

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD HESTER, on behalf of himself
and all others similarly situated,

Plaintiff,
v.

VISION AIRLINES, INC.,

Defendants.

Case No.: 2:09-CV-00117-RLH-RJJ

NOTICE OF PENDENCY OF CLASS ACTION

To: All Vision employees who were crew members on flights to or from Iraq or Afghanistan from May 1, 2005, to the present.

**PLEASE READ THIS NOTICE CAREFULLY, IT WILL
AFFECT YOUR LEGAL RIGHTS**

**THIS NOTICE IS NOT A NOTIFICATION
THAT YOU HAVE BEEN SUED**

This is notification that you are a member of a plaintiff class (the "Class") in the case against Vision Airlines ("Vision") now pending in the United States District Court for the District of Nevada (the "Lawsuit"). On December 16, 2009, the Court certified this case as a class action.

The purpose of this Notice is to explain to you:

1. What the Lawsuit is about;
2. Your rights and obligations as a Class Member;
3. How to request to be excluded from the Class;
4. Further court proceedings; and
5. How to obtain more information.

1. WHAT THE LAWSUIT IS ABOUT

Vision is a United States government subcontractor and has operated flights from May 1, 2005 through the present on behalf of the United States government into and out of the war zones in Baghdad, Iraq and Kabul, Afghanistan ("Air Bridge Program"). It is alleged that Vision collected hazard pay on behalf of the employees that operated the Air Bridge Program flights for the additional risk incurred in flying into and out of Baghdad and Kabul. The Complaint in this matter alleges that instead of paying the Air Bridge Program employees the hazard pay Vision collected on their behalf, Vision instead retained that hazard pay for itself and used it for its own benefit.

Vision denies these allegations and is vigorously defending the Lawsuit. No final ruling has been made on these claims.

Plaintiff seeks to recover money damages from Vision, which includes compensatory and punitive damages.

2. YOUR RIGHTS AND OBLIGATIONS AS A CLASS MEMBER

The Class consists of:

All Vision employees who were crew members on flights to or from Iraq or Afghanistan from May 1, 2005, to the present. Excluded from the Class are Vision, its directors of flight operations, corporate officers and directors, and their immediate family members.

The certified class representative is Gerald Hester. The certified class counsel are the law firms of Koyzak Tropin & Throckmorton, P.A., 2525 Ponce De Leon, 9th Floor, Coral Gables, FL 33134 and the Goodman Law Group, 520 South Fourth Street, Las Vegas, Nevada 89101. These attorneys will represent you as part of the Class unless you choose to hire your own attorney. You have the right to hire your own attorney at your own expense. Class Counsel represent the Class on a contingency basis and will only receive attorneys' fees and reimbursement of their expenses if there is a recovery for the Class and the Court awards fees and expenses.

If you wish to be a member of the Class, **YOU DO NOT NEED TO TAKE ANY ACTION**. If you are in the Class, you will be bound by any judgment, favorable or unfavorable, in this Lawsuit pursuant to Federal Rule of Civil Procedure 23(c)(3).

3 HOW TO REQUEST TO BE EXCLUDED FROM THE CLASS

If you **DO NOT** wish to remain in the Class, then you must make your request to be excluded in writing. If you exclude yourself from the Class, you will not participate in any settlement or favorable judgment in the Lawsuit but you also will not be bound by an

unfavorable judgment, should one be rendered. This is the only way to pursue your own case against the Defendant for the alleged claims.

Your request to be excluded from the Class must be in writing and must provide your name and address, a statement that you wish to be excluded from the Class in *Hester v. Vision Airlines*, and an explanation about your position and role within the Air Bridge Program at Vision Airlines. This request must be sent by no later than **March 31, 2010**, addressed to each of the attorneys listed below. If you request exclusion on behalf of anyone other than yourself, you must describe your legal authority to make this request.

Class Counsel:

Ross C. Goodman, Esq.
Goodman Law Group
520 South Fourth Street
Las Vegas, Nevada 89101
(702) 383-5088

Brett E. von Borke, Esq.
Koyzak Tropin & Throckmorton, P.A.
2525 Ponce De Leon, 9th Floor
Coral Gables, Florida 33134
(305) 372-1800

4. FURTHER COURT PROCEEDINGS

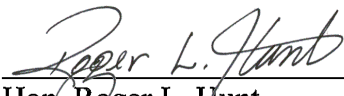
Fact discovery is proceeding in this case. Once this process is completed, the parties will engage in expert discovery. At the end of all discovery, motions for summary judgment may be made and the Court may be asked to decide the merits of Plaintiff's claims asserted in the Lawsuit, or this matter will proceed to trial. The outcome of any summary judgment motion or trial is unclear. The Class could prevail on its claims, or the Defendant could successfully defeat them with no recovery going to the Class.

5. HOW TO OBTAIN MORE INFORMATION

The pleadings and other records in this Lawsuit, including copies of the operative Complaint and the Class Certification Order, may be examined during regular office hours at the offices of the Clerk of the Court, Lloyd D. George U.S. Courthouse, U.S. District Court District of Nevada – Las Vegas, 333 Las Vegas Blvd. South, Las Vegas, Nevada 89101. If you need additional information, you should call or write to Class Counsel at the addresses and phone numbers above.

PLEASE DO NOT CALL THE COURT OR THE DEFENDANT

BY THE COURT



Hon. Roger L. Hunt
United States District Judge

Date: January 5, , 2010

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GERALD HESTER, on behalf of himself
and all others similarly situated,

Plaintiff,
v.

VISION AIRLINES, INC.,

Defendants.

Case No.: 2:09-CV-00117-RLH-RJJ

SUMMARY NOTICE OF PENDENCY OF CLASS ACTION

TO: All Vision employees who were crew members on flights to or from Iraq or Afghanistan from May 1, 2005, to the present.

PLEASE READ THIS NOTICE CAREFULLY

YOU ARE HEREBY NOTIFIED that the United States District Court for the District of Nevada (the "Court") has determined that the above-captioned lawsuit (the "Action") should proceed as a class action on behalf of all Vision Airlines ("Vision") employees who were crew members on flights to or from Iraq or Afghanistan from May 1, 2005, to the present (the "Class"). Excluded from the Class are Vision, its directors of flight operations, corporate officers and directors, and their immediate family members. This litigation will proceed against Vision.

IF YOU ARE A MEMBER OF THE CLASS DESCRIBED ABOVE, YOUR RIGHTS WILL BE AFFECTED BY THE CERTIFICATION OF THE CLASS. If you are in the Class, you will be bound by any judgment, favorable or unfavorable, in this Lawsuit pursuant to Federal Rule of Civil Procedure 23(c)(3). If you wish to be in the

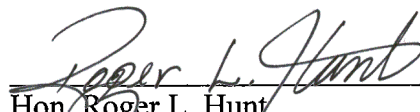
Class, YOU DO NOT NEED TO TAKE ANY ACTION. If you DO NOT wish to remain in the Class, then you must make your request to be excluded in writing. If you exclude yourself from the Class, you will not participate in any settlement or favorable judgment in the Action but you also will not be bound by an unfavorable judgment, should one be rendered. This is the only way to pursue your own case against Vision for the claims alleged, and you have the right to hire your own attorney at your own expense.

If you have not yet received the Notice of Pendency of Class Action (the "Notice"), which describes the Action and these procedures in more detail, you may obtain a copy of this document by contacting: Brett E. von Borke, Esq., of Kozyak Tropin & Throckmorton, P.A., 2525 Ponce De Leon, 9th Floor, Coral Gables, Florida 33134. Copies of the Notice may also be downloaded from www.kttlaw.com.

If you desire to be excluded from the Class, you must mail a request for exclusion postmarked by **March 31, 2010**, in the manner and form explained in the Notice. All members of the Class who do not request exclusion from the Class will be bound by any judgment entered in the Action.

PLEASE DO NOT CONTACT THE COURT, THE CLERK'S OFFICE, OR
THE DEFENDANT REGARDING THIS NOTICE.

BY THE COURT


Hon. Roger L. Hunt
United States District Judge

Date: January 5, 2010