

FIRST AMENDED NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

FREDERICK SCHULZ, BRANDON WARREN AND MATTHEW WARREN on behalf of themselves and all those similarly situated

vs.

DHL EXPRESS (USA), INC., Case No. 3:20-cv-04490-RS

You are not being sued. This notice affects your rights. Please read it carefully.

To: All persons classified as ‘casual employees’ who worked as couriers for DHL Express (USA), Inc. (“Defendant”) in the State of California from April 10, 2016 through February 3, 2022.

On February 3, 2022, the Honorable Richard Seeborg of the United States District Court for the Northern District of California granted preliminary approval of this class action settlement and ordered the litigants to notify all Class Members of the settlement. **You have received this notice because Defendant’s records indicate that you are a Class Member, and therefore entitled to a payment from the settlement.**

You previously received this notice with information regarding your estimated share of the settlement. You are receiving this amended notice due to a potential change in your estimated share of the settlement based on revised counts of the workweeks of members of the Class. Please review Paragraph B below for your updated estimated workweeks and payment. Because of these changes, you have a renewed right to exclude yourself from the settlement, dispute your estimated workweeks, and/or object to the settlement, as described in this notice.

Unless you choose to opt out of the settlement by following the procedures described below, you will be deemed a Class Member and, if the Court grants final approval of the settlement, you will be mailed a check for your share of the settlement fund. The Final Fairness Hearing on the adequacy, reasonableness, and fairness of the Settlement will be held at San Francisco Courthouse of the United States District Court for the Northern District of California, Courtroom 3 – 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, at 1:30 p.m. on September 22, 2022. Please note that the Final Fairness Hearing may be rescheduled by the Court to another date and/or time. Please visit www.phoenixclassaction.com/schulz-v-dhl for any scheduling changes.

WHAT THE ACTION IS ABOUT

Plaintiffs Frederick Schulz, Brandon Warren, and Matthew Warren (“Plaintiffs”) brought claims on behalf of themselves and all persons classified as ‘casual employees’ who worked as couriers for DHL Express (USA), Inc. in the State of California from April 10, 2016 through February 3, 2022 (“the Class”) for: (1) Failure to Compensate for Hours Worked; (2) Failure to Compensate for Overtime; (3) Failure to Provide Paid Rest Periods; (4) Failure to Provide Meal Periods; (5) Waiting Time Penalties; and (6) Violation of Unfair Business Practices Act (Business & Professions Code §17200 *et seq.*). The operative complaint seeks relief for the Class members in the form of wages and monetary penalties and reasonable attorney’s fees and costs.

Defendant has denied, and continues to deny, the factual and legal allegations in the case and believes that it has valid defenses to Plaintiffs’ claims. By agreeing to settle, Defendant is not admitting liability on any of the allegations or claims in the case or that the case can or should proceed as a class action. Defendant has agreed to settle the case as part of a compromise with Plaintiffs.

Subject to the Court’s approval, the parties have agreed to settle all claims under the terms set forth in this Notice.

DEFINITION OF THE CLASS

The Court in this Action has entered an order certifying the Class for settlement purposes. The Class is defined as follows:

All persons classified as ‘casual employees’ who worked as couriers for DHL Express (USA), Inc. in the State of California from April 10, 2016 through February 3, 2022.

You are a Class member if you fall into this definition.

SUMMARY OF THE PROPOSED SETTLEMENT TERMS

The following is a summary of the terms of the proposed Settlement Agreement.

A. Gross Settlement Amount

This Settlement Agreement creates a total settlement fund of one million, two hundred thousand dollars (\$1,200,000.00) (“Gross Settlement Amount”). This Gross Settlement Amount includes: (1) the individual settlement payments to all participating Class Members; (2) a Class Representative Enhancement Payment of \$10,000 to be split between Frederick Schulz, Brandon Warren, and Matthew Warren for their services on behalf of the class, and for a release of all claims arising out of their employment with Defendant; and (3) Class Counsel’s attorneys’ fees and costs in the amount of \$300,000.00. After deducting the above payments, a total of approximately \$890,000.00 will be allocated to Class Members who do not opt out of the Settlement Class (“Net Settlement Fund”).

B. Calculation of Individual Claims

The individual Settlement Share payment to a Settlement Class Member will be calculated based on Workweeks worked by each Settlement Class Member during the time period of April 10, 2016 through February 3, 2022. Individual Settlement Shares for that time period will be calculated by dividing the number of weeks a Settlement Class Member worked in the role of a casual driver (“Casual”) for Defendant in California from April 10, 2016 to February 3, 2022 (“Workweeks”), by all the number of weeks worked by all Settlement Class Members as Casuals in California during that time period, and then multiplying the resulting figure by the Net Settlement Fund.

The Individual Settlement Payment will be reduced by any required deductions for each Class Member as specifically set forth herein, including employee-side tax withholdings or deductions. If there are any valid and timely Requests for Exclusion, the Settlement Administrator shall proportionately increase each Participating Class Member’s share of the Net Settlement Fund according to the number of Workweeks worked, so that the amount actually distributed to the Settlement Class equals 100% of the Net Settlement Fund.

According to Defendant’s records, you worked during the Class Period as a casual driver for a total of «Total_Weeks» Workweeks. Accordingly, your estimated payment from the Net Settlement Fund is approximately «Est_Set_Amt».

If you believe the Workweek information provided above is incorrect, please contact the Settlement Administrator to dispute the calculation. You must attach all documentation in support of your dispute (such as check stubs, W2s, or letters from HR). All disputes must be postmarked or faxed on or before July 25, 2022 and must be sent to:

Settlement Administrator
c/o Phoenix Settlement Administrators
PO BOX 7208
Orange, CA 92863

C. Release

Each member of the Settlement Class releases Released Parties from any and all claims, debts, liabilities, demands, obligations, penalties, premium pay, guarantees, costs, expenses, attorney's fees, damages, actions or causes of action of whatever kind or nature, whether known or unknown, contingent or accrued, under any legal theory that were or could have been alleged in the operative complaint in the Action arising during the period from April 10, 2016, to the date on which the Court grants final approval of the settlement and related to work performed as Casual employees ("Released Claims"). The Released Claims include, but are not limited to, claims for any alleged failure to pay all wages due (including minimum wage and overtime wages), failure to pay for all hours worked (including off-the clock work), failure to provide meal and rest periods, short/late meal and rest periods, failure to relieve of all duties during meal and rest periods, failure to pay or underpayment of meal and rest break premiums, auto-deduction of meal periods, failure to timely pay final wages, and unfair business practices relating to the foregoing, up to and including the date of final approval by the Court. The Released Claims include without limitation claims meeting the above definition(s) under any and all applicable statutes, including, but not limited to, any provision of the California Labor Code; Private Attorneys General Act (California Labor Code §§ 2698, *et seq.*); California Business & Professions Code §§ 17200 *et seq.*; any provision of the applicable California Industrial Welfare Commission Wage Orders, or the Fair Labor Standards Act, based on the facts or claims alleged in the Complaint(s) in the Action. This release shall apply to all claims arising at any point between April 10, 2016 and the date of Final Approval ("Release Period"). Released Claims do not include claims by Settlement Class Members arising out of work performed in any capacity other than as a "casual employee."

YOUR OPTIONS UNDER THE SETTLEMENT

Option 1 – *Automatically Receive a Payment from the Settlement*

If you want to receive your payment from the settlement, then no further action is required on your part. You will automatically receive your settlement payment from the Settlement Administrator if and when the Settlement receives final approval by the Court.

If you choose Option 1, and if the Court grants final approval of the settlement, you will be mailed a check for your share of the settlement funds. In addition, you will be deemed to have released the claims as described above.

Option 2 -- *Opt Out of the Settlement*

You have the right to exclude yourself from the Class and the settlement. If you wish to be excluded, you must mail a Request for Exclusion postmark no later than July 25, 2022 at the address set forth below. The Request for Exclusion must contain the following: (a) the words "DHL EXPRESS, Case No. 3:20-cv-04490-RS" (b) your full name, (c) your address (d) the last four digits of your Social Security number, (e) the statement, "I wish to be excluded from the Settlement," and (f) your signature. Mail your Request for Exclusion to:

Phoenix Settlement Administrators
PO BOX 7208
Orange, CA 92863

If you timely request exclusion from the Class, you will be excluded from the Class, you will receive no payment from the settlement, and you will not be bound by the judgment entered in the Action.

Option 3 -- *Object to the Settlement*

If you decide to object to the settlement, you must submit an objection stating why you object to the settlement. Your objection must provide: (1) the name and case number of this Action, (2) your full name, last four digits of their social security number, and current address, (3) the specific reason(s) for the objection, and (4) all evidence and supporting papers (including, without limitation, all briefs, written evidence, and declarations) for the Court to consider.

To submit such an objection, you must send it in writing to the Settlement Administrator at the address below no later than July 25, 2022. The address where you send your objection is:

Phoenix Settlement Administrators
PO BOX 7208
Orange, CA 92863

If you timely request to be excluded from the Class (as described above), you do not have the right to object to the settlement or speak at the Final Approval Hearing. If you do not exclude yourself from the Class, you are entitled to appear and speak at the Final Approval Hearing regardless of whether you have submitted a timely written objection pursuant to this paragraph. You may, but need not, enter an appearance through counsel of your choice. If you do, you will be responsible for your personal attorneys' fees and costs.

ADDITIONAL INFORMATION

This description of the Action is general and does not cover all of the issues and proceedings thus far. In order to see the complete file including the individual terms of the settlement, you may visit the following website: www.phoenixclassaction.com/schulz-v-dhl.

If you have any questions about the settlement, you may contact Class counsel, who have been appointed to represent the interests of the Class in this matter:

QUADRA & COLL, LLP
James Quadra
Email: jquadra@quadracoll.com
Rebecca Coll
Email: rcoll@quadracoll.com 649
Mission Street, Fifth Floor
San Francisco, CA 94105
Tel: (415) 426-3502

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THE SETTLEMENT.