



United States District Court for the Northern
District of California

Forsyth, et al. v. HP, Inc., et al.

Case No. 5:16 cv 004775-EJD

Class Action Settlement Notice

Authorized by the U.S. District Court

Were you terminated by Hewlett-Packard Co., HP Inc., or Hewlett Packard Enterprise Company pursuant to a workforce reduction plan while working in California between August 18, 2012 and February 15, 2022?

As a result of a proposed settlement of a lawsuit, you may be entitled to a settlement payment.

To participate in this proposed settlement, you don't have to do anything.

Please read this notice to get more information on the lawsuit and settlement.

Important things to know:

- If you take no action, you will be bound by the settlement, and your rights will be affected.
- You can learn more at: www.cptgroupcaseinfo.com/hpinchpesettlement.

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About This Notice

Why did I get this notice?

A proposed settlement has been reached in a class action and collective action lawsuit (“Lawsuit”) against HP Inc. (previously named Hewlett-Packard Company) (“HP Inc.”) and Hewlett Packard Enterprise Company (“HPE”) (collectively, “Defendants”) that affects your rights.

Defendants’ records show that you were terminated in a workforce reduction by one of those companies when you were 40 years of age or older sometime between August 18, 2012 and February 15, 2022. A lawsuit has been settled with HP Inc. and HPE that affects your legal rights and may entitle you to a settlement payment.

What do I do next?

Read this notice to understand the specifics of the proposed settlement and to determine if you are a class member. Then, decide if you want to:

| | |
|---------------------------------------|--|
| DO NOTHING AND RECEIVE PAYMENT | If you do nothing, upon final approval of the Settlement by the Court, you will automatically receive a settlement payment. (See page 10 of this Notice.) You will be deemed to have released your claims against Defendants and others. (See Exhibit 1 to this Notice). |
| OPT OUT | As a class member, you may choose to exclude yourself from the proposed settlement (“opt-out”). If you do so, you will receive no settlement payment and you will not be bound by the settlement. |
| OBJECT | As a class member, you may file objections to terms of the proposed settlement. |

Which choice you make is entirely yours.

What are the most important dates?

Your deadline to object or opt out: **January 23, 2024**

Final approval/fairness hearing: **March 28, 2024**

Learning About the Lawsuit

What is this lawsuit about?

This Lawsuit, filed by several former HP Inc. and HPE employees in 2016, involves claims that Defendants selected employees for workforce reduction, and terminated their employment, in violation of the federal law against age discrimination and California state laws against age discrimination and unfair competition.

Where can I learn more?

You can get a complete copy of the proposed settlement agreement and other key documents in this lawsuit by visiting:

www.cptgroupcaseinfo.com/hpinchpesettlement

Defendants deny the plaintiffs' allegations, that they violated any federal or state law, and that they did anything wrong. Defendants do not admit any liability of any kind.

The Court has not decided this case in favor of either side. Plaintiffs and Defendants have agreed to settle these claims to avoid the burden and expense of further litigation. The proposed settlement is on behalf of the individuals who brought the case and all members of the California State Law Settlement Classes and federal Age Discrimination in Employment Act ("ADEA") collectives.

What happens next in this lawsuit?

On October 27, 2023, the Court entered an order preliminarily approving the proposed settlement and authorizing this notice to be sent to you. Next, the Court will hold a “Fairness Hearing” to decide whether to give final approval to the proposed settlement. The Fairness Hearing will be held at:

Where: Robert F. Peckham Federal Building and United States Courthouse, 280 South First Street, San Jose, CA 95113, Courtroom 4, Fifth Floor.

When: March 28, 2024, at 9:00 a.m.

Because the settlement of a class action decides the rights of all members of the proposed class, the Court must give final approval to the settlement before it can take effect. Settlement payments will only be made to class members if the Court provides final approval of the settlement.

At the Fairness Hearing, the court will also decide whether to approve Class Counsel’s request for: (1) attorneys’ fees and reimbursement of costs and expenses; and (2) “Service Awards” for the five Named Plaintiffs who brought the case.

You don’t have to attend the Fairness Hearing to participate in the proposed settlement, but you may at your own expense. If the Court does not give final approval of the settlement proposed or the parties decide to terminate the proposed settlement, you will not receive a settlement payment, it will not take effect and the Lawsuit will continue.

The date of the Fairness Hearing may change without further notice to members of the class. To learn more and confirm the hearing date, go to **www.cptgroupcaseinfo.com/hpinchpesettlement**.

Learning About the Settlement

What does the settlement provide?

Defendants have agreed to pay a maximum of \$18,000,000 into a qualified settlement fund to cover: (1) settlement payments to the Named Plaintiffs, the members of the California State Law Settlement Classes, and ADEA Collective Action Plaintiffs; (2) Service Awards, as approved by the Court, to the Named Plaintiffs; and (3) and Class Counsel’s fees, costs, and expenses, including the cost of settlement administration, as approved by the Court (the “Maximum Gross Settlement Amount”). Defendants have also agreed to pay the applicable employer’s share of payroll taxes on the individual settlement payments. Members of the California State Law Settlement Classes who do not exclude themselves will release their claims as part of the settlement, which means they cannot sue the “Released Persons” for the “Released Claims” (as detailed in the Release attached as Exhibit 1 to this Notice).

If the settlement is given final approval by the Court as proposed, the Maximum Gross Settlement Amount will be divided as follows:

| | |
|--|--------------------|
| California State Law Class Members and ADEA Collective Action Plaintiffs | \$13,250,000* |
| Attorneys’ Fees, Costs, Expenses, and Administrative Fees | Up to \$4,700,000* |
| Service Awards to Named Plaintiffs | Up to \$50,000* |

The allocation between the members of the California State Law Settlement Classes and ADEA Collective Action Plaintiffs of the \$13,250,000.00* above is as follows:

| | |
|---|--------------|
| California State Law Settlement Classes | \$5,344,956* |
| ADEA Collective Action Plaintiffs | \$7,905,044* |

* Numbers Approximate and Subject to Court Approval

Release of Claims: Upon final approval of the proposed settlement (and after any potential appeal process is over) each member of the California Settlement Classes who does not timely exclude themselves from the proposed Settlement will release all legal claims they may have against the Defendants and other “Released Persons” relating to any actual or alleged **age discrimination in re-hiring, retention, termination of employment, or retaliation related to any attempt to become re-hired up to the date the Court entered its order preliminarily approving the proposed settlement (October 27, 2023)**, as detailed in the Release attached as Exhibit 1 to this Notice.

How do I know if I am part of this settlement?

The Court has been asked to approve two classes that comprise the “California Settlement Classes” for purposes of the proposed settlement:

The HP Co./HP Inc. California Class: All individuals who had their employment terminated by HP Inc. (including when HP Inc. was named Hewlett-Packard Company) in California pursuant to a WFR Plan between August 18, 2012 and February 15, 2022, and who were 40 years or older at the time of such termination. The Class Representative for this class is Arun Vatturi.

Note: Individuals who: (a) signed a Waiver and General Release Agreement; (b) signed an Agreement to Arbitrate Claims; (c) previously signed agreements that waived and released the claims asserted in this action; and (d) disclaimed in a legal proceeding any interest in

participating or intent to participate in this Lawsuit are excluded from the HP Co./HP Inc. California Class.

HPE California Class: All individuals who had their employment terminated by HPE in California pursuant to a WFR Plan between November 1, 2015, and February 15, 2022, and who were 40 years or older at the time of such termination. The Class Representative for this class is Kevin Alviso.

Note: Individuals who: (a) signed a Waiver and General Release Agreement; (b) signed an Agreement to Arbitrate Claims; (c) previously signed agreements that waived and released the claims asserted in this action; and (d) disclaimed in a legal proceeding any interest in participating or intent to participate in this Lawsuit are excluded from the HPE California Class.

Defendants' records show that you are member of the «Class» Class.

ADEA Collective Action Plaintiffs: This case also involves "ADEA Collective Action Plaintiffs". The ADEA Collective Action Plaintiffs are the 146 individuals who timely filed consent forms to "opt in" to or join this Lawsuit by the February 15, 2022 deadline to pursue their claims under the federal ADEA. A notice was sent, by U.S. Mail, text and/or email on November 2, 2021 to all individuals who were eligible to "opt in" to or join the ADEA collective action.

Court records show that you «ADEA_Class» one of the ADEA Collective Action Plaintiffs.

How will my individual settlement payment be calculated?

Individual settlement payments will be distributed to all participating California Class Members and ADEA Collective Action Plaintiffs as follows:

1. The estimated individual settlement payment for each member of the California Settlement Classes is based on salary at the time of termination and the number of years employed.

2. The proposed allocation formula works as follows:

Step One: Multiply the number of years each individual was employed by a Defendant immediately before being terminated by workforce reduction by the weekly salary earned by that individual at termination. The result of this calculation is called the “Base Settlement Allocation.”

Step Two: The estimated individual settlement payment for each member of the California Settlement Classes and ADEA Collective Action Plaintiffs will be equal to that Base Settlement Allocation or \$15,000, whichever is higher.

Step Three: For members of the California Settlement Classes who are also ADEA Collective Action Plaintiffs (and therefore may seek to assert both federal ADEA and California state law claims) their Base Settlement Allocation or \$15,000, whichever is higher, will be multiplied by 1.5.

Examples of how the allocation plan will work:

Example A: *A member of the California Settlement Classes was making an annual salary of \$160,000 at the time of termination and had worked for a Defendant for 20 years immediately before being selected for workforce reduction. Weekly salary (\$160,000 divided by 52 weeks) of \$3076.92 x 20 years = Base Settlement Allocation estimated to be \$61,538.46.*

If the member of the California State Law Settlement Classes in Example A is also an ADEA Collective Action Plaintiff, the Base Settlement Allocation estimate of \$61,538.46 is multiplied by 1.5 and the total Base Settlement Allocation estimate for that individual is \$92,307.69.

Example B: *A member of the California Settlement Classes member was making an annual salary of \$65,000 at the time of termination and had worked for a Defendant for 8 years immediately before being selected for workforce reduction. Weekly salary (\$65,000 divided by 52 weeks) of \$1,250 x 8 years = Base Settlement Allocation estimated to be \$10,000. This is below the \$15,000 minimum individual settlement payment threshold under the Settlement. As a result, the individual's estimated Base Settlement Allocation would be \$15,000.*

If the member of the California Settlement Classes in Example B is also an ADEA Collective Action Plaintiff, the Base Settlement Allocation estimate of \$15,000 is multiplied by 1.5 and the total Base Settlement Allocation estimate for that individual is \$22,500.

3. Approximately \$3,390,000 of the Maximum Gross Settlement Amount will be reserved for ADEA Collective Action Plaintiffs who previously opted into the Lawsuit **and** provided Class Counsel information regarding their post-termination work history and mitigation evidence. These funds will be distributed on a pro rata basis according to the estimated weekly lost earnings of those ADEA Collective Action Plaintiffs.

Example C: *ADEA Collective Action Plaintiff (who is not also a member of the California Settlement Classes) was making an annual salary of \$160,000 at the time of termination and had worked for a Defendant for 20 years immediately before being selected for workforce reduction. Weekly salary (\$160,000 divided by 52 weeks) of \$3076.92 x 20 years = Base Settlement Allocation estimated to be \$61,538.46.*

If the ADEA Collective Action Plaintiff in Example C also provided Class Counsel with post-termination work history showing that they got another job, but it paid less than \$160,000 a year, they would receive the base payment of \$61,538.46 + pro rata share of the additional damages fund.

How much will my individual settlement payment be?

Your estimated individual settlement payment would be:

«estAmount»

Please note that this amount is an estimate and may change. You do not need to file a claim to receive your estimated individual settlement payment. However, in order to receive your estimated individual settlement payment, the Court must give final approval to the proposed settlement, any appeals of the Court's order granting final approval must be resolved in favor of the approval of the settlement, and you must not exclude yourself from the settlement.

How long will I have to cash my settlement check?

If you receive a settlement check and do not cash it within one hundred twenty (120) days of mailing, the check will be voided, you will not receive any money from the settlement, and you will still be bound by the settlement and release.

What will happen to uncashed checks?

If the total amount of uncashed checks exceeds a value of \$25,000, the Settlement Administrator will make a pro rata second distribution to those Participating California Class Members and ADEA Collective Action Plaintiffs who did timely cash their settlement checks.

If the total amount of uncashed checks (or the total amount of uncashed checks following a second round of distribution) does not exceed a value of \$25,000, the Named Plaintiffs will propose, subject to Court approval, that the unused funds go to the American Association for Retired People ("AARP) Foundation (<https://www.aarp.org/aarp-foundation/our-work/>)

Will I have to pay taxes on my award?

If the proposed settlement is approved by the Court and you do not timely exclude yourself from the settlement, fifty percent (50%) of your individual settlement payment will be considered to be wages and will be reported on IRS Form W-2 with all applicable employment taxes (including, without limitation, state, federal and local income tax withholding and the employee share of FICA tax), and deductions for garnishments, liens, child support orders and tax liens withheld. Fifty percent (50%) of your individual settlement payment will be considered to be non-wages and will be reported on IRS Form 1099 without withholding and taxed accordingly.

You will be responsible for your own tax obligations, including for remitting to state and federal taxing authorities any other taxes due, and you should consult a tax professional for more information about your own specific situation.

Do I have a lawyer in this lawsuit?

In a class action lawsuit, the court appoints class representatives and lawyers (here, called Class Counsel)—to represent members of the class(es), including to work on the case and defend the interests of all the class members. If you want to be represented by your own attorney in connection with this lawsuit, you may hire one at your own expense. For this proposed settlement, the Court has appointed the following class representatives and lawyers:

HP Co./HP Inc. California Class Representative: Arun Vatturi.

HPE California Class Representative: Kevin Alviso

Class Counsel: The law firms of Andrus Anderson LLP and O’Neil, Cannon, Hollman, DeJong & Laing S.C. These are the law firms that represented the plaintiffs in this Lawsuit and negotiated this proposed settlement on your behalf.

Do I have to pay the lawyers in this lawsuit?

Attorneys’ fees, costs, and expenses in an amount approved by the Court will be paid to Class Counsel from the Maximum Gross Settlement Amount. You will not have to pay Class Counsel directly.

To date, Class Counsel have pursued the Lawsuit on a contingent basis and not been paid any money for their work or out-of-pocket costs and expenses in the Lawsuit. To pay for some of their time and risk in bringing and pursuing the Lawsuit without any guarantee of payment

unless they were successful, Class Counsel will request, as part of the final approval of this Settlement, that the Court approve a payment of up to \$4,500,000 total in attorneys' fees (equal to 25% of the Maximum Gross Settlement Amount) plus the reimbursement of out-of-pocket costs and expenses up to \$200,000. Attorneys' fees, costs, and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the attorneys' fees, costs, and expenses sought even if you think the other settlement terms are fair.

Your Options

What are my options?

You have three options. You can: (1) do nothing to participate in the settlement and receive an individual settlement payment assuming that the Court gives the proposed settlement final approval; (2) "opt-out" or exclude yourself from the settlement; or (3) object to the settlement.

Staying in the Settlement

What happens if I do nothing?

If you do nothing and the settlement is given final approval by the Court, you will receive a settlement payment and be bound by the terms of the Settlement Agreement and its "release" provisions. That means you won't be able to start, continue, or be part of any other lawsuit against the Defendants and other "Released Persons" relating to any actual or alleged age discrimination in re-hiring, retention, termination of employment, or retaliation related to any attempt to become re-hired up to the date the Court entered its order preliminarily approving the proposed settlement. Please see the settlement agreement (which can be found at www.cptgroupcaseinfo.com/hpinchpesettlement) and the Release

(attached to this Notice as Exhibit 1), for a full description of the claims and persons who will be released if this settlement is given final approval.

Getting a Payment

How do I get a settlement payment?

You do not need to do anything to participate in the settlement and receive a settlement payment. You will automatically receive a settlement payment and be bound by the terms of the Settlement Agreement unless you request to be excluded from the settlement.

Opting Out

What if I don't want to participate in the settlement?

If you do not wish to participate in the settlement, you can “opt out” by excluding yourself. If you opt-out, you will not receive a settlement payment and you cannot object to the terms of the settlement. However, you will not be bound by the terms of the Settlement Agreement, nor will you release any claims you believe you may have against the Defendants and the Released Persons. That is, your rights will not be affected by anything that happens in this Lawsuit and you may be able to file your own case if you wish but Class Counsel will not represent you in any such action.

If you exclude yourself and are already an ADEA Collective Action Plaintiff because you previously filed a consent form to join this case, your decision to opt-out of the settlement will also result in the withdrawal of your consent to join form, and you will not be entitled to receive any settlement payment and will not be bound by the settlement.

How do I opt out and exclude myself from the settlement?

To opt out and exclude yourself from the settlement, you must send to the settlement administrator identified below a signed letter that sets forth your name, address, and phone number, and states that you are requesting to be excluded from the settlement. This letter must be mailed by **January 23, 2024**, to the settlement administrator at:

Forsyth et al. V. HP, Inc., et al
c/o CPT Group
50 Corporate Park
Irvine, CA 92606

Be sure to include your name, address, telephone number, and signature.

Please note that members of the California Settlement Classes may not exclude themselves as a group, but must send an individual letter requesting exclusion from the settlement to the settlement administrator as described above.

Objecting

What if I want to object to the settlement?

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out, and the Lawsuit will continue.

Any objection to the proposed settlement must be made in writing. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own

attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections and supporting papers must:

- (1) be submitted to the Court only either by filing them electronically or in person at any location of the United States District Court for the Northern District of California or by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, 280 South First Street, San Jose, CA, 95113;
- (2) be postmarked or filed by **January 23, 2024**;
- (3) include the case name and number (*Forsyth, et al. v. HP, Inc., et al.*, Case No. 5:16 cv 004775-EJD), as well as your full name, address, telephone number, and email address (if you have one);
- (4) state the reasons for your objection;
- (5) state whether either you or your counsel wish to appear at the Fairness Hearing and your counsel's name and contact information;
- (6) include your signature.

Please note that, if you object and the settlement is approved by the Court, you will be barred from bringing your own individual lawsuit asserting claims released through this settlement, and you will be bound by the final judgment and release and all Orders entered by the Court.

If you fail to timely object to the settlement or to comply with the requirements, you will be deemed to have waived any right to object to the settlement. You will not be entitled to be heard at the Fairness Hearing unless you follow the proper procedures for submitting an objection as described above.

If you have requested exclusion from the settlement, you may not submit objections to the settlement.

In class and collective actions, the Court may approve a request to provide the Named Plaintiffs who brought the lawsuit and represent class and collective members a “Service Award” in recognition of the time, effort, and risks they took to prosecute the case. In this case, the Named Plaintiffs will ask the Court to approve Service Awards of \$10,000 each for Arun Vatturi and Kevin Alviso for representing the members of the HP Co./HP Inc. California Class and HPE California Class, respectively, and the ADEA Collective Action Plaintiffs, and \$10,000 each to Dan Weiland, Shafiq Rahman, and the estate of Donna Forsyth for representing the ADEA Collective Action Plaintiffs. If the Court approves Service Awards less than these amounts, the difference will be distributed to Participating California Class Members and ADEA Collective Action Plaintiffs as part of the settlement.

How much will it cost to administer the Settlement?

It is estimated that it will cost no more than \$25,000 to fully administer the Settlement. The amount it costs to administer the Settlement is included in the attorneys’ fees, costs, and expenses that will be sought by Class Counsel.

Key Resources

How do I get more information?

This notice is a summary of the proposed settlement. The complete settlement with all its terms can be found [here](#):

www.cptgroupcaseinfo.com/hpinchpsettlemnt To get a hard copy of the Settlement Agreement or get answers to any questions you may:

- contact Class Counsel (information below)
- visit the case website at **www.cptgroupcaseinfo.com/hpinchpsettlemnt**

- access the [Court Electronic Records \(PACER\) system](https://ecf.cand.uscourts.gov/cgi-bin/ShowIndex.pl) online (<https://ecf.cand.uscourts.gov/cgi-bin/ShowIndex.pl>) or by visiting the Clerk's office of the Court (address below) between 9:00 a.m. and 4:00 p.m. PT, Monday through Friday, excluding Court holidays.

| | |
|---------------------------------|--|
| Case website | www.cptgroupcaseinfo.com/hpinchpesettlement |
| Settlement Administrator | <i>Forsyth v. HP, Inc.</i> c/ CPT Group, Inc. 50 Corporate Park, Irvine, California 92606 1-888-602-3602 |
| Class Counsel (lawyers) | Andrus Anderson LLP jennie@andrusanderson.com 155 Montgomery Street San Francisco, California, 94104 O'Neil, Cannon, Hollman, DeJong & Laing S.C. doug.dehler@wilaw.com 111 East Wisconsin Avenue, Suite 1400 Milwaukee, WI 53202 |
| Court | U.S. District Court for the Northern District of California Robert F. Peckham Federal Building 280 South 1 st Street, Room 21112 San Jose, CA, 95113 |

Do not contact the Court or Defendants or Defendants' lawyers for information about the settlement.