

NOTICE OF CLASS ACTION SETTLEMENT

SACRAMENTO COUNTY SUPERIOR COURT

If you were an inside wireman employed by Helix Electric, Inc. to work on the Telecommunications Upgrade Projects at Cal State Sacramento, Fullerton, Fresno, San Jose, Chico, or San Diego, you may be eligible for a payment from a class action settlement.

The Sacramento County Superior Court authorized this Notice.
You are not being sued.

- The Settlement resolves a lawsuit between Helix Electric, Inc. (“Defendant”), and a class of employees regarding shift pay.
- The Settlement will provide compensation for wages allegedly due to eligible Class Members.
- In order to be eligible for compensation under the Settlement, you must fill out and return the enclosed Claim Form.
- Your legal rights are affected whether you act or do not act. *Please read this Notice carefully.*

YOUR RIGHTS AND CHOICES:

<i>You May:</i>		<i>Due Date</i>
Submit a Claim Form	This is the <u>only</u> way for you to get a cash payment.	<u>Postmarked by</u> January 8, 2010
Object	Write to the Court about why you do not like the Settlement. Go to the hearing regarding the Settlement on February 22, 2010 at 2:00 p.m. The hearing will be held in Sacramento, California at the Superior Court in Department 53, at 720 - 9 th Street, Sacramento, California.	<u>Received by</u> January 8, 2010
Do Nothing	You get no payment. You also give up the possible right to sue the Defendant on these claims later.	

- The Court still has to decide whether to approve the Settlement. Payments will be made after the Court approves the Settlement. This decision is scheduled to be made on February 22, 2010 at 2:00 p.m. at the Superior Court in Department 53, at 720 - 9th Street, Sacramento, California.
- **Any questions? Read on.** Your rights and choices are further explained in this Notice.

BASIC INFORMATION

1. Why did I get this Notice?

You received this Notice because records show you were an inside wireman employed by the Defendant to work at night on the Telecommunications Upgrade project(s) at Cal State Sacramento, Fullerton, Fresno, San Jose, Chico, or San Diego (referred to as the “Projects” in the rest of this Notice) and you were affected by the claims that are disputed in this lawsuit. The Court ordered that this Notice be sent to you because you have a right to know about a Settlement of a class action lawsuit that can affect you. You have legal rights and choices to make before the Court decides whether or not to approve the Settlement.

This Notice explains:

- What the lawsuit is about.
- Who is included in the Settlement.
- How the Settlement will benefit you.
- How to get the benefits.
- What your legal rights are.

If the address on this Notice is different than your current address, you should provide your current address on the Claim Form you send in, or send a letter with your name, previous address, current address and the name of the lawsuit (*Smith et al. v. Helix Electric, Inc.*, Case No. 05 AS03603), to:

Claims Administrator: *Smith et al. v. Helix Electric, Inc.* Claims Administrator
c/o Desmond, Marcello & Amster
P.O. Box 451999
Los Angeles, CA 90045

2. What is this lawsuit about?

This lawsuit alleges that inside wiremen employed by the Defendant to work at night on the Projects were owed shift pay.

The Defendant contends that it did not owe inside wiremen shift pay at the time of the Projects. Therefore, the Defendant denies all liability.

The Court in charge of the lawsuit is the Sacramento County Superior Court. The name of the lawsuit is *Smith et al. v. Helix Electric, Inc.*, Case No. 05 AS03603. The persons who sued are called Plaintiffs. The company sued— Helix Electric, Inc. — is called the Defendant.

3. Why is this a Class Action?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Kelly Smith, Gary Vanover, Edward Bowman III, Jeffery Smith, Terry Gober, and Justin Johnson) sue on behalf of people who have similar claims. The people together are a “Class” or “Class Members.” One court decides the lawsuit for everyone in the Class. The Court decided that this lawsuit can be a class action because many people were allegedly affected and one lawsuit would be better than many individual lawsuits.

4. Why is there a Settlement?

The Court has not decided who is right or wrong in this lawsuit. Instead, the Plaintiffs and the Defendant agreed to the Settlement. That way, all parties avoid the costs and risks of a trial, and all the people who qualify as Class Members will get compensated.

The Class Representatives and the attorneys for the Class (“Class Counsel”) believe that the case has merit and that the evidence supports the claims. However, given their experience litigating similar cases, Class Counsel recognize the expense and length of continued litigation. Class Counsel also have taken into account the uncertain outcome and the risk of any complex case such as this, as well as the difficulties and delays in such a case. Class Counsel also are mindful of the problems of proof under, and possible defenses to, the claims in this case, including the defenses asserted by Defendant in this action. Class Counsel consider it to be in the best interests of the Class Members for this lawsuit to be settled in accordance with the terms of the Settlement described below and believe the proposed Settlement is fair, just and adequate. The Class Representatives, who have participated in discovery and mediation and regularly communicate with Class Counsel, agree that it is a fair resolution of the case.

The Defendant has denied, and continues to deny all liability for the claims asserted by the Class and have denied the allegations in the Complaint.

WHO IS IN THE SETTLEMENT

5. How do I know if I am part of the Settlement?

In order to receive money from this Settlement, you have to have been an inside wireman (or inside wireman apprentice) employed by Helix Electric, Inc. to work at night on the Projects. Because you have received this Notice, you are part of the group (“Class”) that is part of the Settlement.

THE SETTLEMENT BENEFITS – WHAT YOU GET

6. What does the Settlement provide?

In general, the Settlement provides for Class Members to receive additional compensation.

7. How much will I be paid?

The amount of money that you will be paid depends entirely on how many weeks you were employed by the Defendant to work on the Projects according to the terms of the Stipulation and Settlement Agreement.

HOW TO GET A PAYMENT – SUBMITTING A CLAIM FORM

8. How can I get a payment?

To get a payment, you must complete and mail or deliver the enclosed Claim Form. The Claim Form is included with this Notice. You can also get the Claim Form, by contacting:

Claims Administrator: *Smith et al. v. Helix Electric, Inc.* Claims Administrator
c/o Desmond, Marcello & Amster
P.O. Box 451999
Los Angeles, CA 90045

Be sure to fill in all the information on the Claim Form, and sign it.

Your completed Claim Form, must be delivered or mailed and postmarked on or before **January 8, 2010** to:

Claims Administrator: *Smith et al. v. Helix Electric, Inc.* Claims Administrator
c/o Desmond, Marcello & Amster
P.O. Box 451999
Los Angeles, CA 90045

Please Note: Late Claim Forms will NOT be accepted!

9. When will I get my payment?

The Court will hold a hearing (called the “Fairness Hearing”) at the Sacramento County Superior Court in Department 53 on February 22, 2010 at 2:00 p.m. in Sacramento, California to decide whether to approve the Settlement. The Court is located at 720 9th Street, Sacramento, California. After the Fairness Hearing occurs, the Court resolves any issues related to the Settlement, and the Settlement becomes final, Settlement payments can be distributed to Class Members who have sent in valid Claim Forms.

10. Am I giving anything up for my payment?

You previously elected not to exclude yourself from the Class. As part of the Class, all of the Court’s orders will apply to you, and you give the Defendant a “Release.” A Release means you cannot sue or be part of any other lawsuit against the Defendant about the claims in this lawsuit ever again, including any claim for wages, damages, interest or penalties based on the Defendant’s alleged failure to pay shift pay to inside wiremen employed at the Projects.

The “Released Parties” are: Defendant Helix Electric, Inc., as well as its attorneys and its parents, subsidiaries, affiliates, employees, officers, directors, agents, attorneys, stockholders, shareholders, members, partners, successors, and assigns.

11. If I am currently employed by Helix Electric, Inc., will this Settlement affect my pay?

No. Neither this Settlement nor this litigation affects your ongoing employment or your pay.

YOUR RIGHTS – OBJECTING TO THE SETTLEMENT

12. Can I tell the Court I do not like the Settlement?

Yes. You can tell the Court you do not like the Settlement or some part of it.

13. How do I tell the Court if I do not like the Settlement?

To object, you must send a letter that is **received** by the Clerk of the Court and the attorneys **on or before January 8, 2010**. Your letter should include all of the following:

- Your name and address;
- The name and number of the lawsuit: *Smith et al. v. Helix Electric, Inc.*, Case No. 05 AS03603, in the Superior Court of Sacramento County, California;
- The reason(s) for your objection; **and**
- A statement of whether you (or your lawyer) wish to speak at the Court’s Fairness Hearing. Even if you do not send a letter, you (or your lawyer) may still appear at the Fairness Hearing.

Your objection letter must be mailed to each of the following three (3) places:

1. Clerk of the Court
Superior Court of California, County of Sacramento
720 9th Street
Sacramento, CA 95814

(As an alternative to mailing the objection letter to the above address, you may also file your objection letter at any location of the Superior Court, County of Sacramento that includes a facility for civil filings.)

2. Class Counsel
David Rosenfeld
Anne Yen
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
Telephone: (510) 337-1001
Facsimile: (510) 337-1023
3. Defendant’s Counsel
Richard Freeman
Matthew McConnell
Sheppard, Mullin, Richter & Hampton LLP
12275 El Camino Real, Suite 200
San Diego, CA 92130-2006
Telephone: (858) 720-8900
Facsimile: (858) 509-3691

Important Reminder: The Court requires that objections be received by **January 8, 2010**. If you are mailing your objection, remember to afford enough time for it to get to the Court by that date.

14. If I object, do I have to attend the Court's hearing on the Settlement?

No. The Court will consider all objections from Class Members, whether or not they choose to appear at the Fairness Hearing.

YOUR RIGHTS – APPEARING IN THE LAWSUIT

15. Can I appear or speak in the lawsuit and Settlement?

You can (but do not have to) participate and speak for yourself in this lawsuit and Settlement. This is called making an appearance. You can also have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

16. How do I appear in this lawsuit?

If you want you or your lawyer, *instead* of the Class Counsel, to participate or speak for you in this lawsuit, you may file with the Court a paper that is titled a "Notice of Appearance." If you want, your Notice of Appearance can also say you or your lawyer would like to speak at the Court's Fairness Hearing on the Settlement. You do not have to file a Notice of Appearance in order to appear at the Fairness Hearing.

If you choose to file a Notice of Appearance, it must be **filed with the Court by January 23, 2010**. A formal Notice of Appearance may be filed at any location of the Superior Court of Sacramento County that includes a facility for civil filings.

IF YOU DO NOTHING

17. What happens if I do not do anything at all?

If you do nothing, you will not get any money from the Settlement. You must file a Claim Form, to get your payment. If you do nothing, you will not be able to sue, or join another lawsuit, against the Defendant about the issues and claims in this lawsuit, ever again.

THE LAWYERS REPRESENTING YOU

18. Who pays the lawyers and how much will they be paid?

Class Counsel will ask the Court to approve the payment of 25% (or \$111,250) for attorneys' fees and costs. The costs of administering the Settlement, including the notice and claim process, will be borne by the Defendant. The Defendant will pay the attorneys' fees and costs amounts, if approved by the Court, in addition to all amounts owed to the Class.

19. Do I have a lawyer in this lawsuit and Settlement?

Yes. David Rosenfeld, Anne Yen and the law firm of Weinberg, Roger & Rosenfeld have served as "Class Counsel" and represent Class Members' interests in this litigation. Other than the attorneys' fees and costs approved by the Court, which will be paid from the Settlement, you will *not* be charged for their service.

20. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel works for you. But, if you want your own lawyer to speak for you or appear in Court, you will have to pay that lawyer yourself.

THE COURT'S FAIRNESS HEARING

21. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing to decide whether to approve the Settlement held at the Sacramento County Superior Court in Department 53 on February 22, 2009 at 2:00 p.m. The Court is located at 720 9th Street, Sacramento, CA 95814. You may attend this hearing which will be open to the public.

At the Fairness Hearing, the Court will consider all objections from Class Members, whether or not they attend the Fairness Hearing, and will consider whether the Settlement is fair and adequate. The Judge will listen to people who request to speak at the Fairness Hearing. The Court will also rule on Class Counsel's request for attorneys' fees. After the Fairness Hearing, the Court will decide whether to approve the Settlement.

22. Do I have to come to the Fairness Hearing?

No. You do not have to come to the Fairness Hearing. Class Counsel will answer questions the Court has. However, you (or your lawyer) are welcome to come at your own expense.

You should come to the Fairness Hearing if: (a) you have submitted an objection to the Settlement and you want the Court to consider it; or (b) you have filed a Notice of Appearance and you have asked the Court to allow you or your lawyer to speak at the Fairness Hearing. If you have submitted an objection, the Court will consider your objection even if you do not appear at the Fairness Hearing.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the Settlement and the scope of the claims in this lawsuit. More details are in the Stipulation and Settlement Agreement. The pleadings and other records in this litigation, including the Stipulation and Settlement Agreement, may be examined at the Court between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. If you want copies of any of the documents, you will have to pay for the copies yourself.

You can also get more information by calling, emailing, faxing, or writing to Class Counsel. Class Counsel can be reached by contacting:

Class Counsel
David Rosenfeld
Anne Yen
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
Telephone: (510) 337-1001
Facsimile: (510) 337-1023

Please include your name, your current address, the case name, and the case number on any letters, faxes, or emails.

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