

CLEAR SPRINGS FARMING CLASS ACTION
C/O RUST CONSULTING - 5560
PO BOX 2396
FARIBAULT MN 55021-9096

IMPORTANT LEGAL MATERIALS



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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SHELENE JEAN-LOUIS, JUDES PETIT-FRERE, on
behalf of themselves and others similarly situated,

Plaintiffs,

vs.

CLEAR SPRINGS FARMING, LLC, a Foreign Limited
Liability Company, FLORIDA GOLD CITRUS,
INC., a Florida Profit Corporation, JACK GREEN JR.,
individually, and HOWARD LEASING, INC. a Florida
Profit Corporation, and HOWARD LEASING III, INC.,
a Florida Profit Corporation,

Defendants.

Case No. 8:13-cv-3084-T-30AEP
Class Action

NOTICE OF CLASS ACTION

To: Any and all black/Haitian/Afro-Haitian/African American seasonable agricultural employees or farm-workers of Defendants who applied to work for Defendants on or about March 19, 2012 for a specific crew with the group designation of C13 for a six (6) week period during the 2012 Florida harvesting season and not provided any work by Defendants allegedly on the basis of their race, color, and/or national origin.

YOU HAVE NOT BEEN SUED IN THIS MATTER. This letter is a notice that you may be entitled to a monetary recovery as a member of the Class. You have been identified as being a potential member of the Class who applied for work with Clear Springs Farming, LLC, Jack Green, Jr. Florida Citrus Gold, Inc., Howard Leasing, Inc., or Howard Leasing III, Inc. (“Defendants”). If you applied to work for Defendants, your rights may be affected by this settlement. This Notice is given to inform you about this settlement so that you may have an opportunity to comment on the proposed settlement or opt-out of the Class.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

DO NOTHING	In the event that you do nothing, you will automatically be a member of the class. As a class member, you will receive money from the settlement fund.
EXCLUDE YOURSELF	In the event that you exclude yourself from the settlement, you will not receive a distribution from the settlement fund; and will retain any rights you may have to pursue claims against the Defendants.
OBJECT	In the event that you object, you may write to the Court about why you don't like the settlement or speak to the Court about the settlement at a fairness hearing.

NATURE OF THIS LAWSUIT

A. Summary of the Litigation

This lawsuit is about whether Defendants discriminated against Black/Haitian/Afro-Haitian/African Americans based on their race, color or national origin when selecting seasonal workers to harvest the 2012 crop of blueberries at Clear Springs Farming, LLC.

Nothing in this Notice should be deemed to constitute an admission by Defendants that they violated Title VII, 42 U.S.C. Section 1981, 42 U.S.C. Section 2000 *et seq.* and the Florida Civil Rights Act. In fact, Defendants deny that they have any liability to Plaintiff or the Class whatsoever, and further deny that their actions violated the law in any manner.

The description of Plaintiffs' claims and Defendants' response is general and does not cover all of the claims and contentions of the parties. For a complete statement of all the contentions and proceedings in this case, you should consult the files relating to this lawsuit, which are available for your inspection at the Clerk of the United States District Court for the Middle District of Florida, 801 North Florida Avenue, Tampa, FL 33602.

The maximum damages recoverable in a class action under the Title VII, 42 U.S.C. Section 1981, 42 U.S.C. Section 2000 *et seq.* varies. In this case Plaintiffs sought back pay in the amount of \$415,100.40, plus unspecified compensatory damages and punitive damages.

Without admitting liability, as part of a proposed settlement more fully described below, Defendants agree to pay \$360,000 into a settlement fund to be used solely to compensate Plaintiffs' for alleged emotional distress and attorneys' fees, and, which will be divided among each member of the Class, less attorneys' fees and costs.

B. Certification of the Class

This Court has certified a settlement class, pursuant to Fed. R. Civ. P. 23(b)(3), defined as set forth above, and has appointed Plaintiff Shelene Jean-Louis, as representative of the Class, and her attorneys, Ryan Barack of Kwall Barack Nadeau PLLC and Bradley Rothman of Weldon & Rothman, PL as Counsel for the Class.

C. Settlement of the Lawsuit

Plaintiffs and Defendants have agreed to a proposed settlement that provides:

1. The Defendants shall pay \$360,000 into a common fund, which payment is not to be considered back pay since Plaintiffs were never employees of Defendants and is to be used solely to compensate Plaintiffs for alleged emotional distress and attorneys' fees, and will be distributed to the Class based on which members do not exclude themselves from the class, less attorneys' fees of 1/3 of the fund, court approved costs and a payment of \$15,000 to the class representative to compensate her for her efforts on behalf of the class. All funds that are not distributed to, or claimed by, the Class shall be paid for the benefit of a recognized non-profit entity focused on farmworker justice issues, as a cy pres remedy;
2. Plaintiffs and each member of the Class, and each of their successors, assigns, legatees, heirs, and personal representatives, will release and forever discharge Defendants and each of Defendants' parent, sister, and subsidiary corporations, affiliated entities, predecessors, successors and assigns, and any of their present and former directors, officers, employees, shareholders, agents, partners, licensors, privies, representatives, attorneys, accountants, insurers, and all persons acting by, through, under, or in concert with them, or any of them, from any and all causes of action asserted in the Complaint and Amended Complaint, including violation of Title VII, 42 U.S.C. Section 1981, 42 U.S.C. Section 2000e *et seq.* and the Florida Civil Rights Act and all claims for damages, punitive damages, back pay, emotional distress, injunctive relief or attorneys' fees (hereinafter "Released Claims").

3. Clear Springs Farming LLC will post an official Department of Labor notification under the AWPA in the Creole language at the Clear Springs Farm.

By proposing to settle this lawsuit, Defendants have not admitted liability, nor has the Court found that the claims asserted by Plaintiffs in this case are valid or that there has been any wrongdoing or violation of law. The Court is expressing no opinion on the merits of the case or the terms of the settlement. The Court will later conduct a hearing to determine whether the proposed settlement is fair, reasonable, and adequate under the circumstances, at the time and place indicated below.

D. Your Options

If you are a member of the class, wish to participate in this settlement, and received this Notice by mail, no further action is necessary, unless you change your address. You will receive your settlement check in the mail.

If you are a member of the class, wish to participate in this settlement, and have not received this Notice in the mail or you change your address, please contact the Claims Administrator, Rust Consulting, at (877) 896-0865 to update your address. You may also contact the Claims Administrator by mail at Clear Springs Class Action, c/o Rust Consulting, Inc. – 5560, Faribault MN 55021-9096. Failure to update your address with the Claims Administrator will result in forfeiture of your rights.

You have the right to exclude yourself from both the settlement and the class action by sending a written request for exclusion to the Claims Administrator at the address listed below. The request for exclusion must be post-marked by May 2, 2017, and must contain your name, address, and the name and number of this case along with a written statement that you intend to be excluded from the class. If you exclude yourself from this action, you will not be entitled to share in the settlement fund.

If you are a member of the Class, you have the right to be represented in this action by your own attorney. You also have the right to file a written objection or comment on the proposed settlement. Your objection or comment must state your name, address, the case name and number, why you are objecting or commenting to the proposed settlement, and any reasons supporting your position, along with any documents that support your position. You must sign your objection personally. If you choose to make a written objection or comment, you must mail your objection,

postmarked on or before May 2, 2017, to the Class Administrator at the following address:

Clear Springs Farming Class Action
c/o Rust Consulting - 5560
PO Box 2396
Faribault, MN 55021-9096

You also have the right to make an oral objection or comment at the fairness hearing, as listed below, regardless of whether you filed a written objection or comment.

NOTICE IS HEREBY GIVEN THAT a hearing will be held before the Honorable Judge James S. Moody of the United States District Court for the Middle District of Florida, on May 2, 2017, at 8:45 AM in Courtroom 17 of the United States District Court for the Middle District of Florida, 801 North Florida Avenue, Tampa, FL 33602. This hearing will be held to determine if the proposed settlement is fair, reasonable, and adequate and should be approved and the lawsuit dismissed. If the proposed settlement is approved, it will be binding and will release Defendants from any and all claims that were asserted or could have been asserted in this lawsuit.

Questions concerning this class action litigation should be directed to Rust Consulting .

PLEASE DO NOT CALL THE JUDGE OR THE COURT CLERK

ENTER:
/s/ Judge James S. Moody_____
JUDGE JAMES S. MOODY
United States District Court

DATED: March 3, 2017

