

EMBRY V LASER SPINE
c/o RUST CONSULTING, INC. - 7967
P.O. BOX 2396
FARIBAULT, MN 55021-9096

IMPORTANT LEGAL MATERIALS

Claimant ID #: <<barcode39>>



- UAA - <<SequenceNo>>

<<Name1>>
<<Name2>>
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<<City>> <<State>> <<Zip10>>
<<CountryName>>

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA

**DEANNA ALI and HEATHER EMBRY, on behalf of themselves and a class of those others similarly situated, v.
LASER SPINE INSTITUTE, LLC, LSI MANAGEMENT COMPANY, LLC and LSI HOLDCO LLC.**

CASE NO.: 8:19-cv-535-T-23JSS (Consolidated)

If you were employed by Laser Spine Institute and terminated as a result of a mass layoff or plant closing without cause and without required notice on or about March 1, 2019, you could get a payment from a class action settlement.

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

- Former employees have sued Laser Spine Institute, LLC and associated entities ("LSI"), claiming they violated federal law in conducting a mass layoff of employees without providing employees the required notice under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §2101 et seq. ("WARN Act").
- The Court has allowed the lawsuit to be a class action on behalf of all former employees of LSI who were terminated or laid off without cause and without required notice from their employment on or about March 1, 2019, as part of the mass layoff or plant closing, as defined by the WARN Act, excluding directors and officers of LSI.
- A settlement will provide \$750,000 to pay WARN Act claims of former employees.
- The two sides disagree on how much money the former employees could have recovered if they won at trial.
- Your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
Do Nothing	Stay in this lawsuit. Receive Money. By doing nothing, you will receive a portion of the money that is coming from the settlement.
Object	Write to the Court about why you don't like the settlement.
Go to a Hearing	Ask to speak in Court about the fairness of the settlement.

- These 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 approve the settlement. Payments will be made if the Court approves the settlement and after appeals are resolved. Please be patient.
- **Any questions? Read on and visit www.lsiemployeelawsuit.com.**

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BASIC INFORMATION

1. Why did I get this notice?

LSI's records show that you were terminated or laid off without cause from your employment at LSI on or about March 1, 2019, as part of the mass layoff (or plant closing). The Court has previously allowed, or "certified," a class action lawsuit.

The Court sent you this notice because you have a right to know about a proposed settlement of the class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves it, and after objections and appeals are resolved, an administrator appointed by the Court will make the payments that the settlement allows.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

Judge Steven D. Merryday of the United States District Court for the Middle District of Florida is overseeing this class action. The lawsuit is known as *Ali v. LSI, LLC*, Case No: 8:19-cv-535-T-23JSS (Consolidated).

2. What is this lawsuit about?

This lawsuit is about whether LSI violated the WARN Act when it terminated a group of employees. You can find more information about the WARN Act at www.doleta.gov/layoff/warn.cfm.

On March 14, 2019, LSI and all of its associated entities assigned all of their assets to Soneet R. Kapila, in his capacity as the Assignee ("Assignee"). The Assignee filed Petitions with the Circuit Court for the Thirteenth Judicial Circuit in Hillsborough County, Florida ("Assignment Court") and has been working to resolve matters associated with LSI.

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

In a class action lawsuit, one or more people called "Class Representatives" (in this case Deanna Ali and Heather Embry) sued on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The employees who sued—and all the Class Members like them—are called the Plaintiffs. The companies they sued (in this case LSI and the Assignee) are called the Defendants. 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 Plaintiffs or Defendants. The Plaintiffs think they could have won sixty-days' pay and benefits for each class member. The Assignee thinks that the Plaintiffs would not have won anything from a trial. But there was no trial. Instead, both sides agreed to a settlement. The Class Representatives and the attorneys think settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT

5. Am I part of this settlement?

The Court decided that the Class is all former employees of LSI who were not given a minimum of 60 days' written notice of termination and whose employment was terminated during any 90-day period surrounding March 1, 2019 as a result of a "mass layoff" or "plant closing" as defined by the Worker Adjustment and Retraining Notification Act of 1988.

The payment amount for Class Members depends upon whether or not they worked at a Facility with fewer than 50 full-time employees as those terms are defined by the WARN Act.

6. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.lsiemployee lawsuit.com/ or by calling or writing the phone number or address listed in question 17.

THE SETTLEMENT BENEFITS—WHAT YOU GET

7. What does this settlement provide?

If the Assignment Court approves, the Assignee has agreed to create a \$750,000 fund to be divided among all class members, to pay the lawyers, and to pay the expenses of this lawsuit.

Class Members who worked at Facilities with fewer than 50 full-time employees will receive a payment of \$200.00.

All other Class Members will receive a pro-rata portion of 60 days' wages. The payment will have tax deductions made and will be reported on a Form W-2.

8. How much will my payment be?

The total of your projected Pre-Tax Amount is shown on the attached Exhibit A.

HOW YOU GET A PAYMENT

9. How do I get a payment?

To qualify for payment, you do not need to do anything.

10. When would I get my payment?

The Court will hold a hearing on June 12, 2023 to decide whether to approve the settlement. If Judge Merryday approves the settlement, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. In addition, it will take time to receive the money that will be available to pay the former employees. Please be patient.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

The Court decided that the law firms of Kwall Barack Nadeau PLLC of Clearwater, FL, and Wenzel Fenton Cabassa, PA of Tampa, FL, are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases against other employers. More information about these law firms, their practices, and their lawyers' experience is available at www.employeeights.com and www.wenzelfenton.com. If you want to be represented by your own lawyer, you may hire one at your own expense.

OBJECTING TO THE SETTLEMENT

12. How will the lawyers be paid?

Class Counsel has asked the Court to approve payment of one-third of the funds received by the Settlement Fund to them for attorneys' fees and reimbursement for \$6944.35 in costs. The fees would pay Class Counsel for investigating the facts, litigating the case, negotiating the settlement and reimbursing them for their expenses.

The costs for administering the Settlement Fund will be paid out of the Settlement Fund.

13. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to LSI Employee Class Settlement, *Ali v. LSI, LLC*, Case No: 8:19-cv-535-T-23JSS. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Your objection must be received no later than June 6, 2023 by the following three entities:

Clerk of the Court
United States Courthouse
801 N. Florida Ave.
Tampa, FL 33602

Class Counsel
Ryan D. Barack
Michelle Erin Nadeau
Kwall Barack Nadeau PLLC
304 S. Belcher Rd., Ste. C
Clearwater, FL 33765

Luis A. Cabassa
Brandon Hill
Wenzel Fenton Cabassa, P.A.
1110 N. Florida Ave.
Ste. 300
Tampa, FL 33602

Assignee's Counsel
Scott A. Stichter
Edward J. Peterson
Daniel R. Fogarty
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison Street, Ste. 200
Tampa, FL 33602

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

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

The Court will hold a Fairness Hearing at 2:00 pm on June 12, 2023 by Zoom Video Conference. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take. If you would like to attend this hearing, please contact Class Counsel for the Zoom information.

15. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you don't 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 it's 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 that in a "Notice of Intention to Appear in LSI Employee Class Settlement." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be received no later than June 6, 2023, and be sent to the Clerk of the Court, Class Counsel, and Assignee's Counsel, at the addresses in question 13.

GETTING MORE INFORMATION

17. Are more details available?

Visit the website www.lsiemployeelawsuit.com where you will find the Court's Order Certifying the Class, the Complaints that the Plaintiffs submitted, and the Answers the Defendant filed. You may also speak to one of the lawyers by calling 813-365-3417 or 727-441-4947, or by writing to:

Wenzel Fenton Cabassa, P.A.
1110 N. Florida Ave.
Suite 300
Tampa, FL 33602

or

Kwall Barack Nadeau PLLC
304 S. Belcher Rd.
Suite C
Clearwater, FL 33765

EXHIBIT A

<<Name1>>
<<Name2>>
<<Address1>>
<<Address2>>
<<Address3>>
<<City>> <<State>> <<Zip10>>

Projected Pre-Tax Amount	\$<<Estimated Award>>
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