

**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR COWLITZ COUNTY**

Ryan Searcy v. Nippon Dynawave Packaging Company, LLC
Cowlitz County Superior Court Civil Case No. 23-2-00175-08

— NOTICE OF CLASS ACTION SETTLEMENT —

A court authorized this notice. This is not a solicitation from a lawyer.

TO: All individuals who, at any time between February 23, 2020, and April 30, 2024, were employed by Nippon Dynawave Packaging Company LLC in the State of Washington in positions paid on an hourly basis.

PLEASE READ THIS NOTICE. A settlement in a class action may affect your rights. You may be entitled to a payment from the settlement. You do not need to do anything to receive a payment so long as your contact information is correct.

- Former employees brought claims against Nippon Dynawave Packaging Company, LLC (hereafter “Nippon”) alleging that Nippon failed to provide legally compliant meal and rest periods. Nippon strongly denies these claims. The parties have reached a proposed Class Action Settlement.
- Nippon strongly denies any fault, wrongdoing, or liability. If the Parties had not reached a Settlement, Nippon would have continued to vigorously defend against Plaintiffs’ claims, including seeking a denial of class certification and a full defense verdict at trial. Nippon agreed to this Settlement to avoid the risk, burden, and expense of further litigation, and as a means of making its employees whole for even any arguable claims relating to the lawsuit.
- The Class Action Settlement includes a total maximum settlement payment by Nippon of Four Million Five Hundred Thousand Dollars (\$4,500,000).
- To qualify for a share of these payments, you must have been employed by Nippon in the State of Washington in a position performing onsite work at customer locations and paid on an hourly basis between February 23, 2020, and April 30, 2024, and have not excluded yourself from the Class Action Settlement.

Your Estimated Gross Settlement Award Before Taxes
<<EstAmnt>>

- **You do not need to do anything to be eligible to receive a share of the settlement payment.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You will be eligible to get a payment for your share of the Class Action Settlement. (You may need to provide the Settlement Administrator with any updated contact information to ensure you receive a payment). You will give up rights relating to the legal claims in this Case.
ASK TO BE EXCLUDED	Get no payment. This is the only option that allows you to ever be a part of any other lawsuit against Nippon with respect to the legal claims in this Case.
OBJECT	Write to the Court if you do not like the settlement and explain why. If the Settlement is approved, you will still receive a payment and you will give up rights relating to the legal claims in this Case.

GO TO A HEARING

Ask to speak in Court about the fairness of the Class Action Settlement. If the Settlement is approved, you will still receive a payment and you will give up rights relating to the legal claims in this Case.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this Case still has to decide whether to finally approve the Settlement. If the Court approves the Settlement, payments will be made after any appeals are resolved. Please be patient.

1. Why did I get this Notice?

Nippon’s records show that you were employed by Nippon in the State of Washington sometime between February 23, 2020, and April 30, 2024, in a position performing onsite work at customer locations and paid on an hourly basis. The Court has authorized this Notice to be sent to you to inform you about a proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to finally approve the Settlement. If the Court approves the Settlement, and after any appeals are resolved, payments will be made to Settlement Class Members who do not affirmatively request to be excluded from the Settlement.

This Notice explains the Case, the Class Action Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What is the Case about?

The Plaintiff, Ryan Searcy, claims that Nippon violated Washington State wage and hour laws by failing to provide legally compliant meal and rest periods. Nippon has denied the Plaintiff’s claims.

The Superior Court for the State of Washington in and for Cowlitz County, is overseeing this Class Action. The lawsuit is known as *Ryan Searcy v. Nippon Dynawave Packaging LLC*, Pierce County Superior Court Civil Case No. 23-2-00175-08 (the “Case”).

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called a “Class Representative” sues on behalf of other people whom they believe have similar claims. The people together are a “Class” or “Class Members.” The employee(s) who sued, and who represent(s) the Class, is/are called the Plaintiff(s).

The person the Plaintiff(s) sue(s) (in this case Nippon) is/are called the Defendant(s). In a class action, one court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or Nippon. Instead, both sides agreed to a Settlement. This allows the parties to avoid the cost of a trial, and the people affected will be entitled to compensation. The Class Representatives and their attorneys think the Settlement is best for everyone in the Class.

5. How do I know whether I am part of the Settlement?

As part of the Settlement of the Case, the Pierce County Superior Court has decided that everyone who fits the following description is a Class Member:

All individuals who were employed by Nippon Dynawave Packaging, LLC in the State of Washington at any time from February 23, 2020, through April 30, 2024, in positions paid on an hourly basis.

If it is approved, the Settlement will cover all Settlement Class Members who have not timely and affirmatively excluded themselves from the Case. To be a part of and receive any money pursuant to the Settlement, Settlement Class Members need do nothing (other than refrain from affirmatively opting out of the Settlement).

6. What claims are covered by the Settlement?

The Settlement will resolve all of the claims of Settlement Class Members, whether known or unknown, that were brought or that could have been brought based on any facts alleged in the Case, including, but are not limited to any claims arising out of or relating to (1) any alleged missed, interrupted, shortened, untimely, unpaid, and/or non-compliant rest breaks and/or meal periods; and (2) any attendant claims for unpaid wages, overtime payments, premium payments, interest, exemplary damages, and attorneys' fees and costs relating to any of the foregoing are also included.

7. What are the basic terms of the Settlement?

Subject to Court approval, the essential terms of the Settlement are as follows:

- **Class Fund:** Approximately **\$2,964,000**, which will be available for the payment of Settlement Awards to Settlement Class Members who do not timely opt out of this Settlement.
- **Employer-side Payroll Taxes:** Approximately **\$156,000** in employer-side payroll taxes on amounts attributable to wages.
- **Service Award:** The Company will pay up to **\$7,500** to Plaintiff Ryan Searcy as a service award in recognition of her efforts in prosecuting the Case.
- **Settlement Administration Expenses Award:** Up to **\$15,000** to the Settlement Administrator for the processing of the Settlement, including the expenses of providing notice to Settlement Class Members, handling the claims administration process, processing payments to Settlement Class Members, and handling tax reporting requirements.
- **Attorney's Fees and Costs Award:** Up to **\$1,350,000** to Plaintiffs' attorney for the attorney's fees award and up to **\$7,500** for actual litigation costs they have incurred and will incur through final judgment in representing Plaintiffs and the Settlement Class.

Monetary Relief: The amount available to the Settlement Class is intended to compensate Settlement Class Members for the wages and other compensation they allegedly lost and damages they are allegedly owed as a result of the practices alleged in the Case.

Distribution of Class Fund: Each Settlement Class Member who does not submit a valid and timely request for exclusion will automatically receive a settlement payment. Each Settlement Class Member who does not request exclusion shall receive a minimum settlement payment of \$50.00. The remaining amounts after minimum payments from the class fund will be allocated to individual Settlement Class Members pro rata by dividing each Settlement Class Member's total wages paid by Nippon during the Settlement Class Period by the total aggregate wages paid to all Settlement Class Members and then multiplying the resulting ratio by the remaining amounts in the Class Fund. Checks will be mailed to Settlement Class Members by the Settlement Administrator. If any checks have not been negotiated within one hundred twenty (120) days after distribution, the funds from those checks will be sent in the corresponding Settlement Class Member's name to the Unclaimed Property Fund for the State of Washington pursuant to the Unclaimed Property Act (RCW 63.29 et seq). Nippon will not receive funds from any uncashed checks.

Tax Treatment of Settlement Awards: Fifty Percent (50%) of each Settlement Class Member's settlement award will be treated as wages and subject to normal tax withholding and shall be reported to the taxing authorities and the Settlement Class Member on an IRS Form W-2. Fifty Percent (50%) of each Settlement Class Member's settlement award will be treated as non-wages (a combination of penalties, enhancements, and prejudgment interest) on which there will be no tax withholding and for which an IRS Form 1099-MISC (marked "Other Income") shall be issued to the taxing authorities and the Settlement Class Member.

Release of Claims: Upon final approval by the Court, the Settlement Class and each Settlement Class Member who has not submitted a valid and timely written request to be excluded from the Settlement will irrevocably release any and all

claims, whether known or unknown, that were brought or that could have been brought based on any facts alleged in the Case. The Released Claims specifically include, but are not limited to any claims arising out of or relating to any alleged missed, interrupted, shortened, untimely, unpaid, and/or non-compliant rest breaks and/or meal periods, and any claims for unpaid overtime. Released Claims also includes any attendant claims for unpaid wages, overtime payments, premium payments, interest, exemplary damages, and attorneys' fees and costs relating to any of the foregoing..

This Release requires you to waive and precludes you from bringing any Released Claims against Defendant Nippon Dynawave Packaging LLC, as well as each of their respective (and as applicable) past, current, or future successors and assigns, together with each of their respective parent companies, subsidiaries, related or affiliated companies, members, shareholders, owners, investors, officers, directors, employees, agents, attorneys, and insurers, along with any other individual or entity who could be jointly or severally liable for any of the claims alleged in the Case or released by this Agreement.

Dismissal of Action: Upon final approval, the Court will enter a judgment of dismissal of the Case with prejudice but shall retain jurisdiction to enforce the terms of the settlement agreement.

8. How can I get a payment?

To get a payment, you don't need to do anything. As long as you do not submit a written request to be excluded from the Settlement, you will be a Settlement Class Member and will be entitled to payment.

9. When would I get my payment?

The Court will hold a hearing on September 4, 2024 at 2:00 p.m. to decide whether to finally approve the settlement. If the Lewis County Superior Court judge approves the settlement, the parties will then have to wait to see whether there is an appeal. This will take at least thirty (30) days and, if there is an appeal, can take up to a year or more to resolve. In the event of an appeal, information regarding the appeal's progress will be made available at www.cptgroupcaseinfo.com/NipponDynawaveSettlement. If there is no appeal, we expect payments will go out within approximately sixty (60) days of the Court's final approval of the Settlement. Please be patient.

10. Do I have a lawyer in this case?

The Court has decided that lawyers from the law firms of Entente Law PLLC and McHugh Law, PLLC are qualified to represent you and all Settlement Class Members. These lawyers are called "Class Counsel." You will not be charged for these lawyers. If you want to be represented by our own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

As indicated above, Class Counsel will seek payment of their attorney's fees in the amount of \$1,350,000, and their litigation costs in an amount of up to \$7,500, each of which must be approved by the Court as part of the final approval of this Settlement. Class Counsel has been working on this case since approximately February, 2023, and has not received any fees or reimbursements for the costs of the lawsuit.

12. How do I exclude myself from the Settlement?

If you fit the definition of a Settlement Class Member and want to exclude yourself from the Settlement, you must request exclusion in writing by August 1, 2024. You may be excluded as a member of the class by submitting a written request stating, "**I request that I be excluded from the Class in the case of Ryan Searcy v. Nippon Dynawave Packaging LLC**". The request must include your name, address, and signature. You must mail a copy of the letter to the Settlement Administrator at the following address postmarked no later than August 1, 2024:

Searcy v. Nippon Dynawave Packaging Company, LLC
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Tel.: 1(888) 272-1747/ Fax: (949) 419-3446

Email: NipponDynawaveSettlement@cptgroup.com
Website: www.cptgroupcaseinfo.com/NipponDynawaveSettlement

If you exclude yourself from the Settlement (i.e., opt out), you will not receive any payment from the Settlement. You will also not be entitled to object to the Settlement. If you exclude yourself, you will not be bound by the terms of the Settlement, including the Release described in Sections 6 and 7, above. This means you will retain the right at your own expense to pursue any claims you may have against Nippon.

13. If I don't like the Settlement, how do I tell the Court?

If you are a Settlement Class Member, have not excluded yourself from the Settlement, and do not like the Settlement or the fee request, you can object. You must do so in writing, and you must state the reasons why you think the Court should not approve the Settlement. If you object, be sure to include your name, address, and telephone number, the name of the Case (*Ryan Searcy v. Nippon Dynawave Packaging LLC*, Cowlitz County Superior Court Civil Case No. 23-2-00175-08), the reasons you object to the Settlement, and a signature. You must mail a copy of the objection to the following address **postmarked no later than August 1, 2024:**

Searcy v. Nippon Dynawave Packaging Company, LLC
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Tel.: 1(888) 272-1747 / Fax: (949) 419-3446
Email: NipponDynawaveSettlement@cptgroup.com
Website: www.cptgroupcaseinfo.com/NipponDynawaveSettlement

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

The Court will hold a Fairness Hearing on September 4, 2024 at 2:00 p.m., at the Cowlitz County Superior Court, 312 SW 1st Ave Ste 233; Kelso, WA 98626.

If there are objections, the Court will consider them. The Judge will listen to people who have asked to speak at the hearing (*see* Section 16). After the hearing, the Court will decide whether to finally approve the Settlement, including Class Counsel's request for attorney's fees and litigation costs, Settlement Administration Expenses, and Service and Full Release Award for the named Plaintiff. We do not know how long that decision will take.

15. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Judge may have, but you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but that is not necessary.

16. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying it is your "Notice of Intention to Appear in *Ryan Searcy v. Nippon Dynawave Packaging, LLC*, Pierce County Superior Court Civil Case No. 23-2-00175-08." Be sure to include your name, address, phone number, and your signature. Your Notice of Intention to Appear must be **postmarked no later than August 1, 2024**, and be sent to the Court, Class Counsel, and Defense Counsel at the three addresses set forth below.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Cowlitz County Superior Court 312 SW 1 st Ave Ste 233 Kelso, WA 98626	James B. Pizl Entente Law PLLC 315 39 th Ave SW, Suite 14 Puyallup, WA 98373	Elizabeth A. Falcone Ogletree, Deakins, Nash, Smoak & Stewart 222 SW Columbia St, Ste 1500 Portland, OR 97201

17. What happens if I do nothing at all?

If you do nothing—that is, if you do not mail or deliver a timely written request to exclude yourself from the Settlement—you will be part of the Settlement Class and will be entitled to a share of the Settlement. You will also be bound by the terms of the Settlement, including the Release described in Sections 6 and 7, above.

18. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting the website www.cptgroupcaseinfo.com/NipponDynawaveSettlement, which has a copy of the Settlement Agreement posted. Plaintiffs' motion for final approval of the settlement agreement, including Class Counsel's request for attorney's fees, costs, Settlement Administration Expenses, and a Service Award for the named Plaintiffs will be available for you to review on August 15, 2024 at www.cptgroupcaseinfo.com/NipponDynawaveSettlement.