

## NOTICE OF PENDENCY OF PAGA AND CLASS ACTION SETTLEMENT

This notice is being sent to certain current and former non-exempt employees of Ambulnz Health, LLC, Ambulnz, Inc., and Ambulnz Holdings, LLC (“**Corporate Defendants**”) who worked for one or more of the Corporate Defendants at any time from February 7, 2016 to September 27, 2022. An additional Defendant is Stan Vashovsky (together with the Corporate Defendants, the “**Defendants**”).

### PLEASE READ THIS NOTICE CAREFULLY

IT MAY AFFECT YOUR LEGAL RIGHTS IN CONNECTION WITH THE SETTLEMENT OF A CLASS ACTION AND PAGA LAWSUIT.

#### **A. WHAT IS THIS NOTICE ABOUT?**

A proposed One Million Dollar (\$1,000,000) settlement (the “**Settlement**”) has been reached between the Plaintiffs and the Defendants in the following two lawsuits: (1) *Stephanie Zamora v. Ambulnz Health, LLC et al.*, Superior Court of California, County of Los Angeles Case No. 18STCV00385 and (2) *Jascha Dlugatch, et al. v. Ambulnz Health, LLC.*, Superior Court of California, County of Los Angeles Case No. 18STCV03971 (the “**Actions**”).

**The Class Settlement.** Plaintiffs Stephanie Zamora, Jascha Dlugatch, Dillon Eissing, and Canyon Williams are pursuing the Actions seeking damages on behalf of themselves and certain individuals who worked as non-exempt employees and persons who are alleged to be non-exempt employees of the Corporate Defendants (i.e., independent contractors) and who worked during the “**Class Period**,” which runs from February 7, 2016 to September 27, 2022.

**The PAGA Settlement.** Plaintiffs Stephanie Zamora, Jascha Dlugatch, Dillon Eissing, and Canyon Williams are also pursuing the Actions on behalf of themselves, the State of California, and Class Members who worked during the period of June 29, 2017 to September 27, 2022 (the “**Aggrieved Employees**”) and seek civil penalties pursuant to the Private Attorneys’ General Act of 2004, California Labor Code sections 2698 *et seq.* (“**PAGA**”) for the time period of June 29, 2017 to September 27, 2022 (“**PAGA Period**.”)

The Court has preliminarily approved the Settlement. The Court appointed Vick Law Group, APC, and KJT Law Group LLP to serve as **Class Counsel** for the Settlement Class Members.

#### **B. WHAT IS THIS LAWSUIT ABOUT?**

In the Actions, Plaintiffs allege, among other things, that Corporate Defendants and others: (1) failed to pay minimum wages; (2) failed to pay overtime wages; (3) failed to provide required uninterrupted meal periods; (4) failed to provide required uninterrupted rest breaks; (5) failed to furnish accurate wage statements; (6) failed to maintain required records; (7) failed to pay waiting time penalties; (8) failed to reimburse for business expenditures and losses; (9) unlawfully took deductions from wages; (10) engaged in unfair and unlawful business practices; (11) violated the Labor Code’s Private Attorney General Act; (12) violated California Labor Code § 226.2; (13) misclassified employees; (14) failed to pay paid sick days; (15) failed to provide employees with signed copies of contracts and applications; (16) violated the California Labor Code for alternate workweeks; (17) willfully failed to maintain records required by California Labor Code § 1174; (18) failed to allow current and former employees to inspect his/her personnel records; (19) failed to provide a clean workplace; and (20) failed to secure the payment of compensation. The lawsuits seek, among other things: (a) damages, (b) interest, and (c) civil penalties under the PAGA, on behalf of all “**Aggrieved Employees**.” The Defendants dispute these allegations and deny liability.

**The Settlement Class.** The Settlement Class Members are comprised of approximately 1,890 class members who are current and former non-exempt hourly employees and persons alleged to be non-exempt employees who worked for Defendants (i.e., independent contractors) during the Class Period. Class Members will be able to opt out of the settlement.

**The PAGA Aggrieved Employees.** The Settlement also settles a PAGA claim involving approximately 1,754 current or former Aggrieved Employees during the PAGA Period. Aggrieved Employees will NOT be able to opt out of the PAGA portion of the settlement.

The Settlement represents a compromise of disputed claims. Nothing in the Settlement is intended to be or will be construed as an admission by the Defendants that Plaintiffs' claims in the Actions have merit or that they owe compensation to Plaintiffs or settlement members for the conduct alleged in the Action. On the contrary, Defendants deny any and all such liability.

## **C. SUMMARY OF THE SETTLEMENT PAYMENTS**

1. **Total Settlement Amount:** Defendants will pay \$1,000,000 as the Settlement Amount. The Settlement Amount is the total amount that Defendants shall be obligated to pay under the Settlement to the Class Members and Aggrieved Employees. The Settlement Amount will pay Class Representative Enhancements, Attorneys' Fees and Litigation Costs, Settlement Administration Costs, payment of the PAGA Claim, and payment of the Net Settlement Amount. Defendants shall pay any employer-related payroll taxes attributed to the wage portion of the settlement payments to Participating Class Members. According to defendant's records, you worked an estimated total of «Reg\_PayPeriods» pay periods for an estimated settlement amount of «estAmount». This consists of «SettAmt» for payment of release of your Class Released Claims and «PAGAAmt» for payment of release of your PAGA Released Claims as described in Section D of this notice ("Individual Settlement Payment(s)").

Your payment for release of your Class Released Claims will be allocated as follows for tax purposes: as 25% wages, for which an I.R.S. Form W-2s shall be issued, and 75% non-wage penalties, for which an I.R.S. Form 1099s shall be issued.

Your payment for release of your PAGA Released claims will be allocated 100% as non-wage penalties, for which an I.R.S. Form 1099 shall be issued.

a. **Class Representative Enhancements:** Class Representatives (Stephanie Zamora, Jascha Dlugatch, Dillon Eissing, and Canyon Williams) will seek approval from the Court for a payment of \$7,500 each for prosecuting the Actions and for the Complete and General Release that they are individually providing to Defendants as part of the Settlement. If awarded by the Court, the Class Representative Payments will be paid out of the Settlement Amount.

b. **Attorneys' Fees:** Class Counsel have spent over four years prosecuting the Actions on behalf of the Class. In consideration for these efforts, Class Counsel intend to request thirty-three percent (\$330,000) as an award of attorneys' fees for the services the attorneys representing the Plaintiffs in the Actions have rendered and will render to the Settlement Class Members and PAGA class members. Fifty percent of any award shall be payable to the Vick Law Group, APC, and fifty percent of the award shall be payable to KJT Law Group LLP. The payment of the Attorneys' Fees from out of the Settlement will constitute full and complete compensation for all legal fees of all attorneys representing Plaintiffs in the Actions and all work done through the completion of the Actions, whatever date that may be.

c. **Litigation Costs:** Vick Law Group, APC and KJT Law Group LLP will request reimbursement for actual and reasonable litigation costs incurred in the investigation, litigation, and resolution of the Actions. The payment of the Litigation Costs from out of the Settlement Amount will constitute full and complete compensation for all costs and expenses of all attorneys representing Plaintiffs in the Actions.

d. **Settlement Administration Costs:** Settlement Administration costs of \$26,000 will be paid out of the Settlement Amount to CPT Group, Inc. for administration of the settlement. The Court has appointed CPT Group to act as an independent Settlement Administrator for purposes of administering this Settlement.

e. **PAGA Settlement Amount:** \$80,000 of the Settlement Amount has been allocated to PAGA civil penalties, 75% of which is payable to the California Labor and Workforce Development Agency as required by Labor Code section 2699, and 25% payable on a pro-rata basis to the Aggrieved Employees.

f. **Net Settlement Amount:** The Net Settlement Amount means the Settlement Amount, less Attorneys' Fees and Litigation Costs, Class Representative Enhancements, PAGA Payment, and Settlement Administration Costs.

g. **Payment of Class Claims:** The Net Settlement Amount shall be paid to the Participating Class Members (who do not opt-out) shall be paid to all Participating Class Members based on the total number of Compensable Pay Periods for all Participating Class Members. The Settlement Administrator will calculate the amount due to each Participating Class Member by multiplying the appropriate Dollars-per-Compensable Pay Period amount by the number of Compensable Pay Periods worked by each Participating Class Member. ("Class Settlement Payments")

2. **Distribution of Settlement.** The Class Representative Enhancements, Attorneys' Fees and Litigation Costs, Settlement Administration Costs, PAGA Settlement Amount payable to the California Labor and Workforce Development Agency, and payment of the Net Settlement Amount will be paid 60 days after the Court enters a Final Approval Order and the Judgment if no motions for reconsideration or appeals or other efforts to obtain review have been filed (the "**Effective Date**").

3. **Unclaimed Funds.** Any unclaimed funds resulting from Settlement Class Members' failure to cash checks for Individual Settlement Payments by the Void Date shall be transmitted by the Settlement Administrator to **Legal Aid at Work**, a nonprofit legal services organization that has been assisting low-income, working families for more than 100 years.

4. If the Court does not grant final approval of the Settlement or if the Judgment does not become final and binding for any reason, then the Settlement will become null and void; if that occurs, neither Plaintiffs nor Defendants will have further obligations under the Settlement. An award by the Court of a lesser amount than that sought by Plaintiffs and Class Counsel for the Class Representative Enhancements, Attorneys' Fees, Litigation Costs, PAGA Settlement Amount, or Settlement Administration Costs will not render the Settlement null and void.

## **D. WHAT CLAIMS ARE RELEASED?**

1. **Class Released Claims.** If you do not opt-out of the Settlement, you will become a Participating Settlement Class Member and will be unable to sue, continue to sue, or be a part of any other lawsuit against the Released Parties for the "Class Released Claims" in this Settlement.

a. "**Released Parties**" means Defendants, their past or present officers, directors, shareholders, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, insurers and reinsurers, and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys.

b. "**Class Released Claims**" any and all claims, demands, rights, liabilities, and causes of action that were actually alleged in the Actions, including for violations of California Labor Code Sections 201, 202, 203, 204, 210, 211, 218.5, 218.6, 221-224, 226, 226(a), 226(e), 226.2, 226.3, 226.6, 226.7, 226.8, 246, 432, 510, 511, 512, 558, 558.1, 1174, 1174.5, 1182.12, 1193.6, 1194, 1197, 1197.1, 1198, 1198.5, 2350, 2699, 2699.5, 2800, 2802, 3700.5, Industrial Wage Order 9-2001, California Code of Regulations section 11090(20)(A), and claims for violations of California Business & Professions Code § 17200 et seq., and all claims, demands, rights, liabilities and causes of action that could have been alleged in the Actions based on the facts alleged. The release shall run for the duration of the Class Period.

2. **PAGA Released Claims.** If the Court grants final approval of the settlement, all Aggrieved Employees will receive their share of the PAGA Payment, whether or not they objected to the settlement or opted-out as a class member. However, all Aggrieved Employees will release the PAGA Released Claims, which consist of PAGA claims premised on the Labor Code sections cited in the Class Released Claims definition above and those Labor Code sections that could have been premised on the facts identified in both: (i) the Plaintiffs' underlying PAGA letters to the LWDA; and (ii) the operative complaints (these documents are available for viewing at the settlement administration website: [www.cptgroupcaseinfo.com/AmbulnzHealthSettlement](http://www.cptgroupcaseinfo.com/AmbulnzHealthSettlement)). All Aggrieved Employees shall be deemed to have released their PAGA claims, notwithstanding whether they timely opted out of the class action settlement for the PAGA Period

## F. WHAT ARE MY RIGHTS AS A SETTLEMENT CLASS MEMBER?

1. **Participating in the Settlement:** You do not need to do anything to participate in this Settlement. If the Court grants final approval to the Settlement, you will be entitled to receive your portion of the Net Settlement Amount. We estimate that you shall receive your portion of the Net Settlement Amount approximately 14 days after the Effective Date. However, this date is subject change without further notice. As a Participating Settlement Class Member, you will be bound by the terms of the Settlement and the Judgment entered by the Court and you will be deemed to have released the Class Released Claims against the Released Parties described above.

2. **Objecting to the Settlement:** You can ask the Court to deny approval of the Settlement by mailing the Settlement Administrator CPT Group, Inc. (located at 50 Corporate Park, Irvine, California 92606) a written statement of objection (“Notice of Objection”) within 45 days from the date the Settlement Administrator mails the Notice Packets (the “**Response Deadline**”). The Notice of Objection must be signed by the Settlement Class Member and state: (1) the full name of the Settlement Class Member; (2) the dates of employment of the Settlement Class Member; (3) the Settlement Class Member’s Claimant identification number; (4) the basis for the objection; and (5) whether the Settlement Class Member intends to appear at the Final Approval/Settlement Fairness Hearing. Settlement Class Members who fail to make an objection or file a notice to appear may nonetheless appear at the final approval hearing. You cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the Actions will continue. If that is what you want to happen, you must object.

3. **Opting Out of the Settlement.** Members of the Class who wish to exclude themselves from the Settlement shall submit a request for exclusion to the Settlement Administrator by the Response Deadline. (See accompanying request for exclusion form.) However, Class Members shall not be able to request exclusion from the PAGA portion of the Settlement, and they shall release and be paid an Individual Settlement Payment for their release of their PAGA claim, notwithstanding their submission of a timely request for exclusion.

4. **Disputes Regarding Individual Settlement Payments.** Settlement Class Members will have the opportunity, should they disagree with Defendants’ records regarding the number of Compensable Pay Periods worked by Settlement Class Members stated on the Notice of Proposed Class Action Settlement and Class Action Settlement Hearing, to provide documentation and/or an explanation to the Settlement Administrator to show contrary Compensable Pay Periods up to and including the Response Deadline. The Settlement Administrator shall make a recommendation as to the eligibility for, and the amounts of, any individual Settlement Payments under the Settlement. If either Party disagrees with the recommendation, the Court will finally resolve the matter.

## G. FINAL SETTLEMENT APPROVAL HEARING

The Court will hold a Final Approval Hearing on April 28, 2023, at 8:30 a.m., or as soon thereafter as counsel can be heard before the Timothy Patrick Dillon, in Department 73 of the Los Angeles County Superior Court located at 111 N. Hill Street, Los Angeles, California 90012 to determine whether the Settlement should be finally approved as fair, reasonable, and adequate. The Court will also be asked to approve the requests for the Class Representative Enhancement, the Attorneys’ Fees, the Litigation Costs, the PAGA Settlement Amount, and the Settlement Administration Costs.

**Face Masks And Social Distancing Guidelines.** If you appear at the Final Fairness Hearing, you must abide by the Court’s most recent Face Masks and Social Distancing Guidelines, which are available at [www.lacourt.org](http://www.lacourt.org). The Court’s Current Guidelines are:

- All persons entering any courthouse or courtroom shall wear a face mask over their nose and mouth at all times within public areas of the courthouse or courtroom.
- Non-exempt individuals who decline or refuse to wear a face mask will be denied entry to the courthouse and/or courtroom.
- Individuals who remove their face masks after entering the courthouse or courtroom will be reminded to wear them. If they refuse, they may be denied services, may have their legal matters rescheduled and/or will be asked to leave the courthouse or courtroom immediately.
- Persons who refuse to leave voluntarily will be escorted out of the courthouse and/or courtroom by Los Angeles County Sheriff’s Department personnel.

- Individuals are required to maintain at least six (6) feet of physical distance from all persons (except those within your household) at all times and comply with social distance signage throughout the courthouse.
- Use hand sanitizer when entering the courthouse, practice good hand-washing hygiene and cover coughs and sneezes, preferably with a tissue.

The Final Approval Hearing may be postponed without further notice to Class Members. You are advised to check the settlement website at [www.cptgroupcaseinfo.com/AmbulnzHealthSettlement](http://www.cptgroupcaseinfo.com/AmbulnzHealthSettlement) or the Court's Case Access website at [http://www.lacourt.org/case summary/ui/index.aspx?casetype=civil](http://www.lacourt.org/case%20summary/ui/index.aspx?casetype=civil) to confirm that the date has not been changed. **It is not necessary for you to appear at this hearing for you to receive your share of the settlement.** You do not need to appear at this hearing unless you wish to object to the Settlement. If you have sent a written objection, you may appear at the hearing if you choose to do so.

Notice of Final Judgment. If the Court grants final approval of the Settlement, the Settlement Administrator will post notice of final judgment on its website or one created for the purposes of administration within seven (7) calendar days of entry of the Final Order and Judgment.

## **H. GETTING MORE INFORMATION**

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, or if you have questions about the Settlement, please contact the Settlement Administrator (see below contact information), contact Class Counsel (see below contact information), or access the Court docket in this case.

### **Settlement Administrator:**

Zamora, et al. v. Ambulnz Health, LLC, et al. Settlement Administrator  
*c/o CPT Group*  
 50 Corporate Park  
 Irvine, California 92606  
[www.cptgroupcaseinfo.com/AmbulnzHealthSettlement](http://www.cptgroupcaseinfo.com/AmbulnzHealthSettlement)  
 1 (888) 388-0342

### **Class Counsel:**

Scott Vick, Esq.  
 VICK LAW GROUP  
 301 N. Lake Avenue, Suite 1000  
 Pasadena, California 91101  
 Telephone: (213) 784-6225  
 E-Mail: [Scott@vicklawgroup](mailto:Scott@vicklawgroup)

Vache A. Thomassian, Esq.  
 Caspar Jivalagian, Esq.  
 Christopher Adams, Esq.  
 KJT LAW GROUP LLP  
 230 N. Maryland Avenue, Suite 306  
 Glendale, CA 91206  
 Telephone: (818) 507-8525  
 E-Mail: [chris@kjtlawgroup.com](mailto:chris@kjtlawgroup.com)

### **Defense Counsel:**

Debra Ellwood Meppen, Esq.  
 Gene F. Williams, Esq.  
 Peter Choi, Esq.

GORDON REES SCULLY MANSUKHANI, LLP  
633 West Fifth Street, 52<sup>nd</sup> floor  
Los Angeles, California 90071  
Telephone (213) 576-5043  
E-Mail: gfwilliams@grsm.com

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT.**

By Order of the Court