

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

Madelyn Casilao, Harry Lincuna and Allan Garcia

v.

Hotelmacher LLC, doing business as Holiday Inn Express; Steakhmacer, LLC, doing business as Montana Mike's Steakhouse; Schumacher Investments, LLC, doing business as Water Zoo; Apex USA, Inc.; Walter Schumacher; and Carolyn Schumacher

Case No. 5:17-cv-00800-SLP

FOR:
Jane Doe
EMAIL

Visit www.legalaidatwork.org/schumacher-forced-labor-lawsuit
for more information

Tingnan www.legalaidatwork.org/schumacher-forced-labor-lawsuit
para sa karagdagan na impormasyon

Ang Paunawang ito ay maaari ding makuha sa Tagalog

Notice of Class Action Lawsuit for Filipino H-2B Workers at Walter and Carolyn Schumacher-Owned Companies from 2008 to 2014

This is a court-authorized notice. This is not a solicitation from a lawyer.

If you are a Filipino national who worked for Montana Mike's Steakhouse, Holiday Inn Express or Water Zoo in Clinton, Oklahoma under an H-2B visa between January 1, 2008 and December 31, 2014, this class action notice affects your rights **whether you act or do not act**. Please read the entire notice carefully.

Three former H-2B workers who worked in Clinton, Oklahoma for Steakhmacer, LLC d/b/a Montana Mike's Steakhouse ("Steakhmacer"), Hotelmacher, LLC d/b/a Holiday Inn Express ("Hotelmacher") and Schumacher Investments, LLC d/b/a the Water Zoo ("Water Zoo") have sued these companies, their alleged owners Walter and Carolyn Schumacher (the "Schumachers"), and Apex USA, Inc. ("Apex") (together, "Defendants"), alleging forced labor and breach of contract. The Court has allowed this lawsuit to proceed as a class action on behalf of all H-2B workers from the Philippines who were sponsored by or worked for the Defendants under H-2B visas between 2008 and 2014.

The purpose of this Notice is to tell you about the lawsuit, to tell you about your rights, and to explain how your rights may be affected by the lawsuit. Your legal rights may be affected, and you have a choice to make now:

Your Rights and Options in This Lawsuit	
These rights and options – and the deadlines to exercise them – are explained in this notice.	
Do nothing	You do not need to do anything to be included in the lawsuit. By doing nothing, you may receive monetary damages or other relief that may come from a trial or settlement, but you give up any rights to sue the Defendants separately about the same legal claims in this lawsuit, regardless of whether the class action is successful or unsuccessful.
Ask to be Excluded ("Opt Out")	You may ask to be excluded from this lawsuit and pursue your own lawsuit. If you ask to be excluded from this lawsuit, you will not share in any monetary settlement or damages awarded in this lawsuit, but you will keep any rights to sue Defendants separately about the same legal claims in this lawsuit. If you wish to be excluded, you must act before April 7, 2022. More detailed instructions are on page 3 of this notice.

This notice and its contents have been authorized by the United States District Court for the Western District of Oklahoma, the Honorable Scott L. Palk presiding. The Court has not expressed any opinion about the merits of this case and has not decided whether the Plaintiffs or the Defendants are right or wrong.

Basic Information

1. Why did I get this notice?

You received this notice because records show that between 2008 and 2014, you came to the United States from the Philippines on an H-2B visa, and that one or more of the following companies or people allegedly either petitioned for you to come to the United States or was your alleged de-facto employer:

- Hotelmacher LLC, doing business as Holiday Inn Express;
- Steakhacher, LLC, doing business as Montana Mike’s Steakhouse;
- Schumacher Investments, LLC, doing business as Water Zoo;
- Apex USA, Inc.;
- Walter Schumacher;
- Carolyn Schumacher.

A class action lawsuit has been brought against these companies and individuals claiming that they recruited H-2B workers from the Philippines through false promises about pay and working conditions. Defendants deny all of the allegations in the lawsuit. The lawsuit is known as *Casilao et al. v. Hotelmacher, et al.*, No. 17-cv-583-SLP (W.D. Okla.). The Honorable Scott L. Palk, United States District Court Judge in the Western District of Oklahoma, is overseeing this lawsuit.

The Court ordered that this notice be sent to you because you are a member of the Class in this lawsuit. There are legal rights you may exercise before the Court holds a trial to decide whether the claims being made against Defendants, on your behalf, are correct.

2. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. All those people together are the “Class” or “Class Members.” The Class Representatives and Class Members together are the “Plaintiffs.” The people being sued are the “Defendants.” In this case, the Defendants are Hotelmacher LLC, doing business as Holiday Inn Express; Steakhacher, LLC, doing business as Montana Mike’s Steakhouse; Schumacher Investments, LLC, doing business as Water Zoo; Apex USA, Inc.; Walter Schumacher; and Carolyn Schumacher. In a class action, one court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from (*i.e.*, opt out of) the Class.

3. What is this lawsuit about?

The Plaintiffs claim that the Defendants made a number of false promises to the Plaintiffs in order to recruit them from the Philippines to work in Clinton, Oklahoma. Plaintiffs say that once they arrived in Clinton, Oklahoma, the Defendants did not keep their promises, which included: reimbursement for the cost of travel to Clinton; providing free food and housing in Clinton; full-time work; and/or to be paid at a fixed hourly rate (or “guaranteed minimum”). Plaintiffs also claim that by breaking these promises, the Defendants breached the contracts they entered into with the Plaintiffs and the Philippine government and forced the Plaintiffs to labor for Defendants on Defendants’ terms. The Plaintiffs are asking for compensation from Defendants to remedy the broken promises and forced labor they were subjected to in Clinton, Oklahoma. Defendants deny all of Plaintiffs’ allegations.

The Court has not decided who is right or wrong. By allowing this case to proceed as a class action, the Court is not suggesting that the Plaintiffs will win or lose the case. The Plaintiffs must still prove their claims at trial.

4. Why is this lawsuit a Class Action?

The Court has decided that this lawsuit can be a class action because, in the Court’s view, this lawsuit meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order certifying the Class, available at www.legalaidatwork.org/schumacher-forced-labor-lawsuit.

5. Am I part of the Class?

The Class certified by Judge Palk includes all Filipino nationals who came to the United States as H-2B temporary workers between January 1, 2008 and December 31, 2014 and were sponsored by or worked for one of the Defendants upon arrival to the United States.

If you are not sure whether you are included, you can get free help at www.legalaidatwork.org/schumacher-forced-labor-lawsuit, or by contacting the lawyers appointed by the Court to represent the Class in this case at schumacher_lawsuit@legalaidatwork.org. Do not contact the Court.

6. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Class and keep the possibility of sharing in any monetary damages or other relief that might come from a trial or settlement, but give up the opportunity to sue Defendants separately for the same claims. You will be bound by any ruling, settlement, or judgment regarding the claims in this case, whether favorable or unfavorable.

7. What happens if I ask to be excluded from (*i.e.*, opt out of) the Class?

If you ask to be excluded from (*i.e.*, opt out of) the Class, you will not share in any monetary damages or other relief that might come from a trial or a settlement in this lawsuit, but you will keep the possibility of suing Defendants separately based on the same claims in this lawsuit.

If you start your own lawsuit against the Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against the Defendants, you should talk to your own lawyer soon, because your legal rights may be about to expire.

8. How do I ask to be excluded from (*i.e.*, opt out of) the Class?

To exclude yourself from (*i.e.*, opt out of) the Class, you must send an “Opt Out Statement” in the form of a letter, sent by mail or email, stating that you want to be excluded from *Casilao v. Hotelmacher*. Be sure to include your name and a telephone number or email address, and sign the letter. You must send your “Opt Out Statement” so that it is received or postmarked by April 7, 2022 to:

Legal Aid at Work
Mail: 180 Montgomery Street, Suite 600
San Francisco, CA 94104
Email: schumacher_lawsuit@legalaidatwork.org

You must follow these procedures precisely in order to exclude yourself from the Class.

If you ask to be excluded, you will not receive any benefit from the case, whether through settlement, judgment, or verdict.

9. Do I have a lawyer in this case?

The attorneys who represent the Plaintiffs and the Class Members are called “Class Counsel.” The Court has decided that these lawyers are qualified to represent you and other Class Members. The Court has designated them as Class Counsel in this lawsuit based on a determination that they are capable and experienced in handling similar cases. If you stay in the Class (*i.e.*, you do not exclude yourself), you will be represented by Class Counsel.

More information about Class Counsel is available at www.legalaidatwork.org/schumacher-forced-labor-lawsuit, and you can contact them at schumacher_lawsuit@legalaidatwork.org. They are:

Meghan Lambert
ACLU OF OKLAHOMA
P.O. Box 13327
Oklahoma City, OK 73113
Telephone: (405) 525-3831

Christopher J. Willett
Caitlin Boehne
EQUAL JUSTICE CENTER
314 E. Highland Mall Blvd., Ste. 401
Austin, Texas 78752
Telephone: (512) 474-0007

Eben Colby
Catherine Fisher
500 Boylston Street, 23rd Floor
Boston, MA 02116
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George A. Warner
LEGAL AID AT WORK
180 Montgomery Street, Suite 600
San Francisco, CA 94104
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schumacher_lawsuit@legalaidatwork.org

Alyssa Musante
300 South Grand Avenue
Los Angeles, CA 90071-3144
Telephone: (213) 687-5223

10. Do I need to hire my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

You will not be required to pay any attorneys’ fees or costs out of your own pocket, regardless of whether the Plaintiffs win the case.

If Class Counsel get money or benefits for the Class, they may 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 Defendants.

The Class Representatives in this case may also seek an additional service payment to compensate them for the work they have done in initiating and maintaining this case on behalf of the Class Members. Any service payment will be subject to Court approval.

Additional Information

12. What happens next?

The lawsuit will continue towards a trial. You do not have to attend the trial unless notified otherwise. Class Counsel will present the case for the Plaintiffs, and the Defendants will present their defenses. You are welcome to come at your own expense.

If the Plaintiffs are successful at trial and obtain relief for the Class as a result of the trial or a settlement, you will be notified whether you are qualified to apply for a share.

If your contact information changes, and you want Class Counsel to be able to contact you (*e.g.*, to update you about the case, etc.), you can provide your updated contact information to Class Counsel, whose contact information is on page 4 of this notice and on the case website, www.legalaidatwork.org/schumacher-forced-labor-lawsuit.

13. Does my immigration status impact my ability to be part of the case?

No. You may be a Class Member regardless of your immigration status, and regardless of whether you reside inside or outside the United States.

14. Are more details available?

Yes. You can find more information on the case website, www.legalaidatwork.org/schumacher-forced-labor-lawsuit, where you will find the lawsuit that the Class Representatives filed with the Court on your and other Filipino H-2B workers' behalf, and the Court's Order certifying the Class. Or you may contact Class Counsel, whose contact information is on page 4 of this notice.

DATE 1/7/2022