

PLAN OF ALLOCATION

- 1.1** Within 120 days of the date the Court approves the Plan of Allocation (the “Effective Date”), the Class Administrator shall distribute the Final Class Member Net Distribution Amount(s) (defined below in Section 1.3) to each respective Class member by check, less applicable taxes payable by each such Class member for those portions of their Final Class Member Net Distribution Amount taxable as wages, with a detailed statement reflecting the component of each such check attributable to wages, taxes, and non-wages. The Class Administrator will mail the checks to the last known address of each Class member (based upon Defendants’ records or notice from individual Class members), which will be skip-traced before mailing, and all Class members will be encouraged, in the Class Notice, to contact the Class Administrator to ensure that the most current address is on file for each Class member.
- 1.2** The Class Notice also will encourage each Class member to complete a Form W-4 for purposes of withholding taxes and submit the same to the Class Administrator. The Class Administrator will use information provided by each Class member to determine the amount of withholding for tax purposes and, if no such information is provided, the most recent withholding information provided to Defendant by each Class member or twenty-five (25%) if no information is otherwise available. The Class Administrator will timely issue a W-2 Statement to each Class member for that portion of their Final Class Member Net Distribution Amount allocated to the Class member for wages and a Form 1099 to each Class member for the remainder of their Final Class Member Net Distribution Amount (i.e., non-wages). The Class Administrator will also timely provide a statement to Defendants, broken down by Class member, with the Class Administrator’s calculations as to the employer portion of taxes payable for the wage components of the Final Class Member Net Distribution Amounts.
- 1.3** The amount to be paid to each Class member (the “Final Class Member Net Distribution Amount(s)”) shall be calculated and determined as follows:

 - 1.3.1** Within 14 days of the Effective Date, based upon the calculations of Plaintiffs’ damages expert that were utilized to calculate damages and enter judgment in this case, the Class Administrator shall determine the percentage of the Net Distribution Amount [*i.e.*, the amount of the Court’s judgment entered on January 24, 2023 plus additional, accrued pre-judgment and post-judgment interest (the “Final Common Fund Judgment”),¹ less the amount of attorneys’ fees, costs and expenses (including class administration costs), and service awards, approved by the Court] attributable to each Class member and shall then perform an initial calculation of the amount payable to each Class member by multiplying such

¹The Final Common Fund Judgment shall be deposited in a Qualified Settlement Fund maintained by Huntington National Bank and shall remain deposited in the Qualified Settlement Fund until full distribution of the Final Class Member Net Distribution Amounts and all other amounts awarded by the Court.

percentage by the amount of the Net Settlement Amount (the “Preliminary Class Member Net Distribution Amounts”).

- 1.3.2** Each Class member shall have the opportunity to contact the Class Administrator by email or telephone to determine the amount of their Preliminary Class Member Net Distribution Amount (and the basis for such calculation) between 15 days after the Effective Date and 45 days after the Effective Date and shall have until 75 days after the Effective Date to submit any additional information or documentation to the Class Administrator to contest the calculation of their Preliminary Class Member Net Distribution Amount. The Class Administrator shall review any information submitted by Class members contesting the calculation of the Preliminary Class Member Net Distribution Amounts and, within 90 days of the Effective Date shall make any necessary corrections or adjustments to the Preliminary Class Member Net Distribution Amounts to determine the Final Class Member Net Distribution Amounts. The Class Administrator’s determination of the Final Class Member Net Distribution Amounts shall be final and binding. Within 30 days of the determination of the Final Class Member Net Distribution Amounts, as reflected above in Section 1.3.1, the Class Administrator shall issue checks to the Class members, which checks shall be valid for a period of 120 days.
- 1.4** The Class Administrator will attempt to contact all Class members that have uncashed checks 90 days after issuance to remind such Class members that the checks must be cashed within 120 days of issuance.
- 1.5** The Class Administrator will prepare an Affidavit confirming the mailing and distribution of the Final Class Member Net Distribution Amounts within 135 days of the Effective Date, which shall be filed by Class Counsel with the Court within 140 days of the Effective Date.
- 1.6** The Class Administrator will contact all Class members within 150 days of the Effective Date that failed to cash checks and, for those Class members that can be contacted, will re-issue checks in the amount of their Final Class Member Net Distribution Amounts within 180 days of the Effective Date. The re-issued checks will be valid for a period of 120 days. The Class Administrator will attempt to contact any Class members with uncashed, re-issued checks within 60 days of mailing of the re-issued checks to remind them that their re-issued checks need to be cashed within 120 days of re-issuance.
- 1.7** The Class Administrator will prepare an Affidavit within 315 days of the Effective Date confirming the distribution of the Final Class Member Net Distribution Amounts, as well as the amount of any outstanding uncashed checks and any residual amounts, including interest, remaining in the Qualified Settlement Fund (the “Residual Amount”). The Residual Amount shall be donated to Legal Aid at Work pursuant to a *cy pres* award and the Qualified Settlement Fund shall be closed within 365 days of the Effective Date.