

<<First Name>> <<Last Name>>

EDWIN PEREZ and CHRYSTIAN ALEJANDRO ORTEGA JIMENEZ v. SPOT INTERNATIONAL INC., a California limited liability company; JOHN BERNARD, an individual

**Superior Court of the State of California, County of Los Angeles
Case No.: BC721323**

If you are a current or former employee for SPOT INTERNATIONAL INC., a California limited liability company; JOHN BERNARD, an individual (“Defendants”), a class action lawsuit may affect your rights and you may be entitled to benefits under the settlement.

You are not being sued. A court authorized this notice. This is not a solicitation from a lawyer.

PLEASE READ THIS NOTICE CAREFULLY. IT CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS. YOU MAY ALSO VISIT THE CLAIMS ADMINISTRATOR WEBSITE AT <https://www.ilymgroup.com/SpotInternational>

- This lawsuit involves a class defined as:

“All persons who are employed or have been employed as a non-exempt employee by SPOT INTERNATIONAL, INC., in the State of California from September 14, 2014 to October 15, 2020.”

- You are receiving this Notice because the records reflect that you may be one of the above Class Members.
- Plaintiffs in this class action allege that Defendants failed to pay wages/overtime, failed to provide meal periods, failed to provide rest periods, failed to reimburse expenses, failed to issue lawful itemized wage statements, failed to pay lawful wages upon termination or resignation, engaged in unfair business practices, and is liable for penalties under California’s Private Attorneys General Act or “PAGA.” Defendants deny Plaintiffs’ claims and assert that they have complied with all of their legal obligations to their employees.
- **Plaintiffs and Defendants have entered into a settlement of the above-litigation. According to Defendants’ records, your estimated share of the settlement is \$<<Est. Settlement>>. See the explanation in Paragraph 5 of this Notice. The actual amount you will receive may be different and will depend on a number of factors.**
- You will not be penalized or retaliated against by Defendants for participating in this class action settlement. If you are currently employed by Defendants, your employment will not be affected in any way. Current employees of Defendants who choose to participate in the settlement will not be required to resign and can continue to work for Defendants.

ILYM ID:<<ILYM ID>>

- **Read next page for options available to you.**

DO NOTHING	By doing nothing, you <u>will</u> receive a share of the settlement proceeds, and you will give up any rights to sue Defendants for claims described in Paragraph 8 of this Notice.
ASK TO BE EXCLUDED (OPT OUT)	<p>Exclude yourself from this lawsuit. Keep your rights to file a separate claim against Defendants.</p> <p>If you ask to be excluded, you <u>will not</u> receive a share of the settlement proceeds, but you keep any rights you may have to bring your own suit against Defendants for the same legal claims in this lawsuit.</p> <p>You must opt out no later than: July 09, 2021</p>
OBJECT	<p>Object to the terms of this Settlement.</p> <p>You must object no later than: July 09, 2021</p>

1. Why did I get this notice?

A proposed settlement has been reached in a class action lawsuit that was brought on behalf of Defendants’ employees. You have received this notice because Defendants’ records indicate that you are a member of this class.

2. What is this lawsuit about?

This lawsuit was filed on September 14, 2018 on behalf of all persons who are employed or have been employed as an hourly employee by Defendants in the State of California. The operative complaint alleges class-wide causes of action against Defendants for failure to pay wages/overtime; failure to provide meal periods; failure to provide rest periods; failure to reimburse expenses; failure to issue lawful itemized wages statement pursuant to § 226(a); waiting time penalties; unfair business practices pursuant to Business & Professions Code § 17200 et seq.; and penalties pursuant to the Private Attorney General Act of 2007 (“PAGA”) (Lab. Code § 2699 et seq.).

3. Has the Court decided who is right?

No. The Court has made no decision regarding the merits of Plaintiffs’ allegations or Defendants’ defenses.

4. Why did this case settle?

The Parties reached a settlement in order to avoid the risk, inconvenience and expense of further litigation. Plaintiffs and their attorneys believe the proposed settlement is fair, adequate and in the best interest of the class members to whom it applies given the outcome of their investigation, the consumption of time and resources required in connection with further litigation, and the uncertainty in the law governing some of the claims presented. Although Defendants dispute Plaintiffs' claims and assert that they have complied with all of their legal obligations toward their employees, Defendants have also concluded that further litigation would be protracted and expensive and would also divert management and employee time.

5. What are the terms of the settlement and how much will I receive?

The Gross Settlement Amount is \$135,000.00. Amounts awarded by the Court for attorneys' fees (Plaintiffs' Counsel are requesting an amount not to exceed \$45,000), litigation costs (Plaintiffs' Counsel are requesting an amount not to exceed \$14,500), Service Payments to Plaintiffs (\$5,000 each, or a total of \$10,000 will be requested), Claims Administration Fees and Costs (of \$5,500), and penalties to the Labor & Workforce Development Agency (\$7,500) will be paid from the \$135,000.00. The remainder of this money will be divided among current and former employees who are Class Members, based on how long they worked for Defendants during the Class Period.

According to Defendants' records, the total number of work weeks that you as an employee worked during the pertinent time period is <<Workweeks>>. Based on this information, your estimated payment is \$<<Est. Settlement>>. The actual amount you may receive may be different and will depend on a number of factors. If you believe that you worked more work weeks during the pertinent time period, please follow the procedure discussed in Paragraph 6 below.

Your payments won't be made until September 2021 at the earliest. Please be patient.

Additionally, this Settlement includes a payment pursuant to PAGA. \$10,000.00 of this Settlement has been apportioned as PAGA penalties with 75% (\$7,500) going to the LWDA and 25% (\$2,500) being allocated to the Aggrieved Employees. An Aggrieved Employee is any person who is employed or has been employed as a non-exempt employee by SPOT INTERNATIONAL, INC., in the State of California from September 14, 2017 to October 15, 2020. Under California law, an Aggrieved Employee cannot opt out of the PAGA Payment. You can object as described in Paragraph 10 below. If you choose to opt out of the Class Settlement, you will still receive your share of the PAGA Payment. Your share of the \$2,500 will be apportioned based on how many pay periods you worked from September 14, 2017 to October 15, 2020. Defendants' records indicated that you worked <<Pay Periods>> pay periods during the pertinent time. If you do not opt out of the Class Settlement, your PAGA Payment will be included with your Individual Settlement Payment.

You must cash your settlement check by the expiration date stated on the check. Your failure to cash your check by the expiration date will result in you not receiving the amount represented by your check because the check will become null and void (but you will still be bound by the settlement and releases). In order to obtain the amount represented by the voided check, you

would need to timely make a claim to the State Controller's Office, Unclaimed Property Division.

Your payment will be allocated as follows: twenty percent (20%) to settlement of wage claims and eighty percent (80%) to settlement of claims for interest and statutory penalties. PAGA Payments are allocated as one hundred percent (100%) penalties. If any government agency disagrees with this allocation, you might be responsible for additional tax, interest, and penalties with respect to your payment. You should consult with an accountant or other tax professional with any questions. Neither the Parties nor the Court is providing tax advice.

6. What if I disagree with the number of work weeks or pay periods shown above?

If you believe the information in the notice is incorrect regarding the number of work weeks and/or pay periods, you will need to write a letter setting forth the number of pay periods that you believe are correct. You may attach any relevant documentation in support thereof. You must mail your letter to:

Defendants Claims Administrator
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781
1-888-250-6810

You must submit such information by July 09, 2021. Plaintiffs' Counsel and the Claims Administrator will work together in good faith and do their best to promptly resolve the dispute based on available records. In the event they are unable to resolve any dispute under this Section, the Claims Administrator shall review all information, material and documents and make a decision regarding the dispute and the decision of the Claims Administrator is final.

7. What do I have to do to receive a share of the settlement?

If you wish to receive an award under the terms of this settlement, you do not have to do anything. However, it is advisable to confirm your current mailing address with the Claims Administrator in order to ensure you receive your settlement share. You will be covered by the release summarized in Section 8, below.

8. What rights am I giving up?

The claims you will Release by doing nothing are: any and all claims that are asserted in the operative complaint and which could have been asserted based on the facts alleged in the complaint, which are or could be the basis of claims for failure to pay wages/overtime pursuant to Labor Code §§ 510, 1194, and 1197, failure to provide meal periods pursuant to Labor Code §§ 226.7 and 512, failure to provide rest periods pursuant to Labor Code § 226.7, failure to reimburse expenses pursuant to Labor Code § 2802, failure to issue lawful itemized wage statements pursuant to Labor Code § 226(a), waiting time penalties pursuant to Labor Code § 203, unfair business practices pursuant to Business & Professions Code § 17200 et seq., and penalties pursuant to the Private Attorney General Act of 2007 ("PAGA") (Lab. Code § 2699 et seq.).

All Aggrieved Employees will release: any and all claims for penalties pursuant to the Private Attorney General Act of 2007 ("PAGA") (Lab. Code § 2699 et seq.) disclosed to the LWDA and alleged in the operative complaint for violations of Labor Code §§ 201, 202, 203, 226(a), 226.7,

510, 512, 1194, 1197, and 2802.

9. What if I do not wish to be involved?

Anyone not wishing to participate in the settlement may exclude himself or herself (“opt out”) by completing, signing, and mailing, emailing, or faxing a letter indicating that they do not want to participate in the settlement to the Claims Administrator, ILYM Group, Inc., by July 09, 2021.

Defendants Claims Administrator
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781
1-888-250-6810

If your Request for Exclusion is postmarked, e-mailed, or faxed after July 09, 2021, it will be rejected, and you will be a Participating Class Member and be bound by the settlement terms and release. Anyone who submits a timely and valid Request for Exclusion shall not be deemed a Participating Class Member and will not receive any payment as part of this settlement. Such persons will keep any rights to sue Defendants separately about the claims made in this lawsuit.

10. What if I have an objection?

A class member may object to the settlement in writing or in person. Written objections and all supporting briefs or other materials must be submitted to the Claims Administrator no later than July 09, 2021. Written objections may be mailed, e-mailed, or faxed to the Claims Administrator.

Any class member may make an objection at the Final Approval Hearing with or without filing or serving any written objection. The Class Member may appear personally or through an attorney, at his or her own expense, at the Final Approval hearing to present his or her objection directly to the Court. Any attorney who will represent an individual objecting to this Settlement who has not filed a written objection must file a notice of appearance with the Judge and serve Class Counsel and Defense Counsel no later than July 09, 2021.

Class Counsel: KINGSLEY & KINGSLEY, APC Eric B. Kingsley, Esq. Liane Katzenstein Ly, Esq. Kelsey M. Szamet, Esq. 16133 Ventura Blvd., Suite 1200 Encino, CA 91436 Telephone: (818) 990-8300	Counsel for Defendants: MOHAJERIAN APC Al Mohajerian, Esq. Ann Anooshian, Esq. Nancy Tu, Esq. 1901 A venue of the Stars, Suite 1100 Los Angeles, California 90067 Telephone: (310) 556-3800 Facsimile: (310) 556-3817
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11. Do I need a lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf.

However, if you want your own lawyer, you are free to hire one at your own expense.

12. What happens next in the case: Fairness Hearing

The Court has only preliminarily approved the settlement. The Court will hold a fairness hearing to decide whether to approve the settlement, as well as the amounts to be awarded as attorney fees and costs to Plaintiff's Counsel and as service awards to Plaintiffs. You may ask the Court for permission to speak at the Fairness Hearing. Unless you have something to tell the Court, it is not necessary for you to appear at the Fairness Hearing. You cannot speak at the Fairness Hearing if you exclude yourself from the settlement.

You can appear remotely for this hearing. There is a \$15.00 fee for audio and \$23.00 fee for video. The instructions can be located here: <https://my.lacourt.org/> Presently, the Fairness Hearing is scheduled to be held in Department 7 of the Los Angeles County Superior Court, Spring Street Courthouse, located at 312 North Spring Street, CA 90012 on August 17, 2021 at 11:00 a.m. The date and location of the Fairness Hearing may change. If you are interested in attending the Fairness Hearing, you should confirm the date and location by contacting Plaintiffs' Counsel.

13. How can I receive more information?

This notice is a summary of the basic terms of the settlement. For further information, you may visit the website for the Los Angeles County Superior Court located at <http://www.lacourt.org/casesummary/ui/casesummary.aspx?casetype=civil#DOC> and use the Case Number: BC721323 to search the Court docket for the filings in this matter. You may also telephone the Defendants Claims Administrator, ILYM Group, Inc. (listed above), or visit the case website hosted by ILYM Group, Inc. at <https://www.ilymgroup.com/SpotInternational>. The website will include the settlement agreement, notice documents, and the final judgment. Finally, you can contact Plaintiffs' Counsel (listed above).

Please do not telephone the Court, the Office of the Clerk, or Defendants' counsel for information regarding this settlement