

Harris v. Southern New Hampshire University
Case No. RG21109745
Superior Court of California, Alameda County

If you worked for Southern New Hampshire University as a part-time adjunct instructor in California between February 21, 2017 and July 30, 2022, you are entitled to receive money from a class action settlement.

The California Superior Court, Alameda County, authorized this Class Notice.
This is not a solicitation from a lawyer.

PLEASE READ THIS CLASS NOTICE CAREFULLY. THIS PROPOSED SETTLEMENT AFFECTS YOUR LEGAL RIGHTS.

- The Settlement resolves a class-action lawsuit, *Harris v. Southern New Hampshire University* (the “Lawsuit”), which alleges that Southern New Hampshire University (“SNHU” or “Defendant”): (1) failed to pay Class Members for all hours worked, (2) failed to provide Class Members legally-compliant rest and meal breaks and failed to pay premium pay for missed rest and meal breaks, (3) failed to pay overtime compensation, (4) failed to issue to accurate itemized wage statements, (5) failed to pay all wages owed upon discharge from employment, and (6) failed to reimburse Class Members for necessary business expenses.
- The Court has not made any determination of the validity of the claims in the Lawsuit. Defendant denies the claims and contends that it complied with all applicable laws.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE PAYMENT	Get a payment, and give up your legal rights to pursue claims released by the settlement of the Lawsuit.
OPT OUT OF THE SETTLEMENT	Exclude yourself from the Settlement, get no class action settlement payment, and retain your legal rights to pursue claims that would otherwise be released by the Settlement of the Lawsuit.
OBJECT TO THE SETTLEMENT	If you do not opt out, you may write to the Settlement Administrator, Phoenix Settlement Administrators, Inc. (“Phoenix”), about why you object to the Settlement, and they will forward your concerns to counsel who will provide them to the Court. If the Court approves the Settlement despite your objection, you will still be bound by the Settlement. If you timely object, you or your attorney may also address the Court during the Final Approval hearing scheduled for April 5, 2023 at 10:00 a.m. in Department 21 of the Alameda County Superior Court.

- The Settlement fund will be used to settle claims of all Class Members. “Class Members” refers to all part-time adjunct instructors who are or have been employed by SNHU in California from February 21, 2017 through July 30, 2022 (“Class Period”). The amount of Class Members’ individual settlements will be calculated based on the number of “Compensable Assignments” that the Class Member had during the Class Period, as explained below at Paragraph 10. The Settlement fund will also be used to settle claims brought on behalf of the California Labor & Workforce Development Agency (“LWDA”) under the Private Attorneys General Act (“PAGA”) with respect to all part-time adjunct instructors who are or have been employed by SNHU in California from February 22, 2020 through July 30, 2022 (“PAGA Period”).
- The Court has preliminarily approved this Settlement. A Final Approval hearing addressing the fairness, adequacy, and reasonableness of the Settlement is scheduled to be held on April 5, 2023 at 10:00 a.m. to determine whether the Settlement should receive the Court’s final approval. That date is subject to possible change by the Court without further Notice (see below for where to find more information).
- Lawyers for the Class Members will be asking the Court to award one-third (\$491,666.67) of the Gross Settlement Amount (\$1,475,000) as attorneys’ fees for investigating the facts, litigating the case, and negotiating the Settlement, as well as reasonable costs not to exceed \$20,000 incurred during the Lawsuit. They also will ask the Court to approve an incentive payment of \$7,500 to the named Plaintiff (*i.e.*, Class Representative) who assisted in litigating this case for the benefit of all Class Members and who will also be providing Defendant with a general release of claims.
- Any questions? Read on or visit www.phoenixclassaction.com/harris-v-southern-new-hampshire-university/.

BASIC INFORMATION

1. Why did I get this Class Notice package?

Defendant’s records show that you work, or previously worked, for SNHU in California as a part-time adjunct instructor at some point between February 21, 2017 through July 30, 2022. You were sent this Class Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to finally approve the Settlement. If the Court approves the Settlement and then any objections and appeals are resolved, a “Settlement Administrator” appointed by the Court will make the payments described in this Notice. This Notice explains the Lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What is this Lawsuit about?

The Plaintiff in this Lawsuit, Chad Harris, alleged that during the Class Period, Defendant violated California law by failing to pay Class Members for all hours worked, failing to provide them with legally compliant rest breaks and rest-break premium pay, failing to provide meal breaks or pay missed-meal-break premium pay, failing to pay overtime wages, failing to pay all wages owed upon separation from employment, failing to furnish accurate wage statements, and failing to reimburse necessary business expenses. Plaintiff also alleged that Defendant owed PAGA Penalties for those violations of California law during the PAGA Period. As noted above, Defendant denies these allegations and contends that Plaintiff’s claims have no merit. A copy of the most recent version of the Complaint (and other documents, as discussed below) may be found at www.phoenixclassaction.com/harris-v-southern-new-hampshire-university/.

3. Why is this a class action?

In a class action, one or more people called class representatives make allegations on behalf of other people who they allege have similar claims. All these people comprise a class and are referred to as class members, except for those who decide to exclude themselves from the class in response to the class notice. In a class action, one court resolves the issues for all class members in a single case.

4. Why is there a settlement?

The Parties disagree on the probable outcome of the case with respect to liability and damages. Plaintiff believes that the claims asserted against Defendant are valid and could be proven if the case went to trial. Defendant believes that Plaintiff's claims have no merit and that Plaintiff would not prevail if the case went to trial. Defendant further contends that, other than in the context of this Settlement, the case is not suitable for class treatment. The Court has not decided in favor of Plaintiff or Defendant. There has been no trial in this case. Instead, both sides recognize the risks, expenses, and disruptions that are associated with continued litigation, and they have therefore chosen to resolve their differences by entering into this Settlement. The Parties entered this Settlement after arm's length negotiations using the services of an experienced and neutral mediator. Plaintiff and Class Counsel believe that this Settlement is fair and reasonable and is in the best interests of all Class Members.

5. What is a class action settlement?

In a class action, the Court must decide whether to grant final approval of the terms of the Settlement described below as fair and reasonable to the Class. Once approved, the Settlement will affect all Class Members who do not opt out. This Class Notice explains your legal rights, the terms of the Settlement, what you must do to participate or opt out, and the amount of money you may get. Please read this entire Class Notice carefully.

6. How do I know if I am a Class Member?

If you fit the following description, then you are a Class Member: All part-time adjunct instructors who are or have been employed by SNHU in California at any time between February 21, 2017 and July 30, 2022.

7. Are there exceptions to being included?

You are not a Class Member if you were not employed by SNHU as a part-time adjunct instructor in California at any time between February 21, 2017 and July 30, 2022. You can also choose to be excluded from this Settlement by opting out of this Settlement in the manner described below.

8. I'm still not sure if I am a Class Member. What should I do?

You may contact the Settlement Administrator for further information, or you may also contact Class Counsel at the contact information provided in Section 22 of this Notice. Or you can do nothing, and if you are entitled to a payment you will be paid. Be mindful, however, that if this Class Notice reaches you and the address where you now live is different, you should contact the Settlement Administrator and provide updated information so that any future correspondence or the settlement check itself reaches you and is not returned as an address unknown.

9. What does the Settlement provide?

The Parties have agreed to settle the Lawsuit for a “Gross Settlement Amount” of One Million Four Hundred and Seventy-Five Thousand Dollars (\$1,475,000.00). The Settlement is “non-reversionary,” which means that the entire Gross Settlement Amount will be paid out, subject to various Court-approved deductions listed below in this Section, and none of the funds will revert to Defendant. In addition to the Gross Settlement Amount, Defendant will bear all employer-side payroll tax payments due and payable to federal and state tax authorities as a result of this Settlement. The Gross Settlement Amount shall be deemed in satisfaction of claims for: (1) unpaid wages, rest-break premiums, meal-break premiums, unpaid overtime pay, unreimbursed business expenses, penalties, interest, and/or other amounts to be paid to Class Members; (2) attorneys’ fees not to exceed one-third of the Gross Settlement Amount and costs of Class Counsel not to exceed \$20,000; (3) a service payment not to exceed \$7,500 to the named Plaintiff; (4) all costs of third-party settlement administration expected to not exceed \$15,000; and (5) payment to the LWDA of \$22,500 as its share of \$30,000 allocated to penalties under PAGA (California Labor Code §§ 2698 *et seq.*).

10. How will Settlement payments to Class Members be calculated?

The funds payable to Class Members will be calculated based on the following:

From the Gross Settlement Amount, payments will be made to Class Counsel, the Class Representatives, the LWDA for its share of PAGA Penalties, and the Settlement Administrator. What remains after these payments is called the “Net Settlement Amount.” Its amount will depend on the final Court-approved amounts of the deductions just listed. The Net Settlement Amount shall be paid to Class Members in individual settlement payments, which consist of two categories: (1) A Waiting Time Penalty Payment; and (2) A Per-Assignment Payment. First, a Waiting Time Penalty Payment of \$50.00 will be paid to any Class Member who terminated his or her employment with SNHU, for any reason, during the Class Period. Second, the Remaining Net Settlement Amount will be paid to Class Members based on the total number of Compensable Assignments that a Class Member worked during the Class Period, and Assignments of more than nine weeks’ duration will be weighted at 1.2 times Assignments of nine or fewer weeks duration. Compensable Assignments include, among other things, Team Lead assignments.

In addition, the employees’ share of PAGA Penalties included in the Net Settlement Amount will be paid to Class Members who worked during the PAGA Period, with individual PAGA payments based on the same formula described above for Per-Assignment Payments (*i.e.*, total number and duration of Compensable Assignments during the PAGA Period).

11. How much will I get from the Settlement?

SNHU’s records indicate that your employment [was/was not] terminated during the Class Period, and thus you [are/are not] entitled to a \$50.00 payment for Waiting Time Penalties. SNHU’s records indicate that you had < >> Compensable Assignments of nine or fewer weeks’ duration as a part-time adjunct instructor during the Class Period, and << >> Compensable Assignments of more than nine weeks’ duration as a part-time adjunct instructor during the Class Period. Based on these records, your estimated Settlement Payment as a Class Member would be \$<<EstimatedAward>>. This amount does not include any PAGA Penalties that may be owed to you under the Settlement.

If you believe that your employment status related to the Waiting Time Penalty payment was different than what is stated above, or if you believe that you worked a different number of Compensable Assignments during the Class Period than indicated by the numbers above, you may dispute your Settlement Payment calculation by providing

written documentation to the Settlement Administrator supporting your position on or before February 20, 2023. Your dispute must contain: your full name, address, signature, last four digits of your Social Security number, the case name, and an explanation of the dispute along with any supporting documentation confirming that the payment amounts attributed to you are incorrect. If you do not dispute your calculation and do not opt out of the Settlement, you will receive a Settlement Payment based on the above calculations and will be bound by the Settlement. The Settlement Administrator's determination of disputes will be final and non-appealable. **If you are a Class Member, you do not need to take any action to receive the Settlement Payment as set forth above.**

The \$50 Waiting Time Penalty payment (if any) and 90% of the remainder of each Settlement Payment will be designated as non-wage income, for which an IRS Form 1099 shall be issued as may be required. The remaining payment shall be designated as alleged unpaid wages, for which an IRS Form W-2 shall be issued. Class Members who opt out of the class settlement will still be paid their share of PAGA Penalties, for which an IRS Form 1099 shall be issued as may be required.

12. When would I get my payment?

As set forth in Section 18, below, the Court will hold a hearing on April 5, 2023 to decide whether to approve the Settlement. If the Court approves the Settlement, after that there may be appeals if anyone has filed a timely objection. It is always uncertain how and when objections and appeals will be resolved. To check on the progress of the Settlement, you may call the Settlement Administrator at 800.523.5773, or contact Class Counsel (*see* Section 22, below, for contact info). *Please be patient.*

13. What claims am I releasing if I participate in the Settlement?

Class Members who participate in the Settlement will release Defendant and each and all of its past and present parent, subsidiary, and affiliated corporations, entities, divisions, general and limited partners, joint venturers and affiliates, and each of their respective current and former directors, officers, managers, employees, principals, members, agents, managing agents, insurers, reinsurers, shareholders, attorneys, advisors, representatives, general partners, limited partners, joint venturers, and affiliated companies, and each of their respective executors, predecessors, successors, assigns and legal representatives (collectively, "Released Parties") in their representative and individual capacities whether under Lab. Code §§ 558, 558.1 or otherwise, any and all claims for wages, statutory penalties (but not PAGA Penalties), damages and liquidated damages, interest, restitution, injunctive relief, fees and costs under California law that were alleged in the operative complaint in the Action, and/or claims which reasonably relate to and which reasonably arise out of the same set of operative facts pled therein, whether such claims or forms of relief are known or unknown during the Class Period. This release shall apply to claims arising at any point during the Class Period. However, this release shall not apply to claims for workers' compensation benefits, unemployment insurance benefits, pension or retirement benefits, or any other claim or right that as a matter of law cannot be waived or released. In addition, the claims of the LWDA for civil penalties under PAGA pertaining to all Class Members (including those who opt out) shall be released during the PAGA Period based on the claims asserted in Plaintiff's PAGA Letters, operative complaint, and/or claims that reasonably relate to and which reasonably arise out of the same set of operative facts pled therein.

14. Do I have a lawyer in this case?

The Court has appointed two law firms, HammondLaw, P.C. and The Jhaveri-Weeks Firm, P.C. ("Class Counsel"), to represent you and all the other Class Members in this Lawsuit. Class Counsel will be compensated from the Gross Settlement Amount as discussed in this Class Notice. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of one-third of the Gross Settlement Amount (\$491,666.67) to them for attorneys' fees, as well as costs in an amount not to exceed \$20,000. The fees approved by the Court will pay Class Counsel for investigating the facts, litigating the case, and negotiating and finalizing the Settlement. Defendant has agreed not to oppose Class Counsel's application for these fees and expenses. The Court may choose to award less than the amount requested by Class Counsel. The requested payments to the Representative Plaintiff and to the Settlement Administrator would also come from the balance of the Gross Settlement Amount, and must be approved by the Court.

16. How can I opt out of this Settlement?

You can opt out of this Settlement and retain your rights instead of receiving a payment under this Settlement. To do so, you must submit a written statement requesting exclusion from the Settlement. The written statement must explicitly and unambiguously state the following or similar statement: "I wish to exclude myself from the settlement reached in the matter of *Harris v. Southern New Hampshire University*. I understand by excluding myself, I will not receive any money from the class settlement reached in this matter." The written statement must also contain your full name, address, signature, last four digits of your Social Security number, and the case name. Your written statement must be mailed to the Settlement Administrator, Phoenix, and be postmarked no later than February 20, 2023, or it will not be considered, and you will still remain a Settlement Class Member and be bound by the Settlement. Phoenix's address is listed in Section 23, below. You cannot opt out of the settlement of PAGA claims, so even if you opt out of this class action Settlement, you will still receive a payment for your share of PAGA Penalties, if any, and the LWDA's claim for PAGA Penalties pertaining to you will still be settled and released.

17. How do I tell the Court that I do not agree with the Settlement?

If you do not opt out, you can object to the Settlement if you do not agree with it. You should give reasons why you think the Court should not approve the Settlement and the Court will consider your views. To object, and to have the Court hear your views, you should send a letter saying that you object to the Settlement and give your reasons. Be sure to include your full name, signature, address, dates of employment, last four digits of your Social Security number and/or Employee ID number, case name and case number, and a clear statement of the reasons for your objection to the Settlement, and indicate whether you intend to appear at the Final Approval hearing. Your objection is to be mailed to the Settlement Administrator, Phoenix, and must be postmarked no later than February 20, 2023. Phoenix's address is listed in Section 23, below.

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to appear at the hearing.

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

The Court has scheduled a Final Approval hearing on April 5, 2023 in Department 21 of the Alameda County Superior Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections and they have been properly submitted, the Judge will consider them. The Judge will listen to people who attend the hearing and who do not opt out. The Court will also decide how much to award Class Counsel for their attorneys' fees and litigation costs. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long this decision will take. This hearing may be rescheduled by the Court without further notice to you. If you wish to confirm the date of the hearing, you may contact Phoenix or Class Counsel, or view the Court's electronic docket for this case as explained below in Section 22.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Judge may have. But you are welcome to attend. If you sent an objection, you do not have to come to court to talk about it. As long as you mailed your written objection according to Paragraph 17, above, the Court will consider it. You may also pay your own lawyer to attend, but that is not required.

20. May I speak at the hearing?

If you wish to speak at the Final Approval hearing, you may appear in person or by telephone at the scheduled hearing either yourself or through an attorney at your own expense, provided you notify the Court of your intent to do so. You cannot speak at the hearing if you have excluded yourself from the Settlement. To learn how to appear by telephone at the hearing, you may contact Class Counsel or the Settlement Administrator (*see* Sections 22 and 23 below), or you may visit the Court's website and online docket for this case to view any instructions by the Court for appearing at the hearing telephonically (*see* Section 22 for how to access the online docket).

21. What happens if I do nothing at all?

You will be a member of the Settlement Class. You will receive a Settlement Payment calculated as explained in Sections 10 and 11, above, and you will be bound by the release set forth in Section 13, above. Once the Settlement is finally approved by the Court, and the necessary deadlines have passed, you will be mailed your Settlement check.

GETTING MORE INFORMATION

22. Are there more details about the Settlement?

This Class Notice summarizes the proposed Settlement. You may call or contact the Settlement Administrator or Class Counsel if you would like more information about the Lawsuit. The Complaint, Motion for Preliminary Approval, and Settlement Agreement may be also obtained on the Settlement website here: www.phoenixclassaction.com/harris-v-southern-new-hampshire-university/. The pleadings and other records in this Lawsuit may be examined online on the Alameda County Superior Court's website at <https://eportal.alameda.courts.ca.gov/?q=Home>. After arriving at the website, create a free account, login to your account, select "Searches," select "Document Downloads," and enter the case number (RG21109745). Images of every document filed in the case may be purchased at a minimal charge. Class Counsel may be reached at:

THE JHAVERI-WEEKS FIRM, P.C.
William Jhaveri-Weeks (SBN 289984)
wjw@jhaveriweeks.com
Ally N. Girouard (SBN 336625)
ag@jhaveriweeks.com
351 California Street, Suite 700
San Francisco, CA 94104
Tel.: (415) 463-8097
Fax: (415) 367-1439

HAMMONDLAW, P.C.
Julian Hammond (SBN 268489)
jhammond@hammondlawpc.com
Polina Brandler (SBN 269086)
pbrandler@hammondlawpc.com
Ari Cherniak (SBN 290071)
acherniak@hammondlawpc.com
1201 Pacific Ave Suite 600
Tacoma, WA 98402
Tel.: (310) 601-6766
Fax: (310) 295-2385

23. How do I get more information?

You may visit www.phoenixclassaction.com/harris-v-southern-new-hampshire-university/, call the Settlement Administrator at 800.523.5773, or Class Counsel above, or write to the Settlement Administrator at P.O. Box 7208, Orange, CA 92863.

PLEASE DO NOT CONTACT THE COURT OR SNHU WITH INQUIRIES.