

New York State Supreme Court for the County of Nassau  
*Adams, et al. v. Consolidated Edison Company of New York, Inc., Index No. 601040/2024*

**NOTICE OF CLASS ACTION SETTLEMENT**

**Name**  
**Address**

If you were employed by Consolidated Edison Company of New York, Inc. (“ConEd”) in New York State as a Customer Service Representative (as defined in the settlement agreement) between April 13, 2016 through September 18, 2023, you are entitled to a payment from a class action settlement.

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

**BACKGROUND**

- Former ConEd employees (“Named Plaintiffs”) filed a class and collective action lawsuit (the “Action”) against ConEd alleging that certain employees (“Class Members”) were not compensated for the time it takes before the start of their shifts to “boot up” their computers and load computer applications and programs.
- ConEd denies these allegations, maintains that its employees were paid properly, and denies that anyone is entitled to any damages for unpaid work time. However, to avoid the burden, expense, inconvenience, and uncertainty of litigation, the parties have concluded that it is in their mutual best interests to resolve and settle the Action by entering into a Settlement Agreement. Accordingly, the Named Plaintiffs and ConEd have agreed to a settlement, the terms of which are set forth in the parties’ Settlement Agreement, which has been approved by the Court.
- ConEd has agreed to pay up to a maximum of \$759,000.00 to settle the Action. Through this proposed settlement, you are entitled to receive approximately \$ [REDACTED], which is based on the amount of weeks you worked during the Relevant Period (defined below).
- To receive a settlement payment, you must return a properly completed Claim Form to the Settlement Claims Administrator via the website or First Class United States Mail, postmarked or received by **June 8, 2024**.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<b>RETURN THE CLAIM FORM</b>	You will remain part of the case and receive a settlement payment. You will also release all wage and hour claims under state and federal law.
<b>DO NOTHING</b>	If you do not return the claim form and you do not exclude yourself, you will remain part of the case but you will <b>not</b> receive a payment. You will also release certain state wage and hour claims.
<b>EXCLUDE YOURSELF</b>	If you submit a timely exclusion statement, you will not be part of the settlement of this case. You will not receive a payment or recover anything under this settlement, but you will retain any rights you may have related to the claims in this case, subject to the applicable statute of limitations. If you exclude yourself from the settlement, you may not object.
<b>OBJECT</b>	If you object to the settlement, you may write to the Court about why you disapprove of the settlement. You may not, however, object to the settlement if you exclude yourself from it.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- Payments will be made following the claims period. Please be patient.

## BASIC INFORMATION

### 1. Why did I get this notice?

You are receiving this notice because you worked for ConEd **between April 13, 2016 through September 18, 2023** (the “Relevant Period”) as a Customer Service Representative. This notice explains the lawsuit, the settlement, your legal rights, and what benefits are available.

The Court overseeing this case is the Supreme Court of New York, Nassau County. The people who filed the lawsuit are called the “Named Plaintiffs.” ConEd is called the “Defendant.”

### 2. What is this lawsuit about?

This lawsuit is about whether certain of ConEd’s CSRs in New York performed work before the start of their shifts by “booting up” their computers and loading computer applications and programs, but were not paid for such time.

### 3. What is a class action?

In a class action, one or more people called “Class Representatives” sue on behalf of people who have similar claims. The people together are a “Class” or “Class Members.” One court resolves the issues for everyone in the Class – except for those who choose to exclude themselves from the Class by opting out of the settlement.

## THE SETTLEMENT BENEFITS – WHAT YOU GET

### 4. How can I get my payment?

- To get your payment, you must return a properly completed Claim Form to the Settlement Claims Administrator, via its website or First Class United States Mail, postmarked or received by **June 8, 2024**. The Settlement Claims Administrator’s information is below:

*ConEd Wage & Hour Settlement*  
c/o RG2 Claims Administration  
PO Box 59479  
Philadelphia, PA 19102-9479  
[www.ConEdWageSettlement.com](http://www.ConEdWageSettlement.com)

If you submit a Claim Form to the Settlement Claims Administrator by the deadline, you will be sent a settlement check. If you do nothing or choose to exclude yourself, you will not receive a payment.

It is recommended that you make a copy of, take a picture of, or scan your completed Claim Form, before returning it. Keep a copy of it along with this notice and any proof of mailing (such as a postage receipt or your email submitting the Claim Form) for your records.

### 5. How much will my payment be?

Based on the formula that has been approved by the Court, you will be entitled to receive a payment of approximately \$ [redacted] if you timely return a fully completed Claim Form. The Class Settlement Agreement contains the exact allocation formula. You can get a copy of the Class Settlement Agreement by sending a request, in writing, to the Settlement Claims Administrator at the address listed above in paragraph 4.

### 6. When will I get my payment?

The Parties anticipate that settlement checks will be sent by **August 17, 2024**.

### 7. What am I giving up to get a payment or stay in the Class?

Regardless of whether or not you return your Claim Form, if you do not exclude yourself (as explained below), you will remain in the Class. This means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendant asserting claims under the New York Labor Law (“NYLL”), including any overtime, minimum wage, unpaid wages, unjust enrichment, or other wage claims. If you return your Claim Form, you will also release claims under the federal Fair Labor Standards Act that arose during the Relevant Period.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 8. How do I exclude myself (opt out) of the settlement?

If you do not want a payment from this settlement, but you want to keep the right to sue or continue to sue on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself – or “opting out” of the Class.

To exclude yourself from the settlement, you must send a letter by First Class United States Mail that includes your name, address, telephone number, and signature. Your exclusion request must also contain words to the effect of “I elect to exclude myself from the settlement in *Adams, et al. v. Consolidated Edison Company of New York, Inc.*, Index No. 601040/2024 (Sup. Ct. Nassau County).” Such request must be postmarked or received no later than June 8, **2024**. Exclusion requests must be sent to the Settlement Claims Administrator at the address listed above in paragraph 4.

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens with respect to this settlement. You may also be able to sue (or continue to sue) Defendant in the future about some of the legal issues in this case if the time period to bring such claims has not expired.

### 9. If I don’t exclude myself, can I sue Defendant for the same thing later?

No. Unless you exclude yourself, you give up any rights to sue Defendant for violations of the New York Labor Law. If you have a pending lawsuit, speak to your lawyer in that case immediately to see if this settlement will affect your other case.

## OBJECTING TO THE SETTLEMENT

### 10. How do I submit an objection to the settlement?

If you’re a Class Member, you can object to the settlement if you disapprove of any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter to the Settlement Claims Administrator that includes words to the effect of “I object to the settlement in *Adams, et al. v. Consolidated Edison Company of New York, Inc.*, Index No. 601040/2024 (Sup. Ct. Nassau County)” along with your reasons for objecting. The written objection must include your name, email address, home address, and telephone number, must be signed by you personally, and must state each specific reason in support of your objection and any legal support for each objection. Any reasons not included in the written objection will not be considered. Send the objection to the Settlement Claims Administrator at the address listed above in paragraph 4.

Your objection must be postmarked or received no later than **June 8, 2024**.

The Court may choose to hold a hearing to consider any objections. If so, it is not necessary for you to appear in Court, but you will have the opportunity to do so at your own expense or to pay your own lawyer to attend. You will also be required to submit a “Notice of Intention to Appear at the Final Approval Hearing” no later than June 8, 2024 to the Settlement Claims Administrator. If you are appearing through counsel, your attorney must also file a “Notice of Appearance” with the Clerk of the New York State Supreme Court for the County of Nassau and deliver copies to all counsel of record. If you file a timely written objection and Notice of Intention to Appear at a Final Approval Hearing, you will be notified by the Settlement Claims Administrator or Class Counsel of the date and location for such a hearing, should the Court schedule one.

If you submit an objection but later change your mind, you may withdraw your objection at any time.

### **11. What's the difference between objecting and excluding?**

Objecting is telling the Court that you disapprove of something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself from the settlement, you may not object.

## **THE LAWYERS REPRESENTING YOU**

### **12. Do I have a lawyer in this case?**

The Court has decided that the Shavitz Law Group, P.A. are qualified to represent you and all Class Members. These lawyers are called "Class Counsel." You may contact Class Counsel with any questions you have about the settlement. Their contact information is:

Michael J. Palitz  
 Shavitz Law Group, P.A.  
 477 Madison Ave., 6<sup>th</sup> Floor  
 New York, NY 10022  
 Tel: (800) 616-4000  
 info@shavitzlaw.com

You will not be charged separately for these lawyers because Class Counsel is being paid from the Gross Settlement Amount. You do not need to retain your own attorney to participate as a Class Member. If you do not opt out of the Class and want to be represented by your own lawyer, you may hire one at your own expense.

### **13. How will the lawyers be paid?**

Class Counsel will ask the Court to approve payment of up to one-third of the Gross Settlement Amount for attorneys' fees. These fees would compensate Class Counsel for investigating the facts, litigating the case, negotiating the settlement, and supervising the administration of the settlement. Class Counsel will also ask the Court to approve reimbursement of their out-of-pocket costs.

### **14. Are there more details about the settlement?**

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. If there are any discrepancies between this notice and the Class Settlement Agreement, the Class Settlement Agreement will control. You can get a copy of the Settlement Agreement by calling the Settlement Claims Administrator at 1-866-742-4955.

**THIS NOTICE WAS AUTHORIZED ON February 29, 2024 BY THE HONORABLE JUDGE Catherine Rizzo, A.J.S.C. OF THE NEW YORK STATE SUPREME COURT FOR THE COUNTY OF NASSAU.**

**PLEASE DO NOT CONTACT THE COURT OR CONED FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS ACTION.**

**DATED: April 9, 2024**