

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**If you worked for Captel, Inc. (Captel) as a Captioning Assistant
between the dates of July 27, 2009 and July 28, 2012, you may be
entitled to benefits under this Settlement.**

THIS NOTICE AFFECTS YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY.

A Federal Court has authorized this Notice.

NOTICE OF CLASS ACTION SETTLEMENT:

TO: [NAME]

RE: Settlement of Alleged Wage Claims under the Fair Labor Standards Act and Wisconsin Wage Law

- Blake Draper (the “Class Representative”), a former Captel employee, brought a complaint claiming that Captel allegedly failed to properly pay wages for time worked due to the company’s time clock rounding policy.
- Captel has denied and continues to deny the allegations in the complaint and represents that its policies and practices regarding time clock rounding were proper and in compliance with the law at all times.
- For settlement purposes, the Court certified this case as a class and collective action on behalf of Captioning Assistants who worked for Captel at any time from July 27, 2009 through July 28, 2012 (the “Class Period”).
- Captel and the Class Representative have agreed to resolve the wage claims of the Class Representative and those Captel Captioning Assistants employed between the dates of July 27, 2009 and July 28, 2012 (the “Settlement”). This Notice is to inform you about the status of this complaint, including your potential right to receive a share of the funds paid by Captel to resolve these claims (the “Settlement Fund”). **Your legal rights are affected and you have a choice to make in this action now:**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

**PARTICIPATE IN THE
SETTLEMENT OF THE
WISCONSIN WAGE
CLAIM**

If you do nothing, you will automatically participate in the Settlement of the Wisconsin wage claim. If you are entitled to any consideration for your participation in the Settlement, you will receive a check in an amount as explained in Paragraph 3 below. If you do nothing you will release any Wisconsin wage claim that arose during the course of your employment with Captel and during the Class Period. See Paragraph 9(a) below.

PARTICIPATE IN THE SETTLEMENT OF THE FAIR LABOR STANDARDS ACT CLAIM	If you return a Consent Form by (60 days from mailing of Notice) you will be entitled to an additional settlement amount, beyond what is listed below, in exchange for your release of claims under the Federal Fair Labor Standards Act (“FLSA”). The FLSA provides for damages beyond what is available under Wisconsin law and the additional payment you receive represents payment in exchange for your release of those potential additional damages.
OBJECT	Write the Court about why you do not like the Settlement. Note: if you object, but do not exclude yourself, you will still be bound by the terms of the Settlement. See Paragraph 9(b).
ATTEND THE HEARING	Ask to speak to the Court about the fairness of the Settlement.
EXCLUDE YOURSELF	You will be unable to participate in the Settlement if you choose this option, but will retain any rights you may have against Defendant over the claims in this case. See Paragraph 9(b).

Your options are explained in this Notice. Please read it carefully. To exclude yourself from the Settlement you must act before (60 days from mailing of Notice).

1. What is this notice about?

On July 27, 2011, the Class Representative filed a complaint in the United States District Court for the Western District of Wisconsin on behalf of himself and other similarly-situated Captioning Assistants employed by Captel. The complaint alleges violations of the Fair Labor Standards Act as well as Wisconsin state law and seeks back wages, interest, liquidated damages, and attorneys’ fees.

Specifically, the Class Representative alleged that Captel maintained a time clock rounding policy which caused him and the similarly-situated employees to perform work for which they did not receive compensation. Captel has denied and continues to deny the allegations in the complaint and contends that its policies and practices regarding compensation were proper and in compliance with the law at all times. Captel does not admit to any wrongdoing or liability. However, to avoid additional costs and time-consuming litigation, Captel has offered to settle the matter according to the terms of the Settlement.

2. Who is included in the Settlement Class?

The following Settlement Class has been certified: All persons employed by Captel, Inc. as a Captioning Assistant at any time between July 27, 2009 and July 28, 2012 who were subject to Captel’s time clock rounding policies and who worked at least 60 shifts during this period.

3. What are the Benefits and Terms of the Settlement?

To settle this case, Captel has agreed to pay an amount (the “Settlement Fund”) sufficient to provide the Class Members an amount equal to approximately one to three minutes of pay times the number of shifts worked during the period covered by this Settlement. In addition, the Settlement Fund includes funds for attorneys’ fees. If you elect to participate, you shall receive, if the Court approves the Settlement, a portion of the Settlement Fund, after payment of attorneys’ fees, costs and expenses. Assuming the Court approves the Settlement as submitted, each participating Class Member who has worked at least 60 shifts during the period will be entitled to receive a payment amount to be determined by the number of shifts worked during the Class Period.

- A. **Assuming the Court approves the Settlement of the Wisconsin wage claim as submitted, the gross settlement amount you will receive will be approximately:**

[SETTLEMENT AMOUNT].

- B. **If you return a signed Consent Form to Class Counsel by (60 days from mailing of Notice) you will be entitled to an additional settlement amount. This additional payment represents liquidated damages under the FLSA, and is provided in exchange for your release of claims under the FLSA.**

4. Who is Class Counsel?

The Court appointed the following lawyers as Class Counsel to represent the certified Settlement Class:

William E. Parsons
Hawks Quindel, S.C.
222 W. Washington Ave. Suite 450
Madison, Wisconsin 53703.
(608) 257-0040
wparsons@hq-law.com

5. How much are Attorneys’ Fees?

Class Counsel has pursued the complaint on a contingent basis and has not received any payment of fees or any reimbursement of their out-of-pocket expenses related to the recovery on behalf of the Class. As part of the Settlement, subject to Court approval, Class Counsel will apply for fees and expenses in an amount not to exceed \$71,500. Under this Settlement, Class Counsel will recover compensation from the Settlement Fund. Participating Class Members will not be required to make any payments to Class Counsel for attorneys’ fees or other litigation costs from their individual settlement amounts. Class Members may object to the terms of the Settlement and/or to the Class Counsel’s request for attorneys’ fees and expenses, pursuant to Paragraph 9(c).

6. What happens if the Court Approves the Settlement?

If the Court approves the proposed Settlement, it will enter a judgment that will dismiss the complaint with prejudice on the merits with respect to the Wisconsin wage claim. This means that Class Members who do not exclude themselves, and who do not return a Consent Form, will not be able to bring any further claims against Captel for all Wisconsin state wage and hour claims that arose in the course of such Class Member's employment with Captel as a Captioning Assistant between July 27, 2009 through July 28, 2012. Class members who do not exclude themselves and who return a timely executed Consent Form shall also be deemed to have released federal wage and hour claims for this same period. Class Members who validly and timely request exclusion from the Settlement will not release any federal or Wisconsin state wage and hour claims, if any.

7. What happens if the Court does not approve the Settlement?

If the Court does not approve the proposed Settlement, the case will proceed as if no settlement has been attempted and there can be no assurance that the class will recover more than is provided for in this Settlement or, indeed, anything.

8. When is the Fairness Hearing?

A hearing will be held before the Honorable Judge William M. Conley, United States District Court for the Western District of Wisconsin, 120 North Henry Street, Madison, Wisconsin on Wednesday, November 7, 2012, at 1:00 p.m. The purpose of the hearing is for the Court to decide whether the proposed Settlement is fair, reasonable, and adequate and should be approved and, if so, to determine what amount of attorneys' fees and expenses should be awarded to Class Counsel. The time and date of this hearing may be changed without further notice.

9. What are my options regarding the Settlement?

You may participate in all, part, or none of the Settlement by choosing one of the following options (A through D) below:

A. **Participate in the FULL Settlement -- Remain in the Wisconsin Wage Claim Class and actively opt in to the FLSA Collective Class:**

- **Action:** Fill out and mail in the **Consent Form**
- **Explanation:** Assuming the Court approves the Settlement, and provided you worked at least 60 shifts as a Captel Captioning Assistant, you automatically become part of the Wisconsin Wage Claim Settlement, and you will automatically receive a check in the approximate gross (before withholding and deductions) amount set forth in Paragraph 3 above. However, to participate in the full settlement, you must also actively opt in to the FLSA Settlement by returning a timely executed Consent Form (attached). If you opt in to the FLSA Collective Class by returning the Consent Form, you will receive an additional settlement amount in recognition of your release of FLSA claims. Please contact Class Counsel to learn what additional amount you have been allocated as liquidated damages for your FLSA claims.

B. Participate in PART of the Settlement -- Remain in the Wisconsin Wage Claim Settlement and remain out of the FLSA Collective Class:

- **Action:** Do nothing
- **Explanation:** Assuming the Court approves the Settlement, and provided you worked at least 60 shifts as a Captel Captioning Assistant, you automatically become part of the Wisconsin Wage Claim Settlement, and you will automatically receive a check in the approximate gross (before withholding and deductions) amount set forth in Paragraph 3 above. However, to participate in the full settlement, you must also actively opt in to the FLSA Collective Class by returning a timely executed Consent Form (attached). If you choose not to return the Consent Form, you will not be part of the FLSA Collective Class and you will not release any FLSA claims you may have. However, you will not receive an additional settlement amount in recognition of your release of FLSA claims.

C. Participate in PART of the Settlement -- Actively exclude yourself from the Wisconsin Wage Claim Settlement and actively opt in to the FLSA Collective Class:

- **Action:** Fill out and mail in the **Consent Form** and the **Request for Exclusion Form**
- **Explanation:** Assuming the Court approves the Settlement, and provided you worked at least 60 shifts as a Captel Captioning Assistant, you automatically become part of the Wisconsin Wage Claim Settlement, and you will automatically receive a check in the approximate gross (before withholding and deductions) amount set forth in Paragraph 3 above. However, you may elect to exclude yourself from the Wisconsin Wage Claim Settlement by returning the Request for Exclusion Form (attached). If you exclude yourself, you will not release any Wisconsin state law wage claims, but you will also not receive a check in the approximate gross (before withholding and deductions) amount set forth in Paragraph 3 above. If you elect to exclude yourself from the Wisconsin Wage Claim Settlement, you may still actively opt in to the FLSA Collective Class by returning a timely executed Consent Form (attached). If you opt in to the FLSA Collective Class, you will receive a different settlement amount in recognition of your release of FLSA claims. Please contact Class Counsel to learn what additional amount you have been allocated as liquidated damages for your FLSA claims.

D. Exclude yourself from the entire Settlement

- **Action:** Fill out and mail in the **Request for Exclusion Form**
- **Explanation:** If you wish to be excluded from the entire Settlement, you must submit the enclosed Request for Exclusion no later than (**60 days from the date the Notice is mailed**). If you exclude yourself, you will not receive any monies from the Settlement. Failure to include the required information or to timely submit your request will result in your remaining a member of the Settlement Class and being bound by any final judgment. If you validly and timely request exclusion from the Settlement Class, you will not be bound by any final judgment, and you will not be precluded from instituting or prosecuting any individual claim you may otherwise have against Captel related to the subject matter of this Settlement.

Right to Object and/or Attend the Fairness Hearing:

If you remain in the Wisconsin Wage Claim Settlement by choosing option A or B above, you have the right to object to the terms of the Settlement and/or to the Class Counsel's requests for attorneys' fees and expenses. If you object and the Settlement is approved, and you fail to submit a timely valid request to be excluded, you will not be able to assert your own claims related to the matters released through this Settlement, and you will be bound by the final judgment and release and all Orders entered by the Court. You may, but need not, enter an appearance through counsel of your choice. If you do, you will be responsible for your own attorneys' fees and costs.

If you object to the Settlement and/or to the Class Counsel's request for attorneys' fees and expenses, you must, on or before **(60 days from mailing of Notice)**, file any such objection with the Court and provide copies of the objection to: William E. Parsons, Hawks Quindel, S.C., 222 W. Washington Ave. Suite 450, Madison, Wisconsin 53703, and to Thomas P. Godar, 33 East Main Street, Suite 300, Madison, Wisconsin 53703. The objection shall state (i) the objector's full name, address, and telephone number; (ii) the objector's dates of employment with Defendant and job title(s) while employed; (iii) a written statement of all grounds for the objection accompanied by any legal support for such objection; (iv) copies of any papers, briefs, or other documents upon which the objection is based; (v) a list of all persons who will be called to testify in support of the objection; and, (vi) a statement whether the objector intends to appear at the Fairness Hearing. If the objector intends to appear at the Fairness Hearing through counsel, the objection must also state the identity of all attorneys representing the objector who will appear at the Fairness Hearing. Settlement Class Members who do not timely make their objections in this manner will be deemed to have waived all objections and shall not be heard or have the right to appeal approval of the Settlement.

10. Are there more details available?

For additional information you may contact Class Counsel by (a) calling William E. Parsons at 608-257-0040, or (b) sending correspondence to William E. Parsons, Hawks Quindel, S.C., 222 W. Washington Ave. Suite 450, Madison, Wisconsin 53703, wparsons@hq-law.com.

NO INQUIRIES SHOULD BE DIRECTED TO THE COURT.

Dated: _____

BY ORDER OF THE COURT
Clerk of the Court