

## NOTICE OF CLASS ACTION SETTLEMENT

**Rawlings v. BMW Financial Services NA, LLC**  
**(Case No. 2:20-cv-2289)**

You are receiving this notice because you are a potential member of a class action lawsuit and eligible to participate in the settlement of that lawsuit. A federal district court approved this Notice. This is not a solicitation from a lawyer.

This Notice is being sent to all:

**All nonexempt associates at BMW Financial Services' office in Hilliard, Ohio during the period of May 5, 2018 to May 21, 2021, who were required to boot up their computers, log into Citrix and have the toolbar open prior to the scheduled start of their shifts and who worked 40 or more hours in one or more workweeks.**

You are receiving this Notice because you fit the definition above.

**Please read this Notice carefully. It contains important information about your legal rights and options.**

| <b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b> |   |
|---|---|
| <b>YOU CAN DO NOTHING</b>                               | If you do nothing, you will be eligible to receive a monetary payment under the settlement if it is approved by the Court. In exchange for your payment, you give up your right to sue BMW Financial Services NA, LLC (“BMW Financial Services”) as part of another lawsuit over the wage and hour claims that are being released by the settlement.  |
| <b>YOU CAN ASK TO BE EXCLUDED</b>                       | <p>If you ask to be excluded, you will not be eligible to receive a monetary payment under the settlement. You may not object to the settlement. You may bring an action against BMW Financial Services as part of another lawsuit over the claims that are being resolved by the settlement. You would not be guaranteed any payment as a result of another lawsuit.</p> <p>Instructions on how to exclude yourself from the settlement are contained below.</p> |
| <b>YOU CAN OBJECT</b>                                   | <p>You can write about why you don’t agree with the terms of the settlement. If you object, you will still be eligible to receive a monetary payment under the settlement if it is approved by the Court.</p> <p>Instructions on how to object to the settlement are contained below.</p>   |
| <b>YOU CAN ATTEND A HEARING</b>                         | <p>If you do not ask to be excluded, you can ask to speak in Court about the settlement at the Fairness Hearing.</p> <p>The time, date and location of the Fairness Hearing are contained below.</p>  |

- 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 approve the settlement. Monetary payments under the settlement will only become available if the Court approves the settlement and the settlement becomes final. Please be patient.

## **BASIC INFORMATION**

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

A class action lawsuit was filed and settled on behalf of persons that fit the following definition:

**All nonexempt associates at BMW Financial Services’ office in Hilliard, Ohio during the period of May 5, 2018 to May 21, 2021, who were required to boot up their computers, log into Citrix and have the toolbar open prior to the scheduled start of their shifts and who worked 40 or more hours in one or more workweeks.**

You are receiving this Notice because the Court ordered that all persons meeting the above definition be sent this Notice. This Notice explains the lawsuit, the settlement, your legal rights, and what benefits are available to you.

The name of this lawsuit is *Rawlings v. BMW Financial Services NA, LLC*. It is filed in the United States District Court for the Southern District of Ohio, Eastern Division. Christopher Rawlings, the person who filed the lawsuit, is referred to as the “Representative Plaintiff.” BMW Financial Services is referred to as the “Defendant.”

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

This lawsuit claims that hourly call center associates regularly worked more than 40 hours per workweek, but were not paid all overtime wages owed for time spent performing pre-shift work of booting up and logging in to the computer systems, time tracking system and numerous virtual software applications/programs through “Citrix.” Consequently, the lawsuit claims that associates are entitled to overtime wages for the uncompensated time spent

completing the computer startup. BMW Financial Services denies the allegations in the lawsuit and asserts that associates were appropriately compensated for all time worked.

### 3. What is a class action?

In a class action, one or more people called a “Representative Plaintiff” file a lawsuit on behalf of himself or herself and other people who have similar claims. Those people with similar claims are called Class Members. Class Members are part of the case and are bound by any judgment or settlement approved by the Court unless they ask to be excluded from the case.

### 4. Why is there a settlement?

The Court did not decide in favor of the Representative Plaintiff or Defendant and neither side prevailed. Instead, the Parties agreed to this settlement with the intention to avoid the cost, time and uncertainty of further litigation.

### 5. How do I know if I will be included in the settlement?

If you fit the definition in **Section 1** above, you are a Class Member.

### 6. What does the settlement provide?

If final approval of the settlement is granted, a total of \$950,000.00 will be available for distribution. This amount, referred to as the Global Settlement Fund, includes Class Counsel’s attorneys’ fees and litigation expenses, service payment for the Representative Plaintiff, the cost to administer the settlement, and settlement payments to the Class Members who do not exclude themselves from the settlement.

You may access the Settlement Agreement at the following link: [www.collectiveaction.io/BMW](http://www.collectiveaction.io/BMW)

### 7. How will my payment be calculated?

Class Members who do not exclude themselves will receive individual settlement payments on a *pro rata* basis based on the number of workweeks that they worked 40 or more hours during the applicable lookback period,<sup>1</sup> in comparison to the total number of workweeks in which all Class Members worked 40 or more hours during the applicable lookback period. The Global Settlement Fund reflects the value of approximately 10 minutes of additional work performed each day during the applicable lookback period. The individual settlement payments after all deductions reflect the value in excess of 6 minutes of additional work performed each day during the applicable lookback period. For the Class Members whose calculated damages do not exceed minimum thresholds, they will receive a minimum payment as follows: Opt-In Plaintiffs<sup>2</sup> will receive a minimum payment of \$10.00 and the Class Members<sup>3</sup> who are not Opt-In Plaintiffs will receive a minimum payment of \$5.00.

You are estimated to receive approximately \$ \_\_\_\_\_, half of which is subject to deductions for applicable taxes and withholdings like any other paycheck, and for which you will receive an IRS Form W-2, and half of which will be reported on an IRS Form 1099.

### 8. How can I get my payment?

**To participate in the settlement, you are not required to do anything.** Checks will be mailed to Class Members at the addresses listed in company records unless a new address was provided to Class Counsel when you joined the case or the National Change of Address database indicates that a new address exists. If your address has changed, you must contact the Settlement Administrator, Analytics Consulting LLC, and provide your current mailing address.

<sup>1</sup> The lookback period for Class Members who returned a consent form (“Opt-In Plaintiffs”) begins three years before the date their consent form was filed and ends on May 21, 2021. The lookback period for all other Class Members begins on May 5, 2018, and ends on May 21, 2021.

<sup>2</sup> As noted in footnote 1, Class Members who returned a consent form when they were first informed of the lawsuit are also “Opt-In Plaintiffs” and had an opportunity to pursue unpaid overtime compensation starting from the date that is three years before their consent form was filed and ending on May 21, 2021.

<sup>3</sup> As noted in footnote 1, Class Members who did not return a consent form to join the lawsuit had an opportunity to pursue unpaid overtime compensation starting from the date that is two years before the date the Complaint was filed, May 5, 2018, and ending on May 21, 2021.

The Settlement Administrator's complete contact information is:

Pre-Shift Logging Time Action  
c/o Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006  
Fax: (952) 404-5750  
Email: [bmwfscase@noticeadministrator.com](mailto:bmwfscase@noticeadministrator.com)

### 9. When will I get my payment?

The settlement becomes effective after the Court grants final approval of the settlement and after the time to appeal the settlement ends. You will be sent a check after the Court holds a Fairness Hearing and grants Final Approval of the settlement. Please be patient.

**It is your responsibility to keep a current address on file with the Settlement Administrator. Please make sure to notify the Settlement Administrator of any change of address.**

**Checks will become null and void after 120 days of their issuance.**

### 10. How can I exclude myself from the settlement?

If you want to exclude yourself from the settlement, you must send a letter saying that you want to be excluded from the settlement in the case of *Rawlings v. BMW Financial Services NA, LLC*, Case No. 2:20-cv-02289.

In your letter, you must include your full name, address and telephone number.

You must mail or email your request for exclusion to the address below so that it is postmarked no later than by **June 11, 2022**. Late exclusions will not be considered.

Pre-Shift Logging Time Action  
c/o Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006  
Fax: (952) 404-5750  
Email: [bmwfscase@noticeadministrator.com](mailto:bmwfscase@noticeadministrator.com)

### 11. What am I giving up if I do not exclude myself from the settlement?

If you participate in the settlement by not excluding yourself, you are giving up your right to sue or be a party in any other lawsuit against Defendant for any wage and hour claims through the Effective Date.

### 12. How can I object to the settlement?

If you want to object to the settlement, you must send a letter saying that you object to the settlement in the case of *Rawlings v. BMW Financial Services NA, LLC*, Case No. 2:20-cv-02289.

In your objection, you must include the case number, your full name, address and telephone number and the reason why you object to the settlement, all documents you want the Court to consider and a "Notice of Appearance" if you hired your own lawyer to represent you in this objection.

You must mail your objection to both of the addresses below so that it is postmarked no later than by **June 11, 2022**. Late objections will not be considered.

Office of the Clerk  
Joseph P. Kinneary U.S. Courthouse  
Room 121  
85 Marconi Boulevard  
Columbus, Ohio 43215

Pre-Shift Logging Time Action  
c/o Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006

### 13. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Clerk's office of the Court that you do not like something about the settlement. You can object only if you do not exclude yourself from the settlement. Excluding yourself from the settlement is telling the Clerk's office of the Court that you do not want to be part of the settlement. If you exclude yourself, you cannot object because the case no longer affects you.

### 14. The Court's Fairness Hearing

The Court has scheduled a Fairness Hearing on July 27, 2022 at 1:30 p.m. at the Joseph P. Kinneary U.S. Courthouse, Room 167, 85 Marconi Boulevard, Columbus, Ohio 43215.

The hearing may be moved to a different date or time without notice, so if you plan to attend, you should call or email Class Counsel for current information. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak about an objection. At or after the hearing, the Court will decide whether to approve the settlement.

**You do not have to come to the hearing.** Class Counsel will answer any questions that the Court may have. If you send an objection to the Clerk's office of the Court, you do not 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.

If you plan to come to the Fairness Hearing, you must send a letter saying that you intend to appear at the Fairness Hearing. This letter must be postmarked no later than July 7, 2022.

You must send your letter to both addresses listed above (the Clerk's office of the Court and the Settlement Administrator). Your letter must include your full name and address, telephone number, and the case name and number referenced above.

### 15. Do I have a lawyer in this case?

The Court appointed Coffman Legal LLC and Bryant Legal, LLC to represent you and other Class Members as "Class Counsel." You do not have to personally pay Class Counsel. You can reach Class Counsel by phone at (614) 949-1181 or (614) 704-0546. You may call Class Counsel to discuss any questions you may have about this settlement. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense.

### 16. How will the lawyers be paid?

The Court preliminarily approved payment of \$316,666.67 for attorneys' fees, plus \$15,122.79 in actual out-of-pocket litigation costs or expenses incurred in prosecuting this case.

### 17. How do I get more information?

If you have other questions about the settlement, you can contact Class Counsel as set forth below.

Matthew J.P. Coffman  
**COFFMAN LEGAL, LLC**  
Ph: 614-949-1181  
Email: [mcoffman@mcoffmanlegal.com](mailto:mcoffman@mcoffmanlegal.com)  
[www.mcoffmanlegal.com](http://www.mcoffmanlegal.com)

Daniel I. Bryant  
**BRYANT LEGAL, LLC**  
Direct: (614) 704-0546  
Email: [dbryant@bryantlegalllc.com](mailto:dbryant@bryantlegalllc.com)  
[www.BryantLegalLLC.com](http://www.BryantLegalLLC.com)

**PLEASE DO NOT CONTACT THE COURT  
WITH QUESTIONS ABOUT THE SETTLEMENT**