

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DAVID BIBLE and BRIAN ROGERS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

CITY OF ROSWELL,
Defendant.

Civil Action File No.

2017-cv-294723

CLASS ACTION

NOTICE OF PENDING CLASS ACTION LAWSUIT

A court has authorized this notice. This is not a solicitation from a lawyer.

TO: ALL PERSONS CURRENTLY AND/OR FORMERLY EMPLOYED AS FIREFIGHTERS BY THE ROSWELL FIRE DEPARTMENT BETWEEN AUGUST 29, 2011 AND THE DATE OF THE FILING OF THE COMPLAINT (AUGUST 29, 2017), WHO WORKED FORTY (40) HOURS OR MORE PER STANDARD WORKWEEK AND DID NOT RECEIVE BENEFITS PROVIDED TO REGULAR FULL-TIME EMPLOYEES.

PLEASE READ ALL OF THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY THIS LAWSUIT AND YOU HAVE A CHOICE TO MAKE NOW.

- A lawsuit has been filed on behalf of City of Roswell, Georgia (the "City") part-time firefighters seeking certain employee benefits. The Court has allowed the lawsuit to be a class action, as explained further below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement of this case. But, you give up any rights to sue the City separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded, and then money or benefits are awarded later, you will not share in the money or the benefits. But, you keep any rights to sue the City separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **February 2, 2021**.

1. Why did I receive this Notice?

This Notice is issued pursuant to O.C.G.A. § 9-11-23 and an Order of the Superior Court of Fulton County for the State of Georgia (the "Court"), dated December 6, 2018, certifying the above-captioned Lawsuit as a class action and, after an appeal, an Order dated November 12, 2020 approving this Notice. The purpose of this Notice is to inform you of: (a) the existence of this class action (the "Lawsuit"); (b) the certification of the Class defined below, of which you may be a member ("Class Member"); and (c) your right to be excluded from the Class. The final outcome of this Lawsuit has not been decided and it has not been settled. It continues to be litigated.

2. What is this case about?

The Lawsuit was filed on August 29, 2017 against the City of Roswell ("Defendant" or the "City"). This Lawsuit is about whether part-time firefighters who worked 40 or more hours per standard workweek should be granted certain full-time employee benefits (including holiday pay, paid time off, paid sick leave, and certain retirement benefits) described in the Roswell Human Resources Policies and Procedures Manual (the "Policy Manual"). Specifically, the complaint filed in the Lawsuit asserts claims for breach of contract (the Policy Manual is the asserted contract), breach of duty of good faith and fair dealing, *quantum meruit*, declaratory judgment, and attorneys' fees on behalf the Class. The Complaint is available for your review at <https://www.johnsonfistel.com/city-of-roswell-class-notice/>.

The City denies that it treated part-time firefighters unfairly. Rather, the City maintains that part-time firefighters have been treated consistently with the Policy Manual, which declares part-time employees ineligible for the benefits sought in this lawsuit. The City raises other legal defenses in its Answer to the Complaint available at <https://www.johnsonfistel.com/city-of-roswell-class-notice/>.

3. Who is in the Class?

If you were employed as a part-time firefighter by the City of Roswell during the period August 29, 2011 through August 29, 2017, inclusive, worked a standard workweek of 40 hours or more, but did not receive the benefits conferred upon full-time employees, you may be a member of the Class. Please note that the Court can modify who is in the Class as the case moves forward. As a Class Member, you would be bound by the result of any trial of the Lawsuit, any rulings issued by the Court, and/or any settlement of the case, unless you timely mail an exclusion request, as described below, postmarked no later than **February 2, 2021**.

The named plaintiffs representing the Class are David Bible and Brian Rogers ("Plaintiffs"). Plaintiffs have a duty to act in the best interest of the Class and have been deemed adequate representatives by the Court.

4. Is there any money to claim now?

No. No trial has occurred in this Lawsuit and no findings of fault or liability have been made by the Court as to any of the parties or claims. This Notice is being sent to notify you that you may be a member of the Class whose rights could be affected by this Lawsuit. It is not an expression of any opinion by the Court about who is right or wrong. There is no guarantee that a judgment in favor of the Class will be granted, that the Court will award the Class any money or other relief, or that there will be a settlement achieved. This Notice is intended to advise you of the Lawsuit and of your rights with respect to the Lawsuit, including the right either to remain a Class Member or exclude yourself from the Class.

5. Why should I remain in the Class?

If you remain in the Class, and if there is a recovery, you may be entitled to share in the proceeds, less costs, expenses, plaintiff reimbursement awards, and attorneys' fees that the Court may allow out of any recovery. In the event of recovery, you will be allowed to share in a recovery in this case only if you are a member of the Class (in other words, you do not request to be excluded from the Lawsuit and you fall within the class definition). If you choose to remain in the Class, you are not personally responsible for any expenses or attorneys' fees.

6. Who represents the Class?

The Class is represented by Class Counsel, who are:

Michael I. Fistel, Jr.
William W. Stone
Mary Ellen Conner
Adam J. Sunstrom
JOHNSON FISTEL, LLP
Murray House
40 Powder Springs Street
Marietta, GA 30064
Telephone: (470) 632-6000
Facsimile: (770) 200-3101
Email: MichaelF@johnsonfistel.com
WilliamS@johnsonfistel.com
MaryEllenC@johnsonfistel.com
AdamS@johnsonfistel.com

7. How do I exclude myself from the Class?

You can print an exclusion request form on <https://www.johnsonfistel.com/city-of-roswell-class-notice/>, fill in your address, and sign the form. Send your request by first class mail or overnight delivery service to Class Counsel at the above address.

NOTE: To be effective, your exclusion request must be postmarked no later than February 2, 2021.

8. Why should I exclude myself from the Class?

If you want to keep your rights to sue the City separately about the same legal claims in this Lawsuit, or if you do not want to sue the City at all, you may want to exclude yourself from this Lawsuit. In considering that possibility, and before excluding yourself, you are encouraged to consult with an attorney (at your own expense) to discuss any individual claim and whether you could assert any claim in a timely manner. If you exclude yourself, you would be entitled to pursue any individual claim you may have, subject to any applicable statutes of limitations, but you may have to bear the cost of pursuing your own claim, including hiring your own counsel, and you would have to prove your claim. If you exclude yourself, you would not be bound by any judgment or decision by the Court in this Lawsuit that is unfavorable to the Class, but you also would not be entitled to share in the benefits of any judgment that is favorable to the Class or from any Court- approved settlement or decision on behalf of the Class.

9. Do I need my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you wish, you may also consult with your own counsel concerning your rights in this Lawsuit at your own expense. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

10. How will Class Counsel be paid?

If the Lawsuit is resolved successfully for the benefit of the Class through a settlement or trial, Class Counsel will ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by the City. To date, Class Counsel has not received any compensation or expense reimbursement for its work in the Lawsuit.

11. How do I get more information?

For further information about the Lawsuit, you may contact Class Counsel at the address listed above or consult the pleadings and other papers filed in the Lawsuit at the Fulton County Clerk of Superior & Magistrate Courts located at the Lewis R. Slaton Courthouse 136 Pryor Street, Suite C155, Atlanta, Georgia 30303 during normal business hours of 8:30 a.m. to 5:00 p.m. of each business day, or you can visit the following website: <https://www.johnsonfistel.com/city-of-roswell-class-notice/>.

INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT, THE CLERK'S OFFICE, THE DEFENDANT, OR DEFENDANT'S COUNSEL.

This 4th day of December 2020.

By Order of the Court
Superior Court of Fulton County Georgia

THIS PAGE IS INTENTIONALLY LEFT BLANK.

Bible et al., v. City of Roswell Notice Administrator
c/o Strategic Claims Services
600 N. Jackson St., Ste. 205
Media, PA 19063

IMPORTANT LEGAL NOTICE – PLEASE FORWARD

MAIL ID
Name
Address