

**If you worked at Mercer Canyons, Inc. in 2012 or 2013, or went to Mercer Canyons in 2013 looking for work, a proposed monetary settlement has been reached and will affect your rights.**

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

- This lawsuit is a class action on behalf of farm workers who performed vineyard work at Mercer Canyons in 2012; sought farm work at Mercer Canyons between February 4 and June 15, 2013; or performed vineyard work at Mercer Canyons between March 24 and September 15, 2013, and were not referred by WorkSource.
- The farm workers allege that Mercer Canyons violated the law by failing to inform them about \$12 per hour vineyard jobs and failing to pay \$12 per hour for certain vineyard jobs in 2013.
- Mercer Canyons denies any liability or wrongdoing of any kind. Nonetheless, Mercer Canyons has concluded that further litigation would be costly and therefore it is desirable that it settle the claims.
- The attorneys for the farm workers have reached a monetary settlement with Mercer Canyons that requires Mercer Canyons to pay each worker approximately \$1,000 to \$1,500. If the settlement is approved, Mercer Canyons has agreed to pay up to \$545,000 to the workers, and \$650,000 for the attorneys who represented the workers.

**YOU HAVE UNTIL JUNE 30, 2017 TO EITHER FILE A CLAIM TO RECEIVE YOUR SHARE OF THE MONEY, OR FILE AN OBJECTION.**

- A final hearing will be held at the federal court in Yakima on [a date to be determined]. At that hearing the judge will listen to anyone who has filed an objection by June 30, 2017.

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>FILL OUT THE CLAIM FORM</b>	<b>If you agree with the proposed settlement and want to receive your money you must fill out the green form by June 30, 2017 and mail it to: Columbia Legal Services, 6 South 2<sup>nd</sup> Street, Suite 600, Yakima, WA 98901.</b>
<b>OBJECT TO THE SETTLEMENT AGREEMENT</b>	<b>If you disagree with all or any part of the proposed settlement, you must mail your written objection by June 30, 2017 to: Ruiz v. Mercer Canyons Objections, U.S. District Court, P.O. Box 1493, Spokane, WA 99201.</b>

**For more information call the attorneys for the workers:**

**COLUMBIA LEGAL SERVICES - 1-800-631-1323 x. 803 (toll free)**

**FREQUENTLY ASKED QUESTIONS**

**1. Why did I get this notice?**

A monetary settlement has been reached and you have been identified as part of the group that is entitled to receive monetary damages. Judge Stanley Bastian of the United States District Court for the Eastern District of Washington is overseeing this case. The lawsuit is known as *Ruiz v. Mercer Canyons, Inc.*, No. 1:14-CV-03032.

**2. How much money is available for the farm workers?**

Mercer Canyons has agreed to pay up to \$545,000 to approximately 650 farm workers in the class recognized by the court. If the settlement is approved, all farm workers would get approximately \$1,000. Farm workers who worked in the vineyards at Mercer Canyons in 2013 and were not referred by WorkSource will receive approximately \$500 more in compensation.

The money is to compensate farm workers who allege they were not told about available \$12 per hour jobs at Mercer Canyons in 2013. The additional money for 2013 workers is to compensate those who worked in the vineyards and were not paid \$12 an hour for all work covered under the special H-2A contract used that year.

Subject to approval by the court, the two class representatives will also receive \$7,500 each for the time they spent working on the case with the attorneys, including time providing their testimony and attending two all-day settlement conferences, and for their service in the case as the representatives of the group.

**3. How will the lawyers for the farmworkers get paid?**

The laws in this case allowed the attorneys for the workers to be paid for time they worked on the case and Mercer Canyons has agreed to pay them \$650,000. That amount was reduced substantially during the settlement negotiations. That is a separate award under the law from the damage awards to the workers.

If there is leftover money from the \$545,000 settlement fund for the workers, because not enough farm workers filed claims, 60% of that money will be used to pay the attorney fees, reducing the amount Mercer owes the attorneys. The remaining 40% of the leftover money will be divided equally between all workers filing claims. The final amount payable to each worker will be determined after the claims process is complete.

**4. Can Mercer retaliate against me for participating in this settlement?**

No. It is against the law for Mercer to retaliate against any worker who participates in this case or the settlement. If you believe you have been retaliated against, contact the attorneys for the workers, Columbia Legal Services, 1-800-631-1323 x. 803.

**FREQUENTLY ASKED QUESTIONS**

**5. Did the judge review the settlement?**

Yes. The judge reviewed the entire settlement and paperwork filed by attorneys for both sides. He believes the settlement appears to be fair, but is waiting to hear from the workers before making a final decision.

**6. If I am in favor of the settlement, how do I get my money?**

You will need to fill out the green form and mail it to Columbia Legal Services in Yakima, 6 S. 2<sup>nd</sup> St., Suite 600, Yakima, WA 98901 on or before June 30, 2017. You can either choose to receive your money in-person at Radio KDNA/NCEC in Granger, WA or have your check mailed to your address. If you no longer live in the area and do not have a reliable mailing address you may contact Columbia Legal Services to make other arrangements. Payments should be made to workers in late summer or early fall 2017 if the settlement is approved.

**7. If I oppose the settlement, how do I ask the Court to reject it?**

If you are opposed to all or any part of this settlement agreement, you must state your objection and mail it to the following address on or before June 30, 2017: Ruiz v. Mercer Canyons Objections, U.S. District Court, P.O. Box 1493, Spokane, WA 99201

**8. What happens if I object to the settlement?**

The judge will review your objection and listen to you or your attorney if you come to the hearing on [the date to be determined]. The judge will then decide if the settlement should receive final approval or whether it should be rejected. If it is rejected, the lawyers will have to re-negotiate a settlement agreement or go to trial.

**9. When was the trial scheduled?**

The trial was scheduled to begin on April 17, 2017 and last for two weeks. Workers would have had to come to court and testify to help the jury understand the case and make a decision. Mercer Canyons would have also had the right to have their witnesses testify before the jury decided the case.

**10. Did Mercer Canyons admit it violated the law?**

No. Mercer Canyons denies that it did anything wrong. Mercer Canyons says it did not mislead workers as prohibited by the Agricultural Workers Protection Act and Washington's Consumer Protection Act. Mercer Canyons also says that it paid its employees \$12 per hour for specific vineyard tasks in 2013, as it was required to.