

NOTICE OF CLASS ACTION SETTLEMENT

Harden v. Air Products West Coast Hydrogen LLC et al.

Superior Court of California for the County of Los Angeles, Case No. 22STCV03922

PLEASE READ THIS NOTICE

A class action against Defendants AIR PRODUCTS WEST COAST HYDROGEN LLC and AIR PRODUCTS AND CHEMICALS, INC. (hereinafter collectively “Defendants”) has been preliminarily approved for settlement. In the lawsuit, plaintiff Tanasha Harden (“Plaintiff”) alleged that Defendants failed to comply with the Fair Credit Reporting Act with respect to individuals who were subject to background checks in connection with obtaining employment with Defendants. Defendants deny Plaintiff’s allegations and contend that they complied with applicable law.

You have been identified by Defendants’ records as a Class Member in the above-entitled action, and as such, you are subject to the terms of Class Action Settlement Agreement and Release of Claims (“Settlement,” “Agreement,” or “Settlement Agreement”) preliminarily approved by the Court. Please read this notice carefully. It may affect your legal rights.

YOUR LEGAL RIGHTS AND OPTIONS WITH RESPECT TO THE SETTLEMENT	
Participate in the Class Settlement	If you want to be bound by the Class Settlement and be issued an Individual Settlement Payment, then you do not need to do anything.
Exclude Yourself from the Class Settlement	If you do not want to be bound by the Class Settlement, you must follow the instructions in Section 5 to exclude yourself from the Class Settlement. If you exclude yourself from the Class Settlement, you will not be issued an Individual Settlement Payment, and you will not release the Settled Class Claims against Released Parties defined in Section 5 below.
Object to the Class Settlement	If you want to object to the Class Settlement, you must follow the instructions in Section 6. If you object, you will still be bound by the terms of the Class Settlement, if approved by the Court.

1. WHY DID I GET THIS NOTICE?

You have received this Notice because Defendants records reflect that you are a Class Member. This Notice provides you with information about: (1) the terms of the Settlement, including the claims that are being released; (2) the total monetary amount of the Settlement; (3) your estimated Individual Settlement Payment, provided you remain a Settlement Class Member; and (3) where to find additional information regarding the case and the Settlement.

NO ACTION NEEDS TO BE TAKEN TO RECEIVE MONEY UNDER THE SETTLEMENT.

2. WHAT IS THIS CASE ABOUT?

Plaintiff’s Class Action Complaint (“Complaint”) was filed on February 1, 2022 in the Superior Court of California, County of Los Angeles, commencing the lawsuit entitled *Harden v. Air Products West Coast Hydrogen LLC et al. et al.*, Case number 22STCV03922 (the “Action”). The Complaint and the First Amended Complaint in the Action alleges that Defendant violated the Fair Credit Reporting Act.

All persons who applied for employment with Defendants and were the subject of a background check that was procured by Defendants or caused to be procured by Defendants at any time from February 1, 2017 until November 20, 2023. (“Class Period”) are referred to as “Class Members” or the “Class.”

Defendants deny any liability or wrongdoing of any kind. Defendants contend, among other things, that they complied at all times with the Fair Credit Reporting Act.

The Court has not ruled on the merits of Plaintiff’s claims. By preliminarily approving the Settlement and issuing this Notice, the Court is not suggesting which side would win or lose this case on the merits. Rather, the Court has determined only that there is sufficient evidence to determine on a preliminary basis that the Settlement is fair, adequate, and reasonable and any final determination of those issues will be made at the Final Approval Hearing that is scheduled to take place on February 4, 2025, at 2:00 p.m. (see Section 7 below for more information). Defendants reserve the right, if for any reason the Settlement fails, to contest any factual or legal allegations, including to contest whether the Action should proceed as a class or representative action.

3. THE SETTLEMENT TERMS AND CALCULATION OF PAYMENTS

Without admitting any wrongdoing, and to avoid the business disruptions caused by litigating the Action, Defendants have agreed to pay a Gross Fund Value of Four Hundred Twenty Thousand Forty Seven Dollars and Twenty One Cents (\$420,047.21) to settle the Action.

The following amounts will be paid from the Gross Fund Value, subject to Court approval:

- Service Payment to Plaintiff Tanasha Harden for her service as Class Representative in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00);
- Attorneys' fees not to exceed One Hundred Forty Thousand Fifteen Dollars and seventy three cents (\$140,015.73) to Class Counsel ("Attorneys' Fees");
- Reimbursement of litigation costs and expenses in an amount up to Twenty Five Thousand Dollars and Zero Cents (\$25,000) to Class Counsel ("Attorneys' Costs");
- The costs associated with administration of the Settlement, estimated to be Thirty Thousand Dollars and Zero Cents (\$30,000) ("Settlement Administration Costs").

The amount remaining from the Gross Fund Value after deducting Service Payments, Attorneys' Fees, Attorneys' Costs, and Settlement Administration Costs is called the "Net Fund Value."

The Net Fund Value will be allocated to all Class Members who do not submit a timely and valid Opt Out Request ("Settlement Class Members") shall be divided equally among Settlement Class Members.

Your gross Individual Settlement Payment is estimated to be \$<<MERGED_FCRAAward>>.

One hundred percent (100%) of each Individual Settlement Payment will be allocated as damages and be reported on an IRS form 1099 (if required).

Class Members are responsible for accurate payment of taxes on any amounts received. This Notice is not tax advice and you should consult your tax advisor. Checks will be valid and negotiable for one hundred eighty (180) days; after that, checks will be cancelled and the funds associated with cancelled checks will be transmitted to the cy pres, Hire Our Heroes.

Settlement Class Members who fail to deposit or negotiate their check(s) in a timely fashion shall, nevertheless, remain subject to the terms of the Agreement and the Final Approval Order and Judgment

4. WHAT AM I RELEASING UNDER THE CLASS SETTLEMENT?

If and when the Court grants final approval of the Settlement, upon the Effective Date and Defendants depositing the Gross Fund Value with the Settlement Administrator, Class Representative and each Settlement Class Member who does not timely and validly opt out of the settlement, shall be bound by all terms of the Agreement, the Order Granting Final Class Action Settlement Approval (or similarly named Order), and the Judgment entered in this Action, and shall be deemed to have fully, finally and forever released the Released Parties from all Released Claims during the Class Period.

"Released Parties" shall collectively mean: (i) Air Products West Coast Hydrogen LLC and Air Products and Chemicals, Inc. and each of the Defendants' respective past, present and future parents, subsidiaries, and affiliates including, without limitation, any corporation, limited liability company, partnership, trust, foundation, and non-profit entity which controls, is controlled by, or is under common control with Defendants and/or any of its/their past, present and future shareholders, directors, officers, agents, employees, attorneys, insurers, members, partners, managers, contractors, agents, consultants, representatives, administrators, fiduciaries, benefit plans, transferees, predecessors, successors, and assigns of any of the foregoing.

"Released Claims" means upon the Effective Date and Defendants fully funding the settlement, Defendants shall be entitled to, and each Settlement Class Member not filing a timely opt out shall be deemed to have given, a release of the following claims for the to the Released Parties: as to each Settlement Class Member, claims that were pled or could have been pled based on the factual allegations contained in the operative Complaint covering the period from February 1, 2017 until November 20, 2023, including but not limited to any claims, actions, causes of action, demands, damages, losses, or remedies, whether based upon federal, state, or local statutes or federal, state, or local common law, relating to, based upon, resulting from, or arising out of the alleged violations of the Fair Credit Reporting Act, including but not limited to 15 U.S.C. § 1681b(b)(2)(A), (d)(a)(1) and (g)(c) governing the procurement or use of background/credit checks. including for statutory and/or punitive damages claims, claims for interest, attorneys' fees, litigation and other costs, expenses, restitution, and equitable and declaratory relief based on the Fair Credit Reporting Act.

5. WHAT IF I DON'T WANT TO PARTICIPATE IN THE CLASS SETTLEMENT?

As a Class Member, you have the right to request exclusion from the settlement and resolution of the Released Claims to exclude yourself from the Class Settlement, you must submit a written request for exclusion to the Settlement Administrator ("Opt Out Request") at the address or fax number listed in Section 3 of this Notice, above.

A valid and complete Opt Out Request must: (1) contain the full name, address, and telephone number of the Class Member requesting exclusion from the Class Settlement and the case name and number of the Action (i.e., *Harden v. Air Products West Coast Hydrogen LLC et al et al.*, Los Angeles County Superior Court, Case No 22STCV03922.); (2) be signed by the Class Member; (3) be postmarked or fax stamped on or before October 11, 2024 and returned to the Settlement Administrator at the specified address or fax number listed in Section 3 of this Notice, above; and (4) contain a statement substantially similar to:

"I Wish To Be Excluded From The Settlement Of Class Claims in the Harden V. Air Products West Coast Hydrogen Llc Et Al Lawsuit And Understand That If I Ask To Be Excluded, I Will Not Receive An Individual Settlement Payment."

It is your responsibility to ensure that the Settlement Administrator timely receives your Opt Out Request. Unless you timely request to be excluded from the Class Settlement, you will be bound by the judgment and Class Settlement upon final approval of the Settlement.

Class Members who request to be excluded from the Class Settlement will NOT be issued an Individual Settlement Payment, and will not release any of the Settled Class Claims.

6. WHAT IF I WANT TO OBJECT TO THE CLASS SETTLEMENT?

Any Class Member who does not opt out of the Class Settlement may object to the Class Settlement. If the Court denies approval of the Settlement, no payments will be sent out and the Action will continue to be litigated in Court.

If you wish to object, you must submit your objection in writing to the Settlement Administrator ("Objection"). A valid and complete Objection must: (1) contain the full name, address, and telephone number of the objecting Settlement Class Member and the case name and number of the Action (i.e., *Harden V. Air Products West Coast Hydrogen LLC - Case No 22STCV03922*) (2) be signed by the Settlement Class Member; (3) be postmarked or fax stamped on or before October 11, 2024 and returned to the Settlement Administrator at the specified address or fax number listed in Section 3 of this Notice, above; and (4) give the legal and factual basis for objection to the Class Settlement.

Submitting an objection will **not** exclude you from the Class Settlement. If the Court grants final approval of the Settlement, you will still be issued an Individual Settlement Payment and will be barred from pursuing the Settled Class Claims. **Do not submit both an Objection and Opt Out Request.** If you submit both an Objection and an Opt Out Request, you will be excluded from the Class Settlement and the Objection will not be considered.

7. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Final Approval Hearing is scheduled to take place on February 4, 2025, at 2:00 p.m. in Department 14 of the Superior Court of the State of California, County of Los Angeles, located at 312 North Spring Street, Los Angeles, California 90012. The hearing may be continued without further notice to Class Members.

It is not necessary for you to appear at the Final Approval Hearing, although you may appear if you wish to (please visit the Court's website for more information regarding how you can appear).

8. WHO ARE THE ATTORNEYS?

Attorneys for Plaintiff and the Class are:

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Attorneys for Defendants are:

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The Court has decided that the Attorneys for Plaintiff and the Class are qualified to represent the Class (“Class Counsel”). Other than the Attorneys’ Fees and Attorneys’ Costs approved by the Court, which will be paid out of the Gross Fund Value, you will not be charged for the services of Class Counsel. If you retain the services of your own attorney in connection with the Action, you will be responsible for paying for those services and related expenses.

9. SHOULD I GET MY OWN LAWYER?

You do not need to get your own lawyer. If you want your own lawyer to speak for you or appear in Court, you have the right to hire one, but you will have to pay for that lawyer yourself.

10. FURTHER INFORMATION

The foregoing is only a summary of the Settlement. For the precise terms and conditions of the Settlement, please see the settlement agreement available at <https://ilymgroup.com/AirProducts>, or by contacting Class Counsel at the address or telephone number provided in Section 8, or by visiting the office of the Clerk of the Superior Court for the State of California County of Los Angeles, located at 312 North Spring Street, Los Angeles, California 90012.

Please visit the Court’s website for the most up-to-date information regarding the impact of COVID-19 on the operations of the Court and any requirements that may apply for accessing Court facilities: <https://www.lacourt.org/>.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT.