

**NOTICE OF CLASS ACTION SETTLEMENT**

**If you are or were employed by Defendants as a non-exempt employee at any time between November 19, 2014 and February 3, 2020, you are eligible to receive compensation from a class action settlement.**

A non-exempt employee filed a wage and hour class action against Defendants National Storage Affiliates Trust; InTandem Human Resources, LLC; Storage Management and Leasing Co., LLC; and iStorage JV, LLC (collectively “NSA” or “Defendants”) on behalf of himself and all other similarly situated individuals. NSA denies the allegations and the Court has not made any determination regarding the claims made in the lawsuit.

The parties have reached a settlement, and the Court has preliminarily approved it on the ground that the settlement is fair, reasonable, adequate, and in the best interests of the class members.

*A court authorized this notice. This is not an advertisement.  
This is not a lawsuit against you. You are not being sued.  
But, your rights will be affected by this settlement.*

**YOU MUST RESPOND BY AUGUST 5, 2021 IF YOU WISH TO EXCLUDE YOURSELF FROM OR OBJECT TO THIS SETTLEMENT.**

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT</b>	
<b>DO NOTHING AND RECEIVE PAYMENT</b>	If you received this Notice of Class Action Settlement, you may be entitled to a payment under this Settlement. If you do nothing, you will <u>automatically</u> receive your share of the settlement. You do <u>not</u> need to submit a claim or any other form to receive this payment.
<b>EXCLUDE YOURSELF</b>	You may exclude yourself from the Settlement by “opting out.” If you exclude yourself, you will <u>get no payment</u> , but will have the right to pursue any claims you have on your own. This is the only option that allows you to be part of any other lawsuit against NSA that involves the claims made in this case. But you will have to get your own attorney or represent yourself.
<b>OBJECT</b>	If you so choose, you may object to this settlement. One cannot both opt-out of the Settlement and object to it.

**PLEASE READ THIS NOTICE CAREFULLY. Your rights will be affected by this settlement. The case website is at [www.ilymgroup.com/nationalstorage](http://www.ilymgroup.com/nationalstorage). There you will find the settlement agreement and all the papers that have been filed in court in connection with this proposed settlement.**

***1. Why did I get this notice?***

You received this notice because Defendants’ business records indicate that you were or continue to be employed by Defendants or predecessor entities as a non-exempt, hourly employee at one or more of Defendants’ storage facilities within the State of California during the time period of November 19, 2014 to February 3, 2020.

***2. Why should I read this notice?***

This notice is to let you know that the parties in a class action case filed against Defendants have reached a tentative settlement. Under California law, a class action settlement must be reviewed by a judge via a two-step process: preliminary approval and final approval. On May 27, 2021, Judge Curtis E.A. Karnow in Dept. 611 of the Superior Court of California, County of San Francisco preliminarily approved the terms of this proposed settlement and ordered this notice to be mailed to all class members. The Court will hold a Final Fairness Hearing concerning the proposed

settlement on October 1, 2021 at 9:30 a.m in Department 611. This notice tells you about your rights to share in the settlement and object to it, or to potentially exclude yourself (otherwise known as “opting out”) from the settlement.

### ***3. What is this case about?***

Plaintiff claims that Defendants violated California wage and hour laws and unfair competition laws by: failing to pay employees properly for all hours they worked; failing to provide meal and rest periods that complied with California law or pay premium wage in lieu thereof; failing to reimburse business expenses; failing to pay all wages due timely upon termination; and failing to provide accurate, itemized wage statements. Based on these alleged violations, Plaintiffs also seek penalties pursuant to California Labor Code §§ 2698, *et seq.* (Private Attorneys General Act) and California Labor Code § 558. Defendants deny all of these allegations and assert that they have paid employees properly for all of their work, have complied with California laws regarding meal and rest breaks, and have otherwise fully complied with all of their legal obligations under California law.

### ***4. Who are the parties in this case?***

Mr. Diego Ornelas is the Plaintiff/Class Representative. National Storage Affiliates Trust, InTandem Human Resources, LLC, Storage Management and Leasing Co., LLC, and iStorage JV, LLC are the Defendants.

### ***5. Why did Defendants agree to the settlement?***

Defendants have agreed to the settlement only as a compromise because they wish to finally, fully and completely resolve the dispute and to limit the further expense and inconvenience of protracted litigation. By agreeing to the terms of the settlement, Defendants do not admit any of the allegations in the case and do not admit that they have done anything wrong or that any Class Member has suffered any damage. As such, Defendants are not giving up their right to defend themselves against any of the allegations involved in the lawsuit if this settlement fails for any reason.

### ***6. How much is the settlement and what are the settlement terms?***

The Total Settlement Amount is \$400,000, which will cover settlement payments to all Class Members, a payment to the Labor and Workforce Development Agency (\$15,000), settlement administration fees (\$7,500), the class representative service payment (up to \$10,000), and Plaintiff’s attorneys’ fees (up to \$133,333.34) and costs (up to \$15,000). The parties have agreed to these proposed numbers and allocations and requested preliminary approval of them, but the Court may award and approve different amounts at final approval.

**YOU DO NOT NEED TO SUBMIT A CLAIM FORM IN ORDER TO RECEIVE YOUR SHARE OF THE SETTLEMENT.**

If you wish to be a participating Class Member and receive payment under the settlement, you do not have to do anything except ensure your address is correct with the Settlement Administrator. The actual amount that you will receive will be based on your total weeks of employment between November 19, 2014 and February 3, 2020 (the “Class Period”) according to Defendants’ records. The Net Settlement Amount (the amount remaining to pay individual settlement payments after the above deductions from the Total Settlement Amount for payment to the Labor and Workforce Development Agency, settlement administration fees, class representative service payment, and Plaintiff’s attorneys’ fees and costs) will be divided by the total number of weeks worked by all Class Participants (Class Members who do not opt out) during the Class Period to determine a multiplier. Each Class Participant’s payment will equal the number of weeks of employment for that Class Participant during the Class Period, times the multiplier.

The Individual Settlement Payments to the Class Participants will be allocated as follows: 50% to settlement of wage claims and subject to tax withholdings, and 50% to settlement of claims for penalties and/or interest. Any settlement checks that are not claimed or not negotiated within 180 calendar days after the distribution of Settlement Payments to Settlement Class Members will be voided and the funds will be sent to the State Controller’s Office Unclaimed Property Fund to be held in the name of the Participating Class Member.

**IF YOU DO NOT WANT TO PARTICIPATE IN THE SETTLEMENT, YOU MUST NOTIFY THE SETTLEMENT ADMINISTRATOR IN WRITING THAT YOU WANT TO OPT-OUT, AND THE NOTICE MUST BE POSTMARKED NO LATER THAN AUGUST 5, 2021, AS ADDRESSED IN FURTHER DETAIL BELOW.**

### ***7. How will my share be determined and how do I challenge my workweeks?***

Defendants' business records indicate that you were employed as a non-exempt, hourly employee at one or more of Defendants' storage facilities within the State of California for <<workweeks>> weeks during the period from November 19, 2014 through February 3, 2020. If you do not opt out of this Settlement, you will automatically be mailed a check for your proportional share of the settlement payment, which will be based on your total workweeks stated in this Notice.

If you disagree with your workweeks stated in the prior paragraph, please contact the Settlement Administrator in writing and provide the total number of weeks that you believe you were employed as a non-exempt, hourly employee at one or more of Defendants' storage facilities within the State of California during the period from November 19, 2014 through February 3, 2020. You will need to submit supporting documentation of your claimed workweeks by mailing, faxing or emailing them to the Settlement Administrator as follows:

ILYM Group Class Action Administration ("ILYM")  
P.O. Box 2031 Tustin, CA 92781  
Telephone Number: (888) 250-6810; Facsimile: (888) 845-6185  
Email: claims@ilymgroup.com

**You must include your full name, the last four digits of your social security number, and mailing address on your statement and sign it.**

If you disagree with your stated workweeks, the Settlement Administrator will review your claim and all supporting documentation that you provide and then will notify you of the final determination via written correspondence within 14 calendar days of their receipt of your supporting documentation. Those Class Members who wish to challenge their work weeks must submit the challenge and any supporting documents no later than fifteen days after the 45-day Response Deadline for objections and exclusions, that is by August 5, 2021.

### ***8. What are the procedures for requesting exclusion from and submitting objections to the Settlement?***

**Requests for Exclusion:** If you do not wish to participate in the settlement, you must request exclusion by notifying the Settlement Administrator (see ILYM contact information above) in writing post-marked no later than August 5, 2021, which is the 45 day Response Deadline after mailing of this Notice. Those Class Members who were re-mailed the Class Notice will have at least 15 calendar days after re-mailing to submit any requests for exclusion, even if that falls after the 45-day Response Deadline. Your request must first identify the case name and number [i.e. *Ornelas v. National Storage Affiliates Trust*, San Francisco Superior Court Case No. CGC-18-571421]. It also must be signed by you, include your printed name, last four digits of your Social Security Number, and some way to contact you (phone number or address). All requests for exclusion that are not honored for any reason will be provided to the Court in connection with final approval.

Any Class Members who submit a timely and valid request to be excluded from the settlement will not be entitled to any recovery under the settlement and will not be bound by the terms of the settlement, and will be free to bring their own claims against Defendants. Class Members who fail to submit a timely and valid opt-out request on or before the above deadline will be Class Members bound by all terms of the settlement and the Final Approval Order entered in this Action, when the settlement is finally approved by the Court. Entry of the judgment will bind all Class Members who do not timely and properly request exclusion.

**Objections:** If you wish to make an objection to the settlement, you must submit a written statement stating your objection and the basis for your objection, along with any and all documents that support your objection, to the Settlement Administrator, ILYM Group Class Action Administration, at P.O. Box 2031 Tustin, CA 92781. Your

written objection must first identify the case name and number [i.e. *Ornelas v. National Storage Affiliates Trust*, San Francisco Superior Court Case No. CGC-18-571421]. Your objection also must be signed by you (or your attorney if you have one), include your printed name, last four digits of your Social Security Number, and some way to contact you (phone number or address), and describe the grounds for your objection. If you submit a written objection, you may (but do not have to) appear at the final fairness hearing to discuss your objections with the judge.

The last day to postmark your objection and send it to the Administrator is by the 45 day Response Deadline after mailing this Notice, that is by August 5, 2021. Those Class Members who were re-mailed the Class Notice will have at least 15 calendar days after re-mailing to submit any objections, even if that falls after the 45-day Response Deadline.

The Claims Administrator will provide objections received to counsel for the parties, who will lodge them with the Court and address them at the hearing. The Court will rule on any such objections at the final approval hearing, where it will either sustain or overrule them before proceeding with approval of the Settlement. Even if you object to the settlement, you will still receive your proportional share of the Net Settlement Amount if the court approves the settlement.

### **9. What rights will I give up if I participate in this settlement?**

The Class Members who participate in the settlement will fully and finally release and discharge the Released Parties from all liability for the Released Claims which covers the time period from November 19, 2014 to February 3, 2020.

The Released Parties means Defendants National Storage Affiliates Trust; Storage Management and Leasing Co., LLC; iStorage JV, LLC; and InTandem Human Resources, LLC and each of their past, present and future officers, directors, shareholders, members, partners, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, insurers and reinsurers, and their respective successors and predecessors in interest, subsidiaries, dba's, affiliates, parents, brother and sister corporations, franchisees, franchisors, and attorneys and each of their company-sponsored employee benefit plans of any nature, and all of their respective officers, directors, employees, administrators, fiduciaries, trustees, and agents.

The Released Claims means any and all claims, causes of action, damages, wages, benefits, expenses, premiums, penalties, debts, liabilities, demands, obligations, attorneys' fees, costs, and any other form of relief or remedy in law, equity, of whatever kind or nature and for any relief whatsoever, including monetary, injunctive, or declaratory relief, whether direct or indirect, whether under federal law or the law of any state, whether suspected or unsuspected, whether known or unknown, whether contingent or vested, which the Class Representatives or any Class Participant has against the Released Parties or any of them for any acts occurring during the Class Period which are based on, arise out of, relate to, or are covered by any of the facts, or any of the factual allegations, in the Action, without regard to the theory on which the claim is or may be brought, including claims that are based upon or arise out of the California Labor Code or any similar provision of federal, state or local law, including but not limited to:

- a. Any and all claims that are based on, arise out of, relate to, or are covered by any of the facts alleged, or litigated in the Action concerning the Class Representative's and/or Class Participants' compensation or other payments received, and/or the provision of meal periods and rest breaks, while employed by any Released Party as a non-exempt employee during the Class Period, including, but not limited to, claims arising under or relating to (i) the wage-and-hour provisions of the California Labor Code and the Wage Orders adopted by the California IWC, specifically including but not limited to claims under Labor Code sections 201, 202, 203, 204, 218, 218.5, 218.6, 226, 226.3, 226.7, 510, 512, 558, 1174, 1194, 1194.2, 1197, 1197.1, 1198; (ii) the federal Fair Labor Standards Act and its Regulations; (iii) conversion; and/or (iv) the California Business and Professions Code sections 17200, et seq.; and
- b. Any and all wage and hour violations, whether premised on statute, contract, tort or other theory of liability under state, federal or local law, arising out of or reasonably related to the facts, incidents, transactions, events, occurrences, disclosures, statements, acts, or omissions in law or in equity, asserted or that could have been reasonably asserted from the facts alleged or litigated in the Action by any Class Member against the Released Parties.

**10. Is there a trial date set for this class action?**

Currently, there is no trial date. If the settlement is not approved by the Court, the parties may proceed to trial.

**11. Who are the attorneys representing the parties?**

<p><b>Attorneys for Plaintiff:</b></p> <p>David Yeremian and Alvin B. Lindsay          DAVID YEREMIAN &amp; ASSOCIATES, INC.          535 N. Brand Blvd., Suite 705          Glendale, California 91203          Telephone: (818) 230-8380          Facsimile: (818) 230-0308</p> <p>Emil Davtyan          DAVTYAN LAW FIRM          880 E. Broadway          Glendale, California 91205          Telephone: (818) 875-2008          Facsimile: (818) 722-3974</p>	<p><b>Attorneys for Defendants:</b></p> <p>ANGELA J. RAFOTH          LITTLER MENDELSON, P.C.          333 Bush Street, 34th Floor          San Francisco, California 94104          Telephone: 415.433.1940          Facsimile: 415.399.8490</p>
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**12. How will the attorneys, class representatives and settlement administrator be paid?**

Class Counsel has been working on this case since before November 2018. They will apply for fees of one-third of the Total Settlement Amount (up to \$133,333.34) and up to \$15,000 for actual litigation costs. Defendants will bear their own attorneys’ fees and costs outside of this settlement. Class Counsel will further apply for a class representative service payment for Plaintiff Diego Ornelas in the amount of \$10,000 to recognize his services to the class action, for assuming the risk of paying the litigation costs incurred by Defendants in the event of an unsuccessful outcome in this case at trial or on appeal, and in exchange for a general release. Additionally, the Court-appointed Settlement Administrator’s costs (estimated at \$15,000) associated with mailing and processing Class Members’ settlement-related papers will be deducted from the settlement fund.

**13. What if I need additional information?**

The Settlement Administrator has established a case web-site for Class Members to refer to for information. The link to that webpage is [www.ilymgroup.com/nationalstorage](http://www.ilymgroup.com/nationalstorage). There you will find the settlement agreement and all the papers that have been filed in court in connection with this proposed settlement. The web-site will also include this Notice and the complaint, along with all orders by the Court regarding preliminary and final approval.

All inquiries by Class Members about this class action settlement which cannot be resolved by reference to the case web-site should be directed to Plaintiff’s counsel or the Settlement Administrator at:

ILYM Class Action Administration (“ILYM”)  
P.O. Box 2031 Tustin, CA 92781  
Telephone Number: (888) 250-6810; Facsimile: (888) 845-6185  
Email: [claims@ilymgroup.com](mailto:claims@ilymgroup.com)

Please refer to the *Ornelas v. National Storage Affiliates Trust, et al.* Class Action Settlement.

Please be advised that all attorneys and parties are required to appear remotely at the Final Fairness Hearing for the Settlement on October 1, 2021. All hearings will be conducted by videoconference using Zoom. To appear at the hearing, go to the court’s website at [sfsuperiorcourt.org](http://sfsuperiorcourt.org) under “Online Services,” navigate to “Tentative Rulings,” and click on the appropriate link, or dial the corresponding phone number. You may also contact Plaintiff’s counsel if you would like assistance in arranging an appearance.

**PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR THE OFFICE OF THE CLERK FOR INFORMATION REGARDING THIS SETTLEMENT OR THE ADMINISTRATION PROCESS.**