

COURT APPROVED NOTICE OF CLASS ACTION SETTLEMENT

This Notice is Authorized by the U.S. District Court of the Central District of California.

Your legal rights are affected whether you act or not, so read this Notice carefully.

You may be eligible to receive money from a class action lawsuit (the “Case”) for alleged Labor Code violations brought by Miguel Gutierrez (“Plaintiff”) against New Hope Harvesting, LLC, Guadalupe Gaspar, Eugenia Gaspar, Araceli Gaspar, and JDB Pro, Inc. (“Defendants”). The case is pending in the U.S. District Court for the Central District of California as Case Number 2:19-cv-07077-FWS-AJR.

Based on Defendants’ records, you are estimated to receive a **Class Payment of \$ <<estimated Class Payment>>** (less tax withholding) and a **Civil Penalties Payment of \$<<estimated civil penalties payment>>**. The actual amount you receive may be different depending on the amount of attorneys’ fees awarded by the Court, the number of exclusions received, and the number of employees who make claims. These estimates are based on Defendants’ records showing that **you worked <<total workweeks>> workweeks** during the Class Period and **<<total PAGA Periods>> workweeks** during the PAGA Period.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

Participate in the Settlement and Receive Your Share of Settlement Funds	If you don’t exclude yourself, you are entitled to receive money from the Settlement. In exchange, you will give up your right to assert the wage claims against Defendants that are covered by this Settlement.
You Must Contact the Administrator to Arrange Payment	If the Settlement is granted final approval by the Court, you must contact the Settlement Administrator to arrange your payment. You may receive a check, bank transfer, or digital credit card by submitting online at: www.caseonewhope.com or contacting the Settlement Administrator at 1-888-209-3222 or WhatsApp at +1-612-205-1767, or by email at casonewhope@atticusadmin.com .
You Can Challenge the Calculation of Your Workweeks	The amount of your Class and Civil Penalties Payments (if any) depend on how many workweeks you worked within the Class and PAGA Periods. The workweek estimates are based on Defendants’ records. If you disagree, you must submit a challenge by <u>August 23, 2024</u> .
You Have the Right to Exclude Yourself from the Class Settlement but not the PAGA Settlement The Deadline to Exclude Yourself is <u>August 23, 2024</u>.	If you don’t want to participate in the Settlement, you can exclude yourself by sending a written request. You no longer will be eligible to recover the Class Payment or object to the Settlement. But you may be able to pursue your claims separately against Defendants. Note that you cannot exclude yourself from the Civil Penalties portion of the Settlement. If you worked within the PAGA period, you are entitled to receive your share of civil penalties even if you exclude yourself from the Class Payment.
Participating Class Members Can Object to the Class Settlement	Class Members who do not exclude themselves have a right to object to any aspect of the proposed Settlement. You may not object if you exclude yourself from the Settlement. Objections must be in writing and submitted to the Administrator on or before <u>August 23, 2024</u> .

Defendants will not retaliate against you for any actions you take with respect to the proposed Settlement.

1. WHAT IS THE CASE ABOUT?

Plaintiff is a former employee of Defendants who alleged Defendants violated California labor laws by failing properly to pay overtime wages and minimum wages, failing to provide proper rest and meal periods, and improperly charging or failing to reimburse expenses. Based on the same claims, Plaintiff also asserted a claim for civil penalties under the California Private Attorneys General Act (Labor Code §§ 2698, et seq.) (“PAGA”).

Plaintiff also brought an opt-in claim under the Fair Labor Standards Act (“FLSA”) and obtained conditional certification of the FLSA claim (“FLSA Collective”). Ten individuals decided to join the FLSA Collective as Plaintiffs: Claudia Flores, Alejandra Flores, Catalino Ruben Almaraz, Eligio Ruiz Manzano, Isabel Jacobo Hernandez, Jorge Almaraz, Rocio Vasquez, Dionisia Bolaños, Pablo Guzmán Ruiz, and Gerardo Cruz. These workers are the FLSA Opt-In Plaintiffs.

Plaintiff and the FLSA Opt-In Plaintiffs are represented by lawyers at the firms Advocates for Worker Rights LLP and California Rural Legal Assistance Foundation (“Class Counsel”).

Defendants deny violating any laws or failing to pay any wages and contend they complied with all applicable laws.

2. WHAT DOES IT MEAN THAT THE CASE HAS SETTLED?

So far, the Court has not decided whether Defendants or Plaintiff is correct on the merits. After extensive negotiations in front of two mediators and between the Parties, a settlement was reached and later reduced to writing in a lengthy settlement agreement (“Agreement”). The Agreement was presented to the Court for preliminary approval and the Court made the preliminary determination that the terms of the Agreement are fair and reasonable to you and the Class.

3. WHAT ARE THE IMPORTANT TERMS OF THE PROPOSED SETTLEMENT?

- A. Defendants will pay \$1,000,000 (“Gross Settlement”) to settle all claims. Defendants agreed to pay the Gross Settlement in six equal quarterly payments of \$166,666.67 over the course of 18 months. The payments will be deposited into an interest-bearing account established by the Settlement Administrator approved by the Court. The first of the six payments of \$166,666.67 shall occur no later than 30 days after the Court grants preliminary approval of the proposed Settlement. The remaining five payments of \$166,666.67 shall be transmitted to the Settlement Administrator by the Defendants in three-month intervals based on the date the initial payment is made.
- B. Court-Approved Deductions from Gross Settlement. At the Final Approval Hearing, Plaintiff and Class Counsel will ask the Court to approve the following deductions from the Gross Settlement:
 - i. Up to \$ 333,300.00 (33 and 1/3% of the Gross Settlement) to Class Counsel for attorneys’ fees and up to \$90,000 for the litigation expenses they have incurred without payment.
 - ii. Up to \$20,000.00 as a Class Representative Service Award to Plaintiff Miguel Gutierrez for initiating the Case and representing the Class.
 - iii. Up to \$7,500 as a Service Award to each of the FLSA Opt-In Plaintiffs for their service on behalf of the Class, which includes giving a declaration in support of class certification, responding to discovery, and providing deposition testimony.
 - iv. Up to \$30,000 to the Administrator for services administering the Settlement.

- v. Up to \$15,000 for PAGA Penalties, allocated 75% to the California Labor and Workforce Development Agency (“LWDA”) and 25% to Class Members who worked within the PAGA Period.

Participating Class Members have the right to object to any of these deductions. The Court will consider all objections.

- C. Net Settlement Distributed to Class Members. After deducting the amounts approved by the Court outlined in section B above, the Settlement Administrator will distribute the remaining amount (the “Net Settlement”) to Class Members based on their Class Period Workweeks.
- D. Taxes Owed on Payments to Class Members. The Parties are asking the Court to allocate 40% of each Class Payment as wages (“Wage Portion”) and 60% to penalties, reimbursements, and interest (“Non-Wage Portion.”). The Wage Portion is subject to withholdings and will be reported on IRS W-2 Forms, and Defendants will separately pay employer payroll taxes on the Wage Portion. The Non-Wage Portion, which also includes Civil Penalty Payments, will be reported on IRS 1099 Forms.
- E. You Must Contact the Settlement Administrator to Arrange to Receive Your Payment. You have three options to receive money: receive a check in the mail to a U.S. address, receive a bank transfer to a U.S. or foreign bank, or receive a digital credit card. Submit your payment selection online at: www.casonewhope.com or contact the Administrator by phone at 1-888-209-3222, by WhatsApp at +1-612-205-1767, or by email at casonewhope@atticusadmin.com.
- F. Need to Promptly Cash Payment Checks. The front of every check issued for Class and Civil Penalties Payments will show the date when the check expires (the void date). If you don’t cash it by the void date, your check will be automatically cancelled and the monies will be paid to a non-profit organization or foundation (“Cy Pres”).
- G. Requests for Exclusion from the Class Settlement (Opt-Outs). You are part of the Class unless you submit a timely exclusion form. If you don’t want to receive the money that is available through this Settlement or you want to retain your rights to bring a claim against Defendants separately, you must submit a request in writing. The request must be from you stating your name, present address, telephone number, and a simple statement that clearly says you don’t want to receive money from the Settlement and want to exclude yourself from the Class. If you exclude yourself, you will preserve the right, if any, to personally pursue wage and hour claims against Defendants if you wish to do so.

Note that you cannot exclude yourself from the PAGA portion of the Settlement and will remain eligible to receive payment for Civil Penalties.

- H. The Proposed Settlement Will be Void if the Court Denies Final Approval. While the Court has given preliminary approval to the Settlement, it still must give final approval for the Settlement to become final and a judgment rendered. If the Settlement is not approved, Defendants will not pay any money and Class Members will not release any claims against Defendants.
- I. Settlement Administrator. The Court has appointed a neutral company, Atticus Administration (the “Settlement Administrator”), to send this Notice, administer the account where the Settlement funds will be deposited, calculate and make payments, process Requests for Exclusion, and issue tax forms. The Administrator will also decide any challenges submitted by Class Members to the workweek calculations. The Administrator’s contact information is contained in Section 9 of this Notice.
- J. Participating Class Members’ Release. After the Judgment is final and Defendants have fully funded the Gross Settlement and separately paid all employer payroll taxes, Class Members who did not

exclude themselves will be legally barred from asserting any of the claims released under the Settlement. This means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendants or related entities for wages or reimbursements based on the facts alleged in the Case and resolved by this Settlement.

The Participating Class Members will be bound by the following release:

All Participating Class Members, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, release Released Parties from (i) all claims that were alleged, or reasonably could have been alleged, based on the Class Period facts stated in the First Amended Complaint. Participating Class Members do not release any other claims, including claims for vested benefits, wrongful termination, violation of the Fair Employment and Housing Act, unemployment insurance, disability, social security, workers' compensation, or claims based on facts occurring outside the Class Period.

- K. Aggrieved Employees' PAGA Release. After the Court's judgment is final, and Defendants have paid the Gross Settlement (and separately paid the employer-side payroll taxes), all Aggrieved Employees will be barred from asserting PAGA claims against Defendants, whether or not they exclude themselves from the Settlement. This means that Aggrieved Employees cannot sue, continue to sue, or participate in any other PAGA claim against Defendants or their related entities based on the PAGA Period facts alleged in the First Amended Complaint and resolved by this Settlement.

4. HOW WILL THE SETTLEMENT ADMINISTRATOR CALCULATE MY PAYMENT?

1. Class Payments. The Settlement Administrator will calculate your payment by dividing the Net Settlement Amount by the total number of workweeks worked by all Participating Class Members, and then multiplying the result by the number of workweeks you worked within the Class Period.
2. Civil Penalty Payments. The Administrator will calculate your civil penalties payment by dividing \$3,750.00 by the total number of PAGA Pay Periods worked by all Aggrieved Employees, and then multiplying the result by the number of PAGA Period Pay Periods you worked within the PAGA Period.
3. Workweek/Pay Period Challenges. If you disagree with the number of workweeks or pay periods listed for you in this Notice, you can submit a signed letter along with your evidence to the Administrator by mail, email, or fax. You have until August 23, 2024, to submit the challenge. Section 9 of this Notice has the Administrator's contact information.

The Settlement Administrator will accept Defendants' calculation of workweeks and/or pay periods based on Defendants' records. Unless you send copies of records containing contrary information, Defendants' records will be considered accurate. You should send copies rather than originals because the documents will not be returned to you. The Settlement Administrator will resolve the dispute based on the evidence you submit and input from Class Counsel and Defense Counsel. The Settlement Administrator's decision is final.

5. OPTIONS FOR GETTING PAID

- A. By Check (If you are able to cash a U.S. check). If you have an address in the U.S., the Settlement Administrator will send your payment by check via U.S. Mail. If you do not have an address in the U.S., you should contact the administrator to decide how to receive your payment.

- B. Bank Transfer. If you are not in the U.S., you can request a bank transfer. You will need your CLABE, bank information, and the full name, address, and telephone number associated with your bank account.
- C. Digital Mastercard. If you are not in the U.S., you can request a digital Mastercard which you can use as a normal debit/credit card. You will need an email address to receive a digital Mastercard.

You must select your payment option online at: www.casonewhope.com or contact the Settlement Administrator with your selected option for receiving money.

6. HOW DO I OPT-OUT OF THE CLASS SETTLEMENT?

Submit a written and signed letter with your name, present address, telephone number, approximate dates of employment, and a simple statement that you do not want to participate in the Settlement. The Settlement Administrator will exclude you based on any writing communicating your request be excluded. Be sure to personally sign your request and identify the Case as Gutierrez v. New Hope. You must send your request **by August 23, 2024, or it will be invalid**. Section 9 of the Notice has the Administrator's contact information.

7. HOW DO I OBJECT TO THE SETTLEMENT?

Only Participating Class Members have the right to object to the Settlement. If you exclude yourself, you lose your right to object.

Objections must be sent to the Settlement Administrator in writing by mail, fax, or email. **The deadline for sending written objections is August 23, 2024**. Be sure to tell the Settlement Administrator what you object to, why you object, and any facts that support your objection. Make sure you identify the Case as *Gutierrez v. New Hope* and include your name, current address, telephone number, and approximate dates of employment. Make sure to personally sign the objection. Section 9 of this Notice has the Settlement Administrator's contact information.

Alternatively, you can object (or personally retain a lawyer to object at your own cost) by attending the Final Approval Hearing. You (or your attorney) should be ready to tell the Court what you object to, why you object, and any facts that support your objection. See Section 8 of this Notice (immediately below) for specifics regarding the Final Approval Hearing.

8. CAN I ATTEND THE FINAL APPROVAL HEARING?

You can, but don't have to, attend the Final Approval Hearing on October 10, 2024 at 10:00 a.m. in Courtroom 10D, United States Courthouse, 411 West 4th Street, Santa Ana, CA 92701. At the Hearing, the judge will decide whether to grant Final Approval of the Settlement and how much of the Gross Settlement will be paid to Class Counsel, Plaintiff, the FLSA Opt-In Plaintiffs, and the Administrator. The Court will invite comment from objectors, Class Counsel and Defense Counsel before making a decision. If the Final Approval Hearing date changes, this update will be posted on the Settlement Website.

9. HOW CAN I GET MORE INFORMATION?

The Settlement Agreement sets forth everything Defendants and Plaintiff have promised to do under the proposed Settlement. The easiest way to read the Agreement, the Judgment or any other Settlement documents is to go to the website created for this case www.casonewhope.com.

You can also telephone, WhatsApp, or send an email to the lawyers representing Plaintiff and the Class, or you can contact the Administrator.

Class Counsel:

Advocates for Workers LLP
212 9th Street, Suite 314
Oakland, CA 94607
WhatsApp +1-510-269-4078
Phone: 510-269-4200
Email: info@advocatesforworkers.com

California Rural Legal Assistance Foundation
2210 K Street, Suite 201
Sacramento, CA 95816
Phone: 916-446-7904

Settlement Administrator:

Atticus Administration
PO Box 64053
Saint Paul, MN 55164

WhatsApp +1-612-205-1767
Toll Free: 1-888-209-3222
Email: casonewhope@atticusadmin.com

DO NOT TELEPHONE THE DISTRICT COURT TO OBTAIN INFORMATION ABOUT THE SETTLEMENT.

10. WHAT IF I LOSE MY SETTLEMENT CHECK?

If you lose or misplace your Settlement check before cashing it, the Administrator will replace it as long as you request a replacement before the void date on the face of the original check. If your check is already void, you will have no way to recover the money.