

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

Brian Martin v. Johnson Controls Fire Protection, LP,

Case No. 2:19-cv-00514-RAJ

You may be entitled to benefits under a class action settlement if you were employed by Johnson Controls Fire Protection, LP to conduct fire alarm, sprinkler, and fire suppression system testing and inspections in state and local government buildings in the State of Washington at any time between March 5, 2016 and August 17, 2020.

*****This is a court-ordered notice. This is not a solicitation from a lawyer.*****

- Former employee Brian Martin (the “Plaintiff” or “Class Representative”) has sued Johnson Controls Fire Protection, LP (“Johnson Controls” or “Defendant”) alleging that the company violated Washington law by failing to pay prevailing wages for testing and inspection work on fire alarm and fire suppression systems in state and local government buildings in Washington.
- On August 17, 2020, the United States District Court for the Western District of Washington (the “Court”) certified a class composed of all individuals employed by Johnson Controls to conduct fire alarm, sprinkler, and fire suppression system testing and inspections in state and local government buildings in the State of Washington at any time between March 5, 2016 and August 17, 2020 (the “Class” or “Class Members”).
- The Court has not decided the merits of Plaintiff’s claim or which side would win if this case goes to trial.
- The parties have reached a proposed settlement of this case that covers the Plaintiff and the Members of the Class.
- The Court has issued a preliminary order approving the proposed settlement and will decide whether the proposed settlement should be finally approved.
- Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	Receive settlement payment. Give up certain rights. By doing nothing, you will receive a settlement payment if the settlement is finally approved by the Court. In exchange, you will be bound by the Settlement, including the Release of Claims (see Section 5 below).
OBJECT	Challenge the settlement terms. If you don’t like the settlement or don’t want it to be approved, you may object and tell the Court why. If the Court approves the settlement despite your objection, you will still be bound by the settlement.
GO TO THE HEARING	Attend the final approval hearing. You may attend the final approval hearing in Court on this matter and speak about the fairness of the class action settlement.

BASIC INFORMATION

1. Why did I get this notice?

Defendant's records show that you are a Class Member, which makes you eligible to receive benefits under the settlement.

2. What is this lawsuit about?

Plaintiff claims Defendant violated Washington law by not paying prevailing wage for testing and inspection work. Defendant denies the claim and denies it has violated any laws or contractual obligations of any kind.

3. Why is there a settlement?

The Court has not decided in any party's favor. 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 Representative and his attorneys think the settlement is best for all Class Members under the circumstances. Defendant has not admitted fault or that it violated any laws, but Defendant and its attorneys agree that a settlement is in all parties' best interests.

4. What claims are resolved by the settlement?

The settlement will resolve all claims and allegations made on behalf of Class Members in the lawsuit regarding Defendant's alleged failure to pay prevailing wages for testing and inspection work on state and local public works projects in Washington.

The settlement will resolve alleged violations occurring from March 5, 2016 to the date the Settlement Agreement is approved by the Court.

5. What are the basic terms of the settlement?

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

Gross Settlement Fund: The settlement requires Johnson Controls to pay a total of \$1.59 million to establish a Gross Settlement Fund. The Gross Settlement Fund represents more than 100% of the back wages that Plaintiff's expert calculates may be owed to the Class Members.

Plaintiff's expert calculated back wages owed as the difference between the wages Class Members were actually paid and the applicable prevailing wage rates. Plaintiff's expert based his calculations on Defendant's ACE project data and available timekeeping records.

Allocation of Net Settlement Fund: The net Settlement Fund, after deduction of any fees and costs awarded by the Court to the Plaintiff's attorneys, the Class Representative, and the Settlement Administrator, will be allocated pro rata among Class Members according to the calculations of Plaintiff's expert. Those calculations take into account such factors as the number of actual labor hours recorded on public works projects, type of project, county in which the project was located, time period when the work was done, and the applicable prevailing wage rate for the county and time period for electronic technician, sprinklerfitter, and plumber classifications. Each Class Member is guaranteed a minimum payment of at least \$250 from the Settlement Fund regardless of the results of these calculations.

Prospective Relief: Johnson Controls agrees that after the date of the Settlement it will pay prevailing wages under Washington law for fire alarm and fire suppression system (except fire

extinguishers) testing and inspection work on state and local public works in Washington state unless and until there is a determination by the Washington Department of Labor and Industries or a court of competent jurisdiction that the Washington Prevailing Wage Act does not require such payments.

Settlement Administrator: The settlement requires ILYM Group, Inc. to act as and effectuate the duties of the Settlement Administrator in accordance with the Settlement Agreement. Plaintiff will ask the Court to approve the payment of fees, costs, and other charges imposed by the Settlement Administrator from the Gross Settlement Fund in an amount not to exceed \$15,000.

Class Representative Service Award: Plaintiff's Counsel will ask the Court to approve a service award of \$20,000 to the Class Representative to compensate him for his time and effort in pursuing this case on behalf of other employees and in exchange for his general release of claims against Johnson Controls. If approved, the service award will be paid from the Gross Settlement Fund.

Attorneys' Fees and Costs: Plaintiff's Counsel have been working on this case for more than two years but have not received any fees or reimbursements for the costs of the lawsuit. Plaintiff will ask the Court to approve payment from the Gross Settlement Fund to Plaintiff's Counsel to reimburse them for out-of-pocket litigation costs of up to \$45,000 and to compensate them for their reasonable attorneys' fees in an amount of up to 25 percent of the Gross Settlement Fund.

Distribution of the Settlement Fund: The Settlement Administrator, ILYM Group, Inc., will make payments directly to the Class Members. If you have recently moved, plan to move within the next 90 days, or move before you have received all payments owed to you, please contact the Settlement Administrator to provide an updated address. Contact information is provided in Section 13 below.

Tax Treatment of Settlement Payments: Half (50%) of each settlement share paid to each Class Member will be treated and reported to the government as wages subject to normal employee-side payroll tax withholdings and payments. Half (50%) of each settlement share paid to each Class Member will be treated and reported to the government as non-wage damages and interest on which there will be no tax withholding, but which will still be considered taxable income. Defendant will pay the employer-side share of any payroll taxes on the wage portion of the settlement amounts in addition to paying the Gross Settlement Fund.

Release of Claims: Upon final approval by the Court, Class Members will dismiss the lawsuit and release Defendant from all claims that were or could have been brought against it based on the allegations asserted in the complaint filed in this lawsuit. This releases Defendant from liability related to any claims for unpaid prevailing wages on testing and inspection work, exemplary damages, interest, fees, costs, attorneys' fees, and all other claims made in this lawsuit or that could have been made in this lawsuit based on events occurring between March 6, 2016 and the date the court approved this settlement, **April 7, 2022**.

For a full copy of the Settlement Agreement, please visit: www.ilymgroup.com/JohnsonControls

Dismissal of the Action: Upon final approval of the settlement, the Court will dismiss the lawsuit with prejudice but will retain jurisdiction to enforce the terms of the settlement.

6. How can I get a payment?

Each Class Member will automatically receive a settlement payment. Settlement payments will be proportional and will depend on (1) the number of hours you worked for Defendant on public works projects during the applicable time period as recorded in Defendant's data, (2) the types of projects,

(3) the dates of the projects, (4) the difference between your actual wage rate and the prevailing wage rate allegedly applicable to the project, and (5) Plaintiff's expert's calculation of the damages. Payments will be mailed to you at your address on record. If you move before you have received all payments owed to you, please provide the Settlement Administrator with an updated address. Contact information is provided in Section 13 below.

7. When will I get my payment?

The Court will hold a hearing on **July 29, 2022**, to decide whether to approve the settlement. If the Court 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 posted at www.ilymgroup.com/JohnsonControls. If there is no appeal, Plaintiff's Counsel expect the first payment to go out within seventy-five (75) days of the Court's approval of the settlement.

8. Do I have a lawyer in this case?

The Court has decided that lawyers from Schroeter Goldmark & Bender are qualified to represent you and all Class Members and has approved them to do so. The lawyers are called "Class Counsel." You will not be separately charged for these lawyers; they will be compensated for their time and reimbursed for their costs out of the Gross Settlement Fund in whatever amounts are approved by the Court. If you want your own lawyer, you may hire one at your own expense.

9. What can I do if I don't like the settlement?

If you don't like the settlement, you can choose to object to the Settlement.

10. How can I object to the settlement?

If you wish to object to the Settlement or any part of the Settlement, you must send a written letter to the Settlement Administrator at the address provided below. The letter must include your name, current address, telephone number, and the name of the case, Brian Martin v. Johnson Controls Fire Protection, LP, Case No. 2:19-cv-00514-RAJ. It must also state the reasons why you think the Court should not approve the Settlement and include any supporting documentation that you wish the Court to consider. The objection must be signed by you and postmarked no later than **June 11, 2022**. If the Settlement is approved, you will still receive a payment under the Settlement.

Objections must be mailed to: **ILYM Group, Inc.**
P.O. Box 2031
Tustin, CA 92781

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

The Court will hold a Fairness Hearing at **2:30 p.m., on July 29, 2022**, by remote access. The public may call in to listen to the proceedings, and the dial-in information will be posted on the Court's website: <https://www.wawd.uscourts.gov/calendar/today>

The Honorable Richard A. Jones
United States District Court for the Western District of Washington

At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. You do not have to attend the hearing.

Please note that depending on conditions and closures at the courthouse related to COVID-19, the Court may hold the Fairness Hearing via telephone or videoconference. Please check the settlement website for additional information before the date of the hearing.

12. How do I get more information?

More details and a full copy of the Settlement Agreement are available in the Important Documents section of this website: www.ilymgroup.com/JohnsonControls. You will also find certain filings made in the lawsuit, including Plaintiff's motion for preliminary approval of the Settlement Agreement, petition for attorneys' fees and costs, and motion for final approval of the Settlement. These motions will include Class Counsel's request for settlement administration expenses, a service award for the named Plaintiff, and attorneys' fees and costs.

You may also get more information by contacting Class Counsel:

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SCHROETER GOLDMARK & BENDER
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13. What is the contact information for the Settlement Administrator?

ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781