

NOTICE OF PENDENCY OF CLASS ACTION

*Please read this Notice carefully. It informs you about your legal rights.
A court approved this notice. This is not an advertisement or solicitation.*

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

*Oman v. Delta Air Lines, Inc.
Case No. 3:15-cv-00131-WHO*

To: All persons who were employed by Delta Air Lines, Inc. as flight attendants based at a California airport at any time from January 10, 2022 through October 7, 2022 who did not participate in Delta’s Enhanced Retirement or Voluntary Opt-Out Programs.

1. What Is This Notice And Why Did I Get It?

This Notice was sent to inform you that the United States District Court for the Northern District of California has certified a lawsuit filed against Delta Air Lines, Inc. (“Delta Air Lines”) by flight attendants Todd Eichmann and Albert Flores as a class action.

The Court directed this Notice be sent to you because you are a class member. Specifically, you were identified as a current or former Delta Air Lines flight attendant who was based at a California airport at some point between **January 10, 2022 and October 7, 2022**, and you did not participate in Delta’s Enhanced Retirement or Voluntary Opt-Out Programs. This means you are part of the certified class; as a result, **your legal rights may be affected by this lawsuit, and you have a choice to make now.**

This notice will (1) advise you of the claims that were certified by the court; (2) advise you of how your rights maybe be affected by this lawsuit; and (3) instruct you on the procedure for remaining in the class or excluding yourself from the lawsuit.

2. What Is The Lawsuit About?

Plaintiffs Todd Eichmann and Albert Flores, along with former plaintiffs Dev Anand Oman and Michael Lehr, filed a lawsuit against Delta Air Lines, Inc. in the United States District Court for the Northern District of California entitled *Oman v. Delta Air Lines, Inc.*, Case No. 3:15-cv-00131-WHO (the “Lawsuit”). Plaintiffs brought claims for violations of California’s minimum wage, wage statement, pay timing, and final pay laws, as well as claims for civil penalties under the California Labor Code Private Attorneys General Act of 2004 (“PAGA”), alleging that Delta Air Lines failed to pay them and other flight attendants as required by California law, and that Delta Air Lines failed to provide wage statements with the information required by California law.

Delta Air Lines denied all of, and asserted multiple defenses to, Plaintiffs’ claims, including its good faith belief based on then-prevailing law that the California Labor Code did not apply to its California-based flight attendants and that its practices nonetheless complied with California law.

Over the eight years in which the parties litigated the Lawsuit, the Court ruled in Plaintiffs’ favor on several issues and in Delta Air Lines’ favor on several other issues, including ruling that Delta Air Lines’ flight attendant pay practices did not violate California’s minimum wage law. In July 2022, the Court determined that Plaintiffs were entitled to wage statements that complied with California law and that

the wage statements Delta Air Lines provide Plaintiffs received up to that point did not include all of the information required by California law. The Court held that Delta Air Lines knowingly and intentionally violated California’s wage statement law starting on January 10, 2022, but that Delta had a good faith belief that California’s wage statement law did not apply to its flight attendants prior to that point in time. The Court also held that Delta Air Lines violated California’s timing of pay law prior to September 1, 2018 by not paying its flight attendants all wages due within 10 days of the end of the pay period. Delta Air Lines and Plaintiffs could each challenge some of the Court’s rulings on appeal.

The Court’s class certification ruling certified a class consisting of **all Delta Air Lines flight attendants based at a California airport at any time between January 10, 2022 and October 7, 2022 (the “class period”) who did not participate in Delta’s Enhanced Retirement or Voluntary Opt-Out Programs.** This class is certified for purposes of pursuing statutory penalties for Delta’s failure to provide compliant wage statements during the class period. The Court also approved this Notice and directed that you and the other Class Members receive this Notice. The Court also appointed Plaintiffs as the representative of the Class (“Class Representatives”).

3. Am I a Class Member?

You are a Class Member if you meet the definition of the following Class:

All persons who were employed by Delta Air Lines, Inc. as flight attendants based at a California airport at any time from January 10, 2022 through October 7, 2022 who did not participate in Delta’s Enhanced Retirement or Voluntary Opt-Out Programs.

If you are not sure whether you are included, you can get free help by calling or writing to the lawyers for the Class (“Class Counsel”). Contact information for Class Counsel is listed in Question 10 below.

4. Why Is This Lawsuit a Class Action?

In a class action, one or more people (called “Class Representatives”) sue on behalf of all people who have similar claims. The people who have similar claims are the “Class” or “Class Members.” The Class Representatives in this case are Todd Eichmann and Albert Flores. Typically, the Court resolves the common issues for all members of the Class—except for those people who choose to exclude themselves from the Class. Class actions are frequently brought when many people have been affected in the same or similar ways, and litigating each claim individually would be impractical.

5. What Are The Plaintiffs Asking For?

The Plaintiffs are seeking penalties under California’s Labor Code, Section 226, for Delta’s failure to provide accurate and complete wage statements during the Class Period. Plaintiffs will seek these penalties for all Class Members.

Plaintiffs are also pursuing claims for penalties under California’s Private Attorneys General Act (“PAGA”) for all aggrieved employees; those claims are separate from the class certification order.

6. Is There Any Money Available Now?

No money is available now. While the Court has determined that the wage statements Delta provided to the Plaintiffs did not comply with California law during the class period, the Court has not yet made a ruling as to the class, or had a trial to determine the amount of penalties owed. There is no guarantee that Plaintiffs will win or that any relief will be granted by the Court. If any relief is obtained, you will be notified about how to obtain any relief you are entitled to.

7. What Are My Options?

The purpose of this Notice is to inform you of your options in light of the class certification order. Each option has its consequences, which you should understand before making your decision. Your rights regarding each option, and the steps you must take to select each option, are explained below. If you choose to take an action other than staying in the class, you must act by **December 18, 2023**.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS

DO NOTHING; STAY IN THE CLASS	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting benefits that may come from a trial or settlement of the claim against Delta Air Lines for wage statement claims. But, you give up any rights to sue Delta separately about the same legal claim.
EXCLUDE YOURSELF FROM THE LAWSUIT	Get out of this lawsuit. Get nothing from the lawsuit. Keep the right to file your own lawsuit. If you ask to be excluded and benefits are later awarded in connection with the lawsuit, you won't share in those. But you keep any rights to sue Delta separately about the same wage statement claim in this lawsuit. IF YOU WANT TO BE EXCLUDED, YOU MUST ACT NO LATER THAN DECEMBER 18, 2023.

8. What Happens If I Do Nothing?

You do not have to do anything now. By doing nothing, you are staying in the Class as a Class Member in the case alleging that Delta provided non-compliant wage statements. If you stay in the Class and the Plaintiffs prevail as a result of a trial or if the parties reach a settlement, you will be notified about how to receive what you are entitled to receive. If you do nothing now, regardless of whether the Plaintiffs win or lose, you will not be able to file your own lawsuit, or continue to pursue a lawsuit you have already filed against Delta Air Lines asserting the same claim, and the wage statement claim that has been certified by the Court will be decided by the Court. You will also be legally bound by all of the Orders the Court and any judgment issued by the Court with regard to the wage statement claim. If you stay in the Class, you will be represented by the attorneys for the named Plaintiffs.

9. How Do I Request To Be Excluded?

If you want the Court to exclude you from the Class, you must email, fax, or mail a written request for exclusion to Plaintiffs' Counsel no later than **December 18, 2023**. To be valid, your written request for exclusion must include your name and address, a clear statement expressing that you do not wish to be included in the Class, and your signature.

If you send a timely Request for Exclusion to Plaintiffs' Counsel which complies with the above requirements, then: (a) you will not be a member of the Class; (b) if the Parties later settle or the Court awards wage statement penalties, you will not receive any payment for the wage statement claim. By excluding yourself from the Class, you will retain whatever rights or claims you may have against Delta Air Lines, and you will be free to pursue them, at your own cost, if you choose to do so.

If you already have your own lawsuit against Delta Air Lines for wage statement claims, or if you plan to file such a lawsuit and want to continue with it, you must ask to be excluded from the Class now. If you exclude yourself from the Class, you will not be bound by any orders of the Court in the case and will not be entitled to any relief obtained by the Class. However, you will retain the right to pursue your own lawsuit against Delta Air Lines for wage statement claims. If you file your own lawsuit after you exclude yourself, you may have to hire your own lawyer, and you will have to prove your claims separate and apart from what the Plaintiffs prove.

10. Who Are the Attorneys Representing the Class?

The Court has appointed the law firm of Nichols Kaster, LLP to represent the Settlement Class. This law firm is referred to as "Class Counsel." You do not need to hire your own attorney because Class Counsel are working on your behalf. But, if you want your own attorney, you may hire one at your own cost.

If you have any questions about this Notice or the case, you can contact the lawyers for the Plaintiffs and Class:

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11. How Will Class Counsel Be Paid?

If Plaintiffs win or settle the case and obtain a judgment or settlement for the Class, then Class Counsel may ask the Court to award them attorneys' fees and expenses. You will not have to pay these attorneys' fees and expenses. If the Court grants a request for attorney's fees, these fees and expenses could be deducted from any Class recovery, or paid separately by Delta.

PLEASE DO NOT TELEPHONE OR EMAIL THE COURT OR CLERK'S OFFICE FOR INFORMATION.