

UPDATE as of September 24, 2020

As we previously reported, we have reached a tentative agreement on the terms of a proposed settlement, which is now at the last level of government's required multi-tiered review and approval process. We do expect to have a response in the relatively near future, but do not have a firm timeline for that yet. *That means we are somewhat behind the schedule we gave in our May 18th update, but we have gotten confirmation that the review process is well underway.*

If the government gives its approval to the negotiated terms, we will then notify the Court and, if the Court gives preliminary approval to the settlement terms, we will provide the information about the terms of settlement to Class members and instructions for those Class members who wish to file objections. The Court will not finally approve the settlement until it hears from Class members and rules on any objections.

Timing: Understandably, we have received a number of questions about timing. The review and approval of a settlement in a class action takes time. 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 the settlement checks issued by the end of this year. 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 appeal 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. Further detail will be provided to you once we learn if the required upper level government approval is given.