

**NOTICE OF PENDENCY OF CLASS/COLLECTIVE ACTION AND PROPOSED SETTLEMENT**

*Debi Mishra v. Cognizant Technology Solutions U.S. Corporation, et al., (Case No. 2:17-cv-01785)*

**TO: ALL CURRENT AND FORMER EMPLOYEES OF DEFENDANTS WHO WERE ELIGIBLE TO RECEIVE TRU UP PAYMENTS AT ANY TIME BETWEEN AUGUST 25, 2013 THROUGH JUNE 1, 2020.**

The United States District Court for the Eastern District of California conditionally certified the above-listed class (the "California Class") and preliminarily approved a settlement ("Settlement") of the lawsuit against Cognizant Technology Solutions U.S. Corporation and Cognizant Technology Solutions (collectively, "Defendants"). You received this Notice because Defendants' records indicate you are a class member. This Notice describes the claims, the Settlement, and your rights as a class member. **Please read the entire Notice.**

**A. DESCRIPTION OF LAWSUIT:**

Representative Plaintiff Debi Mishra ("Plaintiff") alleged that Defendants failed to pay overtime and provide timely pay to the California Class in violation of the California Labor Code, and engaged in unfair or unlawful business practices in violation of the California Business and Professions Code. Unless you exclude yourself from the Settlement (described below), you are a member of the California Class. The lawsuit also alleges that Defendants did not pay overtime under federal law, specifically the Fair Labor Standards Act (FLSA), for the above-listed class who worked for Defendants between August 25, 2014 and June 1, 2020 ("FLSA Class"). You may choose to opt in (described below) and become a member of the FLSA class. Defendants deny all liability.

**B. ATTORNEYS FOR THE PARTIES**

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**C. SUMMARY OF SETTLEMENT:**

1. Defendants will pay the non-reversionary amount of \$5,726,000.00 which includes Plaintiff's attorneys' fees (up to 25% of Settlement amount), actual litigation costs, a service payment to the named Plaintiff (up to \$10,000), Settlement Administration costs, and Settlement Awards to class members. 97.2% of the Net Settlement Amount (after deducting the fees, costs, and expenses described above) has been allocated to the California Class. Of that amount, 69.2% will be paid to California Class Members who do not exclude themselves from the California Class (California Award). The remaining 30.8% will be paid to California Class Members who opt-in to the FLSA Class (FLSA Award).

**YOUR ESTIMATED CALIFORNIA AND FLSA AWARDS ARE LISTED ON THE ENCLOSED "GREEN SHEET."**

**To receive the FLSA Award, you must take action within 60 days of the mailing date of this notice and "Opt-In" as set forth below. If you do nothing, you will receive only the California Award.**

2. As part of the Settlement, you are entitled to recover under both California Law and the FLSA. Money from each of these sources is treated differently. If you wish to participate in the Settlement, you should do the following:

- a) **TO RECEIVE THE PORTION OF FUNDS FROM THE CALIFORNIA CLASS SETTLEMENT, DO NOTHING NOW AND THEN CASH THE CHECK YOU WILL RECEIVE OR ACCEPT FUNDS ELECTRONICALLY.** If you do nothing, you will automatically receive your portion of the California Award (alternatively, you may elect to receive

your funds electronically, as discussed below), and you will fully and forever waive, release, and discharge the Releasees from all Released California Claims, as defined in Section E below.

You may review the full contents of the release in the Settlement Agreement (which is available online at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com)). The amount that will be paid *per* workweek will be calculated by reducing 97.2% of the Net Settlement amount (after deducting the fees, costs, and expenses described above) by 30.8% and then dividing that amount by the total number of Workweeks worked by all California class members who do not exclude themselves from the California Class.

- b) The amount of your California Award will be based on the number of workweeks you were eligible for Tru Up payments during your employment with Defendants between August 25, 2013 through June 1, 2020, which is listed on the enclosed Green Sheet. If you dispute the number of workweeks, you must submit a written, signed challenge along with any supporting documents, if you have them, to the Settlement Administrator at the address provided on the Green Sheet by August 5, 2020.

Your other options with respect to the California Class settlement (exclusion and objection) are discussed in Section C.3 and C.4 below.

- c) **TO RECEIVE THE PORTION OF FUNDS FROM THE FLSA CLASS SETTLEMENT, YOU MUST OPT IN BY EITHER FILLING OUT A FORM ONLINE, OR BY SUBMITTING YOUR ENCLOSED OPT IN FORM.** To receive the portion of the settlement funds available due to federal law, you must opt into this lawsuit. You may opt in by completing an online form at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com). You may also opt in by filling out the "Opt In Form" in this packet, and mailing it to the Claims Administrator as instructed. If you opt into the FLSA Class settlement, you will be: (1) consenting to join the FLSA Class; (2) consenting to representation by Plaintiff's Counsel; and (3) releasing Defendants and other Releasees from the Released FLSA Claims (as defined in Section E). You may also review the full contents of the release in the Settlement Agreement (which is available online at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com)). The amount that will be paid per Workweek for the FLSA Award will be calculated by reducing 97.2% of the Net Settlement amount (after deducting the fees, costs, PAGA Payment, and expenses described above) by 69.2% and then dividing that amount by the total number of eligible weeks worked by all California class members between August 25, 2014 through June 1, 2020.

The amount of your FLSA Award will be based on how many Workweeks you were eligible for Tru Up payments during your employment with Defendants between August 25, 2014 through June 1, 2020, which is listed on the enclosed Green Sheet. If you dispute the number of Workweeks, you must submit a written, signed challenge along with any supporting documents, if you have them, to the Settlement Administrator at the address provided on the Green Sheet by August 5, 2020.

If you opt into the FLSA Class Settlement, the Settlement Administrator will mail you the FLSA Award (or you may elect to receive the FLSA Award electronically as explained in Section D).

If you do not opt into the FLSA Class Settlement, you will not be entitled to the FLSA Award, but you will retain whatever rights you may have under federal law, including the FLSA.

3. You may exclude yourself from the California portion of the settlement by following the instructions below:

If you do not want to participate in the California portion of the Settlement, and do not want to release the Released California Claims (defined in Section E), you must send a letter to the Settlement Administrator ("Exclusion Letter") that includes your current address, telephone number, the last four digits of your Social Security number, and the following statement or something similar: "I request to be excluded from the California Class in the matter of *Debi Mishra v. Cognizant Technology Solutions U.S. Corporation, et al.*, United States District Court, Eastern District of California, Case No. 2:17-cv-01785." The Exclusion Letter must also be signed, dated, and returned to the Settlement Administrator at ILYM Group, Inc. P.O. Box 2031 Tustin, CA 92781, postmarked no later than August 5, 2020. If you

exclude yourself, you will not be eligible to receive the California Award but will retain whatever rights you may have against Defendants under California law and you may still choose to opt into the FLSA Class.

4. If you think the California Class Settlement is unfair, you can object by submitting a written objection.

You can't ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. Objections to the Settlement must be in writing. All written objections and supporting papers must (a) clearly identify the case name and number (*Debi Mishra v. Cognizant Technology Solutions U.S. Corporation, et al.*, Case No. 2:17-cv-01785), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Eastern District of California, Sacramento Courthouse, 501 "I" Street, Sacramento, CA 95814, or by filing them in person at any location of the United States District Court for the Eastern District of California, and (c) be filed or postmarked on or before August 5, 2020. If you desire to appear at the Final Approval Hearing, you must also request permission to appear at the hearing along with your objection. You will not be allowed to present any argument or comments at the Final Approval Hearing if you do not timely object to the settlement and make a request to appear.

#### **D. ELECTION TO RECEIVE SETTLEMENT FUNDS ELECTRONICALLY**

***You can elect to receive your California Award and/or your FLSA Award electronically instead of by check by visiting the Settlement Administrator's website at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com) and providing the relevant information requested by the Settlement Administrator to process the electronic payments.***

#### **E. RELEASED CLAIMS:**

- a) "**Released California Claims**" shall mean any and all claims under the wage and hour laws and regulations of the State of California that were or could have been asserted based on the conduct alleged in the First Amended Complaint (available online at [cognizanttechsettlement.com](http://cognizanttechsettlement.com) or in any complaints in this action preceding said First Amended Complaint, including, but not limited to, violation of all statutes mentioned in the First Amended Complaint and corresponding provisions of the relevant California Wage Order based on the conduct alleged in the First Amended Complaint or in any complaints in this action preceding said First Amended Complaint, including but not limited to California Labor Code sections 201-203, 204, 206, 210, 218.5, 218.6, 226, 226.3, 510, 558, 1174, 1194, 1198, and 2698, et seq. (the Labor Code Private Attorneys General Act ["PAGA"]), and California Business and Professions Code sections 17200, et seq., based on claims for: (1) overtime (including but not limited to regular rate calculations); (2) minimum wage (3) meal periods; (4) rest breaks; (5) wage statements; (6) final pay; (7) waiting time penalties; (8) restitution; (9) PAGA penalties; (10) interest; (11) costs and attorneys' fees, costs and expenses; and (12) declaratory relief; and any and all California state common law claims, based on the misconduct alleged in the First Amended Complaint (or preceding complaints in this action) or those that could have been asserted based on the conduct alleged, including but not limited to claims for fees and costs, conversion, liquidated damages, punitive damages, civil penalties, equitable remedies, and/or pre- or post-judgment, at any time through June 1, 2020.
- b) "**Released FLSA Claims**" shall mean any and all claims that were asserted in the First Amended Complaint or that could have been asserted based on the conduct alleged in the First Amended Complaint (available online at [cognizanttechsettlement.com](http://cognizanttechsettlement.com), or in any complaints in this action preceding said First Amended Complaint, for any of the following based on the conduct alleged in the First Amended Complaint or in any complaints in this action preceding the First Amended Complaint: non-payment of wages, minimum wages, overtime wages (including, but not limited to regular rate calculations), or any other wage-related or recordkeeping-related claims; liquidated damages; attorneys' fees, costs and expenses; pre- and post-judgment interest; or damages or relief of any kind

arising from the allegation that Class Members were not properly compensated for all time worked on a daily, weekly, or monthly basis, including, but not limited to the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., (FLSA) and related regulations (including, but not limited to, 29 C.F.R. §§ 778.106, 778.108, 778.109, 778.207, 778.316, 778.317, 778.500, 778.502), and any other similar state or federal law, at any time through June 1, 2020.

- c) “**Releasees**” means Defendants and all of their respective past, present, and future direct and indirect affiliates, parents, subsidiaries, predecessors, successors and assigns, and all of their respective past, present, and future partners, principals, officers, directors, employees, attorneys, insurers, representatives and agents, whether acting as agents or in individual capacities, and this Agreement shall inure to the benefit of and shall be binding and enforceable by all such entities and individuals.

**F. FINAL APPROVAL HEARING ON SETTLEMENT:**

The Final Approval Hearing will be held on November 12, 2020, at 2:00pm in Courtroom 2 at the Sacramento Courthouse of the United States District Court, Eastern District, located at 501 “I” Street, Sacramento, CA 95814 and may be continued without further notice. You may appear at the Final Approval Hearing in person or through your own attorney at your own expense.

**G. ADDITIONAL INFORMATION:**

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com), by contacting Plaintiff’s counsel at the address listed above, by accessing the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Eastern District of California located at 501 “I” Street, Sacramento, CA 95814 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. Any questions should be directed to the Settlement Administrator at ILYM Group, Inc. P.O. Box 2031 Tustin, CA 92781, 888.250.6810 or Plaintiff’s counsel at the address listed above. If your address changes, or is different from the address on the envelope enclosing this Notice, please promptly notify the Settlement Administrator. **PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

Please note: Defendants are prohibited from retaliating against any class members for exercising the rights described in this Notice, this lawsuit, and/or Settlement.

**PROJECTED SETTLEMENT AWARD (“GREEN SHEET”)**

*Debi Mishra v. Cognizant Technology Solutions U.S. Corporation, et al., (Case No. 2:17-cv-01785)*

THIS DOCUMENT ADVISES YOU OF THE ESTIMATED SHARE OF THE SETTLEMENT PROCEEDS/PAYMENT THAT YOU WILL RECEIVE IF THE COURT GRANTS FINAL APPROVAL OF THE SETTLEMENT IN THIS ACTION.

TO PARTICIPATE IN THE CALIFORNIA CLASS, YOU DO NOT NEED TO TAKE ANY ACTION; YOU DO NOT NEED TO SEND IN A CLAIM FORM. IF THE SETTLEMENT IS APPROVED AND YOU DID NOT EXCLUDE YOURSELF, YOU WILL RECEIVE YOUR SETTLEMENT SHARE.

**IMPORTANT:  
TO RECEIVE THE PORTION OF SETTLEMENT FUNDS FROM THE FLSA CLASS, YOU MUST OPT IN, EITHER BY DOING SO ONLINE AT WWW.COGNIZANTECHSETTLEMENT.COM, OR BY COMPLETING THE ENCLOSED OPT IN FORM AND MAILING IT IN AS INSTRUCTED.**

*You may elect to receive your California Award and/or your FLSA Award electronically by visiting the Settlement Administrator’s website at [www.cognizanttechsettlement.com](http://www.cognizanttechsettlement.com) Otherwise, you will receive your checks by mail.*

**I. YOUR SETTLEMENT AWARD CALCULATION**

According to Defendants’ payroll records, you worked for Defendants as a California Class Member (defined in the enclosed “Notice of Pendency of Class/Collective Action and Proposed Settlement”) during the California Class period (between August 25, 2013 and June 1, 2020 for a total of «**CA WEEKS**»). In addition, you worked for Defendants as an FLSA Class Member (also defined in the enclosed Notice) during the FLSA Class period (between August 25, 2014 and June 1, 2020, for a total of «**FLSA WEEKS**»). These numbers are presumed to be correct. If you disagree with either of these numbers, then follow the specific directions below for how to submit a dispute.

Based on the number of workweeks listed above, your estimated recovery is:

**\$** \_\_\_\_\_ (California Award) (if you **do not** send an Exclusion Letter to opt out of the California Class)

**\$** \_\_\_\_\_ (FLSA Award) (if you take action to opt into the FLSA Class)

These are estimates and you may, in fact, receive different sums.

**II. IF YOU DISPUTE DEFENDANTS' PAYROLL RECORDS**

If you believe that the workweek information specified for you in Section I (above) is incorrect, you must submit a written, signed challenge along with any documents that support the number of workweeks you are claiming (for example, pay stubs or payroll records) to the Settlement Administrator at ILYM Group, Inc. P.O. Box 2031 Tustin, CA 92781 before August 5, 2020. Include the last four numbers of your Social Security Number, and your phone number in the letter. Defendants' payroll records are presumed to be correct unless the documents you provide prove otherwise to the satisfaction of the Settlement Administrator.

If you have questions, you may contact the Settlement Administrator at ILYM Group, Inc. P.O. Box 2031 Tustin, CA 92781, 888.250.6810.