

# CLASS ACTION NOTICE

in

*Huntsman v. Southwest Airlines Co.*  
Case No. 19-cv-83-PJH (N.D. Cal.)

ABC1234567890

Claim Number 1111111



JOHN Q CLASSMEMBER  
123 MAIN ST  
APT 1  
ANYTOWN, ST 12345

**If you are or were an employee at Southwest Airlines who was subject to a collective bargaining agreement and you took a military leave of 14 days or fewer from October 10, 2004 through the present, please read this notice.**

A class action may affect your legal rights.

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

- The lawsuit alleges that Southwest Airlines Co. (“Southwest”) should have paid employees for periods of “short-term” military leave (what the lawsuit defines as military leave of 14 days or fewer) because it pays employees for certain periods of jury duty, bereavement, and sick leave, which Plaintiff contends are comparable to short-term military leave. The “claim” in this case is that this practice violates USERRA (the Uniformed Services Employment and Reemployment Rights Act).
- The Court has allowed this lawsuit to proceed as a class action for the following individuals, who make up the “Class”: current or former Southwest employees who took a short-term military leave and were covered by a Collective Bargaining Agreement (except for meteorologists).
- The Court has expressed no opinion regarding the merits of the claim.

**PLEASE READ THIS NOTICE CAREFULLY. IF YOU ARE A MEMBER OF THE CLASS,  
THIS LAWSUIT WILL AFFECT YOUR RIGHTS.**

A SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS	
DO NOTHING	You do not need to do anything to be included in the class.
ASK TO BE EXCLUDED	If you do not want to participate in this lawsuit, you must send an email or letter by <b>August 27, 2021</b> (as described below) asking to be excluded from the class.

**THESE RIGHTS AND OPTIONS, INCLUDING THE DEADLINES BY WHICH TO EXERCISE THEM,  
ARE EXPLAINED IN THIS NOTICE.**

## BASIC INFORMATION

### 1. Why Did I Get This Notice?

You received this Notice because the Court in charge of this lawsuit has ordered that this Notice be sent to members of the Class and Southwest's records suggest you likely took short-term military leave after October 10, 2004. The Court in charge of this case is the United States District Court for the Northern District of California, and the case is called *Huntsman v. Southwest Airlines Co.*, Case No. 19-CV-83-PJH (N.D. Cal.).

The purpose of this Notice is to inform you about this lawsuit, the certification of the Class, and your options of staying in the class or asking to be excluded from the case.

### 2. What Is This Lawsuit About?

The lawsuit is a class action brought under USERRA. The individual who brought this case, Jayson Huntsman, is a current Southwest pilot. He is called the "plaintiff" and the Court appointed him as the Class Representative to represent the interests of the Class. Southwest is the "defendant," which means the party being sued in this class action.

The lawsuit alleges that Southwest has violated USERRA by failing to provide employees with paid short-term military leave despite providing paid leave for allegedly comparable forms of leave such as jury duty, bereavement leave, and sick leave. Southwest has denied that its practice of providing unpaid military leave violates USERRA.

The Court has not decided whether Southwest has violated USERRA. By allowing this case to proceed as a class action and this Notice to be issued, the Court is not suggesting that Plaintiff will win or lose.

Additional information about the claims, a copy of the Complaint, and a copy of the Order Granting Class Certification are available at [www.swauserracase.com](http://www.swauserracase.com).

### 3. What Is a Class Action?

In a class action, one or more people called class representatives (in this case, Jayson Huntsman) sue on behalf of people who have similar claims. Because the Court has "certified" the class, which means that it has been approved as a class action, the Court will resolve the claim for all class members except for those who "exclude" themselves from the class (otherwise known as "opting out" of the class and the class action).

### 4. What has Happened in This Case?

Plaintiff filed this lawsuit on January 7, 2019. Southwest filed a motion to transfer the case to a court in Texas, which the Court denied. Southwest then filed a motion for "judgment on the pleadings," which means that Southwest asked the Court to decide without further discovery that Southwest has not violated USERRA. The Court denied that request. Southwest has filed an answer to the Complaint, in which it denied that it violated USERRA and asserted defenses. Since then, the parties have been engaging in discovery (a process through which they exchange documents and information).

On February 3, 2021, the Court certified this lawsuit as a class action on behalf of a Class, which is described more in Section 5.

### 5. Who is in the Class in this Class Action and how do I know if I am a Class Member?

The following individuals are a part of the Class that the Court certified:

- Current or former employees of Southwest, who
  - during their employment with Southwest at any time from October 10, 2004 through the date of judgment in the case have taken short-term military leave from their employment (specifically, military leave that lasted 14 days or fewer), and
  - were subject to a collective bargaining agreement (except for meteorologists).

Based on Southwest's data, Class Counsel have identified approximately 2,773 Class Members who meet the definition of the Class.

If you received this Notice (without requesting that the Notice be mailed to you), you are likely one of the members of the Class who has been identified. If you would like to confirm that you are a Class Member, please contact the Notice Administrator at the contact information provided in Section 6.

## **THE LAWYERS REPRESENTING YOU AND THE CLASS**

### **6. Do I Have a Lawyer in this Case?**

Yes. The Court has appointed Michael J. Scimone of Outten & Golden LLP and R. Joseph Barton of Block & Leviton LLP as Co-Lead Class Counsel. Peter Romer-Friedman of Gupta Wessler PLLC, Matthew Crotty of Crotty & Son Law Firm, PLLC, and Thomas G. Jarrard of the Law Office of Thomas G. Jarrard have been appointed as additional Class Counsel.

Unless you elect to exclude yourself from the lawsuit, you will be represented by Class Counsel in the litigation. Although it is not necessary, you have the right to retain your own attorney and enter an appearance at your own expense.

If you have questions about the lawsuit, you may contact Class Counsel at the addresses below:

Michael J. Scimone  
Outten & Golden LLP  
685 Third Avenue, 25th Floor  
New York, NY 10017  
(212) 245-1000  
SWAuserra@outtengolden.com

R. Joseph Barton, Esq.  
Block & Leviton LLP  
1735 20th Street NW  
Washington, DC, 20009  
(202) 734-7046  
SWAUSERRA@blockleviton.com

If you have questions about issues regarding the Notice, you should contact the Notice Administrator, whose contact information is:

SWA USERRA Case  
P.O. Box 2003  
Chanhassen, MN 55317-2003  
Email: info@swauserracase.com

### **7. How Will the Lawyers Be Paid?**

Class Counsel will not charge you directly for their work in this case. If Plaintiff recovers money, Class Counsel will be paid whatever attorneys' fees the Court orders. Those fees may be subtracted from the recovery obtained from Southwest or be paid separately by Southwest, or they may be paid under a combination of the two.

## **HOW TO PROCEED**

### **8. What Are My Options?**

After reviewing this Notice, you have two options. You must decide at this stage whether you want to: (1) remain a Class Member and participate in the lawsuit; (2) opt out and exclude yourself from the Class and lawsuit.

#### **OPTION #1: REMAIN A CLASS MEMBER**

### **9. How Do I Remain in the Class?**

If you are a member of the Class and you do not ask to be excluded, you will remain part of the Class and be bound by any judgment issued on behalf of the Class. This means you will share in any money that may be recovered in the lawsuit, if plaintiff's claims are successful, and you will be prohibited from pursuing a lawsuit on your own if the Class recovers no money.

If your contact information changes after you receive this Notice, you should contact Class Counsel at the addresses in Section 6.

## OPTION #2: OPTING OUT OF THE CLASS

### 10. Who Should Opt Out of the Class?

If you want to keep the right to sue Southwest on your own regarding its alleged violation of USERRA by not paying for short-term military leave, then you should take steps to exclude yourself from this class action. This is called “opting out” of the class action. If you opt out, the Court will exclude you from the case, and you will receive no benefits under the lawsuit in the event that the class recovers benefits.

### 11. How Do I Opt Out of the Class?

To opt out of the Class, you must email or mail a written, signed statement that you are opting out of the class action to the **Notice Administrator** at:

SWA USERRA Case  
P.O. Box 2003  
Chanhassen, MN 55317-2003  
Email: [info@swauserracase.com](mailto:info@swauserracase.com)

To be effective, the opt-out statement must (1) contain your name, address, email or mailing address, and telephone number; (2) contain the title of the lawsuit, *Huntsman v. Southwest Airlines Co.*, No. 19-cv-83-PJH (N.D. Cal.), and (3) include a written statement that “I wish to be excluded from the Class.”

To be effective, this opt-out statement must either be emailed to the administrator on or before **August 27, 2021**, or mailed via First Class United States Mail, postage prepaid, to the Notice Administrator, and must be postmarked on or before **August 27, 2021**.

Please note that if you submit a timely and valid request for exclusion, you will no longer be represented by Class Counsel.

## GETTING MORE INFORMATION

### 12. Where Can I Get More Information?

This Notice summarizes the lawsuit and the Class certified by the Court. If you have questions, please contact Class Counsel at the contact information in Section 6 above.

There is also information and certain important documents from the case posted on the following website: [www.swauserracase.com](http://www.swauserracase.com).

Again, the important deadlines are:

**Last Day To “Opt Out” Of The Class: August 27, 2021**

**PLEASE DO NOT CALL OR CONTACT THE COURT, THE OFFICE OF THE CLERK OF COURT, OR DEFENDANT WITH QUESTIONS REGARDING THIS NOTICE.**

Dated: July 30, 2021