

IMPORTANT LEGAL MATERIALS



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UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA

If you were employed by Laser Spine Institute and terminated as a result of a mass layoff or plant closing without cause and without required notice on or about March 1, 2019, a class action lawsuit may affect your rights.

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

- Former employees have sued Laser Spine Institute, LLC and associated entities (“LSI”), claiming it violated federal law in conducting a mass layoff of employees without providing employees the required notice under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §2101 et seq. (“WARN Act”).
- The Court has allowed the lawsuit to be a class action on behalf of all former employees of LSI who were terminated or laid off without cause and without required notice from their employment on or about March 1, 2019, as part of the mass layoff or plant closing, as defined by the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §2101 et seq. (“WARN Act”), excluding directors and officers of LSI.
- The Court has not decided whether LSI did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue LSI separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue LSI separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **October 15, 2019**.
- Lawyers must prove the claims against LSI at a trial which has not yet been set. If money or benefits are obtained from LSI, you will be notified about how to ask for a share.
- **Any questions? Read on and visit www.lsiemployeelawsuit.com.**

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BASIC INFORMATION

1. Why did I get this notice?

LSI's records show that you were terminated or laid off without cause from your employment at LSI on or about March 1, 2019, as part of the mass layoff (or plant closing). This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. A trial is to decide whether the claims being made against LSI, on your behalf, are correct. Judge Steven D. Merryday of the United States District Court for the Middle District of Florida is overseeing this class action. The lawsuit is known as *Ali v. LSI, LLC*, Case No: 8:19-cv-535-T-23JSS (Consolidated).

2. What is this lawsuit about?

This lawsuit is about whether LSI violated the WARN Act when it terminated a group of employees. You can find more information about the WARN Act at www.doleta.gov/layoff/warn.cfm.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case Deanna Ali and Heather Embry) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The employees who sued—and all the Class Members like them—are called the Plaintiffs. The companies they sued (in this case LSI) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are legal questions and facts that are common to class members;
- Deanna Ali and Heather Embry’s claims are typical of the claims of the rest of the Class;
- Deanna Ali and Heather Embry and the lawyers representing the Class will fairly and adequately represent the Class’ interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available at www.lsiemployeelawsuit.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that LSI terminated the class members without giving sixty days’ advanced notice as required by the WARN Act. You can read the Plaintiffs’ Complaints at www.lsiemployeelawsuit.com.

6. How does LSI answer?

LSI has not answered the lawsuit. LSI has commenced an assignment for the benefit of creditors proceeding in Hillsborough County Circuit Court.

7. Has the Court decided who is right?

The Court hasn’t decided whether LSI or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial. (See “The Trial” below on page 5.)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for damages in an amount equal to the back pay and benefits for a sixty-day period, attorneys’ fees and costs.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether LSI did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about receiving a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Merryday decided that all former employees of LSI who were terminated or laid off without cause on or about March 1, 2019, as part of the mass layoff (or plant closing), as defined by the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §2101 et seq. (“WARN Act”), excluding directors and officers, are Class Members.

11. I’m still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.lsiemployeelawsuit.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in question 21.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded, and you must make this decision by **October 15, 2019**.

12. What happens if I do nothing at all?

You don’t have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of a trial or a settlement, you will be notified about your share. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose, you will not be able to sue, or continue to sue, LSI—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may only be able to sue for issues unrelated to the WARN Act. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

13. Why would I ask to be excluded?

If you want to maintain your right to be able to bring a separate action for the same legal claims, or already have your own lawsuit against Defendant under the WARN Act and want to continue with it, you need to ask to be excluded from the Class. Excluding yourself from the Class – sometimes called “opting out” of the Class – means that you will not receive any benefit, including money, that the Class might recover as a result of a trial or a settlement in this class action. However, you may then be able to sue or continue to sue Defendant for violations of the WARN Act that occurred or occurs at any time. If you exclude yourself, you also will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against LSI after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against LSI, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Ali v. LSI*. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by **October 15, 2019**, to: **Kwall Barack Nadeau PLLC, 304 S. Belcher Rd., Suite C, Clearwater, FL 33765**.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that the law firms of Kwall Barack Nadeau PLLC of Clearwater, FL, and Wenzel Fenton Cabassa, PA of Tampa, FL, are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar cases against other employers. More information about these law firms, their practices, and their lawyers’ experience is available at www.employeerights.com and www.wenzelfenton.com.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by LSI.

TRIAL

The Court may schedule a trial to decide who is right in this case.

18. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, the Class will have to prove the Plaintiffs' claims at a trial. A trial has not yet been scheduled. During a trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or LSI are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

19. Do I have to come to the trial?

If a trial is scheduled in this case, you do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and LSI will present the defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website, www.lsiemployeelawsuit.com, where you will find the Court's Order Certifying the Class, the Complaints that the Plaintiffs submitted, as well as an Exclusion Request form. You may also speak to one of the lawyers by calling 813-365-3417 or 727-441-4947, or by writing to:

Wenzel Fenton Cabassa, P.A.
1110 N. Florida Ave
Suite 300
Tampa, FL 33602

or

Kwall Barack Nadeau PLLC
304 S. Belcher Rd.
Suite C
Clearwater, FL 34684

DATE: August 16, 2019.

