

# **OFFICIAL LEGAL NOTICE OF CERTIFIED CLASS ACTION**

*This notice was authorized by the U.S. District Court for the North District of West Virginia. This is not a solicitation by a lawyer. You are not being sued. Please read this notice carefully as it may affect your rights.*

## **ATTENTION: IF YOU WORKED AT OHIO VALLEY MEDICAL CENTER IN 2019 YOU MAY BE A MEMBER OF A CERTIFIED CLASS**

A class action lawsuit is pending in the U.S. District Court for the Northern District of West Virginia. The case is called *Keith Reed, Elizabeth Schenkel, Emily Wines, Mark Garan, and August Ullum, individually and on behalf of others similarly situated, v. Alecto Healthcare Services, LLC and Alecto Healthcare Services Wheeling, LLC*, Case No. 5:19-cv-0263.

If you worked for the Ohio Valley Medical Center in Wheeling, WV in 2019, as described below on page 2, your rights may be affected and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money through the Court's orders or a settlement in this case, but you give up any rights to sue Alecto separately.
<b>ASK TO BE EXCLUDED ("Opt Out")</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded and money is later awarded you won't share in the recovery. But, you keep any rights to sue Alecto separately about the same claims that you may have.

### **Important Dates and Deadlines**

**"Opt Out" Deadline October 25, 2022**

**Comment/Objection Deadline: October 25, 2022**

*The purpose of this Notice is to explain the nature of the lawsuit and to inform you of your legal rights and deadlines to act. You should read this Notice carefully in its entirety.*

## **BASIC INFORMATION ABOUT THE LAWSUIT**

### **1. What is the lawsuit about?**

This lawsuit is about whether the Defendants Alecto Healthcare Services, LLC and Alecto Healthcare Services Wheeling, LLC (collectively, "Alecto") violated the Worker Adjustment and Retraining Notification (WARN) Act. The Plaintiffs filed this lawsuit alleging that Alecto failed to provide employees with sixty-days' notice required under the WARN Act prior to closing the Ohio Valley Medical

Center (“OVMC”) in Wheeling, West Virginia. The Plaintiffs in this case seek wages and benefits for each day, up to 60-days, that Alecto did not provide adequate notice to Class members.

The Court has decided that Alecto violated the WARN Act as a matter of law, but has not yet determined what damages should be paid. There is no money available now, and no guarantee there will be. The Plaintiffs representing the Class will have to prove their damages claims in Court. The Court has set a briefing schedule and a hearing on September 26, 2022 to determine damages due, if any, to the Plaintiffs and Class Members. The Court may set further deadlines to decide whether certain people are included in the Class’s definition (see Question 4 below). You will be notified if the Court later determines you are excluded from the Class.

## **2. What is a class action and who is involved?**

In a class action lawsuit, one or more people called the “Class Representatives” (in this case, Keith Reed, Elizabeth Schenkel, Emily Wines, Mark Garan, and August Ullum), sue on behalf of people who have similar claims. The people together are the “Class” or “Class Members.” The people who sued are the Plaintiffs. The companies they sued (in this case, Alecto Healthcare Services, LLC and Alecto Healthcare Services Wheeling, LLC) are called the Defendants. One court resolves the issues for everyone in the Class – except for those people who chose to exclude themselves from the Class or those people the Court later decides are excluded from the definition of the Class.

## **3. Why is this Notice being sent?**

This Notice is to inform you that the Court decided that this lawsuit should proceed as a Class action since there is a group of individuals with similar claims.

## **4. Who is in the Class?**

A hearing was held on Plaintiffs’ Motion to Certify Class on July 25, 2022, and the Court entered its Order certifying this as a class action on July 27, 2022. Under Judge Bailey’s Order, the Class includes:

All employees employed at Ohio Valley Medical Center (“OVMC”) who suffered an employment loss as a result of OVMC’s plant closing in 2019, without receiving sixty [60] days advance notice as required by the Worker Adjustment and Retraining Notification Act.

## **5. Why did you get this Notice?**

You were identified as a potential Class Member according to records maintained by Alecto. Unless you submit a Request to Opt Out (as explained below) or the Court determines you are not a Class Member, you will be a Class Member. If you are a Class Member, you will be bound by any future order, judgment, or settlement in this matter.

## YOUR OPTIONS

### **6. What are my options as a Class member?**

You must decide whether to stay in the Class or opt out of it. If you want to stay in the Class, you do not have to do anything. If you wish to opt out of the Class, you must submit a Request to Opt Out (explained below).

### **7. What happens if I choose to stay in the Class?**

If you stay in the Class, you will be permitted to share in any potential recovery that may occur in this lawsuit if the Court determines you are a Class Member and you are owed damages or there is a settlement. You will also reserve the right to object to any proposed settlement and participate in future proceedings, if allowed by the Court. However, by staying in the Class, you give up any rights to sue Alecto separately about the same legal claims in this lawsuit. You also will be legally bound by all of the orders and judgments entered by the Court in this lawsuit, even if there is no recovery.

### **8. How do I stay in the Class?**

If you wish to stay in the Class, you do not need to do anything.

### **9. What happens if I opt out of the Class?**

If you opt out of the Class (by following the procedure explained below), you will give up the right to participate in any recovery or settlement that may occur. But you will keep any rights you may currently have to sue Alecto for the legal claims at issue in this lawsuit. You also will not be bound by the orders and judgments entered by the Court in this lawsuit.

### **10. How do I opt out of the Class?**

If you do not want to remain a Class Member, you must submit a written “Request to Opt Out” to CPT Group, Inc. by regular mail or email. Mail submissions must be postmarked by October 25, 2022 and sent to Reed, et al. v. Alecto Healthcare Services, LLC, et al., c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606. Email submissions must be received by October 25, 2022 and sent to AlectoHealthcareLawsuit@cptgroup.com.

Your Request to Opt Out must include:

- Your name, address, email address and telephone number;
- A statement confirming that you want to opt out of the Class; and
- The case name and number: “*Reed, et al. v. Alecto Healthcare Services, LLC, et al*, Case No. 5:19-cv-0263.”

The Court will exclude from the Class those individuals who timely request to be excluded in accordance with the procedures outlined in this Notice.

**MORE INFORMATION**

**11. Who represents me as a Class member?**

The Court has appointed attorneys from Mountain State Justice Inc.; Cassidy, Cogan, Shapell & Voegelin, LC; Stember Cohn & Davidson-Welling, LLC; and Risovich Law Offices, PLLC, to represent you and other Class Members as Class Counsel.

To reach Class Counsel, please call or contact them by U.S. mail or email at:

Attn: Bren Pomponio, Esq.  
bren@msjlaw.org  
**Mountain State Justice, Inc.**  
1217 Quarrier Street  
Charleston, WV 25301  
(304) 344-3144

Or

Attn: Maureen Davidson-Welling, Esq (pro hac vice)  
mdw@stembercohn.com  
**Stember Cohn & Davidson-Welling, LLC**  
The Hartley Rose Building  
425 First Avenue, 7th Floor  
Pittsburgh, PA 15219  
(412) 891-6860

Please be sure to reference the case name in all such communications: “*Reed, et al. v. Alecto Healthcare Services, LLC, et al*, Case No. 5:19-cv-0263.”

**12. How will the lawyers for the Class get paid?**

If Class Counsel gets money for the Class, they may ask the Court for fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Alecto. Plaintiffs will file a petition for fees and expenses (or for interim fees and expenses if the case is not yet concluded) on or before October 10, 2022. Plaintiffs’ fee and expense request will be available at [www.cptgroupcaseinfo.com/AlectoHealthcareLawsuit](http://www.cptgroupcaseinfo.com/AlectoHealthcareLawsuit) once it is filed. You may comment or object to this request, in accordance with the procedures and deadlines explained in the answer to Question 13 below. The Court will determine the appropriate attorney’s fees and costs.

### **13. How can I comment or object to the fees and expenses requested?**

You may submit comments or objections to the fees and expenses requested. To do so you must file your written objections with the Clerk of the United States District Court for the Northern District of West Virginia, 1125 Chapline Street, Wheeling, WV 26003, and send copies via registered mail or email to:

- Reed, et al. v. Alecto Healthcare Services, LLC, et al., c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606, AlectoHealthcareLawsuit@cptgroup.com, and
- Class Counsel (contact information listed above in response to Question 11), and
- Defendants' counsel: Chelsea E. Thompson, Esquire, 300 Kanawha Boulevard, East Charleston, WV 25301, cthompson@spilmanlaw.com.

Mail submissions must be postmarked by October 25, 2022. Email submissions must be received by 5:00 p.m. Eastern Standard Time, on October 25, 2022. You must make sure to include your name, current address and telephone, the case name and case number, and state in detail the specific reasons for your objections and any supporting legal authority. Even if you object, you are bound by the Court's orders and judgment unless you timely Request to Opt Out.

### **14. Should I hire my own lawyer?**

If you do not exclude yourself from the Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

### **15. Do I need to attend the Court proceedings?**

No, you do not need to attend the hearing on damages or other Court proceedings in this case. Class Counsel will present the case for the Plaintiffs and Class, and Alecto will present the defenses. You or your own lawyer are welcome to come at your own expense.

### **16. Where do I get more information?**

For more information, visit the website, [www.cptgroupcaseinfo.com/AlectoHealthcareLawsuit](http://www.cptgroupcaseinfo.com/AlectoHealthcareLawsuit), where you will find the Plaintiffs' Amended Class Action Complaint, the Defendant's Answer and Affirmative Defenses to the Amended Complaint, the Court's Order Granting Plaintiff's Motion for Class Certification, Notice of Class Certification and an Exclusion Request form.

You may review the pleadings and all other documents in this case at the office of the Clerk of the Court, who will make the file available to you for inspection and copying at your expense.

You may also speak to one of the lawyers for the Class by calling (304) 344-3144 or (412) 891-6860 or by writing to Class Counsel at the address listed above in response to Question 11.

*Do not contact the Judge or Defendants about the lawsuit or this Notice.*

**17. What if I need to update my address?**

If this notice was sent to the wrong address, or if your address changes, you should immediately send a letter to Reed, et al. v. Alecto Healthcare Services, LLC, et al., c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606 identifying the case name and number, your name, telephone, and email, the reason for the change, and stating your correct home address.

DATED: SEPTEMBER 20, 2022

**By order of the Honorable Judge Bailey,  
U.S. District Court for the Northern District of  
West Virginia**