

Superior Court of California, County of Alameda

Gloria Jimenez, individually and on behalf of all others similarly situated,
Plaintiff,
v.
PEROT SYSTEMS CORPORATION, a Delaware Corporation, and Does 1-50,
Defendants.

CASE NO.: RG07-335321

The Honorable Robert B. Freedman

NOTICE TO CLASS OF PROPOSED SETTLEMENT

TO: All individuals who are current or former employees of Perot Systems Corporation, working in California at any time between July 12, 2003 through December 5, 2008, who were classified as non-exempt (eligible for overtime pay) and who: (a) worked an "alternative workweek schedule" in which they worked more than 8 hours in a day without receiving daily overtime payments; or (b) received a "benefits bridge" payment; or (c) received a "shift differential" payment; or (d) ended their employment at any time after July 12, 2004.

IMPORTANT - PLEASE READ THIS NOTICE CAREFULLY

The records of PEROT SYSTEMS CORPORATION ("Perot Systems") show that you may be entitled to money from a settlement of a class action involving Perot Systems. You are not being sued. If you are a former employee of Perot Systems, you must file a claim form by March 2, 2009 to receive money from this Settlement. If you do not file a claim, you could lose your right to recover money from Perot Systems for the claims involved in this lawsuit. If you have been a non-exempt employee of Perot Systems in California at any time since July 12, 2003, and are still employed by Perot Systems, you will receive compensation automatically.

1. Why Should You Read This Notice?

This Notice tells of your rights to share in the settlement or your ability to be excluded from this settlement. Judge Robert B. Freedman of the California Superior Court for Alameda County preliminarily approved this class action settlement at a hearing on December 5, 2008. You have received this Notice because Perot System's records show you are a member of the proposed Class. This Notice describes the case, the settlement, and your rights under that settlement. For a detailed description of the legal claims covered by this Settlement and how each Class Member's share is calculated, you can request a complete copy of the Stipulation of Settlement from the Claims Administrator by writing to: RG/2 Claims Administration, LLC, P.O. Box 59479, Philadelphia, PA 19102-9479, or by calling (866) 742-4955.

The Court will hold a Settlement Fairness Hearing concerning the proposed settlement on March 20, 2009, at 11:00 a.m., in Dept. 20 of the Alameda Superior Court located at 1221 Oak Street, Oakland, California 94612.

2. Case Description

On July 12, 2007, Gloria Jimenez filed a lawsuit against Perot Systems Corporation on behalf of current and former Perot Systems' employees who were eligible for overtime pay and employed in California between July 12, 2003 and December 5, 2008. Perot Systems' records show about 1,803 persons fall into this group. The lawsuit claims Perot Systems should have paid overtime to employees working "alternate workweek schedules" (i.e. schedules requiring 10 hour workdays, 4 days a week). The lawsuit also claims Perot Systems' overtime calculations were incorrect for some employees who received a "shift differential" or "benefits bridge" payment. The lawsuit also claims Perot Systems failed to pay departing employees for their unused vacation. Ms. Jimenez seeks damages and penalties for these claims. Perot Systems denies these claims, but has agreed to a compromise settlement to resolve the case.

Under the settlement, Perot Systems will pay a total of \$5,800,000. After administrative expenses, a service award to Ms. Jimenez for bringing the case, and attorneys' fees and costs, about \$3,900,000 will be available to pay Class Members. This amount will be divided between the estimated 1,803 Class Members (or less than 1,803 if some class members choose not participate in this settlement).

The settlement is described below. Before it takes effect, the Court must agree give its final approval that the settlement is fair and reasonable. Once the Court gives its final approval, the settlement will finally resolve these claims for every Class Member who does not remove himself or herself from the settlement

3. Who are the Attorneys Representing the Parties?

<u>Attorneys for Plaintiff & the Class:</u>		<u>Attorneys for Defendant</u>
SCHNEIDER WALLACE COTTRELL BRAYTON KONECKY LLP Todd M. Schneider Joshua Konecky Christian Schreiber 180 Montgomery St., Ste. 2000 San Francisco, California 94104 Phone: (415) 421-7100 or (800) 689-0024 Fax: (415) 421-7105	CHAVEZ & GERTLER LLP Jon Gertler Dan Siegel 42 Miller Avenue Mill Valley, CA 94941 (415) 381-5599 LAW OFFICES OF RICARDO DE ROSA Ricardo De Rosa 6640 Brook Falls Cir. Stockton, CA 95219 (209) 345-7077	JACKSON LEWIS LLP JoAnna Brooks Timothy Travelstead 199 Fremont Street, 10th Floor San Francisco, California 94105 Phone: (415) 394-9400 Fax: (415) 394-9401

If you have any questions about this Notice or the settlement, you may call one of the Plaintiff's attorneys.

4. Who Is the Claims Administrator and How Can I Find Out About the Status of My Claim?

The Claims Administrator processes all claims, calculates each Class Member's settlement award, and processes Class Member's requests to be excluded from the settlement. The Claims Administrator in this case is RG/2 Claims Administration LLC, which can be reached at the following address and toll-free phone number:

RG/2 Claims Administration LLC
Jimenez v. Perot Systems Corporation Class Action Settlement
P.O. Box 59479
Philadelphia, PA 19102-9479
(866) 742-4955 (Toll Free)

Contact the Claims Administrator for more information or to ask about the status of your claim.

5. How Do I Receive Money from the Settlement?

IF YOU ARE A CURRENT EMPLOYEE OF PEROT SYSTEMS:

You do not need to take any action. Current employees eligible for a settlement will receive their award automatically, based on Perot Systems' records. Your receipt of your individual settlement will in no way affect your employment with Perot Systems.

IF YOU ARE A FORMER EMPLOYEE OF PEROT SYSTEMS:

Former employees **must** complete and sign the enclosed Claim Form to receive money from the settlement. The completed and signed Claim Form must be mailed to the Claims Administrator, **postmarked no later than March 2, 2009**. The address of the Claims Administrator is: Jimenez v. Perot Systems Corporation, Claims Administrator, c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479.

6. If You Do Not Want to Be Part of this Settlement.

If you do not want to participate in this Settlement, you must notify the Claims Administrator in writing of your decision to "opt-out" of the settlement. If you opt out of the settlement, you will not receive any money from the settlement, and you will not be bound by the terms of the settlement. If you do not opt out, you will be bound by the terms of the settlement. Former employees who do not opt-out of the settlement will be bound by its terms, even if they do not return a Claim Form and even if they do not receive any money.

If you choose to opt-out of the settlement, your request must be **postmarked no later than March 2, 2009**. The opt-out request should state: "I HEREBY EXERCISE MY RIGHT TO OPT OUT OF THE CLASS ACTION LAWSUIT KNOWN AS *JIMENEZ V. PEROT SYSTEMS CORPORATION*, CASE NO. RG07-335321. I UNDERSTAND THAT BY OPTING OUT I WILL NOT BE AWARDED ANY MONEY FROM THE CLASS ACTION SETTLEMENT OF THIS LAWSUIT, BUT THAT I AM PRESERVING ANY RIGHTS I WOULD OTHERWISE HAVE TO SUE PEROT SYSTEMS CORPORATION FOR THE CLAIMS MADE IN THE LAWSUIT." Send the opt out request directly to the Claims Administrator at the following address: Jimenez v. Perot Systems Corporation, Claims Administrator, c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479.

7. If You Want to Object to this Settlement

You may object to the terms of the settlement, including the attorneys' fee award. If you wish to object to the Settlement or to the amount of the attorney's fees, you may submit an objection stating why you object to the settlement. Your objection should be mailed to the Claims Administrator at the following address: Jimenez v. Perot Systems Corporation, Claims Administrator, c/o RG/2

Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479. You may also, if you wish, appear (by yourself or through your own counsel) at the Settlement Fairness Hearing set for March 20, 2009 at 11:00 a.m. in Alameda County Superior Court and discuss your objections with the Court and the Parties.

IF YOU ARE A FORMER EMPLOYEE AND YOU INTEND TO OBJECT TO THE SETTLEMENT, BUT ALSO WISH TO RECEIVE YOUR SHARE OF THE SETTLEMENT AMOUNT, YOU STILL **MUST** FILE YOUR CLAIM FORM BY THE DEADLINE STATED ABOVE. IF THE COURT APPROVES THE SETTLEMENT DESPITE ANY OBJECTIONS AND YOU HAVE NOT RETURNED YOUR CLAIM FORM, YOU WILL NOT RECEIVE ANY MONEY FROM THE SETTLEMENT.

8. How Much Money Can I Expect to Receive?

Perot Systems has agreed to pay \$5,800,000 to settle the claims. After settlement administration costs, a service award to Ms. Jimenez, and attorneys' fees and costs, approximately \$3,900,000 will be divided between the 1,803 employees in the Class.

Your settlement award will be calculated based on your work history and the amounts the parties have set aside for each claim. Information about your work history will be used to calculate your settlement, including your hourly rate of pay and whether you: (i) are a current or former employee; (ii) worked an alternate workweek schedule; (iii) received a shift-differential payment during a week you worked overtime; or (iv) received a benefits-bridge payment during a week you worked overtime.

The amounts the parties have set aside for each claim will also affect the amount of your settlement award. Of the estimated \$3,900,000 available for Class Members, the parties have agreed to set aside:

- 32% for Class Members working alternative workweek schedules;
- 12% for Class Members receiving "benefits bridge" payments during weeks they worked overtime;
- 10% for Class Members receiving "shift differential" payments during weeks they worked overtime;
- 7% for Class Members who received inaccurate wage statements;
- 10% for former employees' unused vacation; and
- 29% to settle penalty claims by former employees who stopped work after July 12, 2004 and who are a member of one or more of the previous groups.

The enclosed Claim Form shows the information that will be used to calculate your settlement award, based on Perot Systems' employment records. If you believe the information on the Claim Form is incorrect, you should explain why you believe the information is wrong and return the Claim Form, along with any written proof, to the Claims Administrator no later than March 2, 2009. The Claims Administrator will then review Perot Systems' records and the information you provide and resolve the dispute. If you do not dispute the information, your claim will be based on the information on the Claim Form.

CURRENT EMPLOYEES RECEIVE THEIR SETTLEMENT AWARD AUTOMATICALLY but may still challenge the information on the claim form.

FORMER EMPLOYEES RECEIVE THEIR SETTLEMENT AWARD ONLY IF THEY SUBMIT A VALID CLAIM FORM. Former employees must submit a claim form, even if you are not challenging the information on the claim form. You may contact the Claims Administrator at the toll free number listed above to ensure your Claim Form has been received.

9. Attorneys' Fees, Plaintiff Service Payment and Administration Costs

The \$5,800,000 Perot Systems has agreed to pay to settle this lawsuit includes money to pay for the costs of administering the settlement, an award to Ms. Jimenez for her services in bringing and settling the case, and attorneys' fees and costs for Ms. Jimenez and the Class' attorneys. The cost to administer the settlement is estimated to be \$46,500. Ms. Jimenez's award will be set by the Court, but will not be greater than \$10,000. The Court will also determine the amount of the attorneys' fees and costs. The attorneys' fees will not be larger than one-third of the total settlement amount, and attorneys' costs are estimated to be no more than \$90,000.

ADDITIONAL INFORMATION

The full Stipulation of Settlement sets out the entire settlement agreement between the parties, including the distribution formulas. You may request a copy of the full Settlement Agreement by the Claims Administrator.

This Notice only summarizes the lawsuit, the settlement, and related matters. For more information, you may inspect the Court files at the Office of the County Clerk, 1225 Fallon Street, Oakland, California 94612, from 9:00 a.m. to 4:30 p.m., Monday through Friday or on the Court's website at <http://www.alameda.courts.ca.gov/courts>. A copy of this Claims Form can be downloaded at www.schneiderwallace.com/perotssystemsovertime.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS. PLEASE DO NOT CONTACT PEROT SYSTEMS' CORPORATE OFFICES, MANAGERS, OR ATTORNEYS FOR INFORMATION ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS.

Dated: December 31, 2008