

## **If you applied for a job with the City of Mount Vernon between July 28, 2019 and March 18, 2022, you can receive a payment from a class action settlement.**

*A state court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.*

- A settlement has been proposed in the class action lawsuit *Shannon Spencer v. City of Mount Vernon*, Skagit County Superior Court Case No. 22-2-00461-29.
- Your rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at [www.SpencervCityofMountVernon.com](http://www.SpencervCityofMountVernon.com), or contact the Settlement Administrator, JND Legal Administration, at 1-844-717-0627 or [Info@SpencervCityofMountVernon.com](mailto:Info@SpencervCityofMountVernon.com).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>DO NOTHING</b>	You will receive a payment from the settlement and release your claim against the City of Mount Vernon. You will not be allowed to be part of any other lawsuit against the City of Mount Vernon or related parties for the legal claims resolved by this settlement.
<b>OPT-OUT OF SETTLEMENT</b>	If you opt-out, you will not receive a payment from the settlement and will not release your claim against the City of Mount Vernon. This is the only option that allows you to be part of any other lawsuit against Mount Vernon for the legal claims resolved by this settlement.
<b>OBJECT TO THE SETTLEMENT</b>	You may write to the Court with reasons why you do not agree with the settlement. If you wish to object to the settlement, you must not opt out.
<b>ATTEND THE FINAL APPROVAL HEARING</b>	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Approval Hearing.

- The Court still has to decide whether to grant final approval of the settlement. Payments will only be made after the Court grants final approval of the settlement and after any appeals are resolved.

## BASIC INFORMATION

### **1. Why did I receive this Notice?**

The Court directed that this Notice be provided because you have a right to know about a proposed settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the settlement. If the Court approves the settlement, and after objections or appeals, if any, are resolved, the Settlement Administrator appointed by the Court will distribute the payments that the settlement allows. This Notice explains the lawsuit, the settlement, your legal rights, what payments are available, who is eligible for them, and how to receive them.

The Court in charge of this case is the Superior Court of the State of Washington, County of Skagit. The case is *Spencer v. City of Mount Vernon* (the “Lawsuit”). The person who filed the Lawsuit, Shannon Spencer, is the Plaintiff and the entity he sued, the City of Mount Vernon (“Mount Vernon”), is the Defendant.

### **2. What is this lawsuit about?**

Plaintiff claims that Mount Vernon violated Washington’s Equal Pay and Opportunities Act, RCW 49.58, by requesting that applicants provide their salary history on applications for employment with the City of Mount Vernon. The Lawsuit seeks, among other things, damages for the violation.

Mount Vernon has denied and continues to deny all of the claims made in the Lawsuit, as well as all charges of wrongdoing or liability against it.

### **3. What is a class action settlement?**

In a class action, the Plaintiff (also called Class Representative) sues on behalf of people who have similar claims. Together, all these people are called a Class or the Class members. One court and one judge resolves the issues for all Class members who do not exclude themselves. In this case, the court has certified the Class for settlement purposes only.

The Plaintiff negotiated a settlement that allows the Plaintiff, the Class members, and Mount Vernon to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Class members to obtain payment without further delay. The Plaintiff and his attorneys believe the settlement is in the best interest of all Class members. The Court did not decide in favor of the Plaintiff or Mount Vernon, and this settlement does not mean that Mount Vernon did anything wrong.

### **4. How much is the settlement?**

Subject to Court approval, Mount Vernon agreed to pay a total of \$950,000.00 to settle the Lawsuit (“Gross Settlement Fund”). The Gross Settlement Fund will cover settlement payments to the Class members, a Service Award to the Class Representative, Class Counsel’s attorneys’ fees and costs, and the Settlement Administrator’s costs and fees.

## WHO IS INCLUDED IN THE SETTLEMENT?

### **5. How do I know if I am eligible to be part of the settlement?**

You are eligible to be part of this settlement as a Settlement Class member if you applied for one or more jobs with the City of Mount Vernon at any time from July 28, 2019 to March 18, 2022.

## **HOW TO RECEIVE A PAYMENT**

### **6. How do I receive a payment from the settlement?**

All Settlement Class members who do not opt-out of the settlement will receive a payment in the mail.

**If your phone number or address changes, you must provide the updated information to the Settlement Administrator as soon as possible to ensure you receive your payment.** The Settlement Administrator's contact information is:

Spencer v. City of Mount Vernon  
c/o JND Legal Administration  
P.O. Box 91420  
Seattle, WA 98111

Phone: 1-844-717-0627  
Email: [Info@SpencervCityofMountVernon.com](mailto:Info@SpencervCityofMountVernon.com)

### **7. How much will my settlement payment be?**

The Class Fund is the Gross Settlement Fund less Class Counsel's attorneys' fees and costs, the Class Representative Award, and Settlement Administrator's fees awarded by the Court. Each Settlement Class member who does not opt out will receive an equal share of the Class Fund.

Your estimated settlement payment is **\$273.19** Payments will be characterized as non-wage compensation (1099).

### **8. When will I receive my payment?**

The Court will hold a Final Approval Hearing at 9:00 a.m. on **August 11, 2023** to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals. It is always uncertain whether any appeals will be resolved favorably, and resolving them can take time, perhaps more than a year. It also takes time for the payments to be processed. Please be patient.

### **9. What am I giving up as part of the settlement?**

If the Court approves the settlement, you will give up your right to sue Mount Vernon and other related entities for the claims being resolved by this settlement, which are any and all claims for violations of equal pay and opportunities with Mount Vernon, relating back to the full extent of the federal and state statutes of limitations and continuing through March 18, 2022, including without limitation, equal pay and opportunity claims, related discrimination and retaliation claims, and related claims for penalties, interest, liquidated damages, exemplary damages, attorneys' fees, costs, and expenses. For the avoidance of doubt, the foregoing release includes, but is not limited to, all claims alleging that a request for prior wage and/or salary history as part of your application for employment with Mount Vernon violated equal pay laws.

The specific claims you are releasing are described in Paragraph 2 of the Settlement Agreement. You will be "releasing" Mount Vernon and all related people or entities as described in Paragraph 2 of the Settlement Agreement. "Released Parties" are described in the Definitions at the beginning, section (R). The Settlement Agreement is available at [www.SpencervCityofMountVernon.com](http://www.SpencervCityofMountVernon.com).

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions about what this means you can talk to the law firm listed in Question 16 for free or you can, of course, talk to your own lawyer at your own expense.

### **OPTING-OUT OF THE SETTLEMENT**

If you want to keep the right to sue Mount Vernon for the claims resolved in this settlement, and do not want a payment from this settlement, you must affirmatively opt-out of the settlement.

#### **10. What happens if I opt-out of the settlement?**

If you submit a timely, valid request to opt-out of the settlement, you will not be entitled to any benefits of the settlement and will not receive a settlement payment. You will not be bound by any judgment in this case and will not give up any right to sue Mount Vernon for the claims that this settlement resolves. You may start your own lawsuit or be part of any different lawsuit relating to the claims in this case.

#### **11. How do I opt-out of the settlement?**

To Opt-Out, you must send the Settlement Administrator a written notice stating that you opt-out of the settlement, postmarked no later than **June 16, 2023**.

Your Opt-Out Notice must include:

- 1) A statement that you wish to be excluded from the settlement (for example, “I request to be excluded from the class action settlement in *Spencer v. City of Mount Vernon*.”);
- 2) Your full name;
- 3) Your address; and
- 4) Your signature or the signature of your attorney or other duly authorized representative (along with documentation illustrating representation), and the date signed.

### **OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the settlement or some part of it.

#### **12. How do I tell the Court that I do not like the settlement?**

If you are a Settlement Class member and do not opt-out of the settlement, you can object to the settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the settlement. The Court will consider your views before making a decision. To object, you must file with the Court and mail copies to Class Counsel and Mount Vernon’s Counsel a written notice stating that you object to the settlement in *Spencer v. The City of Mount Vernon*., Case No. 22-2-00461-29.

Your objection must include:

- 1) Your full name, address, telephone number, and e-mail address;
- 2) Information or proof showing you are a Settlement Class member;
- 3) The reasons why you object to the settlement, including any documents supporting your objection;
- 4) The name and address of your attorney, if you have retained one;

- 5) The name and address of any attorneys representing you that may appear at the Final Approval Hearing;
- 6) A statement confirming whether you and/or your counsel intend to personally appear at the Final Approval Hearing;
- 7) A list, by case name, court, and docket number, of all other cases in which you (directly or through a lawyer) have filed an objection to any proposed class action settlement within the last three years;
- 8) A list, by case name, court, and docket number, of all other cases in which your lawyer (on behalf of any person or entity) has filed an objection to any proposed class action settlement within the last three years; and
- 9) Your signature or the signature of your attorney or other duly authorized representative (along with documentation illustrating representation).

Your objection must be filed with the Clerk of the Superior Court of the State of Washington, County of Skagit, 205 W Kincaid Street, Room 103, Mount Vernon, WA 98273 no later than **June 16, 2023**. You must also mail copies of your objection to Class Counsel and Mount Vernon’s Counsel postmarked no later than **June 16, 2023**, at all of the addresses below.

<b>CLASS COUNSEL</b>	<b>MOUNT VERNON’S COUNSEL</b>
Timothy W. Emery Patrick B. Reddy <b>EMERY REDDY, PLLC</b> 600 Stewart Street, Suite 1100 Seattle, WA 98101 Phone: (206) 442-9106	Breanne Sheetz Martell Rebecca Schach Laura Davis <b>LITTLER MENDELSON, P.C.</b> 600 University Street, Suite 3200 Seattle, WA 98101 Phone: (206) 623-3300

### **THE COURT’S FINAL APPROVAL 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 do not have to.

#### **13. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing at 9:00 a.m. on **August 11, 2023**, in the Superior Court of the State of Washington, County of Skagit, 205 W Kincaid Street, Mount Vernon, WA 98273. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will take into consideration any properly-filed written objections and may also listen to people who have asked to speak at the hearing (*see* Question 12). The Court will also decide whether to approve attorneys’ fees and costs to Class Counsel and the service award to the Class Representative.

#### **14. Do I have to attend the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

Questions? Visit [www.SpencervCityofMountVernon.com](http://www.SpencervCityofMountVernon.com) or call toll-free at 1-844-717-0627

**15. May I speak at the Final Approval Hearing?**

Yes, you may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must follow the instructions provided in Question 12 above.

**THE LAWYERS REPRESENTING YOU**

**16. Do I have a lawyer in this case?**

Yes. The Court appointed Timothy W. Emery of Emery Reddy, PLLC, 600 Stewart Street, Suite 1100, Seattle, WA 98101 to represent you and other Settlement Class members. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**17. How will Class Counsel and the Class Representative be paid?**

If the settlement is approved and becomes final, Class Counsel will ask the Court to award attorneys' fees, costs, and expenses in the amount of \$310,000. Class Counsel will also request approval of a service award for the Class Representative in the amount of \$25,000. If approved, these amounts, as well as the costs of notice and settlement administration, will be paid out of the settlement fund.

**GETTING MORE INFORMATION**

**18. How do I get more information about the settlement?**

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement, which is available at [www.SpencervCityofMountVernon.com](http://www.SpencervCityofMountVernon.com). You can also get more information by calling, emailing, or writing the Settlement Administrator:

Spencer v. City of Mount Vernon  
c/o JND Legal Administration  
P.O. Box 91420  
Seattle, WA 98111

Phone: 1-844-717-0627

Email: [Info@SpencervCityofMountVernon.com](mailto:Info@SpencervCityofMountVernon.com)

***Please do not call the Court or the Clerk of the Court for additional information.  
They cannot answer any questions regarding the settlement or the Lawsuit.***