

Ramos v. Georg Fischer Harvel LLC, No. BCV-21-100840
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF KERN
NOTICE OF CLASS ACTION SETTLEMENT

You are not being sued. This notice affects your rights. Please read it carefully

To: All current and former non-exempt employees employed by Defendants Georg Fischer Harvel LLC, Georg Fischer Corporation (erroneously sued as Georg Fischer Inc.), Georg Fischer, LLC, Georg Fischer Central Plastics LLC, and Georg Fischer Signet LLC (“Defendants”) who worked in California from April 14, 2017 through May 15, 2022 (“Class Members”).

All current and former non-exempt employees employed by Defendants who worked in California from April 16, 2020 through May 15, 2022 (“PAGA Members”).

On September 21, 2022, the Honorable J. Eric Bradshaw of the Kern County Superior Court granted preliminary approval of this class action settlement and ordered the litigants to notify all Class Members of the settlement. **You have received this notice because Defendants’ records indicate that you are a Class Member, and therefore entitled to a payment from the settlement.**

Unless you choose to opt out of the settlement by following the procedures described below, you will be deemed a Class Member and, if the Court grants final approval of the settlement, you will be mailed a check for your share of the settlement fund. The Final Fairness Hearing on the adequacy, reasonableness, and fairness of the Settlement will be held at 8:30 a.m. on January 31, 2023 in Division J of the Kern County Superior Court located at 1215 Truxtun Avenue, Bakersfield, California 93301.

Please also note that the Final Fairness Hearing may be rescheduled by the Court to another date and/or time. Please visit www.cptgroupcaseinfo.com/GeorgRamosSettlement for any scheduling changes.

If you move, you must send the Settlement Administrator your new address; otherwise, you may never receive your settlement payment. It is your responsibility to keep a current address on file with the Settlement Administrator.

Summary of the Litigation

Plaintiff Pedro Ramos, on his behalf and on behalf of other current and former non-exempt employees, alleges that Defendants violated California state labor laws as a result of their alleged failure to, among other things: (1) pay minimum and overtime wages to employees for all hours worked; (2) provide employees with meal and rest breaks; (3) timely pay all wages owed to employees during each pay period and upon termination of their employment; and (4) provide employees with accurate, itemized wage statements.

After the exchange of relevant information and evidence, the parties agreed to enter into settlement negotiations in an attempt to informally resolve the claims in the case. On March 14, 2022, the parties participated in a mediation with Marc Feder, an experienced and well-respected class action mediator. With Mr. Feder’s guidance, the parties were able to negotiate a complete settlement of Plaintiff’s claims.

Counsel for Plaintiff, and the attorneys appointed by the Court to represent the class, Capstone Law APC (“Class Counsel”), have investigated and researched the facts and circumstances underlying the issues raised in the case and the applicable law. While Class Counsel believe that the claims alleged in this lawsuit have merit, Class Counsel also recognize that the risk and expense of continued litigation justify settlement. Based on the foregoing, Class Counsel believe the proposed settlement is fair, adequate, reasonable, and in the best interests of Class Members.

Defendants have denied, and continue to deny the factual and legal allegations in the case and believe that they have valid defenses to Plaintiff’s claims. By agreeing to settle, Defendants are not admitting liability on any of the factual allegations or claims in the case or that the case can or should proceed as a class action. Defendants have agreed to settle the case as part of a compromise with Plaintiff.

Summary of The Proposed Settlement Terms

Plaintiff and Defendants have agreed to settle the underlying class claims in exchange for a Gross Settlement Amount of \$1,056,306. This amount is inclusive of: (1) individual settlement payments to all Class Members who do not opt out (“Participating Class Members”); (2) a Class Representative Enhancement Payment of \$10,000 to Pedro Ramos for his services on behalf of the class, and

for a release of all claims arising out of his employment with Defendants; (3) \$352,102 in attorneys' fees and up to \$20,000 in litigation costs and expenses; (4) a \$10,000 settlement of claims under the Labor Code Private Attorneys General Act of 2004 ("PAGA"), inclusive of a \$7,500 payment to the California Labor and Workforce Development Agency ("LWDA") in connection with the PAGA, and a \$2,500 payment ("PAGA Fund") to all PAGA Members; and (5) reasonable Settlement Administrator's fees and expenses currently estimated at \$10,000. After deducting the above payments, a total of approximately \$654,204.00 ("Net Settlement Fund") will be allocated to Participating Class Members. Additionally, all PAGA Members will receive a proportional share of the \$2,500 PAGA Fund, regardless whether they opt out of the Settlement Class.

Payments from Net Settlement Fund. Defendants will calculate the total number of Workweeks worked by each Class Member from April 14, 2017 to May 15, 2022 ("Class Period") and the aggregate total number of Workweeks worked by all Class Members during the Class Period. To determine each Class Member's estimated share of the Net Settlement Fund, the Settlement Administrator will use the following formula: The Net Settlement Fund will be divided by the aggregate total number of Workweeks, resulting in the "Workweek Value." Each Class Member's share of the Net Settlement Fund will be calculated by multiplying each individual Class Member's total number of Workweeks by the Workweek Value. The Individual Settlement Payment will be reduced by any required deductions for each Class Members as specifically set forth herein, including employee-side tax withholdings or deductions. If there are any valid and timely Requests for Exclusion, the Settlement Administrator shall proportionately increase each Participating Class Member's share of the Net Settlement Fund according to the number of Workweeks worked, so that the amount actually distributed to the Settlement Class equals 100% of the Net Settlement Fund.

According to Defendants' records, you worked during the Class Period in a non-exempt position for a total of <<WorkWeeks>> Workweeks. Accordingly, your estimated payment from the Net Settlement Fund is approximately \$<<EstAmnt>>.

Payments from PAGA Fund. Defendants will calculate the total number of pay periods worked by each PAGA Member from April 16, 2020 through May 15, 2022 ("PAGA Period") and the aggregate total number of pay periods worked by all PAGA Members during the PAGA Period. To determine each PAGA Member's estimated share of the PAGA Fund, the Settlement Administrator will use the following formula: The PAGA Fund will be divided by the aggregate total number of pay periods, resulting in the "PAGA pay period Value." Each PAGA Member's share of the PAGA Fund will be calculated by multiplying each individual Participating PAGA Member's total number of pay periods by the PAGA pay period Value. A Request for Exclusion does not exclude a PAGA Member from the release of claims under California Labor Code §§ 2698, *et seq.* and the PAGA Member will receive their portion of the PAGA fund even if he or she submits a valid Request for Exclusion.

According to Defendants' records, you worked during the PAGA Period in a non-exempt position for a total of <<PAGAWorkWeeks>> Workweeks. Accordingly, your estimated payment from the PAGA Fund is approximately \$<<PAGAEstAmnt>>.

Your Estimated Payment: Based on the above, your estimated payment from the settlement is approximately \$<<TotalEstAmnt>>. If you believe the Workweek information provided above is incorrect, please contact the Settlement Administrator to dispute the calculation. You must attach all documentation in support of your dispute (such as check stubs, W2s, or letters from HR). All disputes must be postmarked or faxed on or before December 12, 2022, and must be sent to:

Ramos v. Georg Fischer Harvel, LLC
c/o CPT Group, Inc.
50 Corporate Park, Irvine, CA 92606
Toll Free Number: 1-(888) 388-0309
Fax: (949) 419-3446

If you dispute the information stated above, Defendants' records will control unless you are able to provide documentation that establishes otherwise.

Taxes on Settlement Payments. IRS Forms W-2 and 1099 will be distributed to participating Class Members and the appropriate taxing authorities reflecting the payments they receive under the settlement. Class Members should consult their tax advisors concerning the tax consequences of the payments they receive under the Settlement. For purposes of this settlement, 20% of each settlement payment will be allocated as wages for which IRS Forms W-2 will be issued, and 80% will be allocated as non-wages for which IRS Forms 1099-MISC will be issued.

Your Options Under the Settlement

Option 1 – Automatically Receive a Payment from the Settlement

If you want to receive your payment from the settlement, then no further action is required on your part. You will automatically receive your settlement payment from the Settlement Administrator if and when the Settlement receives final approval by the Court.

If you choose **Option 1**, and if the Court grants final approval of the settlement, you will be mailed a check for your share of the settlement funds. In addition, you will be deemed to have released or waived the Released Class Claims during the Class Period and Released PAGA Claims during the PAGA Period:

Released Class Claims: Any and all facts and claims asserted in the operative complaint in the Actions and any other claims that could reasonably have been asserted in the Actions based on the facts alleged and arising at any time during the Class Period, including, but not limited to, federal or state wage and hour claims for: (1) unpaid overtime; (2) unpaid minimum wages; (3) failure to provide meal periods; (4) failure to authorize and permit rest periods; (5) non-compliant wage statements and failure to maintain payroll; (6) wages not timely paid upon termination; (7) failure to timely pay wages during employment; (8) failure to provide one day of rest in seven; (9) unreimbursed business expenses; (10) unlawful business practice; (11) unfair business practices and their related provisions of the Labor Code, sections 201, 202, 203, 204, 210, 226(a), 226.7, 510, 512, 516, 551, 552, 558, 1174, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2802.

Released PAGA Claims: Any claims for and are barred from pursuing any action against the Released Parties for civil penalties under the California Labor Code Private Attorneys General Act of 2004 (“PAGA”), Labor Code section 2698, et seq., arising at any time during the PAGA Period and based on or arising out of alleged violations of Labor Code sections 201, 202, 203, 204, 210, 222.5, 226(a), 226.7, 510, 512, 516, 551, 552, 558, 1174, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2698, 2699, 2699.3, 2699.5, 2802, 6401, and 6403 as alleged in Plaintiff’s letter to the LWDA and/or the Actions.

Option 2 – Opt Out of the Settlement

If you do not wish to participate in the settlement, you may exclude yourself from participating by submitting a written request to the Settlement Administrator expressly and clearly indicating that you have received this Notice of Class Action Settlement, decided not to participate in the settlement, and desire to be excluded from the settlement. The written request for exclusion must include your name, signature, address, telephone number, and last four digits of your Social Security Number. Sign, date, and mail the request for exclusion by First Class U.S. Mail or equivalent, to the address below.

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c/o CPT Group, Inc.
50 Corporate Park, Irvine, CA 92606
Toll Free Number: 1-(888) 388-0309
Fax: (949) 419-3446

The Request for Exclusion must be postmarked or faxed not later than December 12, 2022. If you submit a Request for Exclusion which is not postmarked or faxed by December 12, 2022, your Request for Exclusion will be rejected, and you will be included in the settlement class.

If you choose **Option 2**, you will no longer be a Class Member, and you will:

- Not Receive a Payment from the Net Settlement Fund.
- Not release the Released Class Claims.
- If you are a PAGA Member, you will still release the Released PAGA Claims, and will receive a payment from the PAGA Fund.

Option 3 – Object to the Settlement

If you decide to object to the settlement because you find it unfair or unreasonable, you may submit a written objection stating why you object to the settlement, or you may instead appear at the Final Fairness Hearing to object to the Settlement. Written objections must provide: (1) your full name, signature, address, and telephone number, (2) a written statement of all grounds for the objection accompanied by any legal support for such objection; (3) copies of any papers, briefs, or other documents upon which the objection is

based; and (4) a statement about whether you intend to appear at the Fairness Hearing. The objection must be mailed to the administrator at:

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c/o CPT Group, Inc.
50 Corporate Park, Irvine, CA 92606
Toll Free Number: 1-(888) 388-0309
Fax: (949) 419-3446

All written objections must be received by the administrator by not later than December 12, 2022. By submitting an objection, you are not excluding yourself from the settlement. To exclude yourself from the settlement, you must follow the directions described above. Please note that you cannot both object to the settlement and exclude yourself. You must choose one option only.

You may also, if you wish, appear at the Final Fairness Hearing set for January 31, 2023 at 8:30 a.m. in the Superior Court of the State of California, for the County of Kern and discuss your objection with the Court and the Parties at your own expense. You may also retain an attorney to represent you at the hearing.

If you choose **Option 3**, you will still be entitled to the money from the settlement. If the Court overrules your objection, you will be deemed to have released the Released Class Claims and Released PAGA Claims.

Additional Information

This Notice of Class Action Settlement is only a summary of the case and the settlement. For a more detailed statement of the matters involved in the case and the settlement, you may refer to the pleadings, the settlement agreement, and other papers filed in the case. All inquiries by Class Members regarding this Class Notice and/or the settlement should be directed to the Settlement Administrator or Class Counsel.

Raul Perez
Capstone Law APC
1875 Century Park E., Suite 1000
Los Angeles, CA 90067
Phone: 1-(877) 515-4711

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, DEFENDANTS' ATTORNEYS WITH INQUIRIES.