

Notice of Proposed Class Action Settlement for Individuals

Who Worked as AEX Contractors in New Jersey

Bedoya v. American Eagle Express, Inc., No. 14-2811 (D.N.J.)

This is a Court-authorized notice. This is not a solicitation from a lawyer.

- A settlement of a lawsuit against American Eagle Express, Inc. (“AEX”) has been proposed in which AEX will pay contractors who executed a Transportation Brokerage Agreement (“TBA”) to perform courier services for AEX, either personally or on behalf of a corporate entity (“contractors”), and worked for AEX as a courier at any time from May 1, 2008, through January 27, 2023 (the “Class Period”) for alleged misclassification as independent contractors and failure to pay all wages owed under New Jersey law.
- You may be eligible to receive a share of the settlement fund.
- AEX and the Plaintiffs agreed to a class action settlement that ***affects your rights whether you act or don’t act***. AEX will pay \$950,000.00 to resolve all claims of approximately 700 contractors in New Jersey who worked during the Class Period. Read this Notice carefully to consider your options:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT CLAIM FORM	Receive Money. If you submit the enclosed Claim Form and IRS Form W-9 by November 6, 2023 , you will receive payment as part of this Settlement.
OBJECT	You may write to the Court about why you don’t like the settlement.
DO NOTHING	If you do nothing, you will not receive any funds that are available under the Settlement, but you will still release the claims covered by this settlement that you may have against AEX.
EXCLUDE YOURSELF	If you do not want to be bound by a Release of Claims in Section 13 below against AEX, you may exclude yourself and “opt out” of the settlement. If you exclude yourself, you will not receive any money from the settlement and you cannot object to the settlement.

- 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 approve the settlement. Payments

will be made if the Court approves the settlement, after any appeals are resolved.

1. Why did I get this notice package?

You received this notice because AEX's records show that you signed a TBA with AEX to perform delivery services during the Class Period.

2. What is this lawsuit about?

In 2014, three contractors sued AEX as Plaintiffs, on behalf of themselves and a class of other contractors. The lawsuit is about whether AEX misclassified couriers as independent contractors rather than as employees and failed to provide them with certain legal rights that employees have under New Jersey law. On behalf of all contractors, Plaintiffs sought compensation for violations of the New Jersey Wage Payment Law ("NJWPL").

AEX maintains that the independent contractor classification is appropriate and denies that it has broken any laws.

While this action was pending, the case was mediated and the parties subsequently entered into an agreement to settle this action.

3. Why is this a class action?

In a class action lawsuit, the plaintiffs sue on behalf of other people who have similar claims. The people who have similar claims to the Plaintiffs are "Class Members." The individuals who sued—and all the Class Members like them—are collectively called the Class.

The Court has certified this case to proceed as a class action as to certain claims.

4. Why is there a settlement?

The Court has not issued a final decision about the case, which has been ongoing for many years. Instead of further litigation, which could have taken many more years with no certainty of the outcome, both sides agreed to a class-wide settlement. The settlement provides the Class Members with compensation sooner and allows both sides to avoid the cost of a trial and possible appeals. Plaintiffs and their lawyers think the settlement is in the best interest of the Class Members.

5. How do I know if I am part of the settlement?

You are part of the settlement if you executed a TBA to perform courier services for AEX, either personally or on behalf of a corporate entity, and worked for Defendant as a courier at any time

from May 1, 2008, through January 27, 2023. You are receiving this notice addressed specifically to you because according to AEX's corporate records you fit this definition.

If you do not satisfy these conditions, you are not a member of the Class and you are not entitled to payment under the Settlement.

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

If you still are not sure whether you are included, you can call and ask for help. You can call the Class Action Administrator below:

Bedoya v AEX Settlement Administrator
c/o Settlement Services, Inc.
PO Box 10269
Tallahassee, FL 32302-2269
(833) 616-1284

THE SETTLEMENT BENEFITS

7. What does the settlement provide?

AEX has agreed to pay \$950,000.00 to resolve the class claims asserted in this action. The money will also be used to pay settlement administration costs, Plaintiffs' attorneys' fees and costs, and to pay the named Plaintiffs for their time and service to the Class. Settlement payments will be distributed to Class Members who submit a Claim Form and IRS Form W9 to the settlement administrator.

8. How much will my payment be?

Class Counsel estimates that after deduction of attorneys' fees, administrative expenses, and payments to the named Plaintiffs, Class Members who participate in the settlement will receive approximately <<Award Rounded>> for each week that they worked for AEX. This amount is only an estimate and may be higher or lower depending on a number of factors, including how many Class Members choose to participate in the settlement.

9. What is the formula for allocation of the Settlement Fund?

The settlement funds, after deduction of fees and expenses, will be distributed among the Class Members who meet the Class definition and submit a Claim Form and IRS Form W9 based on their *pro rata* <<weeks>> within the Class Period.

10. Will I owe any taxes?

You will receive an IRS Form 1099 for the amount you are sent. You should consult with an accountant or other tax advisor about the tax consequences of your settlement proceeds.

HOW YOU GET A PAYMENT

11. How will I receive a payment?

You will only receive a payment if you complete and submit the attached Claim Form and IRS Form W9 by November 6, 2023. Then, if the Settlement receives final approval and the time for appeals has expired, a settlement check will be mailed directly to you representing your share of the settlement funds. A second check *may* be sent to you reflecting your *pro rata* share of any unclaimed settlement proceeds (if any) after the initial distribution of settlement funds.

12. When would I get my payment?

The Court will conduct a final fairness hearing on December 7, 2023 at 2:00 pm in Courtroom 5A at the Martin Luther King Building & U.S. Courthouse, located at 50 Walnut Street in Newark, New Jersey to decide whether to approve the settlement. You should receive your payment within two months of the hearing if the Court approves the settlement. However, payment will be delayed if there are appeals or if the Court declines to approve the settlement.

13. What am I giving up to get a payment?

Under the terms of the settlement, all Class Members, and their business entities that contracted with AEX during the Class Period, will be releasing AEX and parties related to it, from all claims that were asserted or could have been asserted in this action relating to the allegations set forth in Plaintiffs' Complaint. However, you will not release claims for unpaid overtime that you may have against AEX.

If the Court approves the settlement, your claims (including those that could be brought on behalf of any corporate entity you owned that provided services to AEX) described above will be extinguished, regardless of whether you submit a Claim Form to receive funds from the settlement.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court has appointed the following lawyers to serve as Class Counsel for the Plaintiffs and Class Members in this lawsuit:

Harold L. Lichten, Esq.
Lichten & Liss-Riordan, PC
729 Boylston St., Suite 2000
Boston, MA 02116
Contact: Hyun Ji Yim, Settlement
Administrator
Ph: 617-994-5800
E-Mail: claims@llrlaw.com

R. Andrew Santillo
Winebrake & Santillo, LLC
Twining Office Center, Suite 211
715 Twining Road
Dresher, PA 19025
Ph: (215) 884-2491
E-Mail: asantillo@winebrakelaw.com

These lawyers will be paid from the settlement funds, so you will not be charged personally for their work on this case and in negotiating this settlement.

15. How will the lawyers and Plaintiffs be paid?

Class Counsel will ask the Court to approve payment of up to a) 33.33% of the settlement fund for attorneys' fees as well as a request for litigation expenses not to exceed \$17,000 to compensate the attorneys who have invested hundreds of hours over the last nine years and significant expense investigating the facts, litigating the case, and negotiating the settlement and b) \$15,000 each in service awards for the three named Plaintiffs for their efforts in pursuing this lawsuit and assisting Class Counsel throughout this litigation. The Court will make the final decision about the amount of attorneys' fees and the service awards to be paid.

Class Counsel will make their requests to the Court for attorneys' fees and expenses, as well as service awards, on or before November 16, 2023. Payment of attorneys' fees and expenses will be made out of the Settlement Fund and you will not be required to pay any fees or expenses.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I would like to object?

If you are a Class Member, you can object to the settlement if you don't think it is fair, reasonable, or adequate. 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 stating that you object to the settlement. You may hire a lawyer to represent you at your own expense. If the settlement is approved over your objection, you will be bound by the release of claims described above.

To object to the settlement, you must send a letter that includes:

- a written statement that you are objecting to the settlement, as well as the specific reason(s), if any, for each objection, including any legal or factual support you wish to bring to the Court's attention;
- Any evidence or other information you wish to introduce in support of your objection;
- A statement of whether you or your counsel intends to appear and argue at the final fairness hearing; and
- Mail the letter, postmarked no later than **November 6, 2023**, to the three addresses below:

Clerk of the Court
Martin Luther King Building & U.S.
Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

CLASS COUNSEL:
Harold L. Lichten, Esq.
Lichten & Liss-Riordan, PC
729 Boylston Street, Suite 2000
Boston, MA 02116

AEX's Counsel:
Peter Berk
GENOVA BURNS
494 Broad Street
Newark, NJ 07102

Your Objection will likely become a public record filed in the lawsuit.

EXCLUDING YOURSELF FROM THE SETTLEMENT

17. How do I Exclude Myself or opt out of the Settlement?

If you do not wish to be bound by the release described in Section 13 above, you must exclude yourself from the settlement. In order to exclude yourself, you must mail a request to the settlement administrator at the address below. It must state at the top of the request “Request for Exclusion from Settlement in Ever Bedoya, et al. v. American Eagle Express, Inc. d/b/a AEX Group, Cause No. 2:14-cv-02811,” and should include the name, address, telephone number, and signature of the individual requesting exclusion from the settlement. All written requests for exclusion must be returned by First Class U.S. Mail, postmarked no later than **November 6, 2023**, to the settlement administrator at:

Bedoya v AEX Settlement Administrator
c/o Settlement Services, Inc.
PO Box 10269
Tallahassee, FL 32302-2269
(833) 616-1284

If you exclude yourself from the Settlement, you will NOT receive any settlement funds.

THE COURT’S FINAL APPROVAL HEARING

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

The Court will hold a final fairness hearing on December 7, 2023 at the United States District Court for the District of New Jersey, located at 50 Walnut Street in Newark, New Jersey, 07101.

At the final fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will listen to Class Members who objected to the settlement in accordance with Section 16 above. The Court may also decide how much Class Counsel will receive as attorneys’ fees and costs and whether to award service payments to the named Plaintiffs. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

19. Do I have to attend the final fairness hearing?

No. Class Counsel will answer any questions that the Court may have at the hearing. You are welcome, however, to attend the final fairness hearing. If you submit a written objection, you don’t have to come to the final fairness hearing to talk about it. As long as you submitted

your written objection on time, the Court will consider it.

You do not have to attend the final fairness hearing to receive payment under the settlement. All that you are required to do to receive payment from the settlement fund is submit the attached Claim Form and IRS Form W9 to the settlement administrator.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you are a Class Member as described in Section 5 above and do nothing, you will not receive any funds under the settlement, but you will still be bound by the release of claims described in Section 13 above.

GETTING MORE INFORMATION

21. How do I get more information?

This notice summarizes the settlement. Additional details are included in the Settlement Agreement itself. You can get a copy of the Agreement by contacting Class Counsel at:

Harold L. Lichten, Esq.
Lichten & Liss-Riordan, PC
729 Boylston St., Suite 2000
Boston, MA 02116
Contact: Hyun Ji Yim, Settlement Administrator
Ph: 617-994-5800
E-Mail: claims@llrlaw.com

R. Andrew Santillo
Winebrake & Santillo, LLC
Twining Office Center, Suite 211
715 Twining Road
Dresher, PA 19025
Ph: (215) 884-2491
E-Mail: asantillo@winebrakelaw.com

Please do not contact the Court with questions about the settlement.