

SUPERIOR COURT OF THE COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

**If You Were An Employee of BAYADA Home Health Care, Inc.
Providing Home Care Services in Massachusetts AND You Received
Paper Earning Statements During the Period from January 1, 2018,
through August 2, 2019, You Could Be Eligible To Benefit From A
Class Action Settlement.**

*The Superior Court for Middlesex County, Commonwealth of Massachusetts (the “Court”) authorized this Notice.
This is not a solicitation from a lawyer.*

- Please carefully read this Notice of Pendency and Proposed Settlement of Class Action. Your legal rights may be affected by the legal proceedings in this Lawsuit.
- This Settlement (the “Settlement Agreement”) resolves a lawsuit concerning BAYADA Home Health Care, Inc.’s (“BAYADA”) alleged failure to list or itemize certain wage deductions on paper earnings statements during the period from January 1, 2018, through August 2, 2019, for employees who provided home care services in Massachusetts. The case is entitled *Pierre Louis, et al. v. Bayada Home Health Care, Inc., et al.*, Case No. 1981CV01957, Middlesex County Superior Court, Massachusetts (the “Lawsuit”). BAYADA denies any wrongdoing.
- You may be eligible to receive 50% of your unlisted deductions based on the Settlement of the Lawsuit.
- The Court has preliminarily approved the Settlement on behalf of the Settlement Class. The Court has not entered judgment on the merits and has not determined that there is any merit to Plaintiff’s claims or that BAYADA engaged in any wrongdoing. This notice is solely to advise you of the proposed Settlement of the Lawsuit and of your rights in connection with the Settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT	
IF YOU RECEIVED AN INDIVIDUALIZED STATEMENT ADDRESSED TO YOU, YOU ARE NOT REQUIRED TO TAKE ANY ACTION	If you received an Individualized Statement addressed specifically to you, you do <u>not</u> need to take any action. If the Settlement is approved, you will automatically receive a Settlement payment.
IF YOU DID <i>NOT</i> RECEIVE AN INDIVIDUALIZED STATEMENT ADDRESSED TO YOU, THEN CONTACT CLASS COUNSEL BY MAY 27, 2022	If you believe that you qualify as a Settlement Class Member and you did <u>not receive</u> an Individualized Statement addressed specifically to you, then you should contact Class Counsel. See Question 12 for specifics.
OBJECT BY MAY 27, 2022	If you disagree with the Settlement, you may file an objection with the Court. See Question 16 for specifics.
ATTEND THE FAIRNESS HEARING ON JUNE 13, 2022	Ask to speak to the Court about the Settlement. See Questions 17-19 for specifics.
IF YOU ARE A SETTLEMENT CLASS MEMBER AND YOU HAVE RECENTLY MOVED, THEN UPDATE YOUR ADDRESS	If you are a Member of the Settlement Class who is not currently employed at BAYADA, and you have recently changed your mailing address or your email address, please update your contact information with the Notice Administrator. See Question 12 for specifics.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice. A copy of the Settlement is available online at www.PierreLouisvBAYADA.com.

BASIC INFORMATION

1. What is this Notice about?

This Notice is to inform you about a class action lawsuit and proposed Settlement (“Settlement”) that has been reached which may affect your rights, including your right to object to the Settlement. You have the right to know about the Settlement and about your legal rights and options before the Court decides whether to approve the Settlement.

The Court in charge is the Superior Court for Middlesex County, Commonwealth of Massachusetts. The case is entitled *Pierre Louis, et al. v. Bayada Home Health Care, Inc., et al.* Case No. 1981CV01957 (the “Lawsuit”). The person that brought the suit is called the Plaintiff. The Defendants are the company and individuals the Plaintiff sued (see Question 6).

2. What is the Settlement Class Period?

The Settlement Class Period is the time period commencing as of January 1, 2018, and continuing through August 2, 2019.

3. What is the Lawsuit about?

On July 9, 2019, the Complaint in this Lawsuit was filed as a class action on behalf of home health care employees of BAYADA in Massachusetts who were not paid their full wages earned and who had payroll deductions that were not itemized on the employees’ earnings statements taken from their earnings. The complaint alleged that BAYADA and the individual defendants (officers of BAYADA) failed to pay the Plaintiff and the class of employees their full wages owed by taking unlawful deductions from earnings and failing to properly list and itemize all earnings deductions on the employees’ earnings statements in violation of the Massachusetts Wage Act (Massachusetts General Laws, Chapter 149, Section 148). The deductions at issue here included deductions relating to employee-specific transactions, such as employee advances, employee loans, wage garnishments, and premiums for insurance coverage selected by the employee and are referred to in this Notice as the “Unlisted Deductions.”

For a full description of the terms and conditions of the Settlement, including the releases described herein and the claims alleged in the Complaint, please refer to the Settlement Agreement by visiting the Notice Administrator’s website at www.PierreLouisvBAYADA.com.

The Defendants assert that the allegations of the Complaint are without merit. Furthermore, the discovery in this case, including production of documents and testimony from BAYADA, revealed that the Unlisted Deductions resulted from transactions entered into and/or approved by the Plaintiff and class members and that, accordingly, no wages were lost as a result of the Unlisted Deductions. The Defendants deny any wrongdoing and contend that if the case were to proceed to trial, they would prevail. Defendants further assert that even if their conduct is found to be unlawful, there is only a technical violation and that the Plaintiff and the class cannot recover any damages because there were no lost wages. Despite the Defendants’ position on the merits of the Lawsuit, the parties determined that it is in their best interests to resolve this Lawsuit as a reasonable compromise and to avoid the costs and risks of continued litigation and trial, including the danger of no recovery.

4. What is a Class Action?

In a class action, one or more persons or businesses called class representatives sue on behalf of a group or a “class” of others with similar claims. If the Court determines that a case should proceed as a class action, then the group’s claims can be combined into a single proceeding, creating efficiencies for the parties and the courts.

In a class action, the court resolves the issues for all class members.

WHO IS INCLUDED IN THE LAWSUIT?

5. Who is the Named Plaintiff?

The named plaintiff (“Named Plaintiff” or “Class Representative”) is Mich Karen Pierre Louis.

6. Who are the Defendants?

The Defendants are BAYADA Home Health Care, Inc., David Baiada, and J. Mark Baiada.

7. How do I know if I am in the Settlement Class?

You are a Settlement Class Member if you were a BAYADA employee who provided home care services on BAYADA’s behalf in Massachusetts and who had deductions reflected on your paper earnings statements that were not properly itemized on such paper earnings statements during the period of January 1, 2018, through August 2, 2019.

You are not a member of the Settlement Class if (a) you were employed by BAYADA as a home care worker from January 1, 2018, through August 2, 2019, but you did not receive paper earnings statements during that time period or (b) you were not employed by BAYADA as a home care worker during the Settlement Class Period.

THE SETTLEMENT’S BENEFITS

8. What does the Settlement provide?

The proposed Settlement provides for payment by BAYADA of the following: (a) a “Settlement Fund” of \$22,342.00 to be shared among the Settlement Class Members; (b) \$3,500.00 as an incentive award to the Named Plaintiff; (c) Attorneys’ Fees of up to \$50,000.00 and expenses of up to \$1,100.00; and (d) Settlement Administrative costs of up to \$6,500.00. The Settlement Fund will be distributed directly to Settlement Class Members while the Named Plaintiff’s award, Attorney’s Fees and Costs, and the Costs of Settlement administration are all to be paid separate from and in addition to the Settlement Fund.

This notice summarizes the proposed Settlement. The Settlement Agreement and the papers filed in support of the Settlement are available for review and download at www.PierreLouisvBAYADA.com. The website will be updated as additional papers in support of the Settlement are filed.

9. How much money can I get?

If the Court approves the Settlement, each member of the Settlement Class will receive a distribution equal to 50% of the total of their Unlisted Deductions. Your Individualized Statement will specify the amount of your distribution from the Settlement Fund.

Based on the information provided by the Defendants, the total amount of Unlisted Deductions for all Settlement Class members is \$44,684.94.

To determine your individual settlement payment, Settlement Class Members should review their Individualized Statement carefully. Further information is available at www.PierreLouisvBAYADA.com.

PLEASE NOTE: Distributions to Settlement Class members from the Settlement Fund are not being paid as wages or salary, and therefore, no taxes are being deducted from these payments. BAYADA will be making these payments to each Settlement Class member and will be issuing a Form 1099 in

compliance with IRS regulations. Settlement Class members are responsible for any tax on their Settlement Fund distribution and should consult with their tax adviser with respect to any tax consequences.

10. When will I get a payment?

Payments will be distributed if the Court grants final approval to the Settlement and after any appeals are resolved. If the Court approves the Settlement after the hearing on June 13, 2022, there may be appeals. We don't know how much time it could take to resolve any appeals that may be filed.

11. What Am I Giving Up as Part of the Settlement?

If you are a member of the Settlement Class and you receive a distribution from the Settlement Fund, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants or certain others about the same legal and factual issues in this case. It also means that all of the Court's orders in this case will apply to you and legally bind you and you will release your claims in this case against the Defendants. In accordance with Massachusetts law, you cannot exclude yourself, or opt out, from this Settlement.

HOW TO GET A PAYMENT CHECK

12. How can I get a payment check?

If the Court approves the Settlement, members of the Settlement Class who received an Individualized Statement will receive a payment from the Settlement Fund. You do not need to submit a claim form or take any action to receive a payment.

Members of the Settlement Class who did not receive an Individualized Statement will need to contact Class Counsel to verify their Settlement Class membership status in order to receive payment.

Class Counsel can be reached by writing to David Pastor, Esquire at the following address. To be valid your correspondence must be emailed or postmarked no later than **May 27, 2022**, and sent to:

Class Counsel Email Address:	Class Counsel Mailing Address:
dpastor@pastorlawoffice.com	Pastor Law Office LLP ATTN: David Pastor, Esquire 63 Atlantic Ave Fl 3 Boston, MA 02110

If you are a Member of the Settlement Class who is not currently employed at BAYADA and you have recently changed your mailing address and/or your email address, please submit your updated contact information using the online form at **www.PierreLouisvBAYADA.com** OR by mail addressed to BAYADA Notice Administrator, c/o The Notice Company, P.O. Box 455, Hingham, MA 02043.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer representing me?

The Court appointed the law firm of Pastor Law Office, LLP, David Pastor, Esquire, 63 Atlantic Avenue, 3rd Floor, Boston, MA 02110, and the law firm of Bottone/Reiling, Richard B. Reiling, Esquire, 63 Atlantic Avenue, 3rd Floor, Boston, MA 02110 to represent you and other Class Members.

These lawyers are called Plaintiff's Counsel or Class Counsel. You will not be charged for these lawyers' work. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will ask the Court for approval of an award of attorneys' fees in the sum of \$50,000 and expenses in the sum of \$1,100. The requested fees and expenses, if awarded, will be paid by Defendants in addition to the Settlement Fund and will not reduce or impact the amounts payable to Class members from the Settlement Fund.

The attorneys' fees and expenses requested, to the extent they are awarded by the Court, will be the only payment to Class Counsel for their efforts in achieving this settlement and for their risk in undertaking this representation on a wholly contingent basis. To date, Class Counsel have not been paid for their services for conducting this Lawsuit on behalf of Plaintiff and the Settlement Class or for their out-of-pocket expenses. The fee and expense amount requested, if awarded, will compensate Class Counsel for their work and risk in achieving the settlement and is well within the range of fees awarded to class counsel under similar circumstances in other cases of this type. The Court may award less than this amount.

15. Will the Named Plaintiff Receive any Compensation for Serving as a Class Representative?

Yes, but only if approved by the Court. Class Counsel will apply to the Court for approval of an incentive award for the Named Plaintiff in the sum of \$3,500 as compensation for serving as a class representative and for undertaking the risks and responsibilities associated with that role. This incentive award, if approved by the Court, will be paid by Defendants in addition to the Settlement Fund and will not reduce or impact the amounts payable to Class members from the Settlement Fund.

OBJECTING TO OR COMMENTING ON THE SETTLEMENT, ATTORNEYS' FEES AND LAWSUIT EXPENSES, AND AWARD TO NAMED PLAINTIFF

You can tell the Court that you don't agree with the settlement or some part of it.

16. How do I object or comment on the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you don't like any part of the Settlement or if you dispute the amount of your payment as listed on your Individualized Statement.

You can give reasons why you think the Court should not approve it. The Court will consider your views. If the Court denies approval, no settlement payments will be sent out and the Lawsuit will continue.

To object to the Settlement Agreement, you must do so in writing. Written objections should include the following information:

- Your full name, current mailing address, telephone number, and if you are being assisted by a lawyer, the lawyer's name, address and telephone number;
- The case name and number of the Lawsuit (*Pierre Louis, et al. v. Bayada Home Health Care, Inc., et al.*, Case No. 1981CV01957);
- A statement establishing your membership in the Settlement Class;
- The dates of your employment with BAYADA in Massachusetts;
- A brief explanation of your reasons for objecting; and
- Your signature.

An objection must be submitted to the Court either by mailing it to the Clerk at the address below, or by filing it in person at the Courthouse, with copies sent to counsel as listed below. **To be valid, objections must be filed with the Court or postmarked on or before MAY 27, 2022:**

COURT
CIVIL CLERK'S OFFICE Middlesex Superior Court 200 Trade Center, Flr 2 Woburn, MA 01801-1877

Copies of the objection must be mailed, postmarked on or before MAY 27, 2022, to counsel to the parties as follows:

Class Counsel	Defendants' Counsel
PASTOR LAW OFFICE, LLP Attn: David Pastor, Esquire 63 Atlantic Avenue, 3rd Floor Boston, MA 02110	BUCHANAN INGERSOLL & ROONEY PC Attn: Thomas G. Collins, Esquire 409 Second Street, Suite 500 Harrisburg, PA 17101-1357

THE COURT'S FAIRNESS HEARING

17. When and where will the Court consider the Settlement, the request for attorneys' fees, litigation costs, and the award to Named Plaintiff?

The hearing for Final Approval of the Settlement ("Final Approval Hearing") will be held on JUNE 13, 2022 at 2:00 p.m., before the Honorable Douglas Wilkins, Middlesex Superior Court Judge, at the Superior Court of Middlesex County, Room 520, 200 Trade Center, Flr 2, Woburn, MA 01801-1877. **Because of COVID-19, the court hearing may be remote. That means some or all of the people participate by video or phone.**

- If the Court allows remote participation via Zoom or teleconferencing, use the following:

<https://www.zoomgov.com/join>

Meeting ID: 160 896 6023

Passcode: 111061

Dial-in: (833) 568-8864 US Toll-free or +1 646 828 7666

Please consult the Settlement website www.PierreLouisvBAYADA.com to learn if the Hearing will be In-Person or Remote.

The Court may adjourn the Settlement Hearing from time to time and without further notice to the Class, so you should routinely check the settlement website, www.PierreLouisvBAYADA.com, for current information.

The purpose of the Final Approval Hearing will be to determine: (1) whether the proposed settlement, as set forth in the Settlement Agreement, should be approved as fair, reasonable, and adequate to the Members of the

Settlement Class; (2) whether the application by Class Counsel for an award of attorneys' fees and expenses and by the Named Plaintiff for an incentive award should be approved; and, if so, in what amounts; (3) whether the stipulation for dismissal described in the Settlement Agreement, should be filed. At the Final Approval Hearing the Court will consider any objections and listen to people who have asked to speak at the hearing.

The Court may decide these issues at the hearing or take them under consideration and decide them at a later time. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you file an objection or comment, you don't have to come to Court to talk about it. As long as you filed your written objection on time, your objection will be presented to the Court for its consideration. You may also hire another lawyer at your own expense to attend on your behalf, but it's not required.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file a "Notice of Intent to Appear in *Pierre Louis, et al. v. Bayada Home Health Care, Inc., et al.*, Case No. 1981CV01957." Be sure to include your name, address, telephone number and your signature. Your Notice of Intent to Appear must be submitted to the Court either by mailing it to the Clerk at the address in Question 16, or by filing it in person at the Courthouse no later than MAY 27, 2022 with copies mailed to Class Counsel and Defendants' Counsel at the addresses listed in Question 16.

IF YOU DO NOTHING

20. What Happens if I Do Nothing at All?

If you are a Settlement Class Member and you do nothing, then you will receive money from this Settlement if it is approved by the Court. In addition, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against any of the Defendants or certain others about the same legal or factual issues in this case.

GET MORE INFORMATION

21. Where can I get more information?

This notice summarizes the Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.PierreLouisvBAYADA.com. For further information regarding the Settlement, you may contact Class Counsel: David Pastor, Esquire, Pastor Law Office LLP, 63 Atlantic Avenue, 3d Floor, Boston, MA 02110, telephone: (617) 742-9700, email: dpastor@pastorlawoffice.com.

ALL INQUIRIES CONCERNING THIS NOTICE SHOULD BE MADE TO CLASS COUNSEL.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE.