

NOTICE OF PENDENCY OF CLASS ACTION, PRELIMINARY APPROVAL OF SETTLEMENT AND HEARING FOR FINAL APPROVAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

IMPORTANT: THIS LEGAL NOTICE AFFECTS YOUR RIGHTS. PLEASE READ IT CAREFULLY. YOU ARE NOT BEING SUED.

«Barcode» «BarcodeString»
SIMID «SIMID»
«FirstName» «LastName»
«Address1» «Address2»
«City» «State» «Zip»

TO: ALL PERSONS WHO WERE EMPLOYED BY BLAZONA CONCRETE CONSTRUCTION, INC. IN CALIFORNIA FROM JULY 3, 2016 THROUGH JULY 20, 2017

RE: Notice of settlement of a class action lawsuit for alleged Labor Code violations and announcement of a court hearing that you may choose to attend.

You may be entitled to receive a payment under the terms of this class action settlement.

YOUR LEGAL RIGHTS AND OPTIONS UNDER THIS SETTLEMENT:

DO NOTHING	If you do nothing, you will receive a payment from the Settlement.
EXCLUDE YOURSELF	If you wish to be excluded from the Settlement, you must submit a written election not to participate know as an “opt-out.” If you opt out, you will not be bound by the Settlement and will not receive a payment.
OBJECT	You may write to the Claims Administrator about why you do not like the Settlement. If the Court approves the Settlement despite your objection, you will still be bound by the Settlement.
GO TO A HEARING	Write to the Claims Administer and ask to speak to the Court about why you do not like the Settlement.

Your options are explained more fully below. The deadline to opt-out or object is September 24, 2018. Blazona Concrete Construction, Inc. will not retaliate against you regarding this Settlement, whether you do nothing, ask to be excluded, file an objection, or go to the hearing.

1. WHY DID I RECEIVE THIS NOTICE?

The Parties have proposed to settle this class action lawsuit known as *Cardoza v. Blazona Concrete Construction, Inc.* You are a member of the Settlement Class. If the Court approves the proposed settlement, your legal rights may be affected. This Notice, which has been approved by the Court, is only a summary. A more detailed document, called the “Joint Stipulation of Class Action Settlement Agreement and Release”, containing the complete terms of the settlement is on file with the Court, where it is available for your review. You should read this notice carefully.

2. WHAT IS THIS LAWSUIT ABOUT?

Lawrence Cardoza (referred to as the “Plaintiff”) filed this lawsuit on July 3, 2017, in Alameda County Superior Court, against Blazona Concrete Construction, Inc. (referred to as the “Defendant”). Plaintiff sought penalties on his own behalf and on behalf of all other employees of Blazona Concrete Construction, Inc. who received one or more wage statements between after July 3, 2016. Plaintiff alleges that the wage statements issued failed to show the address of the legal entity that is the employer, in violation of California Labor Code section 226, subdivision (a)(8).

Defendant denies all of the allegations raised by Plaintiff and denies any liability or wrongdoing of any kind. The fact that you are receiving this Notice does not mean that Defendant is admitting that it did anything wrong or that it owes any current or former employees any money, penalties or other relief as a result of the claims alleged by Plaintiff. Although Defendant denies and contests the allegations, it believes that further litigation would be protracted, expensive, and contrary to the best interests of itself and its employees. Accordingly, Defendant believes that the Settlement is the best way to resolve the litigation.

Plaintiff is represented by Mayall Hurley, P.C. As set forth below, Mayall Hurley P.C. has been appointed by the Court to act as attorneys for the Settlement Class (referred to as “Class Counsel”).

The Court in charge of this case is the Superior Court of California, County of Alameda, with the Honorable Brad Seligman presiding.

3. WHO IS COVERED BY THE CLASS ACTION AND PROPOSED SETTLEMENT?

The proposed settlement covers the claims of a number of current and former employees of Defendant (referred to as the “Class Members” and collectively as the “Class”). The Class consists of all current and former California employees of Defendant who received a wage statement from July 3, 2016 through July 20, 2017. It is estimated that there are approximately 508 Class Members.

If you are a Class Member as defined above, you are automatically a Participating Class Member unless you opt-out (i.e., exclude yourself from the Settlement by following the procedures set forth in this Notice). Participating Class Members are entitled to a share of the Settlement Amount and will be bound by the Settlement if it is approved by the Court. Individuals who opt-out will not be bound by the Settlement and will not receive a share.

4. WHAT ARE THE TERMS OF THE SETTLEMENT?

Following extensive litigation and exhaustive direct negotiations between the Parties, the Parties concluded, after taking into account the risks and costs attendant to further litigation, and the substantial benefits to be received pursuant to the settlement, that this settlement is fair, adequate, and reasonable. The Superior Court of the State of California, County of Alameda, by and through the Honorable Brad Seligman, approved the settlement on a preliminary basis on July 3, 2018.

A. Overall Summary of the Settlement Terms.

Defendant will pay \$400,000 to fully and finally resolve all claims in this case (referred to as the “Settlement Amount”). The Settlement Amount includes payments to Participating Class Members, the fees and costs of the Claims Administrator, an individual settlement payment to Plaintiff, and Class Counsel’s attorneys’ fees and costs.

B. What Can I and the Other Participating Class Members Expect to Receive?

Payments to Participating Class Members shall be calculated as follows:

Step 1: The Settlement Amount will be deposited into the Settlement Trust Account.

Step 2: From the Settlement Trust Account, the following shall be deducted:

- i. The preliminarily approved **Individual Settlement Payment to Plaintiff**;
- ii. The preliminarily approved fees and costs of the **Claims Administrator**; and
- iii. Attorneys’ fees and costs of Class Counsel, to be determined by the Court after review of Counsel’s motion.

The remainder portion of the Settlement Amount (referred to as the “Net Class Settlement Amount”) is estimated to be approximately \$228,333 and will be paid out to all Class Members who do not request exclusion from the Settlement.

Step 3: Each Participating Class Member will receive a proportional share of the Net Class Settlement Amount based upon the number wage statements he or she received during the Class Period (i.e., between July 3, 2016 and July 20, 2017). The number of wage statements received by each Participating Class Member will be determined from Defendant’s records.

The Defendant’s records indicate that you received «MERGED_WageStatements» wage statements during the Class Period; based on this information, it is estimated that you will received \$«MERGED_EstSettAmnt_CALC». It will not be possible to determine the precise amount of your payment until the deadline for Class Members to opt-out has expired, the Claims Administrator has determined how many Class Members are participating in the Settlement, and the Court has granted final approval of the Settlement.

Each individual settlement payment will then be treated as alleged penalties and interest for which IRS Forms 1099-MISC and 1099-INT will be issued. Participating Class Members shall be responsible for the tax consequences of all payments received by them, for filing returns and reporting all income received to state and federal taxing authorities, and for payment of any other applicable taxes due. Participating Class Members are advised to seek tax advice as to any amounts they receive pursuant to the Settlement Agreement.

C. Costs of Claims Administrator.

The Claims Administrator’s fees and costs for administering the Settlement, estimated to be \$15,000.00, if approved by the Court, will be paid out of the Settlement Amount.

D. Individual Settlement Payment to Plaintiff.

Plaintiff has also agreed to settle his individual claims against Defendant. Plaintiff has requested, and the Court has preliminarily approved a payment of \$20,000 to Plaintiff in settlement of his individual claims. Plaintiff will provide Defendant with a complete release, including a section 1542 waiver, of his individual claims as well as all other claims, known or unknown which he may have.

E. Class Counsel’s Fees and Costs.

Class Counsel is entitled to attorney’s fees and costs for representing the Class Members. Class Counsel will request attorneys’ fees equal to one-third of the Class Settlement Amount (1/3 of \$380,000), or \$126,667, and actually incurred litigation costs of up to \$10,000.

Defendant does not oppose Class Counsel's request.

5. WHAT AM I GIVING UP IN EXCHANGE FOR PAYMENT UNDER THE SETTLEMENT?

Each Participating Class Member releases and discharges the Releasees from the Released Class Claims (as defined below) from the period of July 3, 2016 to July 20, 2017.

"Releasees" means Defendant and its parent companies, subsidiaries, affiliates, shareholders, members, agents (including without limitation, any investment bankers, accountants, insurers, reinsurers, attorneys, any past, present or future officers, directors and employees) predecessors, successors, and assigns.

"Released Class Claims" include all liabilities and causes of action of every nature and description, whether known or unknown, actually litigated in the Class Action, or that could have been alleged in the Class Action, based upon the allegations of the First Amended Class Action Complaint, related in any way to the wage statements that allegedly failed to comply with Labor Code section 226(a), including claims for statutory penalties, and attorney's fees and costs.

If you do NOT exclude yourself by following the procedures set forth in this Notice and the Court approves the proposed Settlement, you will be deemed to have released all of the Released Claims described above.

6. HOW DO I RECEIVE A PAYMENT?

All Class Members will receive a payment under this Settlement unless they opt-out. If you are a Class Member and you move or change your address, and you want to receive your settlement benefits at your new address, you must send a notice of your change of address to the Claims Administrator, *Cardoza v. Blazona Concrete Construction, Inc.*, P.O. Box 26170, Santa Ana, CA 92799.

7. WHAT ARE THE REASONS FOR THE SETTLEMENT?

Class Counsel and Plaintiff agreed to enter into the proposed Settlement after weighing the risks and benefits of the Settlement when compared with those of continuing the litigation. The factors that Class Counsel and Plaintiff considered included the strength of the Class Members' claims, the uncertainty and delay associated with continued litigation, a trial, and appeals, and the uncertainty of particular legal issues that have yet to be determined, including whether the Class would be certified. Class Counsel and Plaintiff balanced these and other substantial risks in determining that the proposed Settlement is fair, reasonable, and adequate in light of all circumstances and in the best interest of Class Members.

Although Defendant denies and contests the allegations, Defendant believes that further litigation of this case would be protracted, expensive, and contrary to the best interests of Defendant and its employees. Accordingly, Defendant believes that the Settlement is the best way to resolve the litigation.

8. WHAT ARE MY RIGHTS AND OPTIONS?

If you are a Class Member as defined above, you have the following rights and options under the proposed Settlement:

A. Participate in the Settlement, be represented by Class Counsel, and take no further action.

If you take no further action, you will be a Participating Class Member, will be represented by Class Counsel and will have the right to a share of the Settlement Amount. If the settlement is approved by the Court, you will be bound by the terms of the settlement and, as set forth above, will be deemed to have released your claims against Defendant and the other Releasees. As a Participating Class Member, you will not be charged for the services of Class Counsel beyond those amounts approved by the Court.

B. Participate in the Settlement but elect to hire your own attorney.

If you do not wish to be represented by Class Counsel, you may hire your own attorney. Your attorney must send a Notice of Appearance to the Claims Administrator at the address listed below, so that it is received no later than September 24, 2018. You will be responsible for any attorneys' fees and costs charged by your attorney.

C. Exclude yourself from the Settlement by opting out.

If you are a Class Member but do not want to participate in the settlement, you may exclude yourself by opting out. If you choose to opt-out, you will lose any right to participate in the settlement. You will be free to pursue any claims you may have against Defendant on your own behalf, but Class Counsel will not represent you.

In order to opt-out, you must notify the Claims Administrator in writing, at the address listed below. In order to be effective, your opt-out must be postmarked no later than September 24, 2018, and must be signed, contain your full name, current home (or mailing address), the last four digits of your Social Security number, and written affirmation of your desire to opt-out containing the following or substantially similar language:

"I elect to opt-out of the *Cardoza v. Blazona Concrete Construction, Inc.* class action settlement. I understand that by doing so, I will not be able to participate in the settlement, and will not receive a share of the settlement proceeds."

If you do not comply with these procedures, you will lose any opportunity to exclude yourself from the settlement, you will be a Participating Class Member, will be represented by Class Counsel and will have the right to a share of the Settlement Amount. If the settlement

is approved by the Court, you will be bound by the terms of the settlement and, as set forth above, will be deemed to have released your claims against Defendant and the other Releasees.

D. Object to the terms of the Settlement.

If you are dissatisfied with the terms of the settlement, you may, but are not required to, object to the settlement. Any objection must be signed, contain the case name, your full name, current home (or mailing address), the last four digits of your Social Security number, and must concisely state the grounds for your objection. In order to be considered, your objection must be sent to the Claims Administrator at the address listed below and must be mailed, via first class mail with a postmark of not later than September 24, 2018, to the following address:

Cardoza v. Blazona Concrete Construction, Inc.,
P.O. Box 26170,
Santa Ana, CA 92799
Telephone: (888) 226-9018

Your objection must reference this case, *Cardoza v. Blazona Concrete Construction, Inc.*, Superior Court of California, County of Alameda, Case No. RG17866256. In addition, your objection must indicate whether you intend to appear at the Final Approval Hearing scheduled on November 20, 2018, at 3:00 p.m. It is not necessary for you to appear at this hearing in order to make an objection. However, if you fail to state your intention to appear, you will not be allowed to speak at the hearing.

If you do not comply with these procedures, and absent good cause found by the Court, you will be deemed to have waived any objections and will be foreclosed from making an objection (whether by appeal or otherwise) to the Settlement. If the Court rejects your objection, you will still be bound by the terms of the Settlement unless you also opt-out in the manner described above.

9. WHEN IS THE COURT HEARING AND WHAT IS IT FOR?

The Court will hold the Final Approval Hearing in Department 23 of the Superior Court of California, County of Alameda, Administration Building, 1221 Oak St., Oakland, CA 94612, on November 20, 2018, at 3:00 p.m. to determine whether the settlement should be finally approved as fair, reasonable and adequate. The Court will also be asked to approve the fees and costs of the Claims Administrator and the fees and costs of Class Counsel. **It is not necessary for you to appear at this hearing to participate in the settlement.** If you want to be heard orally in support of or in opposition to the settlement, either personally or through counsel, you must comply with the procedures set forth above.

The Court may reschedule the Final Approval Hearing without further notice to Class Members. However, any Class Member who indicated in their Notice of Objection their intention to appear at the Final Approval Hearing will be notified by Class Counsel of any rescheduling of the date and time of the Final Approval Hearing.

10. HOW CAN I GET MORE INFORMATION?

The above is a summary of the basic terms of the Settlement. For the precise terms and conditions of the Settlement, you are referred to the Joint Stipulation of Class Action Settlement Agreement and Release, which is on file with the Civil Clerk. The Joint Stipulation of Class Action Settlement Agreement and Release, as well as the pleadings and other records in this litigation, may be examined at any time between 8:00 a.m. and 3:00 p.m., Monday through Friday, excluding Court Holidays, in the Civil Clerk's Office, Superior Court of California, County of Alameda, Administration Building, 1221 Oak St., Oakland, CA 94612.

If you have questions about the Settlement, you may contact Class Counsel or the Claims Administrator as follows:

<u>Claims Administrator</u>	<u>Class Counsel</u>
Cardoza v. Blazona Concrete Construction, Inc., P.O. Box 26170 Santa Ana, CA 92799 Telephone: (888) 226-9018	John P. Briscoe, Esq. Mayall Hurley P.C. 2453 Grand Canal Blvd. Stockton, CA 95242 Telephone: (209) 477-3833

Additionally, the Claims Administrator has a website at which information regarding this Class Action can be found. That website can be found at www.simpluris.com/case-information/.

The pleadings and other records in this litigation may be examined online on the Alameda County Superior Court's website, known as "DomainWeb," at <https://publicrecords.alameda.courts.ca.gov/PRS>. After arriving at the website, click the "Search By Case Number" link, then enter RG17866256 as the case number and click "SEARCH." Images of every document filed in the case may be viewed through the "Register of Actions" at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

PLEASE DO NOT WRITE OR TELEPHONE THE COURT, DEFENDANT OR DEFENDANT'S ATTORNEYS FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS LAWSUIT.

THE COURT HAS APPROVED THIS NOTICE.