

NOTICE OF CLASS ACTION SETTLEMENT AND FINAL APPROVAL HEARING

In the case of :
*Wilfredo Cruz, et al, on behalf of a class of other
similarly situated employees, v. Unilock Chicago,
Inc.. 05 CH 259,
Kane County, Illinois*

BECAUSE YOU ARE A CURRENT OR FORMER UNILOCK EMPLOYEE YOU ARE ENTITLED TO RECEIVE A PAYMENT FROM THIS SETTLEMENT

**If the Settlement is approved by the Court, you will receive a payment.
If you wish to receive this settlement money or object to the settlement,
it is very important that you read this Notice carefully.**

ABOUT THE LAWSUIT: This lawsuit was filed in June 2004 and claims that Unilock plant employees were not paid for all time worked in violation of the Illinois Minimum Wage law ("IMWL"), 820 ILCS 105/1 *et. seq.*, Wage Payment and Collection Act ("IWPCA"), 820 ILCS 115/1 *et. seq.*, and Illinois common law. The appellate court certified the Class (allowed the named Plaintiffs to proceed on behalf of the entire Class) on June 25, 2008. The Lawsuit alleges that Unilock:

- Set its electronic timekeeping system to improperly round the employees' time at both the start of shift and end of shift, resulting in the underpayment of wages;
- Required hourly plant employees to report to their work stations prior to the start of their shift and to perform pre-shift work without pay;
- Deducted 30-minutes for a meal break
- regardless of whether employees took a meal break or took a less than 30-minute break;
- Improperly manually edited employees' time on their time cards;
- Failed to pay employees for work performed prior to punching in ("off the clock"); and
- Failed to pay employees for time spent on the premises changing into and out of their uniforms.

Unilock denies all liability or wrongdoing associated with the claims of the Lawsuit. But, in order to avoid the costs, the uncertainties and risks of further litigation, including but not limited to the risk that the Class or portions thereof will not remain certified, and to assure that the benefits reflected herein are obtained for the Settlement Class, the Parties reached what Class Counsel believes to be a fair and reasonable settlement which is in the best interests of the Settlement Class Members.

SUMMARY OF TERMS OF SETTLEMENT: Unilock will pay a "Settlement Amount" of one million, six hundred thousand dollars (\$1,600,000.00) to resolve all claims for wages, attorneys' fees, expenses and costs incurred by Class Counsel arising out of this Lawsuit. The Settlement Amount will be deposited by the Settlement Administrator into a Qualified Fund account and distributed as set forth below. Funds not disbursed will remain in the account for a period of up to one year (the "Escrow Period"). At the end of the Escrow Period, all funds will be disbursed. In addition to the Settlement Amount, Unilock will pay all administrative costs of settlement, subject to reimbursement from the unclaimed funds at the end of the Escrow Period.

The Settlement Amount will be distributed as set forth below:

- a. **Payments To Settlement Class Members.** The Settlement Class is made up of all hourly, non-exempt, plant employees who worked a total of at least 36 shifts at any time from June 21, 1999 to August 11, 2010, in any of the following "departments:" 1) Maintenance; 2) Plant 1; 3) Forklift; 4) Casual Labor; 5) Plant 2; 6) Tumbler; 7) Plant 3; 8) KBH; 9) Plant 4; 10) PACO; 11) Wet Cast; and 12) KBH Ball, and who did not previously opt out of the Lawsuit. After the deductions for attorneys' fees, their expenses and costs, and the Class Representative Enhancement Payments described below, the remaining Settlement Amount will be divided among the Settlement Class. The amount each Class Member will receive is based upon Unilock employment records. **Individual Settlement Awards will only be mailed to Settlement Class Members who have verified their address as set forth below.** One hundred percent (100%) of each individual's Settlement Payment shall be deemed wages for which withholdings will be made for the Settlement Class Member's share of employment taxes. IRS W-2 (for wages), will be sent

by the Settlement Administrator to the Class Members at the end of the year in which payment is made.

- b. **Attorneys' Fees, Expenses and Costs.** You will not be required to separately pay Class Counsel for their representation of you in this lawsuit. Attorneys' Fees, costs and expenses in the amount of one million dollars will be paid from the Settlement Fund. This amount represents a compromise made by Class Counsel for settlement purposes and is significantly less than the amount of costs and fees that Class Counsel has invested in the Lawsuit over the past six years. .
- c. **Other Payments.** A total of \$50,000.00 of the Settlement Fund will be paid to Class Representatives Wilfredo Cruz, Matthew Albee, Guadalupe Varela, Raul Torres and Ken Joseph, as an additional payment for their time and effort in assisting in the Lawsuit. Their individual payment will be determined by Class Counsel. At the end of the Escrow Period, Unilock will be reimbursed the costs of administration of the Settlement Fund from the unclaimed funds. Thereafter, 50% of the remaining funds at the end of the Escrow Period will be given to the Red Cross for Haiti and the remaining 50% will be divided as determined by Class Counsel and distributed to one or more legal aid organizations.

RELEASE: Once the Court enters its Final Approval Order, you will be deemed by Court order to have released and forever discharged Unilock, its respective predecessors, successors, assigns, officers, directors, agents, employees, attorneys, from any and all wage and overtime claims arising under state or federal law from June 21, 1999 to August 11, 2010, regardless of whether you have cashed your Settlement Award check. The release specifically does not include any claim covered by Workers' Compensation law, or any claim alleging discrimination, personal injury, harassment, fraud, negligence, theft, or conversion, except insofar as such claim is based on the failure to pay wages or to comply with overtime requirements, or any claims that arise after the Court's approval of the Settlement Agreement. The complete statement of the release of claims is contained in the Settlement Agreement and is binding on all Final Settlement Class Members. An English language copy of the Settlement Agreement may be obtained from the Settlement Administrator or Class Counsel.

DISTRIBUTION PROCEDURE: Because Class Counsel has had difficulty in locating the correct address for many of the Settlement Class Members, many former employees have relocated and most current employees will be on their seasonal layoff at the time of the disbursement of the Settlement Awards, and in order for the Settlement Administrator to ensure that the Settlement Award checks and W-2 forms reach the intended recipient, **all Class Members should fill out and return to the Settlement Administrator the address verification form enclosed with this Notice.** A properly addressed, stamped return envelope is included for your convenience.

YOUR RIGHT TO OBJECT: This Settlement is conditioned upon the Court entering a Final Approval Order. Before entering the Final Approval Order, a hearing is held so that the Court can determine if the Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class. You need not appear at the Final Approval Hearing. You are *automatically* considered a Final Settlement Class Member, so if the Court approves the Settlement, and your address has been verified, you will receive your Settlement Award check. However, you may object to or comment on all or part of the proposed Settlement by following the procedure below.

If you choose to object to or comment on the Settlement, **you must do so in writing** to the Settlement Administrator. Your objections or comments must be **postmarked no later than November 22, 2010** and must include:

- a prominent reference to the case name and number;
 - Your full name, address, and telephone number;
 - The approximate dates you were employed
- by Unilock between June 21, 1999 and the present;
 - Your signature; and
 - Any supporting papers on which your objections or comments are based.

If you wish to speak at the Final Approval Hearing, you must also state in your objections or comments that you intend to appear and speak at the hearing. If you do not include this statement, you will not be entitled to speak at the Hearing. You can enter an appearance in the lawsuit through your own legal counsel. If you do,

you will be responsible for your own attorneys' fees and costs. If you submit an objection and wish to preserve your appellate rights, you must either appear in person, through your counsel or as otherwise permitted by the Court, at the Final Approval Hearing. If you do not raise your objections according to the above procedure, you will waive all objections and have no right to appeal any aspect of the proposed Settlement.

If you object and the proposed Settlement is approved, you will still be bound by the final judgment and your claims will be released.

FAIRNESS HEARING ON PROPOSED SETTLEMENT

The Final Approval Hearing on the fairness and adequacy of the proposed Settlement, the plan of distribution, costs of administration, the enhancement award, and Class Counsel's attorneys' fees and costs will be held on November 30, 2010, at 11:00 a.m. in the Circuit Court of the Sixteenth Judicial District of Kane County, Illinois, in the courtroom of the Honorable Michael Colwell, Courtroom 110, 100 S. Third Street, Geneva, Illinois 60134. The Final Approval Hearing may be continued to another date without further notice. If you plan to attend the Final Approval Hearing, you may contact the Settlement Administrator or Class Counsel to confirm the date and time. If the Settlement is not approved, the Lawsuit will continue to be prepared for trial or other judicial resolution

ADDITIONAL INFORMATION

This Notice only summarizes the Lawsuit, the Settlement and related matters. For more information, you may inspect the Court files at the Office of the County Clerk, the Circuit Court of the Sixteenth Judicial District of Kane County, Illinois, 100 S. Third Street, Geneva, Illinois 60134, from 9:00 a.m. to 4:30 p.m., Monday through Friday. A copy of the complaint, the Proposed Settlement Agreement and other papers filed in this case, and a list of frequently asked questions/answers can be found for review at www.cmmclaw.com. Any questions regarding this Notice or lawsuit may be directed to the Settlement Administrator at the below address and telephone number.

PLEASE NOTE THAT UNILOCK MAY NOT TAKE ANY ACTION AGAINST YOU FOR BEING PART OF THIS CLASS ACTION SETTLEMENT

The Settlement Administrator is: First Class Inc. 5410 W. Roosevelt Rd. Ste 222, Chicago, Illinois 60644-1479 (877) 311-1220.

Attorneys for the Settlement Class ("Class Counsel") in the Lawsuit are:

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PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.

Dated: _____, 2010

Nothing contained in this Notice or in the Settlement Agreement is intended to be or should be interpreted as providing tax advice. Settlement Class Members should consult with their tax advisors concerning the tax consequences of any payment they receive.