

If you or your business received receptionist services from Ruby Receptionists, a class action lawsuit may affect your rights.

The Federal District Court authorized this Notice. This is not a solicitation from a lawyer.

- Two Ruby Receptionists Inc. (“Ruby”) customers have sued Ruby for allegedly misleading billing practices relating to the calculation of “receptionist minutes” for calls it handled for customers.
- The Court has allowed the lawsuit to be a class action on behalf of all persons or entities in the United States who obtained receptionist services from Defendant Ruby between November 2, 2012 and May 31, 2018, pursuant to its form Service Agreements.
- The Court has not yet decided whether Ruby did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights to bring your own case against Ruby.</p> <p>By doing nothing, you stay in this lawsuit and keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Ruby separately about the same legal claims in this lawsuit. See Question 13 for specifics.</p>
ASK TO BE EXCLUDED	<p>Opt-out of this lawsuit. Get no benefits from it. Keep your rights to bring your own case against Ruby.</p> <p>If you do not want to remain in this lawsuit and ask to be excluded, if money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Ruby separately about the same legal claims in this lawsuit. See Questions 14 & 15 for specifics.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before **October 5, 2020**. To be included, you don’t need to do anything.
- Lawyers for the Class of Ruby Customers must prove the claims against Ruby at a trial set to start January 5, 2021. If money or benefits are obtained from Ruby, you will be notified about how to ask for a share.
- **Any questions? Read on and visit www.RubyReceptionistsLitigation.com.**

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	PAGES 3 - 4
1. Why did I get this notice?	
2. What is this lawsuit about?	
3. What is a class action and who is involved?	
4. Why is this lawsuit a class action?	
THE CLAIMS IN THE LAWSUIT	PAGES 4 - 5
5. What does the lawsuit complain about?	
6. How does Ruby answer?	
7. Has the Court decided who is right?	
8. What are the Plaintiffs asking for?	
9. Is there any money available now?	
WHO IS IN THE CLASS?	PAGE 5
10. Am I part of this Class?	
11. Does it matter if my business or I no longer receive receptionist services from Ruby?	
12. I'm still not sure if I'm included.	
YOUR RIGHTS AND OPTIONS	PAGES 5 - 6
13. What happens if I do nothing at all?	
14. Why would I ask to be excluded?	
15. How do I ask the Court to exclude me from the Class?	
THE LAWYERS REPRESENTING YOU	PAGE 7
16. Do I have a lawyer in this case?	
17. Should I get my own lawyer?	
18. How will the lawyers be paid?	
THE TRIAL	PAGE 8
19. How and when will the Court decide who is right?	
20. Do I have to come to the trial?	
21. Will I get money after the trial?	
GETTING MORE INFORMATION	PAGE 8
22. Are more details available?	

BASIC INFORMATION

1. Why did I get this notice?

If this notice was mailed or emailed to you, then Ruby's records show that you or your company received receptionist services from Ruby between November 2, 2012 and May 31, 2018. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you or your company. You have legal rights and options that you may exercise before the Court holds a trial which is scheduled to begin January 5, 2021. The trial is to decide whether the claims being made against Ruby, on your behalf, are correct. Judge Michael H. Simon of the United States District Court for the District of Oregon is overseeing this class action. The lawsuit is known as *McKenzie Law Firm, P.A. and Oliver Law Offices, Inc., on behalf of themselves and all others similarly situated, v. Ruby Receptionists, Inc.*, Civil Action No. 3:18-cv-01921-SI.

2. What is this lawsuit about?

This lawsuit seeks to recover damages on behalf of those persons or entities in the United States who obtained receptionist services from Defendant Ruby between November 2, 2012 and May 31, 2018, pursuant to its form Service Agreements. The Plaintiffs' allege that Ruby breached its contracts by rounding up its billable receptionist time, charging for time callers were on hold waiting for receptionists to handle calls, neglecting to disclose these practices and failing to make available all receptionists' minutes contracted for.

Ruby denies these allegations and is contesting them in court. Ruby maintains that its billing practices were permitted by its Service Agreement and that it was open with customers about its billing practices.

The Court has not decided if the Defendants are liable or whether the allegations of the lawsuit are true. However, the Court granted the Plaintiffs' Motion for Class Certification and the lawsuit can proceed to trial as a class action.

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

In a class action lawsuit, one or more people called "Class Representatives" (in this case McKenzie Law Firm, P.A. and Oliver Law Offices, Inc.) sue on behalf of other people or businesses who have similar claims. The people together are a "Class" or "Class Members." The businesses which sued—and all the customers in the Class like them—are called the Plaintiffs. The company they sued (in this case Ruby) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure Rule 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are over 18,000 customers who received receptionist services from Ruby;
- There are legal questions and facts that are common to each of them;
- McKenzie Law Firm, P.A. and Oliver Law Offices, Inc.’s claims are typical of the claims of the rest of the Class;
- McKenzie Law Firm, P.A. and Oliver Law Offices, Inc. and the lawyers representing the Class will fairly and adequately represent the Class’ interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available at www.RubyReceptionistsLitigation.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

This lawsuit is about whether Ruby violated its contracts with its customers in the Class by using allegedly misleading billing practices relating to the calculation of “receptionist minutes” by (1) rounding up the length of every call to the next highest 30 second increment, and (2) by including the time a caller spends in a hold queue waiting for a receptionist to handle the call.

The lawsuit alleges that class members have suffered damages as a result of Ruby’s call calculation practices because (1) class members have been denied the full value of the allotment of receptionist time they contracted and paid for, but which was never made available to them due to Ruby’s call calculation and billing methods, (2) class members have been prematurely charged for overage receptionist time that they would not have otherwise incurred because those overage calls would have been included within their monthly allotment, but for Ruby’s call calculation and billing methods, and (3) class members have been overcharged for overage receptionist time due to Ruby’s practice of rounding up call time as well as the inclusion of hold queue time within overage receptionist time.

You can read the Plaintiffs’ Class Action Complaint at www.RubyReceptionistsLitigation.com.

6. How does Ruby answer?

Ruby denies that it did anything wrong and Ruby says that its contracts allow the disputed billing practices, that its policies are clear, and that customers were informed of them, and that its customers have suffered no damages as a result of the way it calculates customer calls. Ruby’s Answer to the Complaint is also at the website.

7. Has the Court decided who is right?

The Court hasn’t decided whether Ruby or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial starting January 5, 2021. See Question 19 below.

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for Ruby to pay back the charges which resulted from Ruby's practice of rounding the length of calls up to the next highest 30 second increment and including the time a caller waits in the hold queue waiting for a receptionist to handle a call.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Ruby did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to receive your or your business' share.

WHO IS IN THE CLASS?

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Simon decided that all customers who received receptionist services from Ruby Receptionists, Inc. between November 2, 2012 and May 31, 2018, pursuant to its form service agreements, are Class Members.

11. Does it matter if my business or I no longer receive receptionist services from Ruby?

If you received receptionist services from Ruby at any time between November 2, 2012 and May 31, 2018, you are in the class, even if you are no longer a Ruby customer.

12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.RubyReceptionistLitigation.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in Question 16.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

13. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that

if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue Ruby about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

14. Why would I ask to be excluded?

If you already have your own lawsuit against Ruby and want to continue with it, or if you wish to file your own lawsuit against Ruby in the future, or if you simply don't want to be a class member in this lawsuit, you need to ask to be excluded from the Class. If you exclude yourself from the Class -- sometimes called "opting-out" of the Class -- you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Ruby and the Plaintiffs. However, you may then be able to sue or continue to sue Ruby for breaches of its service agreements that occurred after November 2, 2012. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Ruby after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Ruby, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

15. How do I ask the Court to exclude me from the Class?

If you do not wish to participate in the lawsuit, you may opt out by:

- (a) using the link in the Notice sent by electronic means (www.RubyReceptionistsLitigation.com/Opt-OutForm);
- (b) sending an email to exclusions@RubyReceptionistsLitigation.com; or
- (c) mailing a signed written request to the following address:

Ruby Class Exclusions
c/o The Notice Company
P.O. Box 455
Hingham, MA 02043

Your request for exclusion must include the following information: (1) class member's name (individual or entity's name); (2) If an entity then include the representative's full name and title; (3) mailing address; and (4) a statement that you want to be excluded from *McKenzie v. Ruby Receptionists*, Case No. 3:18-cv-01921. You need not give any reason for why you want to be excluded from this lawsuit, only that you want to be excluded. To be timely, your exclusion request must be submitted online, emailed, or postmarked by no later than **OCTOBER 5, 2020**.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that the five (5) law firms below are qualified to represent all Class Members.

Keith S. Dubanevich, Esq.
Cody Berne, Esq.

Stoll Stoll Berne Lokting &
Shlachter PC
209 SW Oak Street, Suite
500
Portland, OR 97204
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1999 Harrison Street, Suite
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Brod Law Firm, PC
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San Francisco, CA 94105
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gregb@brodfirm.com

Together the law firms are called “Class Counsel.” They are experienced in handling similar cases against other companies for violation of consumer rights.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on behalf of the Class. But, you may hire your own lawyer, at your own expense. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If Class Counsel gets money or benefits for the Class, they may ask the Court for their fees and expenses. You won't have to pay these fees and expenses out of your own pocket. 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 Ruby.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

19. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is currently set to start on Tuesday, January 5, 2021, at 9:00 a.m., in the United States District Court for the District of Oregon, 1000 SW 3rd Ave, Portland, OR 97204. During the trial, the Judge will hear all of the evidence to help him reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and the Attorneys for the Defendant will present the Ruby's defenses. You or your own lawyer are welcome to come at your own expense.

21. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to receive your share. We do not know how long this will take.

GETTING MORE INFORMATION

22. Are more details available?

Visit the website, **www RubyReceptionistsLitigation.com**, where you will find the Court's Order Certifying the Class, the Complaint that the Plaintiffs submitted, and the Defendant's Answer to the Complaint. You may request updates for this litigation by sending an email to updates@RubyReceptionistsLitigation.com. You may contact Class Counsel using the information listed above (Question 16), or by writing to: Ruby Class Action, c/o The Notice Company, P.O. Box 455, Hingham, MA 02043.

**PLEASE DO NOT CONTACT THE COURT
WITH INQUIRIES ABOUT THE LAWSUIT**