

**UNITED STATES DISTRICT COURT WESTERN DISTRICT OF OKLAHOMA**  
*Madelyn Casilao et. al. v. Hotelmacher LLC et. al* | Case No. 5:17-cv-00800-AMG

**FOR:**

<<EmployeeName>>  
 <<Address1>> <<Address2>>  
 <<City>>, <<State>> <<Zip>>  
 Email: <<Email>>

*Bisitahin ang [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com) para sa higit pang impormasyon. Ang paunawang ito ay ipinapadala dahil ikaw ay isang miyembro ng isang aksiyon ng klase na naayos. Upang matuto nang higit pa tungkol sa iyong mga karapatan, at ang iyong kakayahang tumanggap ng kabayaran kung ang kasunduan ay sinang-ayunan, tumawag sa (888) 820-1293 o magpadala ng isang email sa [schumacher\\_lawsuit@legalaiddatwork.org](mailto:schumacher_lawsuit@legalaiddatwork.org) at ang isang abogado na kumakatawan sa klase ay muling tatawag sa iyo na may isang Tagalog na tagapagsalin.*

## Notice of Class Action Settlement for Filipino H-2B Workers at Walter and Carolyn Schumacher-Owned Companies from 2008 to 2014

This notice affects your rights. Please read the entire notice carefully and **please respond**. In 2021, the Court approved this case as a class action for the Filipino H-2B workers who worked for Walter and Carolyn Schumacher-owned companies between 2008 and 2014. In December 2023, the parties reached a settlement. On August 22, 2024, at 10:00 a.m., the Court will hold a hearing and consider whether to approve the settlement. You have the right to object to the settlement at this hearing if you do not believe it is fair, reasonable, and adequate. The purpose of this Notice is to tell you about the settlement, explain how your rights may be affected by the settlement, and tell you about your options. Your legal rights may be affected, and you have a choice to make now:

### Basic Information about the Settlement

The Defendants have agreed to pay \$730,000 to resolve the claims of the class, including fees and costs incurred by your lawyers, service awards to the named Plaintiffs, and costs to administer the settlement.

Under the proposed settlement, you will be paid no less than **\$<<estAmount>>**.

You **must let us know how you want to be paid and confirm your information** before you can be paid as part of the settlement process. You can confirm this information by calling (888) 820-1293 or going to [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com) and entering in the following information, or filling out the claim form at the end of this notice and mailing it to the address on the form.

CPT ID: <<ID>>

Password: <<Passcode>>

<b>Your Rights and Options</b>		
<b>Option</b>	<b>Description</b>	<b>Deadline</b>
<b>Provide your information and preferred method of payment.</b>	We need to make sure we have your accurate information to pay your portion of the settlement. Please confirm your information by either going to <a href="http://www.hotelmachersettlement.com">www.hotelmachersettlement.com</a> , calling (888) 820-1293, or sending back the last page of this notice to <i>Casilao v. Hotelmacher, LLC</i> c/o CPT Group, Inc. 50 Corporate Park Irvine, CA 92606	July 15, 2024
<b>Opt Out of the Class Action</b>	You may ask to be excluded from this lawsuit and pursue your own lawsuit. If you ask to be excluded from this lawsuit, you will not participate in the settlement in this lawsuit, but you will keep any rights to sue Defendants separately about the same legal claims in this lawsuit.	July 15, 2024
<b>Object to the settlement.</b>	File an objection with the Court by July 15, 2024 or appear at the Final Approval Hearing to explain why you do not like the settlement. Additional instructions on how to object can be found at page 5.	July 15, 2024

## Information about the Case

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

You received this notice because records show that between 2008 and 2014, you came to the United States from the Philippines on an H-2B visa, and that one or more of the following companies or people allegedly either petitioned for you to come to the United States or was your alleged de-facto employer: Hotelmacher LLC, doing business as Holiday Inn Express; Steakhmacer, LLC, doing business as Montana Mike’s Steakhouse; Schumacher Investments, LLC, doing business as Water Zoo; Apex USA, Inc.; Walter Schumacher; Carolyn Schumacher.

A class action lawsuit has been brought against these companies and individuals claiming that they recruited H-2B workers from the Philippines through false promises about pay and working conditions. Defendants deny all of the allegations in the lawsuit. The lawsuit is known as *Casilao et al. v. Hotelmacher, et al.*, No. 17-cv-583-AMG (W.D. Okla.). The Honorable Amanda M. Green United States Magistrate Judge in the Western District of Oklahoma, is overseeing this lawsuit.

This notice is being sent to you because you are a member of the Class in this lawsuit, are entitled to participate in the settlement, and can object to the settlement if you do not think it is fair, reasonable, and adequate. This notice explains the proposed settlement. To review the settlement agreement and other documents, visit [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com). For more information, you may also contact class counsel at (888) 820-1293 or [schumacher\\_lawsuit@legalaidatwork.org](mailto:schumacher_lawsuit@legalaidatwork.org).

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

In a class action lawsuit, one or more people, “Class Representatives,” sue on behalf of other people who have similar claims. All those people together are the “Class” or “Class Members.” The Class Representatives and Class Members together are the “Plaintiffs” or “Class.” The people being sued are the “Defendants.” In this case, the Defendants are Hotelmacher LLC, doing business as Holiday Inn Express; Steakhmacer, LLC, doing business as Montana Mike’s Steakhouse; Schumacher Investments, LLC, doing business as Water Zoo; Apex USA, Inc.; Walter Schumacher; and Carolyn Schumacher.

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

Plaintiffs claim that Defendants made a number of false promises to Plaintiffs to recruit them to work in Clinton, Oklahoma. Plaintiffs say that once they arrived in Clinton, Oklahoma, the Defendants did not keep their promises, which allegedly included: reimbursement for the cost of travel to Clinton; providing free food and housing in Clinton; full-time work; and/or to be paid at a fixed hourly rate (or “guaranteed minimum”). Plaintiffs also claim that by breaking these promises, the Defendants breached the contracts they entered into with the Plaintiffs and the Philippine government and forced the Plaintiffs to labor for Defendants on Defendants’ terms. The Plaintiffs are asking for compensation from Defendants to remedy the broken promises and forced labor they were subjected to in Clinton, Oklahoma. Defendants deny all of Plaintiffs’ allegations.

The Court has not decided who is right or wrong. By allowing this case to proceed as a class action, the Court did not suggest that the Plaintiffs will win or lose the case. The parties have agreed to settle the claims instead of proceeding to trial.

### **4. Why is this lawsuit a Class Action?**

The Court has decided that this lawsuit can be a class action because, in the Court’s view, this lawsuit meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order certifying the Class, available at [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com).

### **5. Am I part of the Class?**

The Class certified by Judge Palk includes all Filipino nationals who came to the United States as H-2B temporary workers between January 1, 2008, and December 31, 2014 and were sponsored by or worked for one of the Defendants upon arrival to the United States.

If you are not sure whether you should be included in this lawsuit, you can get free help by contacting the lawyers appointed by the Court to represent the Class in this case at (888) 820-1293 or [schumacher\\_lawsuit@legalaidatwork.org](mailto:schumacher_lawsuit@legalaidatwork.org). Do not contact the Court.

## **The Settlement Agreement and Its Benefits**

### **6. What does the proposed settlement provide?**

The Defendants have agreed to pay \$730,000 to resolve the claims of the class. The Defendants dispute that they violated any laws or engaged in any unlawful conduct.

The \$730,000 will be used to make:

- individual payments to the 23 members of the class, totaling at least \$458,500;
- fees and costs incurred by your lawyers, as approved by the Court, up to \$215,000;
- service awards, as approved by the Court, up to \$15,000 per named Plaintiff, and up to \$45,000 in total;
- costs to administer the settlement, as approved by the Court, up to \$11,500.

## 7. How much will my settlement payment be? And how was it calculated?

After deductions of the Court-approved fees, costs, and service awards, the remaining sum that will be used to make individual payments to the 23 members of the class (“Net Settlement Fund”) will be at least \$458,500.

If the settlement is approved, you will be paid a portion of the Net Settlement Fund based on the number of days you spent in Clinton, Oklahoma, as an employee of the Defendants.

**Your *estimated* settlement payment under the terms of the class-action settlement will be: <<estAmount>>, based on our understanding that you arrived in Clinton, Oklahoma on <<ArrivalDate>>, and stopped working for Defendants on <<DepartureDate>>.**

This information will be based on records provided by Defendants, and the calculations done by Class Counsel and the Settlement Administrator. If you believe you were in Clinton, Oklahoma working for the Defendants for more time, please reach out to Class Counsel. The final payment you receive may be lower or higher than the estimated amount listed above. The exact amount you will receive cannot be calculated at this time because it is not known how many class members will participate in the settlement, and the Court has not yet approved the amounts that will be deducted from the Settlement Fund, which include Class Counsel’s attorneys’ fees and expenses, Settlement Administrator costs, and service awards to the Plaintiffs who brought this lawsuit.

*If Medicare, Medicaid or a private health insurance plan paid for medical care you received that was related to or arising from your employment with Defendants, please contact Class Counsel. Under the settlement, you agree to pay any liens asserted by Medicare, Medicaid or a private insurance plan that are determined to be related to the alleged injuries and/or damages at issue in the Action. Plaintiffs do not believe there are any such liens, and Plaintiffs and the class did not seek damages for physical harm or medical expenses.*

## 8. Will I owe any taxes?

For tax reporting purposes, you will receive an IRS Form 1099-MISC for all settlement amounts. You will owe taxes on these payments. You should speak with an accountant or other tax advisor if you have any questions about the tax consequences of your settlement proceeds.

If you do not provide Class Counsel or the Settlement Administrator with an ITIN or Social Security Number, 28 percent of the settlement amount will be withheld as “backup withholding.”

## 9. What are the Defendants receiving from this settlement?

The class members will issue a release of liability for all claims that could have been brought against the Defendants in this lawsuit, and Defendants will no longer have to defend this lawsuit.

## How to Get a Payment?

### 10. How will I receive my payment?

If you fill out a claim form, you can select how you would like to get paid, which could include a variety of digital options or by paper check. If you do not fill out a claim form, a check will be mailed to you if Class Counsel or the Settlement Administrator has a known mailing address for you.

## 11. When should I get my payment?

The Court will have a Final Approval Hearing on August 22, 2024, to decide whether to approve the settlement. You should receive your payment within a few months if the Court approves the settlement. However, payment will be delayed if there are appeals.

## How to Object?

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

If you are a Class Member, you can object to the settlement if you do not like any part of it. You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a larger settlement or change the terms of the settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. You may object to the proposed settlement in writing, or you or your attorney may appear at the Final Approval Hearing. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must be filed with the Court and must identify:

- a) your full name, current mailing address, and telephone number;
- b) the case name and number *Casilao et. al. v. Hotelmacher LLC et. al.*, Case No. 5:17-cv-00800-SLP;
- c) your positions, including the grounds for the objection;
- d) whether the objection applies only to the objector, to a subset of the class, or to the entire class;
- e) copies of any documents supporting the objection;
- f) the identity of any attorneys representing the objector;
- g) whether you (or your attorney) intends to appear at the Final Approval Hearing;
- h) a list of all other matters in which you and/or your attorney has lodged an objection to a class action settlement; and
- i) your signature or the signature of your attorney.

The written statement must be filed with the United States District Court for the Western District of Oklahoma on or before July 15, 2024. You must also mail copies of the objection to class counsel.

### 13. How do I ask to be excluded from (i.e., opt out of) the Class?

To exclude yourself from (i.e., opt out of) the Class, you must send an “Opt Out Statement” in the form of a letter, sent by mail or email, stating that you want to be excluded from *Casilao v. Hotelmacher*. Be sure to include your name and a telephone number or email address and sign the letter. You must send your “Opt Out Statement” so that it is received or postmarked by July 15, 2024 to:

Mail: Legal Aid at Work, 180 Montgomery Street, Suite 600, San Francisco, CA 94104  
 Email: [schumacher\\_lawsuit@legalaidatwork.org](mailto:schumacher_lawsuit@legalaidatwork.org)

You must follow these procedures precisely in order to exclude yourself from the Class. If you ask to be excluded, you will not receive any benefit from the case, whether through this settlement, judgment, or verdict. If you are a Class Member, you can object to the settlement if you do not like any part of it. You cannot opt out and object to the settlement.

## The Final Fairness Hearing

### 14. When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the Final Approval Hearing on August 22, 2024, at 10:00 a.m. at the United States District Court for the Western District of Oklahoma, located at 200 NW 4th Street, Oklahoma City, Oklahoma 73102. The purpose of the hearing is for the Court to determine if the Settlement is fair, reasonable, adequate, and in the best interests of the Class.

At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees, costs, and expenses and the service awards to named Plaintiffs. The location, date, and time (including any options for remote appearances) of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the Settlement Website, [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com), or through the Court's publicly available docket. You should check the Settlement Website to confirm the date and time have not been changed.

### 15. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. If your written objection was filed or mailed on time and meets the other criteria described in this Settlement Notice, the Court will consider it. However, you may appear on your behalf or pay a lawyer to attend on your behalf to assert your objection if you would like.

### 16. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you (or your attorney) may appear and speak at the Final Approval Hearing concerning any part of the proposed Settlement.

## The Lawyers Representing You

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

The attorneys who represent the Plaintiffs and the Class Members are called "Class Counsel." The Court has decided that these lawyers are qualified to represent you and other Class Members. The Court has designated them as Class Counsel in this lawsuit based on a determination that they are capable and experienced in handling similar cases. If you stay in the Class (*i.e.*, you do not exclude yourself), you will be represented by Class Counsel. More information about Class Counsel is available at [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com), and you can contact them at [schumacher\\_lawsuit@legalaidthatwork.org](mailto:schumacher_lawsuit@legalaidthatwork.org). They are:

George A. Warner  
**LEGAL AID AT WORK**  
 180 Montgomery Street, Suite 600  
 San Francisco, CA 94104  
 Telephone: (415) 864-8848

Christopher J. Willett  
 Caitlin Boehne  
**EQUAL JUSTICE CENTER**  
 314 E. Highland Mall Blvd., Ste. 401  
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Eben Colby  
 Catherine Fisher  
 Alyssa Musante  
 500 Boylston Street, 23rd Floor  
 Boston, MA 02116  
 Telephone: (617) 573-4800

Meghan Lambert  
**ACLU OF OKLAHOMA**  
 P.O. Box 13327  
 Oklahoma City, OK 73113  
 Telephone: (405) 525-3831

### **18. Do I need to hire 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 may hire one at your own expense.

### **19. How will the lawyers be paid?**

You will not be required to pay any attorneys' fees or costs out of your own pocket. If the settlement is approved, these lawyers will be paid from the settlement amount. The lawyers will request a maximum of \$215,000 in attorneys' fees, and litigation costs.

Class Counsel's application for an award of attorney's fees and costs will be filed with the court by May 15, 2024 and may be viewed in the court file at [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com) or the United States District Court for the Western District of Oklahoma. You have a right to express your opinion about this request and the final decision on payment to the lawyers will be made by the Court. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **20. Will the Class Representatives receive any payments?**

Class Counsel will request approval from the Court for a total \$45,000 in service awards for the three named Plaintiffs for their efforts in pursuing this lawsuit, and willingness to accept the risks of being a representative.

Class Counsel will make their request for Plaintiffs' service awards, on or before May 15, 2024.

## **Additional Information**

### **21. What happens next?**

If the settlement is approved, the Settlement Administrator will distribute funds per the settlement terms.

### **22. Does my immigration status impact my ability to be part of the case?**

No. You may be a Class Member regardless of your immigration status, and regardless of whether you reside inside or outside the United States.

### **23. Are more details available?**

Yes. You can find more information on the case website, [www.hotelmachersettlement.com](http://www.hotelmachersettlement.com), where you will find the lawsuit that the Class Representatives filed with the Court on your and other Filipino H-2B workers' behalf, the settlement, and other documents. Or you may contact Class Counsel.

DATE: May 15, 2024