

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

SANDRA J. BATES, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

KNIGHT'S AIRPORT LIMOUSINE
SERVICE, INC., THOMAS R. HOGAN,
MICHAEL F. HOGAN, & MARK FORD,

Defendants.

Civil Action No. 1785CV-0609-C

NOTICE OF SETTLEMENT OF CLASS AND COLLECTIVE ACTION

To: Certain Present and Former Employees of Knight's Airport Limousine Service, Inc.,

Re: Settlement of Class Action Lawsuit

Date: November 9, 2018

INTRODUCTION

This Notice provides information about the above-referenced class action lawsuit, the terms of a proposed Settlement of the lawsuit, and explains your rights as a member of the Class. The Notice should not be understood as an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted by the parties. This Notice contains information about the following topics:

1. What is the Lawsuit About and Why Was This Notice Sent?
2. Who is Affected by the Proposed Settlement?
3. What Are the Terms of The Proposed Settlement and How Much Can You Expect to Receive?
4. Who Represents the Parties and How Will Attorneys for The Class Get Paid?
5. What Are Your Options?
6. What If You Do Nothing?
7. How Can You Object?
8. No Retaliation for Participation or Objection.
9. What if You Have Questions?

1. What is the Lawsuit About and Why Was This Notice Sent?

In this lawsuit, a former employee of Knight's Airport Limousine Service, Inc., ("Knight's") brought claims against Knight's, Thomas R. Hogan, Michael F. Hogan, and Mark Ford (all collectively "Defendants") alleging that audio and/or oral communications of drivers of, and

passengers in, Knight's Vehicles were secretly heard, intercepted, recorded or disclosed by Defendants, in violation of M.G.L. c. 272, § 99 and M.G.L. c. 214, § 1B. Defendants deny these allegations.

The lawsuit was filed and is pending in Worcester Superior Court. After negotiation, the parties have reached a proposed settlement of all claims.

The Court has granted preliminary approval of the settlement and has scheduled a hearing on January 8, 2019 at 2:00 p.m. in Courtroom #26 of the Worcester Superior Court, 225 Main St., Worcester, MA 01608, to determine whether to grant final approval of the settlement. This Notice tells you about your rights and proposed settlement disbursement under the proposed settlement.

2. Who is Affected by The Proposed Settlement?

The proposed settlement affects individuals who drove or rode in a Knight's Vehicle in Massachusetts between April 14, 2014 through December 31, 2016 (the "Class Period"). The Court has certified two Classes, defined as follows:

Driver Class: All persons who drove a Knight's Vehicle during the Class Period.

Passenger Class: All persons who rode as a passenger in a Knight's Vehicle during the Class Period.

Having received this Notice, you are a member of the Driver Class. Unless you object you will take part in the Settlement as a Driver Class Member. This means that unless you object, your rights will be impacted, and you will receive a Settlement Disbursement, in the event that the Settlement is approved by the Court. See, "What Are Your Options?" below.

3. What Are the Terms of the Proposed Settlement, and How Much Can You Expect to Receive?

Subject to Court approval, Knight's will provide consideration to the Driver Class, the Passenger Class, the Class Representative, and Class Counsel as follows:

- A. Payments to each Driver Class Member: On or before January 31, 2019, Knight's shall pay to each Driver Class Member the sum of Five Hundred Dollars (\$500.00) ("Driver Class Member Payments"). The Driver Class Member Payments shall be reported to state and federal taxing authorities as non-wage income on an IRS Form 1099.
- B. Payment to Class Representative: On or before January 31, 2019, Knight's shall pay Plaintiff Sandra J. Bates, as Class Representative, the sum of Nine Thousand Dollars (\$9,000.00) (or such lower amount as is approved by the Court) as a Class Representative Stipend ("Class Representative Stipend").
- C. Settlement of Passenger Claims: Knight's shall offer to each Passenger Class Member a twenty-percent (20%) discount off one (1) regular round trip fare (the "Passenger Class

Member Discount”). The combined value of discounts provided to Passenger Class Members shall not exceed \$200,000.00 (“Passenger Fund Cap”).

- D. Attorneys’ Fees and Costs:** Knight’s shall make a payment of One Hundred Forty Thousand Dollars (\$140,000.00) (or such lower amount as is approved by the Court) (the “Attorneys’ Fees/Costs Payment”) to Forrest, Lamothe, Mazow, McCullough, Yasi & Yasi P.C. as Class Counsel’s fees and costs.

Once all approved disbursements have been made, any unclaimed funds shall be distributed to an agreed upon *cy pres*.

4. Who Represents the Parties and How Will the Attorneys for the Class Get Paid?

Attorneys for Plaintiff and the Class are:

Paul F.X. Yasi, Esq.
Brian P. McNiff, Esq.
Forrest, LaMothe, Mazow,
McCullough, Yasi & Yasi, P.C.
1 Salem Green, Suite 2
Salem, MA 01970
Telephone: 415.579.9481
Facsimile: 617.517.3271
pyasi@forrestlamothe.com
bmcniff@forrestlamothe.com

The named Plaintiff for the proposed settlement is Sandra J. Bates, a former employee/driver of Knight’s.

Class Counsel will apply to the Court for legal fees and reimbursement of costs of litigation in an amount of no more than \$140,000.00. Plaintiff will also request an incentive award of no more than \$9,000.00 in consideration for her service to the Class. The actual amounts awarded will be determined by the Court to ensure that the amount awarded as an incentive award and attorneys’ fees and costs is reasonable.

Attorneys for Defendants are:

David C. Kurtz, Esq.
Christopher M. Pardo, Esq.
Jonathan D. Persky, Esq.
Constangy, Brooks, Smith & Prophete, LLP
535 Boylston Street, Suite 902
Boston, MA 02116
617.849.7884
dkurtz@constangy.com
cpardo@constangy.com
jpersky@constangy.com

5. What Are Your Options?

You have two (2) options with regards to this Settlement. You can:

1. Participate in the Settlement as a Driver Class Member (*this will happen if you do nothing*); or
2. Object to the Settlement, and/or the request by Class Counsel for an award of attorneys' fees and expenses, and/or incentive award for Plaintiff.

You will find more details about the ramifications of each option.

6. What if You Do Nothing?

Having received this Notice, you have been identified as a Driver Class Member. If you do nothing more, you will be bound by the Settlement and will, upon approval of the Settlement by the Court and that approval becoming final, be deemed to have released all your federal, state, common law, and local claims for unlawful interception, use, or disclosure of audio recordings, breach of privacy, or any related claims as are set forth herein against Defendants during the Class Period.

You will receive a Settlement Disbursement (payment), in the amount of \$500.00, by mail at your last known address. The Settlement Disbursement will be made on or before January 30, 2019.

You cannot exclude yourself from the Settlement unless you object.

7. How Can You Object?

You may object to the Settlement, or to the Application for Attorney's Fees and Expenses, or to the Request for Plaintiff's incentive award.

In order to object to the Settlement, or to the Application for Attorney's Fees and Expenses, or to the Request for the representative Stipend payment, you must file a copy of a written objection with the Worcester Superior Court, Civil Clerk's Office, 225 Main St., Worcester, MA 01608, and mail a copy of your written objection to the counsel for the parties identified above no later than **December 10, 2018**.

Any written objection must be signed and state each specific reason in support of your objection and any legal support for each objection. **PLEASE DO NOT TELEPHONE THE COURT.**

If you submit a timely objection, you may also appear, at your own expense, at the Final Approval Hearing. However, to appear at the Final Approval Hearing in Court, you must first submit a "*Notice of Intention to Appear at the Final Approval Hearing*" — which is currently set for January 8, 2019 at 2:00 p.m. in Courtroom #26 of the Worcester Superior Court, 225 Main St., Worcester, MA 01608.

You can represent yourself or appear through your own attorney. To do so, you or your attorney must also file a "*Notice of Appearance*" with Civil Clerk's Office, Worcester Superior Court, 225 Main St., Worcester, MA 01608, and deliver copies to each of the attorneys listed above, no later than **December 10, 2018**.

8. No Retaliation for Participation or Objection

Whether you are a current or former Knight's employee, your decision whether to participate or object will in no way affect your employment with Knight's. Knight's will not take any action against employees who participate in the Settlement, or object to the Settlement.

9. What if You Have Questions?

This notice only summarizes this lawsuit, the settlement, and related matters. For more information about the Settlement or if you have any questions regarding the Settlement, you may examine the Court file for the lawsuit by appearing in person at the Court. You may also contact counsel for any of the Parties set forth in Section 4 above.

The following documents will be made available for your review:

- 1. Joint Motion for Preliminary Approval of Settlement and Entry of Accompanying Order for Notice and Scheduling of Hearing on Settlement;*
- 2. Memorandum in Support of Joint Motion for Preliminary Approval of Settlement and Entry of Accompanying Order for Notice and Scheduling of Hearing on Settlement; and*
- 3. Class Action Settlement Agreement, Release, and Waiver;
Tab A: [Proposed] Notice of Settlement of Class Action (this Notice);
Tab B: [Proposed] Preliminary Approval Order.*