

UNITED STATES DISTRICT COURT OF GUAM

**If you were terminated by the Guam Shipyard,
a class action lawsuit may affect your rights.**

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

- Employees who were terminated in a mass layoff by the Guam Shipyard have filed a lawsuit against their employer for failing to provide notice of the termination as required by law.
- The Court has allowed the lawsuit to be a class action on behalf of all persons who were employed by Guam Industrial Services, Inc., doing business as the Guam Shipyard who were “affected employees” subject to an “employment loss” as defined under the Federal WARN act as a result of the circumstances, acts and facts related to employee terminations effected by the Guam Shipyard on or about October 15, 2013.
- The Court has not decided whether the Guam Shipyard 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	<p>Stay in this lawsuit. Await the outcome. Give up certain rights.</p> <p>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 the Guam Shipyard separately about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED	<p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you will not share in those. But, you keep any rights to sue the Guam Shipyard separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before **May 2, 2019**.
- Lawyers must prove the claims against the Guam Shipyard at a trial set to start **May 14, 2019**. If money or benefits are obtained from the Guam Shipyard, you will be notified about how to ask for a share.
- **Any questions? Read on and visit:**
WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

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QUESTIONS? VISIT [FACEBOOK/GUAMSHIPYARDCLASSACTION.COM](https://www.facebook.com/GUAMSHIPYARDCLASSACTION.COM) or email receptionist@civilletang.com or call 1-(671) 472-8868

BASIC INFORMATION

1. Why did I get this notice?

The Guam Shipyard's records show that you were terminated by the Guam Shipyard on or about October 15, 2013. 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. The trial is to decide whether the claims being made against the Guam Shipyard on your behalf, are correct. Chief Judge Frances Tydingco Gatewood of the United States District Court of Guam is overseeing this class action. The lawsuit is known as *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.*, Civil Action No. 14-00002.

2. What is this lawsuit about?

This lawsuit is about whether the Guam Shipyard violated the provisions of the Worker Adjustment and Retraining Notification Act ("WARN Act" or "Act"), 29 U.S.C. §§ 2101-2109, by failing to provide sufficient notice to its workers that a mass layoff would occur at the Guam Shipyard. More information about the WARN act can be found at the website of the U.S. Department of Labor website page about the WARN act, 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 Russ Carlberg, Roel Dacasin, Reynaldo Galvez, Delmario Cortez, and Gary Chang) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The men who sued-and all the Class Members like them-are called the Plaintiffs. The company they sued (in this case the Guam Shipyard.) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

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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 more than 150 employees who were employed by the Guam Shipyard and terminated in potential violation of the WARN act;
- There are legal questions and facts that are common to each of them;
- Russ Carlberg's, Roel Dacasin's, Reynaldo Galvez's, Delmario Cortez's, and Gary Chang's claims are typical of the claims of the rest of the Class;
- Russ Carlberg, Roel Dacasin, Reynaldo Galvez, Delmario Cortez, Gary Chang, 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.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

THE CLAIMS IN THE LAWSUIT

5. What does this lawsuit complain about?

In the lawsuit, the Plaintiffs say that the Guam Shipyard violated the WARN act. They claim that when the Guam Shipyard terminated more than 150 employees on October 15, 2013, the Guam Shipyard should have first provided at least 60 days advance notice of the impending mass termination. You can read the Plaintiffs' Class Action Complaint at WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

6. How does the Guam Shipyard answer?

The Guam Shipyard denies that it did anything wrong and says that either the WARN act does not apply to workers on Guam or that the Guam Shipyard was excused under the law from providing the prior notice required by the WARN act.

7. Has the Court decided who is right?

The Court has not decided whether the Guam Shipyard 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 starting May 14, 2019. (See "The Trial" below on page 7.)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for damages as allowed under the WARN act. Specifically, the Plaintiffs are seeking the money value of 60 days of lost wages and employment benefits they would have received if the Guam Shipyard had provided them with 60 days of notice prior to their terminations.

9. Is there any money available now?

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

QUESTIONS? VISIT [FACEBOOK/GUAMSHIPYARDCLASSACTION.COM](http://FACEBOOK.COM/GUAMSHIPYARDCLASSACTION) or email receptionist@civilletang.com or call 1-(671) 472-8868

WHO IS IN THE CLASS

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

10. Am I part of this Class?

Judge Gatewood decided that all persons who were terminated without the notice required under the WARN act by the Guam Shipyard on or about October 15, 2013, and who were “affected employees” and subjected to an “employment loss” as defined in the WARN act are members of the Class.

11. Which current and former employees are included?

Former and current employees are in the Class as long as they were employed by the Guam Shipyard on or about October 15, 2013, and were terminated without the notice required under the WARN act by the Guam Shipyard on or about October 15, 2013, and who were “affected employees” and subjected to an “employment loss” as defined in the WARN act

12. Are any employees who worked at the Guam Shipyard not included in the Class?

If you worked at the Guam Shipyard during the time period in question 10, but were not subjected to an “employment loss” as defined in the WARN act, then you are not part of the Class.

13. 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.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION or by calling or writing to the lawyers in this case, at the phone number or address listed in question 23.

QUESTIONS? VISIT [FACEBOOK/GUAMSHIPYARDCLASSACTION.COM](http://FACEBOOK.COM/GUAMSHIPYARDCLASSACTION) or email receptionist@civilletang.com or call 1-(671) 472-8868

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

14. 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 the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, Guam Shipyard—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 the Guam Shipyard for other claims not part of the Plaintiffs' case. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

15. Why would I ask to be excluded?

If you already have your own lawsuit against the Guam Shipyard and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called "opting-out" of the Class you will not get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement between the Guam Shipyard and the Plaintiffs. However, you may then be able to sue or continue to sue the Guam Shipyard for the violation of the WARN act at any time. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

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

16. 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 *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.*, Civil Action No. 14-00002. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by **May 2, 2019**, to: *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.* exclusions, c/o the Law offices of Civile & Tang, PLLC, 330 Hernan Cortez Ave, Suite 200, Hagatna Guam, 96932. You may also get an Exclusion Request form at the website, WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

QUESTIONS? VISIT [FACEBOOK/GUAMSHIPYARDCLASSACTION.COM](http://FACEBOOK.COM/GUAMSHIPYARDCLASSACTION.COM) or email receptionist@civilletang.com or call 1-(671) 472-8868

THE LAWYER REPRESENTING YOU

17. Do I have a lawyer in this case?

The Court decided that the attorneys Joseph C. Razzano and Joshua D. Walsh of the Law firm Civile & tang, PLLC, are qualified to represent you and all Class Members. The lawyers are called "Class Counsel." They are experienced in handling similar class action cases against other defendants. More information about these lawyers, the law firm, their practices, and their lawyers' experience is available at WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

18. 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.

19. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they will ask the Court for fees and expenses. You will not 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 the Guam Shipyard.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

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

As long as the case is not resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is set to start on Tuesday, May 14, 2019, in the United States District Court of Guam, 520 W Soledad Ave FL 4, Hagatna, Guam 96910. During the trial, a Jury will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant 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.

21. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and the Guam Shipyard will present the defenses. You or your own lawyer are welcome to come at your own expense.

22. Will I get money after the trial?

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

GETTING MORE INFORMATION

23. Are more details available?

Visit the website, WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION, where you will find the Court's Order Certifying the Class, the Complaint that the Plaintiffs submitted, the Defendant's Answer to the Complaint, as well as an Exclusion Request form. You may also speak to one of the lawyers by emailing receptionist @ civilletang.com, calling 671-472-8868, or by writing to: Guam Shipyard Class Action, c/o the Law offices of Civile & Tang, PLLC, 330 Hernan Cortez Ave, Suite 200, Hagatna Guam, 96932

DATE: March __, 2019.

REQUEST FOR EXCLUSION FROM CLASS ACTION

To: Clerk of Court, United States District Court of Guam
c/o the Law offices of Civile & Tang, PLLC, 330 Hernan Cortez Ave, Suite 200,
Hagatna Guam, 96932

I, _____, residing at _____,
(name) (address)

respectfully request that I be excluded from membership in the Plaintiff class in the lawsuit known as *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.*, Civil Action No. 14-00002.

I understand that as a result of this request I will not be bound by, or share in, any judgment, whether favorable or not, which may be entered in the above entitled action.

(SIGNATURE)