

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

**If You Are or Were a Non-Exempt Employee of Gale Pacific USA, Inc.,
or Worked for Gale Pacific USA, Inc. as a Temporary Worker, in the Time Period Covered by this Class Action
Lawsuit, You May Be Eligible for a Payment from a Class Action Settlement.**

A court authorized this notice. This is not a solicitation by a lawyer.

- A proposed settlement has been reached in a class action lawsuit (“Lawsuit”) against Gale Pacific USA, Inc. (“GALE PACIFIC”).
- The Lawsuit alleges that GALE PACIFIC failed to provide meal breaks and failed to pay properly overtime and other wages in violation of California law, and asserts related claims.
- GALE PACIFIC has denied all of the claims which were, or could have been, brought against it in the Lawsuit, and, instead, it has asserted that it complied with California law in all respects, including by providing meal breaks and paying overtime and wages.
- This is a settlement and is not a decision by the Court. The Court has not found that GALE PACIFIC did anything wrong.
- **The approximate amount of your share under the settlement is stated in the Notice of Settlement Benefits enclosed herewith.**
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

| SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | |
|---|--|
| DO NOTHING | If you were or are a current employee of GALE PACIFIC, or worked for GALE PACIFIC as a temporary worker, and you do not exclude yourself from the settlement, and the settlement is finally approved by the Court, you will automatically receive the payment to which you are entitled under the settlement and, thereby, you will give up your right to participate in continuing or other litigation against GALE PACIFIC regarding the claims which were, or could have been, in this Lawsuit. |
| OBJECT | Write to the Court about why you do not like the settlement. |
| GO TO A HEARING | Ask to speak in Court about the fairness of the settlement. |
| EXCLUDE YOURSELF | Get no payment. This is the only option that allows you to participate in any other lawsuit against GALE PACIFIC regarding the legal claims in this case. As of the date of this notice, we are unaware of any other pending claims against GALE PACIFIC covering the claims which were, or could have been, brought in this Lawsuit. |

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made *only if* the Court approves the settlement and after appeals, if any, are resolved.

Please be patient.

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BASIC INFORMATION

1. Why did I get this notice?

The Court overseeing this case has authorized this notice because you have the right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the settlement. This notice explains the lawsuit, the settlement, and your legal rights.

Judge David Cohn of the San Bernardino Superior Court is overseeing this case. This Lawsuit is known as *Jesus Hernandez Cuevas v. Gale Pacific USA, Inc.*, Case No. CIVDS1509246. The person who sued GALE PACIFIC, Jesus Hernandez Cuevas, is called the Plaintiff and the company he sued, GALE PACIFIC, is called the Defendant.

You received this notice because GALE PACIFIC's records indicate that you are a current or former non-exempt employee of GALE PACIFIC, or a current or former non-exempt temporary worker for GALE PACIFIC, who worked one or more eligible weeks between June 30, 2011 through December 31, 2016, the time period covered by this Lawsuit, at GALE PACIFIC's Rancho Cucamonga, California location.

2. What is the lawsuit about?

The Lawsuit alleges that GALE PACIFIC failed to provide meal periods, and failed to properly pay overtime and other wages in compliance with California law. Based on those allegations, the Lawsuit asserts claims for: failure to provide meal periods; failure to pay minimum and straight time wages; failure to pay overtime compensation; failure to timely pay wages upon termination of employment; failure to provide accurate statements and maintain required records; Unfair Business Practices [Cal. Bus. & Prof. Code §§ 17200, et seq.]; and a Representative Action for Civil Penalties pursuant to the Private Attorneys General Act [Cal. Lab. Code §§ 2698-2699.5]. The First Amended Complaint in the lawsuit is posted on the website <http://phoenixclassaction.com/gale-pacific/> and contains all of the allegations and claims asserted against GALE PACIFIC.

GALE PACIFIC has denied each and every one of Plaintiff's claims, and it contends that it complied fully with California law and properly paid all amounts owed.

The Court has not decided which side is right.

3. Why is this a class action?

In a class action, one or more persons sue on behalf of other persons. In this Lawsuit, Jesus Hernandez Cuevas is the representative of a proposed class and is referred to as the Class Representative. Collectively, these persons (except those who exclude themselves) are members of a "Settlement Class" and are called "Settlement Class Members."

4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or GALE PACIFIC. Instead, both sides agreed to a settlement. That way, they avoid the cost and inherent uncertainty of a trial, and the Settlement Class Members will receive compensation. The Class Representative and the attorneys think that this settlement is best for Settlement Class Members, and for GALE PACIFIC.

WHO IS IN THE SETTLEMENT

If you received this Notice of the Settlement and it is addressed to you, then you are likely a Settlement Class Member. It is possible, even if you did not receive this Notice of Settlement, that you may be a Settlement Class Member, as described below.

5. How do I know if I am part of the settlement?

Everyone who fits into one or more of the following described "Subclasses" is a Settlement Class Member:

Subclass No. 1 – The "Regular GALE PACIFIC Employee Subclass": The Regular GALE PACIFIC Employee Subclass shall consist of persons who were employed by GALE PACIFIC at GALE PACIFIC's Rancho Cucamonga, California location at various times during the period June 30, 2011 through December 31, 2016.

Subclass No. 2 – The "PAGA Subclass": The PAGA Subclass shall consist of persons employed by GALE PACIFIC at GALE PACIFIC Rancho Cucamonga, California location at various times during the period June 30, 2014 through December 31, 2016.

Subclass No. 3 – The "Temporary Worker Subclass": The Temporary Worker Subclass shall consist of persons who were provided by various temporary staffing agencies to perform services at GALE PACIFIC's Rancho Cucamonga, California worksite on a casual, temporary basis, at various times during the period June 30, 2011 through December 31, 2016.

6. I'm still not sure if I am included.

If you are not sure whether you are a member of the Settlement Class, or if have any other questions about the settlement, visit the settlement website at <http://phoenixclassaction.com/gale-pacific/or> call the Settlement Administrator toll free at (888) 601-6832.

THE SETTLEMENT BENEFITS – WHAT YOU GET

7. What does the settlement provide?

Under the settlement, GALE PACIFIC has agreed to pay \$250,000.00 (the “Gross Settlement Amount”) to: (i) make payments to eligible Settlement Class Members; (ii) pay PAGA penalties in the total amount of Five Thousand Dollars (\$5,000.00), with 75% distributed to the State of California and 25% distributed to the PAGA Subclass, as required by law; (iii) pay the costs of the Court-appointed Settlement Administrator, who is charged with providing notice to the Settlement Class and administering the settlement; (iv) pay any special service payments that the Court may award to the Class Representative; and (v) pay the attorneys’ fees and reimbursement of litigation costs that the Court may award to the attorneys who handled this Litigation on behalf of the Settlement Class. The amount remaining after deducting these costs from the Settlement Fund is for distribution to the Regular GALE PACIFIC Employee Subclass and the Temporary Worker Subclass, and is called the Net Settlement Amount (“NSA”).

The Settlement Administrator will make payments to the Settlement Class as follows:

THE REGULAR GALE PACIFIC EMPLOYEE SUBCLASS

Wages: Each Member of the Regular GALE PACIFIC Employee Subclass is estimated to receive wages in the approximate amount of Four Hundred Eighty-Three Dollars and Fifty-Eight Cents (\$483.58). This wage payment is an estimate only; further, it will be reduced by deductions for payment of the employer’s and employee’s respective share of payroll taxes.

Interest: Each Member of the Regular GALE PACIFIC Employee Subclass is reasonably expected to be paid Seven Hundred Twenty-Five Dollars and Thirty-Seven Cents (\$725.37), without deductions, as and for interest.

Non-PAGA Penalties: Each Member of the Regular GALE PACIFIC Employee Subclass is reasonably expected to be paid Seven Hundred Twenty-Five Dollars and Thirty-Seven Cents (\$725.37), without deductions, as and for Non-PAGA Penalties.

THE PAGA SUBCLASS

The net recovery for each of the members of the PAGA Subclass is approximately Sixty-Two Dollars and Fifty Cents (\$62.50) without deductions, as and for PAGA penalties.

TEMPORARY WORKER SUBCLASS

Non-PAGA Penalties: Each Member of the Temporary Worker Subclass is reasonably expected to be paid Three Hundred Thirty-One Dollars and Eighteen Cents (\$331.18), without deductions, as and for non-PAGA penalties.

8. How much will my payment be?

It is not possible to know at this point exactly how much any Settlement Class Member’s payment will be, as the amount of each individual payment will depend on factors that are not presently known, including: (i) the number of Settlement Class Members who participate in the settlement; (ii) the costs of providing notice and administering the settlement; and (iii) the amount that the Court awards as a service payment to the Class Representative and in attorneys’ fees and costs. Additionally, should any checks not be cashed, the amount of money of the returned checks will be distributed among Settlement Class Members and a Court-approved charity.

The estimated amount of your share of the Net Settlement Amount, based on the above assumptions, is stated on the Notice of Settlement Benefits that is included with this Notice.

9. When will I receive my payment?

Settlement Class Members who do not opt-out of the settlement and are entitled to a payment based on the distribution formula explained in response to Question 7, will receive their payments by check, only after the Court grants final approval to the settlement and after any appeals are resolved (see “The Final Approval Hearing” discussed below). If there are appeals, resolving them can take time. Please be patient.

10. What I am giving up to stay in the Settlement Class?

You cannot sue GALE PACIFIC, or any of the other released parties described in the Class Action Settlement Agreement, or be part of any other lawsuit against GALE PACIFIC, or any of the released parties described in the Class Action Settlement Agreement, based on the claims which were, or could have been, brought in this Lawsuit. All of the decisions by the Court will bind you. The Class Action Settlement Agreement is available at <http://phoenixclassaction.com/gale-pacific/> and fully describes the claims that you give up if you remain in the settlement.

HOW TO RECEIVE PAYMENT

11. How can I receive a payment?

All Settlement Class Members who do not opt-out of the settlement will receive payments from the settlement automatically. You do not have to do anything in order to receive that payment. As long as you do not exclude yourself from the Settlement (see Question 12), the payment will be made automatically by check, or checks, mailed to you at the address GALE PACIFIC has on file or at such updated address as the Settlement Administrator can identify. Please contact the Settlement Administrator if you change your address.

You can also contact the Settlement Administrator by email at notice@phoenixclassaction.com or by phone at (888) 601-6832.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I exclude myself from the Settlement?

If you are a Settlement Class Member and DO NOT wish to receive the benefits of the settlement, you may elect to exclude yourself (“opt-out”), provided that such request (the “Request for Exclusion”) is made in writing and faxed or postmarked on or before January 2, 2018 (the “Opt-Out Deadline”). **Do not submit a Request for Exclusion if you want to obtain compensation under the settlement.** Persons who submit a Request for Exclusion will not be entitled to share in the benefits of the settlement and they will not be bound by any orders or judgment rendered in this case. If you do not submit a Request for Exclusion by the deadline, you will be bound by the Settlement Agreement, including the release and dismissal, and any consequences the settlement might have on your right to any legal relief not sought in this action. In making a decision whether to remain a Settlement Class Member or to exclude yourself from the Settlement Class, please carefully review this notice.

The Request for Exclusion must include the following information:

- It must be in writing;
- It must be signed by you;
- It must contain your name, address, telephone number and the last four digits of the Social Security;
- It must clearly state that you do not wish to be included in the proposed settlement;
- It must be returned by fax or mail to the Class Administrator at the specified address; and
- Any Request for Exclusion may be faxed or mailed by First Class U.S. Mail, or the equivalent, to:

GALE PACIFIC Settlement Administrator
c/o Phoenix Class Action Settlement Administrators
P.O. Box 7208
Orange, CA 92863
Fax Number: (949) 209-2503

If you submit a Request for Exclusion which is not postmarked by January 2, 2018, your Request for Exclusion will be rejected and you will be bound by the release and the settlement.

If the Request for Exclusion is sent from within the United States, it must be sent through the United States Postal Service by First Class U.S. Mail, or the equivalent. Do not use a postage meter as that may not result in a postmark appearing on the envelope containing your Request for Exclusion.

Any person who submits a complete and timely request for exclusion shall, upon receipt, no longer be a member of the Settlement Class, shall be barred from participating in any portion of the settlement, and shall receive no benefits from the settlement. Any such person, at his or her own expense, may pursue any claims he or she may have against GALE PACIFIC.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has appointed the law firm of Rastegar Law Group A.P.C. to represent you and all Settlement Class Members. Together, the lawyers are called Class Counsel and can be reached at:

| CLASS COUNSEL |
|---|
| Farzad Rastegar, Esq. Thomas S. Campbell, Esq. Rastegar Law Group, A.P.C. 22760 Hawthorne Boulevard, Suite 200 Torrance, CA 90505 Telephone: (310) 961-9600 Facsimile: (310) 961-9094 |

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel intend to request up to \$87,500.00 (35 percent of the Gross Settlement Amount) for attorneys' fees, plus reimbursement of the costs and expenses of up to \$11,000 for prosecuting the class action. The fees and expenses awarded by the Court will be paid out of the Gross Settlement Fund. The Court will decide the amount of fees to award. Class Counsel will also request that a special service payment of \$5,000 be paid from the Gross Settlement Amount to the Class Representative for his service as the representative on behalf of the entire Settlement Class.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

15. How do I tell the Court that I don't like the settlement?

If you are a member of the Settlement Class, you can object to any part of the settlement, the settlement as a whole, Class Counsel's requests for fees and expenses, and/or the special service payments to the Class Representatives. However, if the Court rejects your objection, you will still be bound by the terms of the settlement. You will not be allowed to object if you have submitted a valid and timely request for exclusion.

To object to the settlement proposed by this Agreement, you must file with the Court and serve Plaintiffs' counsel and Defendant's counsel on or before January 2, 2018, an objection to the Agreement. An objection is a written document that contains the following:

- Your full name, current address, and telephone number;
- A statement saying that that you object to the settlement in *Jesus Hernandez Cuevas v. Gale Pacific USA, Inc.*, Case No. CIVDS1509246;
- The reasons you object to the Settlement, along with any supporting materials;
- A list of all persons whom you will call to testify in support of your objection;
- A statement whether you intend to appear at the final fairness hearing with or without separate counsel;
- If you intend to appear at the fairness hearing with separate counsel, the names of all attorneys who will separately represent you;
- A list of all cases in which you or your counsel have filed objections to a class action settlement within the last five years; and
- Your signature.

You must mail your objection to each of the following three addresses, and your objection must be postmarked by **January 2, 2018**:

| THE COURT | CLASS COUNSEL | COUNSEL FOR DEFENDANT |
|--|---|---|
| Clerk of the Court Department 26 San Bernardino Justice Center 247 West Third Street San Bernardino, CA 92415-0210 | Farzad Rastegar RASTEGAR LAW GROUP, APC 22760 Hawthorne Boulevard, Suite 200 Torrance, CA 90505 | Linda Auerbach Allderice HOLLAND & KNIGHT LLP 400 South Hope Street, 8th Floor Los Angeles, California 90071 |

Any member of the Settlement Class who does not make and serve his or her written objections in the manner provided above shall be deemed to have forever waived such objections and shall be foreclosed from making any objections to the settlement, by appearance or otherwise.

If you file your objections but the Court approves the settlement as proposed, you will still be eligible for settlement payment.

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you do not exclude yourself. Excluding yourself by filing a Request for Exclusion is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

17. When and where will the Court decide whether to approve the settlement?

The Court has scheduled a Final Approval Hearing on February 5, 2018 at 8:30 a.m. at Department 26 of the San Bernardino Superior Court, located at 247 West Third Street, San Bernardino, CA 92415-0210. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check <http://phoenixclassaction.com/gale-pacific/> for updates.

At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will also consider any request by Class Counsel for attorney's fees and expenses as well as the request for the award of payments to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlement. We do not know how long the decision will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that you intend to appear and wish to be heard. Your Notice of Intention to Appear must include the following:

- Your name, address, and telephone number;
- A statement that this is your “Notice of Intention to Appear” at the Final Approval Hearing for the settlement in *Jesus Hernandez Cuevas v. Gale Pacific USA, Inc. Case No. CIVDS1509246*;
- The reasons you want to be heard;
- Copies of any papers, exhibits or other evidence or information that you will present to the Court; and
- Your signature.

You must send copies of your Notice of Intention to Appear, postmarked by January 2, 2018, to all three addresses listed in response to Question 17. You cannot speak at the hearing if you exclude yourself from the settlement.

GETTING MORE INFORMATION

20. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the settlement terms, refer to the Settlement Agreement at <http://phoenixclassaction.com/gale-pacific/>. You also may write with questions to the Settlement Administrator at:

GALE PACIFIC Settlement Administrator
c/o Phoenix Class Action Settlement Administrators
P.O. Box 7208
Orange, CA 92863

You can also contact the Settlement Administrator by email at notice@phoenixclassaction.com or by phone at (888) 601-6832.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION