenge American Medical Response West's records of the number of my workweeks?

Yes. If you think there is a mistake with American Medical Response West's records of the number of weeks you worked as a Field Employee and/or Communication Center Employee between June 23, 2004 and December 1, 2018, as reported in Section 6 above, you may submit a challenge to American Medical Response West's records. You can submit a challenge by writing to the Settlement Administrator (address below) and include a description of the correct number of workweeks that you estimate, and also any documentation that you have to support your challenge. American Medical Response West's records of the number of your workweeks is presumed to be correct, and you will bear the burden of proof to show that they are not accurate. So it is important that you include as much information and/or evidence as you can to support your challenge.

To be valid, a challenge and information and/or documentary evidence that support it **must be postmarked by no later than May 28, 2019**, and sent to the following address:

American Medical Response West Meal and Rest Period Settlement
Settlement Administrator
P.O. Box 404000
Louisville, KY 40233-4000

By submitting a challenge, you will authorize the Settlement Administrator to review American Medical Response West's records and determine the validity of your challenge. Challenges postmarked after **May 28, 2019** will not be honored.

8. How are payments reported for tax purposes?

Each Individual Settlement Share issued from the Net Settlement Amount will be allocated as follows: ninety percent (90%) as wages (to be reported on an IRS Form W-2), and ten percent (10%) as interest and penalties (to be reported on an IRS Form 1099-MISC). American Medical Response West has agreed to separately pay any employer-side payroll taxes.

HOW YOU GET A PAYMENT

9. How can I get a payment?

You *do not* need to do anything to receive your share of the settlement. Just watch your mail for a check, and cash it when you get it. You will have 180 days from issuance of the check to cash it. The check will be void after 180 days.

If you have moved since working at American Medical Response West or have any other reason to believe that American Medical Response West does *not* have your current mailing address, contact the Settlement Administrator immediately to update your mailing address. The address of the Settlement Administrator is in Section 7 above.

10. When will I get my payment?

The Court will hold a hearing on July 12, 2019 at 11:00 a.m. to decide whether to give "final approval" to the Settlement. If the Court approves the Settlement and if there are no possible appeals, you should receive your settlement payment in about 60 days after final approval.

But if the Court does not approve the settlement or if there are appeals, payments will be delayed or the Settlement may not occur.

11. What is being given up (released) in exchange for the settlement payments?

If this Settlement becomes final, you will not be able to assert claims covered by this Settlement, whether in another lawsuit in state or federal court, in front of the California Labor Commissioner, or in private arbitration. This is called a "release" or "release of claims."

The claims covered by this Settlement and which are being "released" in exchange for the settlement payments are any claims arising on or before December 1, 2018 that were asserted or could have been asserted in the Plaintiffs' complaint based on the facts alleged. This "release" covers claims under California law that American Medical Response West did not provide off-duty meal and rest periods. It also includes any additional claims for statutory penalties premised on meal and rest period violations, including statutory damages for the failure to provide accurate wage statements, waiting time penalties for the failure to pay all wages due upon

termination of employment, civil penalties under PAGA, attorneys' fees, interest or costs, based on alleged meal and rest period violations. The release does **not** cover any claims based on incidents or conduct occurring **after** December 1, 2018.

Because the release is not limited to rest period claims and includes claims for **both meal period and rest period violations**, it is a **broader** release of claims than those described in the previous notice that was mailed to Class Members in 2018. The previous class notice mailed in 2018 concerned only claims for rest period violations, because those were the only claims the Court had certified for class treatment at that time. The 2018 notice stated that you would be legally bound by the Court's judgments in this class action as to those claims for rest period violations, unless you requested to be excluded from the case (otherwise known as "opting out"). This previous notice also stated that your rights as to any other legal claims would be unaffected whether or not you opted out. The records in this case indicate that you did not opt out of the case during the time permitted by the previous notice. Therefore, you cannot opt out of this Settlement, although you can object to the Settlement if you do not like any part of it.

As described above, the Settlement has a release of both meal and rest period claims (and other claims based on alleged meal and rest period violations), which is a broader release of claims than just the rest period claims described in the previous notice. If you think the release is too broad, you may file an objection to the Settlement as a whole. The instructions for filing objections are in Section 12 below.

If the Settlement becomes final, all the Court's orders regarding this case and the Settlement will apply to you and legally bind you.

OBJECTING TO THE SETTLEMENT

12. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter to the Court saying that you object to the settlement in *Bartoni v American Medical Response West*, Case No. RG08382130 (be sure to include this case name and number in your letter). To be valid, the objection must contain your name, your signature, and the reasons you object to the Settlement. Please also include your address and phone number in the event the Court or parties have any questions regarding your objection. Although the Court may consider late objections, to ensure an objection is considered you must mail your letter postmarked no later than **May 28, 2019** to the following address:

American Medical Response West Meal and Rest Period Settlement
Settlement Administrator
P.O. Box 404000
Louisville, KY 40233-4000

THE LAWYERS REPRESENTING THE CLASS

13. Am I represented by a lawyer in this case?

On March 23, 2018, the Court approved the law firms of Leonard Carder, LLP (Oakland, California), Kralowec Law, P.C. (San Francisco, California), Weinberg Roger & Rosenfeld (Alameda, California), and Schneider Wallace Cottrell Konecky Wotkyns LLP (Emeryville, California) as Class Counsel to represent the Class Members in this case. As you did not previously opt out of this case, these lawyers will be paid from the settlement amount, so you will not be charged personally for their fees and costs on this case and in negotiating this Settlement. If you want to be represented by a different lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will ask the court for attorneys' fees of up to \$5,666,667, which is one-third (1/3) of the total settlement fund of \$17,000,000. Class Counsel will also seek reimbursement from the settlement fund of reasonable, actual expenses they incurred in pursuing the lawsuit, such as court reporter and deposition fees, mediation fees, filing fees, and travel expenses. Class Counsel will file an application to the Court on or before April 26, 2019 setting forth the actual amount of attorneys' fees and expenses they will be seeking from the total settlement fund for their work on behalf of the Class Members. You can obtain a copy of Class Counsel's application for attorneys' fees and expenses after April 26, 2019 by contacting Class Counsel. Class Counsel's contact information is in Section 19 of this Notice, below.

15. Will there be service awards to the Class Representatives?

There are four Class Representative Plaintiffs who brought the case and invested significant time and effort to assist Class Counsel during the litigation. They provided documents and information, testified in deposition, personally participated in the mediation leading to the Settlement, and actively participated in the litigation over a ten-year period. Plaintiffs will seek a service award of up to

\$15,000 each to compensate the Class Representatives for this service. Plaintiffs will file an application to the Court for these service awards on or before April 26, 2019. You can obtain a copy of this application after April 26, 2019 by contacting Class Counsel. Class Counsel's contact information is in Section 19 of this Notice, below.

THE FINAL APPROVAL FAIRNESS HEARING

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

The Court will hold a final approval fairness hearing on July 12, 2019 at 11:00 a.m., at in Department 21 of the Alameda Superior Court, located at 1221 Oak Street, Oakland, California, 94612, before the Honorable Winifred Smith, or before such other judge and in such other courtroom as the Court may direct. You may contact Class Counsel, at the number stated in Section 19 below, prior to the hearing to confirm the date, time and location. 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.

17. Do I have to come to the hearing?

No. But, you are welcome to attend the hearing. If you send an objection, you do not have to come to Court to talk about it, but you may if you wish. As long as you mailed your written objection to the Settlement Administrator on or before May 28, 2019, as described in Section 12 above, the Court will consider it. You may also pay your own lawyer to attend if you wish.

18. What if my address is wrong? Or if I move?

It is important that the Settlement Administrator stays up to date with your correct address. This is so you can receive your settlement check and any additional information that may come in the mail. If you move, or if you think the Settlement Administrator does not have your correct address, you may call the Settlement Administrator at 1-877-612-9392 toll-free, or write to the Settlement Administrator at: *American Medical Response West Meal and Rest Period Settlement*, Settlement Administrator, P.O. Box 404000, Louisville, KY 40233-4000.

GETTING MORE INFORMATION

19. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. A copy of the term sheet containing the material terms of the settlement, as well as any court orders regarding the settlement, are available at www.amrwestclassaction.com. You may also contact class counsel:

Aaron Kaufmann David Pogrel LEONARD CARDER, LLP 1330 Broadway, Suite 1450 Oakland, CA 94612 Tel: (510) 272-0169 Fax : (510) 272-0174 akaufmann@leonardcarder.com dpogrel@leonardcarder.com	Kim Kralowec KRALOWEC LAW, P.C. 750 Battery Street, Suite 700 San Francisco, CA 94111 Phone: (415) 546-6800 Fax: (415) 546-6801 kkralowec@kraloweclaw.com
Jannah Manansala WEINBERG ROGER & ROSENFELD 1001 Marina Village Pkwy., Ste. 200 Alameda, CA 94501 Tel: (510) 337-1001 Fax: (510) 337-1023 jmanansala@unioncounsel.net	Josh Konecky SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS LLP 2000 Powell Street, Suite 1400 Emeryville, CA 94608 Tel: (415) 421-7100 Fax: (415) 421-7105 jkonecky@schneiderwallace.com

You may also call the Settlement Administrator at 1-877-612-9392 toll-free, or write to the Settlement Administrator at: *American Medical Response West Meal and Rest Period Settlement*, Settlement Administrator P.O. Box 404000, Louisville, KY 40233-4000.

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS.