

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO: 502013CA011785XXXMB

TIMOTHY LEWIS, EILEEN LEWIS,
DENNIS WYTRYKUSH, individually and on
behalf of all persons similarly situated,

Plaintiffs,

vs.

PGT INDUSTRIES, INC.

Defendant.

FIRST AMENDMENT TO SETTLEMENT AGREEMENT

This First Amendment to Settlement Agreement (the "First Amendment") is entered into as of this ____ day of October 2020. Subject to Court approval as set forth in the Settlement Agreement, described herein, the Agreement is entered into by and among Plaintiffs, TIMOTHY LEWIS, EILEEN LEWIS, and DENNIS WYTRYKUSH, individually and on behalf of themselves and the Class, on the one hand, and PGT Industries, Inc. ("PGT") on behalf of itself and its parents, subsidiaries, affiliates, employees, officers, directors, shareholders, successors and related entities, on the other hand.

I. RECITALS

A. Plaintiffs and PGT (collectively, the "Parties") executed a Settlement Agreement in or around September of 2019.

B. At or around the execution of the Settlement Agreement, the Parties learned that the agreed upon newspapers no longer permit Digital Banner Ads for the purpose of providing legal notice on their websites. As such, the agreed notice could not be effectuated.

C. Section II(C) of the Settlement Agreement authorizes the Parties to mutually amend their Settlement Agreement, subject to approval by the Court.

D. The Parties agree to amend their Settlement Agreement such that Section VI(B)(2) will be amended in its entirety to state the following:

"2. Publication of Class Notice shall also mean notice provided through a dedicated online website established by the Administrator containing the Notice of Claim, Claim Form and any other information agreed to by the parties, which is consistent with this Settlement Agreement. Publication of Class Notice shall also mean a Geographical Targeted Digital Banner Advertisement campaign to include 240,000 total impressions but for a period of no more than 90 days subject to the Court's Preliminary Approval Order, in the following geographic areas:

- (i) Tampa Bay, FL
- (ii) Orlando, FL
- (iii) Miami, FL
- (iv) Palm Beach County, FL
- (v) Ocala, FL
- (vi) Jacksonville, FL

Furthermore, Publication of Class Notice shall also mean actual publication in the Public Notice section of the Tampa Bay Times, Orlando Sentinel, Miami Herald, Palm Beach Post, The Villages Daily Sun, and the Florida-Times Union on one occasion within 90 days of the Preliminary Approval Order in a form substantially similar to Exhibit 2."

IN WITNESS WHEREOF, the Settlement Agreement has been executed by the parties as set forth below:


Plaintiffs:



Timothy Lewis



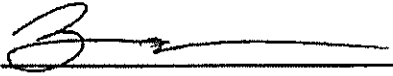
Eileen Lewis



Dennis Wytrykush

Defendant:

PGT INDUSTRIES INC.,

By: 

Its: SVP OF CORP DEV & TREASURER