

# Legal Notice of Proposed Class Action Settlement

THIS IS NOT AN ADVERTISEMENT OR ATTORNEY SOLICITATION. THIS NOTICE HAS BEEN APPROVED BY THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS AND CONTAINS IMPORTANT INFORMATION ABOUT YOUR LEGAL RIGHTS. PLEASE READ THIS NOTICE CAREFULLY.

This notice is being sent pursuant to a proposed settlement of the following class action lawsuit pending in the U.S. District Court for the Northern District of Illinois:

## ***Sawyer v. OSL Retail Services Corp. Case No. 20-cv-2442***

### **A. WHAT IS THIS NOTICE FOR?**

This notice is to inform you that:

- A proposed settlement (the “Settlement”) has been reached in a Class and Collective Action lawsuit against OSL Retail Services Corp. (“OSL”).
- OSL’s records show that you may be eligible to receive the approximate amount of <EstAmt> under the terms of the proposed Settlement. This amount is subject to change as described in this Notice.
- If you want to receive the above payment, you do not have to do anything. If the Settlement is approved and you have not excluded yourself, you will automatically get the Payment. You were identified as working for OSL in Illinois, if you do not wish to participate in the settlement, you must exclude yourself by following the directions in Section G and reserve all of your rights.
- The **Court will hold a fairness hearing** about the Settlement on September 13, 2021 at 9:30 a.m. which you may attend at 219 South Dearborn Street, Chicago, IL 60604, Courtroom 2141. **You do not have to attend this hearing.**

### **B. WHAT IS THIS LAWSUIT ABOUT?**

Patrick Sawyer (“Named Plaintiff”) brought a complaint against OSL claiming OSL failed to correctly calculate the overtime rate of pay for non-exempt employees earning commissions, by failing to include said commissions in the regular rate of pay. Additionally, Named Plaintiff alleges that OSL used a timekeeping system that failed to correctly compensate employees for all time worked. OSL denies the allegations and maintains that it complied with the law at all times.

### **C. WHAT DOES THE SETTLEMENT DO?**

The proposed Settlement resolves the claims before the Court decides which side is right. The Court has certified a class for Settlement Purposes. The Settlement Class includes all current and former non-exempt employees of OSL who worked between April 21, 2017 and October 31, 2020, and who do not file a Request for Exclusion. As part of the Settlement, OSL has agreed to pay up to **\$375,000 (“Settlement Fund”)** to resolve this lawsuit. That amount resolves the alleged wage claims of Class Members in this action, including attorneys’ fees, costs, service payments, unpaid wages, liquidated damages/civil penalties under

Federal and Illinois law, and settlement administration fees. Service payments of \$7,500 will be requested from the Settlement Fund for each of the Named Plaintiff due to his efforts in obtaining a class-wide recovery.

The approximate amount of the payment in Section A reflects what you may receive after attorneys’ fees and costs, administrative fees, mediation costs, and service payments are deducted from the Settlement Fund. The amounts may increase or decrease depending on the actual costs or expenses or rulings from the Court.

### **AM I AFFECTED?**

You received this Notice because OSL’s records show that you were a non-exempt employee during the period in Section C. If you do nothing, your rights under the Illinois Minimum Wage Law will be affected. Your rights under the FLSA will be affected by cashing or depositing your settlement check. If you exclude yourself from the settlement, you will not receive any settlement payment and you will retain your rights.

### **E. HOW WILL PAYMENTS BE TAXED?**

Approximately 50% of any payment will be subject to deductions for applicable taxes and withholdings like any other paycheck, and for which you will receive an IRS Form W-2. The remaining portion of the payment, attributable to liquidated damages and statutory penalties will be reported on an IRS Form 1099. Neither Plaintiffs’ counsel nor OSL nor OSL’s counsel make any representations concerning the tax consequences of the Settlement or your participation in it, and you are advised to consult your own tax advisor if you have any questions regarding tax treatment of any payments.

### **F. DO I HAVE AN ATTORNEY IN THIS CASE?**

The Court has appointed The Fish Law Firm, P.C. as Class Counsel. If the Settlement is approved, Class Counsel will request the Court to award one-third of the total Settlement Fund in attorneys’ fees plus costs from the Settlement Fund. The approximate amount in Section A already reflects attorney’s fees and costs being deducted.

#### **Class Counsel**

The Fish Law Firm, P.C.  
Attn: John C. Kunze  
200 East 5<sup>th</sup> Avenue, Suite 123  
Naperville, IL 60563  
Telephone: (630) 355-7590  
Email: admin@fishlawfirm.com

### G. WHAT AM I GIVING UP IF I PARTICIPATE IN THE SETTLEMENT?

If you deposit or cash your settlement payment, you will release OSL and all of its parent, subsidiary, affiliated or related companies and entities and any successor(s), as well as its/their officers, directors, investors, owners, shareholders, employees, partners, agents, and attorneys, and any entities or partnerships with which they are affiliated from all claims pled in the Complaint or that could have been pled in the Complaint, deriving from, arising out of, and/or based on the facts alleged in the Complaint, as well as any claims related to OSL's timekeeping and/or rounding policies and procedures, whether known or unknown, including claims for wages, penalties, interest, attorneys' fees and/or costs, for: (1) violation of the Fair Labor Standards Act for failure to pay overtime; (2) violation of the Illinois Minimum Wage Act for failure to pay overtime; (3) any claims for unpaid straight time or overtime resulting from OSL's timekeeping systems under any state or federal law. This release will cover conduct occurring from April 21, 2017 through May 13, 2021. The claims and liability covered by this release are referred as the "Released Claims."

### H. IF I PARTICIPATE, DO I NEED TO WORRY ABOUT RETALIATION?

OSL **will not and cannot terminate your employment, or treat you any differently** because of your participation in, or exclusion from, the Settlement.

### I. WHAT ARE MY OPTIONS?

1. Do Nothing. If you do nothing, you will receive a settlement payment if the settlement is approved.
2. Exclude Yourself From the Settlement. If you do not want any money from the Settlement, and you do not want to release your Illinois law claims, you may exclude yourself. Send correspondence to the Claims Administrator *via* mail or email to **Phoenix Settlement Administrators, PO Box 7208, Orange, CA 92863**; or **notice@phoenixclassaction.com**, which includes the name of the case "*Sawyer v. OSL Retail Services Corp., Case No. 20-cv-2442*" and: 1) your full name; 2) your last 4 digits of your social security number; 3) a specific statement that you wish to exclude yourself from the Class Settlement, and 4) your signature. Your Request for Exclusion *must* be received by the Claims Administrator by **August 21, 2021**.
3. Object to the Settlement. You can object to the Settlement by filing a notice with the Court by **August 21, 2021**. Mail your objection to Dirksen U.S. Courthouse,

Clerk's Office, Floor 20, 219 South Dearborn Street, Chicago, IL 60604. You must state the name of the case "*Sawyer, et al. v. OSL Retail Services Corp., Case No. 20-cv-4937*," why you object, whether you plan to attend the fairness hearing, who your lawyer will be, and who you will call as a witness in support of your objection. You must sign and date your objection. You must also send a copy of your objection to Class Counsel at the address listed in Section D and OSL's Counsel at: Proskauer, Poydras Center, 650 Poydras Street, Suite 1800, New Orleans, LA 70130.

### J. WHEN IS THE FINAL APPROVAL HEARING?

The judge will hold a hearing to decide whether to finally approve the Settlement at 9:30 a.m. on September 13, 2021. If you have filed an objection on time, you may attend and you may ask to speak, but you don't have to. The hearing may be moved to a different date and/or time without additional notice. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are any objections, the judge will consider them. The Court will only listen to people who are authorized to speak at the hearing. At this hearing, the Court will also decide how much to pay Class Counsel and how much to pay Named Plaintiff as an enhancement payment. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. If the Settlement is approved by the Court, notice of final judgment will be posted on the following website: [www.phoenixclassaction.com/judgments](http://www.phoenixclassaction.com/judgments). You do not have to come to the hearing, and Class Counsel can answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to talk about it. As long as you mailed your written objection by the deadline, the Court will consider it. You may also appear at the hearing and state any objections to the proposed Settlement. You may also pay another lawyer to attend, but it is not required.

### K. WHERE CAN I GET MORE INFORMATION?

If you have additional questions or need additional information, please contact the Claims Administrator (800) 523-5773, or Class Counsel: (630) 355-7590.

You can also view the Settlement Agreement and other documents at

[www.phoenixclassaction.com/sawyer-osl](http://www.phoenixclassaction.com/sawyer-osl)

***PLEASE NOTE: Inquiries for additional information or advice should NOT be directed to the Court or OSL's Counsel. You may hire an attorney other than Class Counsel to discuss your rights under the Settlement if you choose.***