

NOTICE OF PENDENCY OF CLASS ACTION

Makaneole ("Plaintiff") v. Solarworld Industries America, Inc.; Solarworld Industries America, Lp; Solarworld Industries Services, LLC; Solarworld Power Projects, Inc., Randstad US, LP, And Kelly Services, Inc. (Collectively "Solarworld" or "Defendants"), U.S. Federal District Court for the District of Oregon, case no.3:14-CV-01528-PK ("Action")

TO: All current and former hourly employees of Solarworld Industries America, Inc.; Solarworld Industries America, LP; Solarworld Industries Services, LLC; Solarworld Power Projects, Inc. ("Solarworld") whose compensation was calculated based on the record of hours worked generated by SolarWorld's electronic time and attendance system at any time during the time period between December 26, 2012, and August 26, 2014.

**THIS NOTICE MAY AFFECT YOUR RIGHTS.
PLEASE READ IT CAREFULLY.**

INTRODUCTION

You are a member of this class action lawsuit if you worked for Solarworld on an hourly basis between December 26, 2012 and August 26, 2014. Your rights may be affected by this lawsuit. This Notice is to inform you of the nature of the lawsuit and your rights in connection with the lawsuit. This Notice is not an expression of the Court's opinion as to the merits of the parties' claims or defenses.

NATURE OF THE ACTION

On or about August 26, 2014, Plaintiff filed a class action complaint alleging that Solarworld failed to pay all wages as required by Oregon State wage and hour laws to its employees working at the SolarWorld facility in Hillsboro Oregon during the Class Period. Plaintiff alleges that the unpaid wages were due to SolarWorld's "5 Minute Rule" and short meal periods ("Claims"). The Court has certified this case for class action treatment. You received this Notice because Solarworld records show you are or were employed by Solarworld in an hourly position and used Solarworld's electronic time keeping system between December 26, 2012 and August 26, 2014. The Court certified the following claims for class action resolution:

1. Unpaid Wages;
2. Unpaid overtime wages; and
3. Late payment of final wages.

The damages Plaintiff seek for each class are as follows:

1. All unpaid wages;
2. All unpaid overtime wages; and,
3. Either an overtime civil penalty or a late payment penalty wage for those class members whose employment ended. Both penalties are calculated as follows: (hourly rate * 8 hours * 30 days). For example, for an employee making \$16.00 per hour, the penalty would be \$3,840. ($\$16.00 * 8 * 30 = \$3,840$).

Solarworld denies all charges of wrongdoing and asserts various defenses to the class claims. These defenses include, but are not limited to, that the wages sought were de minimis, that all wages were paid, employees failed to report the wages, and Solarworld acted in good faith and was not willful.

THE CLASS ACTION RULING

On May 29, 2018, the Court certified the above three claims for class action treatment.

YOUR RIGHT TO PARTICIPATE IN THIS CLAIM

You may have a right to participate in this Action if you meet the following criteria:

1. You worked for Solarworld on an hourly basis between December 26, 2012 and August 26, 2014, and you recorded your time in Solarworld's electronic time keeping system.

If you wish to participate in these claims and any future recovery of money damages, you need do **nothing at this time**. You will automatically be a member of the Class Action. If Plaintiffs prevail you will receive further notice and may be required to return a claim form before receiving any recovery. Because the Court may send further notices to you, you should keep Schuck Law, LLC apprised of any mailing address changes. If Plaintiff does not prevail on his class claims, class members will not receive any recovery. There will be no cost to you if Plaintiff does not prevail on his class claims.

If you do not want to remain part of this Class Action you **must** make a written signed request to be excluded, that is to “opt out” of this lawsuit.

PROCEDURE FOR EXCLUSION “OPT OUT”

To exclude yourself from this case you **must** complete, sign and return the enclosed Opt-Out Class Action Form and send to:

Makaneole v Solarworld Administrator
c/o Rust Consulting Inc – 6342
PO Box 54
Minneapolis, MN 55440-0054

Your signed request to opt out must be postmarked no later than 30 days from November 15, 2018, which is the date this notice was mailed. Requests for exclusion that are not submitted on a timely basis, will be deemed null, void, and ineffective. Persons who are eligible to and do submit valid and timely requests for exclusion will not participate in any recovery under a Judgment or Settlement, nor will they be bound by any Judgment or terms of any Settlement, but are free to file your own lawsuit if allowed by law.

THE LEGAL EFFECT OF PARTICIPATING OR NOT PARTICIPATING IN THE CLAIMS

If you do not file a written request to be excluded from these claims, you will be bound by the judgment, whether favorable or unfavorable. If you choose not to join these claims you are free to file your own lawsuit if allowed by law. You may wish to obtain advice from an attorney prior to excluding yourself from this class.

If you do not opt-out, you will be represented by the attorneys at Schuck Law, LLC. Their contact information is:

David A. Schuck
SCHUCK LAW, LLC
208 E 25th Street
Vancouver, Washington 98663
Telephone: (360) 566-9243
Facsimile: (503) 575-2763
E-mail: dschuck@wageclaim.org
Website: www.wageclaim.org/SolarworldClassAction

The consultation with Schuck Law is without cost to you. You may also contact an attorney of your own choosing and that attorney may enter an appearance for you in this case. If you do not opt out, Schuck Law, LLC will act as your representative and class counsel for the prosecution of the Class Claims and will not charge you for their services unless there is a recovery. If the Class Claims are successful, your recovery may be reduced by a percentage of the recovery and paid to Schuck Law, LLC, as a fee for their services as approved by the Court. You will not be required to pay any money out of your pocket to pay for costs, attorneys, or losses which may result from this lawsuit.

EXAMINATION OF PAPERS AND INQUIRIES

The foregoing is only a summary of the Action. For a more detailed statement of the matters involved in the Action, you may refer to the pleadings, and other papers filed with the court clerk. Some of these documents may be found at www.wageclaim.org/SolarworldClassAction, or may be inspected at the Office of the Clerk of District Court, 1000 SW 3rd Ave, Portland, OR 97204, during regular Court business hours.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, OR THE JUDGE, OR SOLARWORLD, OR SOLARWORLD'S ATTORNEYS WITH QUESTIONS.

Dated: November 15, 2018.

BY ORDER OF THE COURT
HONORABLE PAUL PAPAK
US DISTRICT COURT JUDGE