

Bernstein, et al. v. Virgin America Inc., et al., Case No. 15-cv-02277

**Notice of Motion to Approve the Plan of Allocation, Attorneys' Fees and Expenses,
and Service Awards to Class Representatives**

May 22, 2023

Dear Class Member:

You are receiving this notice because Judge Jon S. Tigar of the United States District Court for the Northern District of California entered a judgment on your behalf as a Class member in the case *Bernstein v. Virgin America, Inc., et al.* Class members are all individuals who have worked as California-based flight attendants of Virgin America Inc. ("Virgin") at any time during the period from March 18, 2011 to April 6, 2017. The defendants in the case are Virgin and Alaska Airlines, Inc., as the successor-in-interest to Virgin ("Defendants").

As you may be aware, the Court ruled that Virgin violated certain California wage and hour laws and issued a judgment in favor of the Class and the State of California in the amount of \$30,976,831.97 through January 15, 2023, plus prejudgment interest through January 24, 2023, and continuing post-judgment interest (the "Final Common Fund Judgment"). Now that the Final Common Fund Judgment has been entered, the attorneys who represent the Class ("Class counsel") have filed a Motion to Approve the Plan of Allocation, Attorneys' Fees and Expenses, and Service Awards to the Class Representatives (the "Motion"). The Motion will be heard by the Court on August 17, 2023, at 2:00 p.m. via Zoom. The Court's order relating to the Motion will be posted on www.VirginWageLawsuit.com after it is issued.

The Motion seeks approval of the Plan of Allocation to distribute the Net Distribution Amount of the Final Common Fund Judgment to the Class. The "Net Distribution Amount" is the amount of the Final Common Fund Judgment after deductions for the Judgment amount payable to the Labor & Workforce Development Agency, and for attorneys' fees, expenses, costs of administration, and service awards to the Class Representatives, as approved by the Court. The Plan of Allocation entitles you as a Class member to your pro-rata share of the Net Distribution Amount, based upon the damages calculations of the expert witness retained on behalf of the Class and accepted by the Court. Those damage calculations are derived from your hours worked, dates of service, and other similar factors. After the Court approves the Plan of Allocation, your pro-rata share of the Net Distribution Amount will be mailed directly to you in the form of a check by the Class Administrator. You do not need to do anything additional, although we ask that if your contact information has changed and you have not previously provided it to us, please send an email to info@strategicclaims.net. You may also submit a completed W-4 form to that same address if you wish to update your tax withholding status from what Defendants may have on file. If you wish to know your portion of the Net Distribution Amount in advance of receiving your check, you may contact the Class Administrator by email or telephone within 45 days of the Court's order approving the Plan of Allocation and request your Preliminary Class Member Net Distribution Amount. The Court's order approving the Plan of Allocation is expected no sooner than August 17, 2023. If you wish to contest that amount, you must contact the Class Administrator with any

additional information or documentation within 75 days of the Court's order approving the Plan of Allocation. As previously noted, the Court's order approving the Plan of Allocation is expected no sooner than August 17, 2023.

The Motion also requests that Class counsel be paid 33% of the Common Fund Judgment plus certain expenses incurred in prosecuting the case. That amount will be offset (that is, reduced) by \$6,395,874.95, which is the amount Virgin has agreed to pay in statutory attorneys' fees, which means that Class counsel will be requesting approximately 13% of the Common Fund plus certain unreimbursed expenses.

As a Class member, you have the right to object to the Motion. A copy of Class counsel's Motion and supporting papers can be reviewed online at www.VirginWageLawsuit.com. By filing an objection, you will not waive your right to receive your share of the judgment. If you wish to file an objection, you must do so by July 21, 2023, by emailing or mailing a written objection with your name, contact information and the reason for your objection to:

Virgin Wage Lawsuit
c/o Strategic Claims Services
600 North Jackson Street – Suite 205
Media, PA 19063
info@strategicclaims.net
1-866-274-4004

Class counsel will file your objection letter with the Court and send a copy to Defendants' counsel prior to the hearing on the Motion scheduled for August 17, 2023. Any objection you have to the Motion will be waived unless you raise it by the time and in the manner stated in this notice.