

UNITED STATES DISTRICT COURT OF GUAM

**If you were terminated by H.I.S. Guam, Inc.,  
a class action lawsuit may affect your rights.**

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

- An Employee who was terminated in a mass layoff by H.I.S. Guam, Inc. (“H.I.S.”) has filed a lawsuit on behalf of himself and other similarly situated workers against H.I.S. 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 H.I.S., 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 H.I.S. on or about May 31, 2020.
- A preliminary settlement in this case has been reached even though the Court has not decided whether H.I.S. did anything wrong. There may be settlement funds available for those that were "affected employees" if the settlement is ultimately approved by the Court. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
DO NOTHING	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a settlement or an eventual trial if settlement is not finalized. But, you give up any rights to sue H.I.S. separately about the same legal claims in this lawsuit.</p>

<p>ASK TO BE EXCLUDED</p>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b></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 H.I.S. separately about the same legal claims in this lawsuit.</p>
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- Your options are explained in this notice. To ask to be excluded, you must act before **May 1, 2026**.
- A Settlement Fairness hearing has been set by the Court for **May 18, 2026, at 9:30 a.m.** If money or benefits are obtained from H.I.S., you will be notified about how to receive a share.
- **Any questions? Read on and visit:** [www.gud.uscourts.gov](http://www.gud.uscourts.gov)

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QUESTIONS? VISIT [www.gud.uscourts.gov](http://www.gud.uscourts.gov) or email [receptionist@rwtguam.com](mailto:receptionist@rwtguam.com) or call 1-(671) 989-3009

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## **BASIC INFORMATION**

### **1. Why did I get this notice?**

H.I.S. 's records show that you were terminated by H.I.S. on or about May 31, 2020. 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 or otherwise resolves this case. A trial would decide whether the claims being made against H.I.S. on your behalf, are correct. However, at this point in the case, H.I.S. has agreed to pay a settlement to avoid a trial. Chief Judge Frances Tydingco-Gatewood of the United States District Court of Guam is overseeing this class action. The lawsuit is known as *Igarashi v. H.I.S. Guam Inc.*, Civil Action No. 21-00025.

### **2. What is this lawsuit about?**

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This lawsuit is about whether H.I.S. 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 H.I.S. 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, <https://www.dol.gov/agencies/eta/layoffs/warn>.

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

In a class action lawsuit, one or more people called "Class Representatives" (Originally in this case Osamu Igarashi) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The man who sued and all the Class Members like him are called the Plaintiffs. The company they sued (in this case H.I.S.) 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.

Mr. Igarashi died after the start of this case, and Ms. Yukari Kenney has been approved by the Court to take his place in the role of class representative.

### 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 were at least 96 employees, and possibly more, who were employed by H.I.S. and terminated in potential violation of the WARN act;
- There are legal questions and facts that are common to each of them;

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- Osamu Igarashi's claims are typical of the claims of the rest of the Class;
- Osamu Igarashi 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.gud.uscourts.gov](http://www.gud.uscourts.gov).

## THE CLAIMS IN THE LAWSUIT

### 5. What does this lawsuit complain about?

In the lawsuit, the Plaintiffs say that H.I.S. violated the WARN act. They claim that when H.I.S. terminated more than 100 employees on May 31, 2020, H.I.S. should have first provided at least 60 days advance notice of the impending mass termination. You can access and read the Plaintiffs' Class Action Complaint at [www.gud.uscourts.gov](http://www.gud.uscourts.gov).

### 6. How does H.I.S. answer?

H.I.S. denies that it did anything wrong and says that either the WARN act does not apply in this case or that H.I.S. 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 H.I.S. or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs would win or lose this case. Instead, the Court will decide whether or not to accept the settlement that has been proposed by the parties.

### 8. What are the Plaintiffs asking for?

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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 H.I.S. had provided them with 60 days of notice prior to their terminations.

9. Is there any money available now?

On September 26, 2024, the Court announced terms of the settlement agreed to by the parties. The essential terms of the settlement reached by the parties provides for payments in a total amount of **\$120, 160.17** as recovery for the class after attorneys' fees and costs are deducted from the total amount of the recovery, with funds provided by the Defendant.

### WHO IS IN THE CLASS

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

10. Am I part of this Class?

Judge Tydingco-Gatewood decided that all persons who were terminated without the notice required under the WARN act by H.I.S. on or about May 31, 2020, 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 H.I.S. on or about May 31, 2020, and were terminated without the notice required under the WARN act by H.I.S., and who were “affected employees” and subjected to an “employment loss” as defined in the WARN act.

12. Are any employees who worked at H.I.S. not included in the Class?

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If you worked at H.I.S. 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 access more information and get free help at [www.gud.uscourts.gov](http://www.gud.uscourts.gov) or by calling or writing to the lawyers in this case, at the phone number or address listed in question 23

## 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 at an eventual trial, you will not be able to sue, or continue to sue, H.I.S. —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 H.I.S. 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 H.I.S. 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

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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 H.I.S. and the Plaintiffs. However, you may then be able to sue or continue to sue H.I.S. 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 H.I.S. 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 H.I.S., 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 *Igarashi v. H.I.S. Guam Inc.*, Civil Action No. 21-00025. Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by **May 1, 2026**, to: *Igarashi v. H.I.S. Guam Inc.*, Civil Action No. 21-00025 exclusions, c/o the Razzano Walsh & Torres, P.C., 139 Murray Blvd, Hagåtña Guam, 96910. You may also get an Exclusion Request form at the website, [www.gud.uscourts.gov](http://www.gud.uscourts.gov), or use the form contained at the end of this notice.

### THE LAWYERS 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 Razzano Walsh & Torres, P.C., 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

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practices, and their lawyers' experience is available at their firm website at [www.rwtguam.com](http://www.rwtguam.com).

#### 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 approved, 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 H.I.S.

### **THE TRIAL**

The Court has not scheduled a trial to decide who is right in this case, as the parties have agreed to settle the matter.

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

The Parties have agreed to settle this case, and there is no Trial currently scheduled. If the case is not resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. During a 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?

If there is a trial, you do not need to attend it. Class Counsel will present the case for the Plaintiffs, and H.I.S. will present the defenses. You or your own lawyer are welcome to come at your own expense.

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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.gud.uscourts.gov](http://www.gud.uscourts.gov), 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 like the one included with this notice. You may also speak to one of the lawyers by emailing receptionist @ rwtguam.com, calling 671-989-3009, or by writing to: H.I.S. Class Action, c/o the Law offices of Razzano Walsh & Torres, P.C., 139 Murray Blvd, Hagåtña Guam, 96910

DATE: April 2026.

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**REQUEST FOR EXCLUSION FROM CLASS ACTION**

(ONLY SEND THIS FORM IN IF YOU **DO NOT WANT TO BE PART** OF THIS LAWSUIT)

To: Clerk of Court, United States District Court of Guam  
c/o the Law offices of Razzano Walsh & Torres, P.C., 139 Murray Blvd,  
Hagåtña Guam, 96910.

I, \_\_\_\_\_, residing at  
(name)

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

respectfully request that I be **excluded** from membership in the Plaintiff class in the lawsuit known as *Igarashi v. H.I.S. Guam Inc.*, Civil Action No. 21-00025.

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

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

\_\_\_\_\_  
**(DATE)**

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