

**UNITED STATES DISTRICT COURT OF GUAM**

**If you were terminated by the Guam Shipyard on October 15, 2013,  
you could get a payment from a class action settlement.**

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

- The settlement will provide \$737,500.00 to pay claims and legal fees and costs from those employees who were terminated in a mass layoff by the Guam Shipyard. The Guam Shipyard will pay this money into a settlement fund over the period of seven (7) months.
- To qualify, you must have been an employee of Guam Industrial Services, Inc., doing business as the Guam Shipyard, who was an “affected employee” subjected 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.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.
- The Court has not decided whether the Guam Shipyard did anything wrong. There is no money available now, and no guarantee there will be for you. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
DO NOTHING	If you can be identified by the records of the Guam Shipyard and verifiably contacted as being one of the affected employees subjected to the employment loss that gave rise to this settlement, you will get a payment.  If you cannot be identified and contacted as one of the affected employees, you will get nothing.
SUBMIT A CLAIM FORM	You will get a payment if you can submit a Claim form and can be identified as one of the class members.
ASK TO BE EXCLUDED	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against the Guam Shipyard, about the legal claims in this case.
OBJECT	Write to the Court about why you don’t like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.

- These rights and options—and the deadlines to exercise them—are explained in this notice.

- The Court in charge of this case still has to decide whether to provide a final approval of the settlement. Payments will be made if the Court approves the settlement and the Guam Shipyard makes its payments for the settlement. Please be patient.
- **Any questions? Read on and visit:**

WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION

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, 96910

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QUESTIONS? VISIT [WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION](http://WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION)  
or email [receptionist@civilletang.com](mailto: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, and that a settlement in the case may affect you. You have legal rights and options that you may exercise before the Court approves the settlement that has been reached in this case.

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 claimed that 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](http://www.doleta.gov/layoff/warn.cfm). The Guam Shipyard denied that it did anything wrong.

### 3. Why is this lawsuit a class action?

In a class action, 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 people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. Chief Judge of the District Court of Guam Frances Tydingco-Gatewood is in charge of this class action.

### 4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected may get compensation. The Class Representatives and the attorneys think the settlement is best for everyone who was affected by the employment loss.

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

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](http://WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION)

## **WHO IS IN THE SETTLEMENT**

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

### **5. Am I part of this Settlement?**

Judge Tydingco- 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.

### **6. 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.

### **7. Are any employees who worked at the Guam Shipyard not included in the Settlement?**

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

### **8. 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 by calling or writing to the lawyers in this case, at the phone number or addresses listed below:

Email: [receptionist @ civilletang.com](mailto:receptionist@civilletang.com); phone: 671-472-8868, or write to: Guam Shipyard Class Action, c/o the Law offices of Civile & Tang, PLLC, 330 Hernan Cortez Ave, Suite 200, Hagatna, Guam, 96910.

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

## THE SETTLEMENT BENEFITS— WHAT YOU GET

### 9. What does the settlement provide?

The Guam Shipyard has agreed to pay \$737,500 to be divided among all Class Members who can be identified.

### 10. What can I get from the settlement?

Your share of the settlement payment will depend on the number of class members who are identified, what your hourly wage was at the time of your termination, and the value of the benefits you received when you were employed prior to your termination from the Guam Shipyard. Here's how it works:

After the legal fees and costs of the case are deducted from the settlement amount, the remaining balance will be divided amongst those class members who can be identified and contacted.

The settlement amount will be divided and paid to each worker in proportion to what each class member would have been entitled to receive had the case gone to trial and the Plaintiffs prevailed, and obtained a payment from the Defendant. After all class members that can be identified have been contacted, or have submitted claim forms, payments will be made in two installments. The installment payments are necessary because part of the settlement allows for the Guam Shipyard to pay over time.

The payments you will get will reflect your lost wages in relation to everyone else's lost wages. So those who made more in wages will get more money, those who made less as their wages will get less. All of the settlement amounts will be distributed.

If every eligible class member is identified, contacted, or otherwise submits a claim, the average payment will be— depending on the Court's final approval— around \$2,000.00 per employee, with higher wage earners receiving more than lower wage earners. If less than 100% of the Class sends in a claim form or is otherwise identified and contacted, you could get more money.

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## **HOW TO GET A PAYMENT —SUBMITTING A CLAIM FORM OR WAITING TO BE IDENTIFIED AND CONTACTED.**

### **11. How can I get a payment?**

The lawyers for the Plaintiffs in this case for the class will make every reasonable effort to identify and contact those employees that are entitled to payment as part of this settlement. If you do nothing, and if you can be identified and contacted by the lawyers as being part of the class, you will get a payment.

You may also seek a payment by sending in a claim form. A claim form is attached to this Notice. You may also get a claim form on the internet at [WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION](http://WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION)

Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it postmarked no later than January 3, 2020.

### **12. When would I get my payment?**

The Court will hold a hearing on January 14, 2020 at 9:30 AM to decide whether to approve the Settlement. The Guam Shipyard will be making payments over time to establish the fund that will be used for Settlement. If Judge Tydingco-Gatewood approves the settlement, and the payments are made by the Guam Shipyard as scheduled, payments to the class will be made after that. The lawyers intend on making two distributions of payments as the Guam Shipyard makes its payments into the settlement fund. Everyone who can be identified and contacted, and everyone who sends in a claim form, will be informed of the progress of the settlement. Please be patient.

### **13. What am I giving up to get a payment or stay in the Class?**

Unless you exclude yourself, you are staying in the class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against the Guam Shipyard about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you sign the claim form, you will agree to a "Release of Claims," attached to the claim form, which describes exactly the legal claims that you give up if you get settlement benefits. If you do nothing you will be agreeing to Release all claims against the Defendant.

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

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from this settlement, but you want to keep the right to try to sue or continue to sue the Guam Shipyard, on your own, about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as opting out of the settlement Class.

### 14. How do I get out of the Settlement?

To ask to be excluded from the Settlement, 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, address, telephone number, and sign the letter. You must mail your Exclusion Request so it is received by January 3, 2020 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](http://WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION)

### 15. If I don't exclude myself, can I sue the Guam Shipyard for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Guam Shipyard for the claims that this settlement resolves. If you have a pending lawsuit speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is January 3, 2020.

### 16. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, do not send in a claim form to ask for any money. But, you may sue, continue to sue, or be part of a different lawsuit against the Guam Shipyard. You should consult with an attorney about the viability of bringing your own case at this time.

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



## 17. 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 settlement. By doing nothing you are staying in the Class. If you stay in, 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, 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.

## THE LAWYERS REPRESENTING YOU

### 18. 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](http://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?

Class counsel will ask the Court to approve payment of \$245,833.33 (1/3 of the settlement amount) to them for attorneys' fees. The settlement amount will also be reduced by the litigation costs of the case like experts that were hired and investigation expenses in the amount of approximately \$100,00.00, other costs and expenses allowed by the Court, and payments of a total of \$40,000.00 to Russ Carlberg, Gary Chang, Delmario Cortez, Roel Dacasin, and to be divided equally for services as Class Representatives. The attorney fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. This

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will leave a total amount of about \$340,000 to be distributed to the members of the Class. This number could change.

The Guam Shipyard will pay its own lawyers and legal costs.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

### 20. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.* Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to these two different places so that it is received no later than January 3, 2020:

<b>Court</b>	<b>Class Counsel</b>
Clerk of the Court District Court of Guam 520 W Soledad Ave, Hagåtña, 96910, Guam	The Law offices of Civile & Tang, PLLC, 330 Hernan Cortez Ave, Suite 200, Hagatna Guam, 96932.

### 21. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

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

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

### 22. When and where will the Court decide to provide final approval of the settlement?

The Court will hold a Fairness Hearing at 9:30 AM on Tuesday, January 14, 2020 at the District Court of Guam, District Court of Guam, 520 W Soledad Ave, Hagåtña, 96910, Guam in main Courtroom on the Fourth floor. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Tydingco-Gatewood will listen to people who have asked to speak at the hearing. The Court may also confirm the amount to pay to Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

### 23. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Tydingco-Gatewood may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

### 24. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.*" Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be received no later than January 3, 2020 and be sent to the Clerk of the Court and Class Counsel, at the two addresses in this notice. You cannot speak at the hearing if you excluded yourself.

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

## **IF YOU DO NOTHING**

### **25. What happens if I do nothing at all?**

The lawyers on this case for the class will make every reasonable effort to identify and contact those employees that are entitled to payment as part of this settlement. If you do nothing, and if you can be identified and contacted by the lawyers as being part of the class, you will get payments. If you do nothing, and you cannot be contacted, you might receive nothing from this settlement.

But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Guam Shipyard about the legal issues in this case, ever again.

## **GETTING MORE INFORMATION**

### **26. Are more details available?**

Visit the website, [WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION](http://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

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or email [receptionist@civilletang.com](mailto:receptionist@civilletang.com) or call 1-(671) 472-8868

**REQUEST FOR EXCLUSION FROM CLASS ACTION SETTLEMENT  
NO, I DO NOT WANT TO RECEIVE PAYMENT**

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/receiving mail at  
(print name)

\_\_\_\_\_,  
(address)

with a phone number of \_\_\_\_\_ and email or other contact information  
(phone)

of: \_\_\_\_\_,  
(email or other contact)

respectfully request that I be excluded from membership in the Plaintiff class  
action Settlement 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)**

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

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

**CLAIM FORM**  
**YES, I WANT TO RECEIVE PAYMENT**

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, \_\_\_\_\_, Claim that I am part of the Plaintiff class action settlement in the lawsuit known as *Carlberg, et al., v. Guam Industrial Services dba Guam Shipyard, et.al.*, Civil Action No. 14-00002, and I would like to receive payment.

<b>Name:</b>	
<b>Former Position at Guam Shipyard:</b>	
<b>Date of Termination from Guam Shipyard:</b>	
<b>Current Mailing Address:</b>	
<b>Employee or Social Security Number:</b>	
<b>Current Phone Number:</b>	
<b>Current email or other contact:</b>	

I understand that as a result of this request I will be bound by any judgment and settlement agreement which may be entered in the above entitled action.

\_\_\_\_\_  
**(SIGNATURE)**

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

# **END OF NOTICE**

QUESTIONS? VISIT [WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION](http://WWW.FACEBOOK.COM/GUAMSHIPYARDCLASSACTION)  
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