

NOTICE OF CLASS ACTION SETTLEMENT

Janicijevic v. Classica Cruise Operator, Ltd., et al.
Case No. 20-cv-23223

United States District Court for the Southern District of Florida

If you were a seafarer-employee who was employed, worked and was physically present on the cruise vessel *Grand Celebration* for at least one day anytime between March 18, 2020 until August 20, 2020, you could receive a cash award from a class action settlement. The proposed class excludes deck and engine employees and independent contractors.

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

- If you were a seafarer-employee who was employed, worked and was physically present on the cruise vessel *Grand Celebration* for at least one day anytime between March 18, 2020 until August 20, 2020, this Settlement will provide you with an opportunity to claim a cash award if you are eligible.
- This notice explains what the class action lawsuit is about, what the Settlement will be if it is approved by the Court, whether you qualify to submit a claim for a cash award based on the Settlement, and what to do if you want to: (i) submit a claim; or (ii) object to the Settlement; or (iii) not participate in the Settlement and instead “opt out” of the class action. This notice also tells you how to get more information if you want it.
- If you decide to submit a claim, you must follow the Instructions for the Claim Form, and fill out the Claim Form mailed to you with this notice. Everyone submitting a Claim Form must complete the Claim Form truthfully.
- An \$875,000 common fund has been established to resolve this action.
- All claimants who meet the requirements of the Settlement and who timely submit valid and properly completed Claim Forms are eligible for two types of payments. Wage Claim Type 1 claimants will receive payment of two (2) months wages crewmember wages at the rate of pay established by each Settlement Class Member’s contract of employment in effect as of March 18, 2020 with the amount of the payment based on the salary listed on the employment contract for each Approved Claim. Wage Claim Type 2 claimants will receive a payment of \$1,000 for each Approved Claim for any and all work performed on the Cruise Defendants’ vessels during the Claims Period for each Approved Claim.

YOUR LEGAL RIGHTS ARE AFFECTED WHETHER YOU ACT OR DON’T ACT. PLEASE READ THIS NOTICE CAREFULLY, AND GET MORE INFORMATION IF YOU NEED IT. THE NOTICE WILL TELL YOU HOW TO GET THAT INFORMATION.

QUESTIONS? CALL 1-800-838-2759 TOLL FREE OR VISIT www.celebrationsettlement.com

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BASIC INFORMATION

1. WHY WAS THIS NOTICE SENT TO ME?

This Notice was sent to you because the Defendants' records indicate that you were a seafarer-employee who was employed and physically present for at least one day on the cruise vessel *Grand Celebration* between March 18, 2020 until August 20, 2020.

The Court ordered this Notice to be sent to you because you have a right to know about the proposed Settlement of this class action lawsuit, which concerns failure to pay wages and other claims by Defendants, and about your options, before the Court decides whether to approve the Settlement.

If the Court approves the Settlement, and if you satisfy the claim criteria and submit a timely and valid claim, you will receive a cash award. However, the cash award will not be issued until any objections or appeals are resolved.

2. WHAT IS THIS NOTICE?

This Notice is part of a package sent to potential Settlement Class Members like you. The package includes this Notice, the Instructions for the Claim Form, and the Claim Form. This package also explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the Southern District of Florida, and the case is called *Janicijevic v. Classica Cruise Operator, Ltd., et al.*, Case No. 1:20-cv-23223.

Plaintiff Dragan Janicijevic sued on behalf of you and all Settlement Class Members and is called the "Plaintiff." The companies he sued, Classica Cruise Operator, Ltd. and Paradise Cruise Line Operator Ltd., are called the "Defendants."

3. WHAT IS THIS LAWSUIT ABOUT?

In this lawsuit, Plaintiff alleges that Defendants failed to abide their contractual agreements with their crewmembers. Pursuant to Plaintiff's employment contracts, Defendants are required to pay Plaintiff and the Class two months of wages and/or Basic Pay Severance upon Defendants terminating Plaintiff's employment contracts. Yet when the COVID pandemic halted all sailings, Plaintiff alleges that Defendants violated their contracts with crew members by not paying severance and some wages for work performed at the cruise line's direction.

Defendants expressly deny Plaintiff's allegations and assert their actions were and are fully authorized under the law. They also expressly deny that they did anything wrong. There has been no court decision on the merits of this case and no finding that Defendants committed any wrongdoing.

4. WHY IS THERE A SETTLEMENT?

Both sides have agreed to a Settlement to avoid the cost and risk of a trial and so that seafarer-employees can get benefits in exchange for releasing Defendants from liability.

SETTLEMENT CLASS MEMBERSHIP

5. WHO IS A SETTLEMENT CLASS MEMBER?

To see if you will be affected by this class action, you first have to determine if you are a member of the Settlement Class. The "Settlement Class" includes:

All seafarer-employees who were physically present on the *Grand Celebration* for at least one day anytime between March 18, 2020 until August 20, 2020 and were (1) terminated such that severance is due under their employment contracts and/or (2) were employed and performed a designated job at Defendants' request.

"Seafarer-employees" shall not include deck and engine employees and independent contractors, as well as the Cruise Defendants' corporate officers or corporate directors.

6. WHAT IF I AM NOT SURE WHETHER I AM INCLUDED IN THE SETTLEMENT CLASS?

If you are not sure whether you are included in the Settlement Class, or if you have questions about the case, call the toll free number, 1-800-838-2759, or visit the Settlement Website at www.celebrationsettlement.com.

THE SETTLEMENT TERMS AND BENEFITS

7. WHAT ARE THE TERMS OF THE SETTLEMENT?

Defendants have agreed to create a settlement fund in the amount of \$875,000.00 to provide cash payments to Settlement Class Members for contractual lost wages and any amounts due for time worked without pay. The Settlement Fund will be allocated as follows: first it will be used to pay any attorneys' fee and expense award to Co-Lead Class Counsel and any incentive award to Class Representative that are approved by the District Court and any and all administrative costs (the result is the "Net Settlement Fund"). The Net Settlement Fund will be divided and distributed as individual allocations to the Settlement Class Members who do not opt out. If the Claims Received exceed the Net Settlement Fund, each Settlement Class Member shall have their amounts reduced *pro rata*. Any remaining Net Settlement Funds that remain after final approval and distribution to valid and approved class members shall revert to Bahamas Paradise.

Each Settlement Class Member must submit a Claim Form to be eligible to receive a payment.

8. HOW DO I RECEIVE A CASH AWARD?

To receive a cash award, you must be a Settlement Class Member and must send in a properly completed and accurate Claim Form by U.S. Mail, postmarked by May 6, 2021 ("Claim Deadline") or, if a private mail carrier is used, a label reflecting a sending date no later than the Claim Deadline. You may also email a completed Claim Form to settlementadministrator@celebrationsettlement.com, no later than midnight Eastern Standard Time on the Claim Deadline.

The Claim Form Instructions and a Claim Form have been sent to you with this Notice. You may also obtain a Claim Form on the Settlement Website at www.celebrationsettlement.com, or you can ask for one by calling toll-free, 1-800-838-2759. Please read the Claim Form Instructions carefully, complete the Claim Form, sign it, and mail it postmarked or submit online on the Settlement Website no later than May 6, 2021. If your Claim Form is not properly completed and/or all required information is not provided, you will not be paid.

9. HOW DO I KNOW THE AMOUNT OF A CASH AWARD I AM ELIGIBLE FOR?

Settlement Class Members who submit a properly completed Claim Form are eligible for two types of payments. Wage Claim Type 1 claimants will receive payment of two (2) months crewmember wages at the rate of pay established by each Settlement Class Member's contract of employment in effect as of March 18, 2020 with the amount of the payment based on the salary listed on the employment contract for each Approved Claim. Wage Claim Type 2 claimants will receive a minimum payment of \$1,000.00 for each Approved Claim for any and all work performed on the Cruise Defendants' vessels during the Claims Period for each Approved Claim.

10. WHEN WOULD I RECEIVE MY CASH AWARD?

The Court will hold a hearing on May 12, 2021 to determine whether to approve the Settlement. If the Court approves the Settlement, there may be appeals after that. It is always uncertain when any appeals, if filed, will be resolved. Cash payments will be distributed after the Settlement becomes final and effective, which means after all appeals have been resolved. Please be patient.

11. WHAT AM I GIVING UP TO BE PART OF THE SETTLEMENT CLASS?

Unless you exclude yourself from the Settlement Class, you will remain in the Settlement Class. That means you cannot sue, continue to sue, or be part of any other lawsuit against Defendants about the issues that were or could have been raised in this case. It also means that all of the Court's orders concerning the Settlement Class will apply to you and legally bind you, including the Releases described in detail in Section 15 of the Settlement Agreement. The Releases describe the legal claims that you give up if this Settlement is approved and you do not exclude yourself. Please carefully read the Releases in the Settlement Agreement.

12. WHAT HAPPENS IF I DO NOTHING?

If you do nothing as a Settlement Class Member, you'll receive no money from this Settlement. But, unless you exclude yourself from the Settlement, you will not be able to start a lawsuit or continue with a lawsuit against Defendants about the legal issues that were or could have been raised in this case, ever again.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. HOW DO I GET OUT OF THE SETTLEMENT?

If you are within the definition of the Settlement Class (see Answer #5), you are automatically a member of the Settlement Class. However, you can exclude yourself, or "opt-out" of the Settlement Class, if you do not wish to participate. This means you will receive no payment as part of this Settlement nor any of the Settlement benefits.

You cannot ask to be excluded over the phone or on the internet. To exclude yourself, you must mail a written request for exclusion to the Settlement Administrator and that the Request for Exclusion must clearly indicate the name, address, telephone number, and passport number of the

Person seeking exclusion, the name and case number of the Action, a clear and unequivocal statement under penalty of perjury that the person seeking exclusion believes he or she is a member of the settlement class and a statement with enough factual information to demonstrate that the Person is eligible to be a Settlement Class member, a statement that the Person wishes to be excluded from the Settlement Class, and the date and signature of such Person or, in the case of a Person in the Settlement Class who is deceased or incapacitated, the signature of the legally authorized representative of such Person. You cannot “opt out” of the Settlement on behalf of other members of the Settlement Class.

14. WHAT IF I DO NOT OPT OUT OF THE SETTLEMENT?

Any member of the Settlement Class who does not opt out of the Settlement in the manner and by the deadline described above will be part of the Settlement Class, will be bound by all Orders and proceedings in this action, and will give up the right to sue any of the Defendants for the claims that this Settlement resolves. If you want to opt out, you must take timely affirmative written action even if you have filed a separate action against any of the Defendants or are a putative class member in any other class action filed against any of the Defendants. If you have a pending lawsuit, please contact your lawyer in that lawsuit immediately. Remember, the exclusion deadline is April 12, 2021.

15. IF I EXCLUDE MYSELF, CAN I RECEIVE MONEY FROM THIS SETTLEMENT?

No. If you exclude yourself from the Settlement Class, do not send in a Claim Form to ask for any money. But, you may sue or continue to sue Defendants individually, or you may be part of a different lawsuit against Defendants.

OBJECTING TO THE SETTLEMENT

16. HOW CAN I OBJECT TO THE SETTLEMENT?

You may object to or comment on all or part of the proposed Settlement if you are a Settlement Class Member and do not opt out of the Settlement. To do so, you (or your attorney at your expense) must submit a valid objection.

To be valid, your objection must be in writing, personally signed by you, and must include: (a) the case name and number; (b) your name, address, telephone number, and, if represented by an attorney, his or her contact information; (c) the basis for your objection; and (d) a statement of whether you intend to appear at the Final Approval Hearing.

Your objection must be filed with the Clerk of Court, with copies mailed to counsel for all of the parties identified below, postmarked no later than April 12, 2021:

CLERK OF THE COURT	CLASS COUNSEL
Clerk of the United States District Court for the Southern District of Florida 400 North Miami Avenue 8th Floor Miami, FL 33128	Michael A. Winkleman Lipcon, Margulies, Alsina & Winkleman, P.A. One Biscayne Tower, Suite 1776 2 South Biscayne Boulevard Miami, Florida 33131

COUNSEL FOR DEFENDANTS	
Catherine J. MacIvor Foreman Friedman, PA One Biscayne Tower, Suite 2300 2 South Biscayne Boulevard Miami, Florida 33131	

THE LAWYERS REPRESENTING YOU

17. DO I HAVE A LAWYER IN THIS CASE?

The Court appointed the following lawyers to represent you and all other Settlement Class Members. Together, these lawyers are called Class Counsel. You will not be charged any money to pay for these lawyers.

Michael A. Winkleman Lipcon, Margulies, Alsina & Winkleman, P.A. One Biscayne Tower, Suite 1776 2 South Biscayne Boulevard Miami, Florida 33131 mwinkleman@lipcon.com (305)373-3016	Adam M. Moskowitz The Moskowitz Law Firm, PLLC 2 Alhambra Plaza Suite 601 Coral Gables, FL 33134
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18. HOW WILL THE CLASS COUNSEL LAWYERS BE PAID?

Class Counsel will ask the Court for attorneys' fees and expenses up to \$262,500.00, and a case contribution award of \$5,000.00 paid to Settling Plaintiff Dragan Janicijevic for his time and effort in the matter. The Court may award less than these amounts.

The attorneys' fees and expenses and the case contribution shall come from the Settlement Fund. Defendants have agreed not to oppose the applications by Class Counsel for attorneys' fees and expenses or the case contribution award to Settling Plaintiff that do not exceed those amounts.

Following execution of the Settlement, a panel of the United States Court of Appeals for the Eleventh Circuit issued an opinion holding that case contribution awards for class representatives were impermissible. *Johnson v. NPAS Solutions, LLC*, 2020 WL 5553312 (11th Cir. 2020). In light of this opinion, the Parties have agreed that the Court may approve all of the terms of the settlement, while also denying the request for a case contribution award, but Class Counsel can request the Court reserve jurisdiction to reconsider the issue of a case contribution award if *NPAS* is reversed, vacated, or overruled before the final date of the completion of Net Settlement Fund payments. Class Counsel will file with the Court their request for attorneys' fees and expenses on or before March 23, 2021 and any request for service awards on or before February 8, 2021, which will then be posted on www.celebrationsettlement.com

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a hearing about the Settlement at 9:00 a.m. on May 12, 2021, via Zoom video conference.¹ At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and Class Counsel's applications for attorneys' fees and expenses and case contribution award to the Settling Plaintiff. If there are valid and timely objections, the Court will consider them.

The Court may listen to people who have properly asked in writing beforehand to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long this decision will take.

20. AS A SETTLEMENT CLASS MEMBER, MAY I SPEAK AT THE HEARING?

You cannot speak at the hearing if you have excluded yourself from the Settlement Class. However, if you are a member of the Settlement Class, you may ask the Court for permission for you or your attorney to speak at the hearing. To do so, you must file with the Clerk of the Court and serve on all counsel for the parties (at the addresses identified above in Answer #16) a notice of intention to appear at the hearing. The notice of intention to appear must include the case name and number; your name, address, telephone number, and signature, and, if represented by counsel, their contact information; and copies of any papers, exhibits, or other evidence that you intend to present to the Court in connection with the hearing. The notice of intention to appear must be filed with the Clerk of Court and served on all counsel no later than April 12, 2021.

If you do not file a notice of intention to appear by this deadline and/or follow the requirements in the Settlement Agreement and this Notice, you will not be entitled to appear at the hearing to raise any objections.

GETTING MORE INFORMATION

21. WHERE CAN I GET MORE DETAILS ABOUT THE SETTLEMENT?

This notice summarizes the lawsuit and Settlement. More details are in the Settlement Agreement, which is available on the Settlement Website at www.celebrationsettlement.com. You may also contact Class Counsel, identified in Answer #17 above.

In addition, you may call 1-800-838-2759 toll free, or visit the Settlement Website, to find answers to common questions about the Settlement, a Claim Form, and other information to help you determine whether you are eligible for a payment from this Settlement.

Date: February 5, 2021

**PLEASE DO NOT CALL OR WRITE THE COURT, THE JUDGE OR HER STAFF,
FOR INFORMATION OR ADVICE ABOUT THE SETTLEMENT**

¹ The Meeting ID to access the Zoom videoconference is 161 325 2996 and the password is 195683. Alternatively, the hyperlink to the meeting is:

<https://www.zoomgov.com/j/1613252996?pwd=STNhdhYV0tQVW5OTIJSYWRMMXJHdz09>