

UPDATE as of December 17, 2020

We are pleased to report that the government provided its last level of approval to the proposed settlement just as we were preparing to move forward with the case. While the approval process took several months longer than anticipated, we are now back on track.

We will proceed with notifying the Court and request that the Court preliminarily approval the settlement terms, approve notice to the Class of the settlement terms and the right to file objections and set a date for a fairness hearing for purposes of ruling on any objections.

Timing: Understandably, we have continued to receive a number of questions about timing. The review and approval of a settlement in a class action takes time. The Court must first make a preliminary determination that the settlement is fair. We will file the request to the Court early next week, having prepared the necessary motion papers while we awaiting the government's final approval. If the Court finds the settlement fair as a preliminary matter, then notice must be given to Class members who will be given an opportunity to file objections. If objections are received, the Court must consider them and decide, based on those objections and any other factors the Court wishes to consider, whether the settlement is fair and, thus, should be approved. If the Court finds, based on objections from Class members or considerations of its own that the settlement is not fair, there will be no settlement unless the parties come to a subsequent agreement. If the Court approves the settlement as written, then we would hope to see settlement checks issued in or about the spring of 2021. If the Court does not approve the settlement agreement, then the parties may either re-start negotiation of settlement under different terms – a process that would consume time and which may or may not yield agreement or approval. Alternatively, the litigation would proceed without settlement, likely entailing at least another year of litigation, as well as the likelihood of at least a year or year and a half for likely appeals – another 2 to 3 years in total. At that point, the ultimate result would be in the hands of the appellate court which could uphold the original decision of the Court of Claims that Class members are entitled to Sunday Premium Pay or it could reverse that decision. In the latter event, there would be no recovery.

Considerations - As you can see from above, any settlement requires balancing the risks of continued litigation and appeal and the possibility of

receiving nothing in the end no matter our view of the case, and the benefit of receiving a guaranteed recovery sooner rather than much later.

Obviously, it is always better to receive more, but one must weigh that possibility against the risk of potentially receiving no recovery or potentially receiving more, but at a much later date. Rest assured that we have exercised our best judgment in weighing all of these factors in our efforts to resolve the case in a positive manner now without further risk. If the Court grants preliminary approval of the settlement, we will promptly send notice of the terms of the agreement and the procedure for filing any objections.