

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:  FIRST GUARANTY MORTGAGE CORP., et al.,  Debtors.   LORI BUCKLEY, GAYLE ZECH, ROBERTA MARTINEZ, JENNIFER JACKSON and JAMES DAVIES, on behalf of themselves and all others similarly situated,  Plaintiffs,  v.  FIRST GUARANTY MORTGAGE CORP., et al.,  Defendants.	  Chapter 11 Bankr. Case No. 22-10584 (CTG) (Jointly Administered)        Adv. Pro. No. 22-50387-CTG
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AFFIDAVIT OF DEMETRIUS JENKINS REGARDING MAILING  
OF NOTICE OF CLASS ACTION

I, Demetrius Jenkins, attest and say:

1. I am a Case Manager at American Legal Claim Services, LLC (“ALCS”). ALCS was selected as the settlement administrator for Class Counsel in the above-captioned case.
2. On January 11, 2023, the Court entered *the Order Approving Stipulation to Certify Class*.
3. On January 24, 2023, Class Counsel provided ALCS with a mailing list identifying each putative class member, their name and last known address (the “Class List”).
4. On February 6, 2023, ALCS mailed *Notice of Class Action*, attached hereto as **Exhibit A**, to all 425 Class Members contained in the Class List, attached hereto as **Exhibit B**.

I declare under penalty of perjury pursuant to the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge.

Executed on February 23, 2023 in Jacksonville, Florida.

  
Demetrius Jenkins



221058423032300000000001

**Exhibit A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<p>In re:</p> <p>FIRST GUARANTY MORTGAGE CORP., et al.,<sup>1</sup></p> <p style="text-align: center;">Debtors.</p>	<p style="text-align: center;">Chapter 11 Bankr. Case No. 22-10584 (CTG) (Jointly Administered)</p>
<p>LORI BUCKLEY, GAYLE ZECH, ROBERTA MARTINEZ, JENNIFER JACKSON and JAMES DAVIES, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>FIRST GUARANTY MORTGAGE CORP., et al.</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Adv. Pro. No. 22-50387-CTG</p>

**NOTICE OF CLASS ACTION**

***YOU ARE NOT BEING SUED. PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS.***

**TO:** The 425 employees of First Guaranty Mortgage Corporation (“FGMC”), as agreed by the Parties in this matter, who reported to FGMC’s Plano, Texas facility and were involuntarily separated from employment on June 24, 2022, but excluding any such individuals who timely elect to opt out of the Class.

**SUBJECT:** The claims of former employees alleging that their rights and the rights of Class Members were violated under the Federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.* (“WARN Act”) and seeking to recover wages and ERISA benefits for each Class Member.

**DATE:** February 6, 2023

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: First Guaranty Mortgage Corporation (9575); and Maverick II Holdings, LLC (5621). The Debtors’ mailing address is 5400 Tennyson Parkway, Suite 450, Plano, TX 75024.

### **THE CLASS CLAIM**

On June 30, 2022, First Guaranty Mortgage Corporation and Maverick Holdings II, LLC each filed a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code. (Bankr. No. 22-10584) (Bankr. No. 22-10583). On July 1, 2022, the bankruptcy cases were consolidated for joint administration. (Bankr. No.22-10584 (CTG)).

On June 30, 2022, Plaintiffs filed their lawsuit against the Debtors. Plaintiffs allege in the lawsuit that Debtors carried out mass layoffs and/or plant closings at its facilities in April 2022 and later on or about June 24, 2022, terminating hundreds of its employees without cause and without 60 days' notice as required by the Federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101, *et seq.* (the "WARN Act"). Plaintiffs allege that as a result of Debtors' violation of the WARN Act, they and the Class Members are entitled to receive damages from Debtors.

On September 30, 2022, Defendant FGMC filed its Answer and Affirmative Defenses to Plaintiffs' Complaint. FGMC generally denies that a WARN Act violation occurred and asserts several defenses, including that FGMC acted in good faith, that FGMC is not liable due to "unforeseeable business circumstances" under the WARN Act, that FGMC is not liable because it qualifies for the "faltering company" exception under the WARN Act, and that FGMC is not liable because it qualifies for the "liquidating fiduciary" exception under the WARN Act.

### **THE CLASS DEFINITION**

The Parties recently stipulated and agreed to the certification of a Class in this matter, which was approved by the Court. The Class is defined as: Those 425 employees of FGMC specified by individual name and employee number, on Schedule 1 attached to the Stipulation, who reported to FGMC's Plano, Texas facility and were involuntarily separated from employment on June 24, 2022, but excluding any such individuals who timely elect to opt out of the Class.

### **WHAT TO DO**

**If you wish to be a member of the class, you do not need to do anything**, and you will receive whatever benefits you may be entitled to if you are determined to be eligible as a Class Member. If you do nothing, you will automatically be a Class Member and be bound by any judgment (whether favorable or unfavorable) or court-approved settlement in the case. Before court approval, you, as a Class Member, will receive notice of any proposed settlement and will be afforded an opportunity to object to the settlement. You may appear by your own counsel if you are a Class Member.

**If you do NOT wish to participate in this Action and wish to be EXCLUDED and thereby reserve your rights under the WARN Act and NOT share in any recovery in the Action, sign the form below** and mail it by First Class Mail to Raisner Roupinian LLP, 270 Madison Avenue, Suite 1801, New York, New York 10016, Attn: René S. Roupinian. The form must be received by

Ms. Roupinian no later than **March 13, 2023**. All requests for exclusion received after that date will not be effective, and any person who sends a late request will be a member of the class in the Action and will be bound in the same way and to the same extent as all other Class Members.

**CLASS COUNSEL AND CLASS REPRESENTATIVES**

Pursuant to the Parties' Stipulation, the Court has appointed the law firms of Raisner Roupinian LLP, Lankenau & Miller LLP, and The Gardner Firm, P.C. as Class Counsel. Their addresses are as follows:

Raisner Roupinian LLP 270 Madison Avenue, Suite 1801, New York, New York  
10016, (212) 221-1747

Lankenau & Miller, LLP 100 Church Street, 8th Floor, New York, NY 10007  
(212) 581-5005

The Gardner Firm, P.C., 182 St. Francis Street, Suite 103, Mobile, Alabama 36602,  
(251) 433-8100

The Court has also recently appointed Plaintiffs Lori Buckley, Gayle Zech, Roberta Martinez, Jennifer Jackson and James Davies as the Class Representatives.

**THE COURT HAS NO POSITION ON THE MERITS**

The Court has taken no position regarding the merits of the Plaintiffs' claims or the Debtors' defenses.

**ADDITIONAL INFORMATION**

If you wish information or assistance, please contact Jenny Hoxha of Raisner Roupinian LLP at (212) 221-1747. ***Please do not call or contact the Court or Debtors' Counsel for information.***



**EXCLUSION FORM**

*Buckley, et al. v. First Guaranty Mortgage Corporation, et al.*  
United States Bankruptcy Court for the District of Delaware  
Adversary Proceeding No. 22-50387 (CTG)

I, the undersigned, have read the foregoing Notice and understand its contents. I, the undersigned, **do not** want to be part of the Class Action or receive any benefits from the Class Action and do not wish to be bound by the outcome of the Class Action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name (printed or type)

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date

If you do NOT wish to be included, send this completed form to:  
Raisner Roupinian LLP  
270 Madison Avenue, Suite 1801  
New York, New York 10016  
Attn: René S. Roupinian

**Exhibit B**

1	ALI, RAZA
2	ALLEN, GEORGIA
3	ALLVIN, MAHALAKSHMI
4	ALONSO, RODNEY
5	ALSTON, MELISSA
6	ALVAREZ JR, JOSE
7	ALVAREZ, LATASHA
8	ALVAREZ, SAMANTHA
9	ANDRUS, DANIEL
10	ARANDA, CARMEN
11	ATKINS, LOUANN
12	BAKER, DAVID
13	BAKER, KENNETH
14	BANKS, TRABEIN
15	BARKER, NATALIA
16	BARNES, JEREMY
17	BARRAGAN, LUIS
18	BARRON, SELENE
19	BASKETT, DAVID
20	BATTIS, STEVE
21	BATURA, LEO
22	BAZZI, JESSICA
23	BEAMAN, SUSAN
24	BEATY, RICHARD
25	BEESE, SHANE
26	BEKKARI, MANJU
27	BENEDETTI, PAUL
28	BENTON, SHAWNDI
29	BIEHLER, LAUREN
30	BILLS JR, DOUG
31	BLACK, HALEY
32	BLAIN, CHRISTI
33	BLAKE, KRYSTAL
34	BLAKE, SUSAN
35	BLY, BRYCE
36	BLY, ERIC
37	BOENSCH, JOSEPH
38	BOSKOFKY, GORDON
39	BOWERS, JESSIE
40	BOYER, KIMBERLY
41	BRADLEY, JOHN
42	BRISBANE, ALICIA
43	BRISTOW, LYNN

44	BROOKS, CHRIS
45	BROWN III, DOUGLAS
46	BROWN, ANGELA
47	BROWN, BETTY
48	BROWN, JANICE
49	BROWN, NICOLE
50	BROWN, TIMOTHY
51	BRUCE, HARLAN
52	BUCKLEY, LORI
53	BURKE, TIMOTHY
54	CAMPBELL, SONJA
55	CAPITAN, LESLIE
56	CAPPELLO, JAMES
57	CARACCIO, ANTHONY
58	CAREAGA, DIEGO
59	CAREAGA, IAN
60	CAREY, CHRISTINA
61	CARLTON, TIFFANY
62	CASANOVA, LEE ANN
63	CASINO, MELCHOR
64	CAVENDER, CRYSTAL
65	CEQUINA, PHOUNSOUK
66	CERRATO, FREDDY
67	CHALLA, MADHAVA
68	CHANCE, PAUL
69	CHARLES, CYLLANNA
70	CHAVARRIA, ALEX
71	CLARK, JOSH
72	CLEVELAND, SHARAE
73	COLEMAN JR, ERIC
74	COLEMAN, WILEESE
75	COMBS, STACY
76	CONTRERAS, IVORY
77	COOPER, CATHY
78	COX, CHRISTOPHER
79	COX, SARAH
80	CRAFT, JULIA
81	CRANE, PETER
82	CRAWFORD I, AMBERLEE
83	CREEK, PEYTON
84	CULPEPPER, TRAVIS
85	DANIELS-PRICE, SHELONDA
86	DAUGHERTY, JACOB

87	DAVE, SHEENA
88	DAVIDSON, SHERRI
89	DAVIES JR, JAMES
90	DAVIS, AARON
91	DAVIS, JEFF
92	DAVIS, JUSTIN
93	DAVIS, KEITH
94	DAVIS, KELI
95	DAVIS, MICHAEL
96	DAY, ELIZABETH
97	DAY, KYLE
98	DECAIRE, RHIANNON
99	DEHR, WILLIAM
100	DELEO, JOSEPH
101	DIAZ, DAMASO
102	DIAZ, SONJA
103	DICK, JONATHAN
104	DOBYNES, PAUL
105	DONNAN, TERRI
106	DOUSA, GREGORY
107	DOWNS, VANESSA
108	DRAPER, JUDD
109	DUES, REGINA
110	DUFFEK, SHARON
111	DUFIEF, CLAIRE
112	DUNBAR, DANIEL
113	DURAND, JESSICA
114	EERDMANS, MELINDA
115	EIRING, JEFFREY
116	ELKIN, DARCY
117	ELLIS III, GRIFFITH
118	ESFAHANI, FARHANG
119	ESPOSITO, JANIS
120	ESQUIVEL, CANDACE
121	ESTALA, BILLY
122	ESTRADA, JENNIFER
123	EVANS, VAN
124	EXLEY, ELLEN
125	FABUS, MICHELLE
126	FARLEY, KIMBERLY
127	FARLEY, MEGAN
128	FERNANDEZ, CINDY
129	FERRANTE, DEBORAH

130	FIGUEROA, DAVID
131	FIGUEROA, MARIO
132	FINLAYSON, RUFUS
133	FISHBURN III, RALPH T
134	FLORES, NICHOLAS
135	FLOYD, ASTON
136	FOX, RALPH
137	FRANKLIN, ERICA
138	FUNDERBURG, SAMANTHA
139	FUNK, AMY
140	GALLUPS, MICHELLE
141	GALVAN, ADRIENNE
142	GARRETSON, REBECCA
143	GIBSON, DIONNA
144	GILBERT, JESSICA
145	GLASS, JUSTIN
146	GODDARD, AMY
147	GODWIN, MELANIE
148	GOLOB, DAVID
149	GOMEZ, MARK
150	GONCALO, DANIEL
151	GRADY, MICHELE
152	GRAFF, MICHELLE
153	GRANADO, AUDREY
154	GRANT, KENNETH
155	GREENE, TERRI
156	GREGORY, AMANDA
157	GREGORY, JOSEPH
158	GRIESENBECK, JACLYN
159	GROHGAN, FREDRICK
160	GUNTER, SARAH
161	GUZMAN, ARMANDO
162	HALL, TALENA
163	HALPIN, DANIEL
164	HAMA, KIMBERLY
165	HAMILL, JOSEPH
166	HAMILTON, REBECCA
167	HARMON, ROBERT
168	HARRIS, DAINA
169	HARRIS, JEFFERY
170	HARRIS, JOSEPH
171	HARRIS, NICHOLAS
172	HARRIS, SAMANTHA

173	HARVEY II, SYLVESTER
174	HASH, JOHN
175	HASSAN, QUAZI
176	HENLEY, JOGAYLE
177	HENNON, ADAM
178	HENRIOD, ALEXANDER
179	HERNANDEZ, ERIKA
180	HERNANDEZ, JUAN
181	HERNANDEZ, MARCO
182	HIGNITE, ROBERT
183	HISAW, SABLE
184	HOANG, JOSEPH
185	HOBBS JR, RONALD R
186	HOMROK, MATTHEW
187	HOOKER, GRAYSON
188	HOPPER, NATASHA
189	HOWARD, CLINTON
190	HOWARD, JEFF
191	HOWES, DOUGLAS
192	HUDSON, NATHANIEL
193	HUETTE, RUSS
194	HUGHES, COURTNEY
195	HUGHES, VIVIAN
196	HUNTER, AMY
197	HUNTER, NEIL
198	HUSSONG, JUSTIN
199	IBANEZ, TIANI
200	INGENDORF, SAMUEL
201	JACKSON, FELICIA
202	JACKSON, JENNIFER
203	JAMES, CODY
204	JENKINS, JEFFERY
205	JOBE, MADISON
206	JOHNS, SISILY
207	JOHNSON, JENNIFER
208	JOHNSON, JOHN
209	JOHNSON, ROBIN
210	JOHNSON, SCOTT
211	JONES, BRIAN
212	JONES, CLYDE
213	JONES, KENNETH
214	JONES, NATALIE
215	JONES, PAUL

216	JONES, RAYSHELLA
217	JORDAN, PENNY
218	JUSTICE, DYLAN
219	KEANE, MELISSA
220	KELLEY, JIM
221	KENNON, TONYA
222	KESTERSON, ARTHUR
223	KESTERSON, DOMINIC
224	KESTERSON, RUSSELL
225	KING, TIFFANY
226	KINGSBURY III, JOHN W
227	KLABURNER, STAMATIA
228	KOZAK, MARIANNE
229	KRAJEWSKI, MARK
230	KRUKOWSKI, ALEXANDER
231	LANCE, JEFFREY
232	LANDAETA JR, ANTHONY
233	LAUD, OSCAR
234	LAWSON, TIMOTHY
235	LAZARCHICK, KIMBERLY
236	LEGER, GRANT
237	LEIGHTON, STACY
238	LEMOINE, SARA
239	LEWIS, ANDREW
240	LIANG, KATHERINE
241	LOBO, JANET
242	LOGSDON, CARRIE
243	LOPEZ, JASMINE
244	LOPEZ, JAYLYNNE
245	LOPEZ, JENNIFER
246	LU, CHRISTOPHER
247	LUBIN, BRYAN
248	MADANSKI, DARRIN
249	MARTIN, CHARLENE
250	MARTIN, KEVIN
251	MARTIN, MATTHEW
252	MARTIN, RAESHELL
253	MARTIN, ZACH
254	MARTINEZ, ROBERTA
255	MASSEY, WILLIAM
256	MAXWELL, ASHLEY
257	MAYNEZ, DEBBIE
258	MCGINNIS, PAMELA

259	MEASURES, RICHARD
260	MEDINA, MANUEL
261	MENDEZ, RILEY
262	METHENY, GARRETT
263	MILLER, TIMOTHY
264	MILLS, CASSANDRA
265	MONIEN-KIENZLE, MARY
266	MONTANUS, MARK
267	MONTAZ, STEPHANIE
268	MOODY-LYNCH, KIMMIE
269	MORTIMER, REBECCA
270	MORTON PIGG, HEIDI
271	MUNOZSR, ANTONIO
272	MUNOZ, DE
273	MURRIA, RAUL
274	NEEDEL, HOWARD
275	NEELY, SARAH
276	NEWELL, SPENCER
277	NEWMAN, KEYANNA
278	NIETO, ELIZABETH
279	NOGUEZ, LAURA
280	OAKES, DANIELLE
281	OAS, MELISSA
282	OLER, JUSTON
283	OLGUIN, JENIFEER
284	ORELLANA, MELISSA
285	ORTIZ, JESSICA
286	OWEN, KELLY
287	PACK, JASON
288	PAINTER, SCOTT
289	PALMER, SHERRIE
290	PARKER, JEFF
291	PARKER, RAYMOND
292	PARKS SR, WHITNEY
293	PARRA, JAVIER
294	PEDREGON, GILBERT
295	PEDROZA, JACQUELINE
296	PENNINGTON, NICOLE
297	PEREZ JR, OLIVERIO
298	PERSAILE, WILLIAM
299	PETERSON, SCHUYLER
300	PHELPS, JENNIFER
301	PICKENS, KENNETH

302	PIERCE, KEVIN
303	PORTER, CLAYTON
304	PORTER, DAVID
305	QUINLAN, PATRICK
306	RAGHUNATHAN, INDUMATHI
307	RAMIREZ, JOEL
308	RAMIREZ, YVETTE
309	RAMOS, JOHN
310	REED, WHITNEY
311	REID, ELIZABETH
312	RESTREPO, ALEX
313	ROBERTSON, CAROLINE
314	ROBERTSON, ERICA
315	ROBICHAUD, PAMELA
316	ROBINSON, JESSICA
317	ROCKWELL, TERRY
318	RODRIGUEZ, FRANCISCO
319	ROLLINS, JEFFERY
320	ROMERO, RODRIGUEZ,
321	ROSENTHAL, BRANDON
322	RUBI, SEPULVEDA,
323	RUMORE, GABREALE
324	RUPERT, RENAE
325	RUSNACK JR, PAULA
326	RUTLEDGE, KAYE
327	SAGE, CHEYENNE
328	SALAZAR, VICTOR
329	SALCIDO III, RAUL
330	SANCHEZ, CHRISTINA
331	SANDS, CHELSEA
332	SATTERWHITE, CATRINA
333	SAVOY, TYWAN
334	SAWYER JR, JAMES R
335	SAYEG, HEATHER
336	SCHLEY, CHARLES
337	SCOTT, NICOLE
338	SEGER, LORIE
339	SEPULVEDA, STEPHEN
340	SHAH, VIKASH
341	SHARAD, CHAKRAVARTHY
342	SHAW, ANTHONY
343	SHELLEY, THERESA

344	SHEPARDSON, MARK
345	SHIELDS, LAURA
346	SHUMATE, JOHN
347	SIMENTAL, ANGELICA
348	SIMPSON, DAMON
349	SINCLAIR, HUGH
350	SKEEN, AMY
351	SLATER, JOHN
352	SMITH, ASHLEY
353	SMITH, CARLO
354	SMITH, CHERYL
355	SMITH, DANIEL
356	SMITH, KEONA
357	SMITH, KRISTIN
358	SMITH, SUSANA
359	SMITH, TERRELL
360	SMITH, TINA
361	SMOLICH, VICKI
362	SOUTHWORTH, JAMES
363	SPIVEY, ZACHARY
364	STAFFORD, TRACI
365	STARK, ANDREW
366	STARR, LEJENIA
367	STAUTS, KIM
368	STONE, BRYAN
369	STONE, GARY
370	STOVALL, KELLY
371	SULLIVAN, KURT
372	SULLIVAN, MARIA
373	SURMA, PIOTR
374	TALLANT, SHANNON
375	TAMBLYN, KATHLEEN
376	TAPIA III, GILBERT
377	TAYLOR, JOANNE
378	TAYLOR, MARY
379	THEIS, VISHNU
380	THIBODEAUX, KARI
381	THOMAS, DEAN
382	THOMAS, JOHN
383	TOGBEY, KODJOVI
384	TOTTLEBEN, WILLIAM
385	TOURIGNY, BRENNNA
386	TREJO, SUSAN

387	TRUDGEON, NICHOLAS
388	TUNNERO, VINCENT
389	UPELL, DAVID
390	UPSHAW, CARRIE
391	VAN, GRONINGEN,
392	VANHORN, MATTHEW
393	VASQUEZ, REBECCA
394	VAZQUEZ JR, JESUS
395	VELASQUEZ, ANDRES
396	VERGE, TORRANCE
397	VILLARINO, BRANDON
398	VUCKO JR, JOHN
399	WALDRON II, MICHAEL J
400	WALT, LOGAN
401	WARREN, MICHAEL
402	WASHINGTON, BYRAN
403	WAYMAN, TINA
404	WHITE, JUSTIN
405	WILKEY, JAMES
406	WILLIAMS, CARA
407	WILLIAMS, CHRISTINA
408	WILLIAMS, CHRISTOPHER
409	WILLIAMS, VIRGINIA
410	WILLIS, JESSALYN
411	WILSON, LISA
412	WOODS, BOBBIE
413	WOODS, KIERRA
414	WOODS, SUSAN
415	YAROSH, VADIM
416	YOUNG, DAVID
417	YOUNG, STEVEN
418	YOUNG, TAMMY
419	YOUNG, ZTASHA
420	ZAKIS, ANGELO
421	ZAMBRANO, MARTHA
422	ZAVALA SR, JORGE
423	ZECH, GAYLE
424	ZEPEDA, GABRIEL
425	ZUNKER, JENNIFER