

Trotter v. Propark America West, LLC, No. 20CV365254
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF SANTA CLARA
NOTICE OF CLASS ACTION SETTLEMENT

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

Si desea una traducción al Español de este Aviso, por favor llame al administrador al 1-888-330-3963

To: All persons who worked for Defendants Propark America West, LLC, Propark LA, LLC, and Propark, Inc. (“Defendants”) as non-exempt, hourly paid employees in California during the period from March 3, 2020 through November 2, 2024, and who did not execute an arbitration agreement related to their employment with Defendants (“Class Members”).

All persons who worked for Defendants as non-exempt, hourly paid employees in California during the period from March 3, 2020 through November 2, 2024 (“PAGA Members”).

On June 6, 2025, the Honorable Theodore C. Zayner of the Santa Clara 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 1:30 p.m. on February 18, 2026 in Department 19 of the Santa Clara County Superior Court located at 161 N. 1st St., San Jose, California 95113. 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/ProparkSettlement for any scheduling changes.

Class Members may appear at the final approval hearing in person or remotely using the Microsoft Teams link for Department 19 (Afternoon Session), and should review the remote appearance instructions beforehand: https://www.sccourt.org/general_info/ra_teams/video_hearings_teams.shtml. Class members who wish to appear remotely are encouraged to contact class counsel at least three days before the hearing, if possible, so that potential technology or audibility issues can be avoided or minimized.

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 YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

You Don’t Have to Do Anything to Participate in the Settlement	If you do nothing, you will be deemed a “Participating Class Member,” and will be eligible for a payment from the Class Fund and, if you are also a PAGA Member, the PAGA Fund. In exchange, you will be bound by the terms of the proposed Settlement and give up your right to assert wage and hour claims against Defendants based on the same facts alleged in the Action during the Class Period.
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You Can Opt-out of the Class Settlement but not the PAGA Settlement The Opt-out Deadline is August 25, 2025	If you don't want to participate in the proposed class settlement, you can opt-out of the class settlement by sending the Settlement Administrator a written Request for Exclusion. Once excluded, you will no longer be eligible for a payment from the Class Fund and will not be bound by the terms of the proposed class settlement. You cannot opt-out of the PAGA portion of the proposed Settlement. PAGA Members remain eligible to receive a payment from the PAGA Fund and must give up their rights to pursue PAGA penalty claims against Defendants based on the facts alleged in the Action during the PAGA Period.
Participating Class Members Can Object to the Class Settlement but not the PAGA Settlement Written Objections Must be Submitted by August 25, 2025	All Class Members who do not opt-out ("Participating Class Members") can object to any aspect of the proposed class settlement, but not the PAGA settlement.
You Can Participate in the February 18, 2026, Final Approval Hearing	The Court's Final Approval Hearing is scheduled to take place on February 18, 2026 at 1:30 p.m., in Department 19 of the Santa Clara County Superior Court located at 161 N. 1st St., San Jose, California 95113. You don't have to attend but you do have the right to appear (or hire an attorney to appear on your behalf at your own cost), in person, by telephone or by using the Court's virtual appearance platform. Participating Class Members can verbally object to the Settlement at the Final Approval Hearing. If the Court grants final approval of the Settlement despite your objection, you will receive a payment from the Class Fund and you will be bound by the terms of the Settlement and Release.

Summary of the Litigation

Plaintiffs Ellis Trotter and Milisse Saunders, on their behalf and on behalf of other current and former non-exempt employees, allege 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; (4) reimburse employees for necessary business expenses; and (5) 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 August 29, 2024, the parties participated in a mediation with Daniel Turner, Esq., an experienced and well-respected class action mediator. With Mr. Turner's guidance, the parties were able to negotiate a complete settlement of Plaintiffs' claims.

Counsel for Plaintiffs, 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 Plaintiffs' 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 Plaintiffs.

Questions? Contact the Settlement Administrator toll free at 1-888-330-3963

Summary of The Proposed Settlement Terms

Plaintiffs and Defendants have agreed to settle the underlying class claims in exchange for a Gross Settlement Amount of \$1,310,000. This amount is inclusive of: (1) individual settlement payments to all Participating Class Members (i.e., Class Members who do not opt out) and PAGA Members; (2) Class Representative Enhancement Payments of \$15,000, each, to Ellis Trotter and Milisse Saunders for their services on behalf of the class and the LWDA, and for a release of all claims arising out of their employment with Defendants; (3) \$436,667 in attorneys' fees and up to \$35,000 in litigation costs and expenses; and (4) reasonable Settlement Administrator's fees and expenses currently estimated at \$15,000. After deducting the above payments, a total of approximately \$793,333.00 ("Net Settlement Amount") will be allocated to Class Members, PAGA Members, and the California Labor and Workforce Development Agency ("LWDA") as follows: 60% of the Net Settlement Amount (\$475,999.80) will be allocated toward the settlement of Plaintiffs' claims under the Labor Code Private Attorneys General Act of 2004 ("PAGA") ("PAGA Settlement Amount"), and 40% (\$317,333.20) will be allocated to Participating Class Members ("Class Fund"). Pursuant to PAGA, 75% of the PAGA Settlement Amount will be paid to the LWDA ("LWDA Payment"), and 25% of the PAGA Settlement Amount ("PAGA Fund") will be disbursed to PAGA Members.

Payments from the Class Fund. Defendants will calculate the total number of Workweeks worked by each Class Member from March 3, 2020 through November 2, 2024 ("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 Class Fund, the Settlement Administrator will use the following formula: The Class Fund will be divided by the aggregate total number of Workweeks during the Class Period, resulting in the "Workweek Value." Each Class Member's share of the Class 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 Class Fund according to the number of Workweeks worked, so that the amount actually distributed to the Settlement Class equals 100% of the Class Fund.

According to Defendants' records, you worked during the Class Period in a non-exempt position for a total of <<SubClass1_Weight>> Workweeks. Accordingly, your estimated payment from the Class Fund is approximately <<SubClass1_Amt>>.

Payments from the PAGA Fund. Defendants will calculate the total number of Pay Periods worked by each PAGA Member from March 3, 2020 through November 2, 2024 ("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 during the PAGA Period, resulting in the "PAGA Pay Period Value." Each PAGA Member's share of the PAGA Fund will be calculated by multiplying each individual 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/she/they 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 <<PAGAClass_Weight>> Pay Periods. Accordingly, your estimated payment from the PAGA Fund is approximately <<PAGAClass_Amt>>.

Your Estimated Payment: Based on the above, your estimated payment from the settlement is approximately <<estAmount>>. 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 August 25, 2025, and must be sent to:

Trotter v. Propark America West, LLC
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

Questions? Contact the Settlement Administrator toll free at 1-888-330-3963

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, 25% of each settlement payment will be allocated as wages for which IRS Forms W-2 will be issued, and 75% will be allocated as non-wages for which IRS Forms 1099-MISC will be issued. Payments issued to PAGA Members from the PAGA Fund will be treated 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 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, on the date on which Defendants fully fund the Gross Settlement Amount, you will be deemed to have released or waived the Released Class Claims during the Class Period, and if you are also a PAGA Member, the Released PAGA Claims during the PAGA Period:

Released Class Claims: All claims, rights, demands, liabilities, and causes of action that are asserted in the operative Complaint during the Class Period, or that reasonably could have been alleged, based on the facts alleged in the operative Complaint during the Class Period, including claims for violation of: (a) Labor Code §§ 510 and 1198 (unpaid overtime); (b) Labor Code §§ 1182.12, 1194, 1197, 1197.1, and 1198 (unpaid minimum wages); (c) Labor Code §§ 226.7, 512(a), 516, and 1198 (failure to provide meal periods); (d) Labor Code §§ 226.7, 516, and 1198 (failure to authorize and permit rest periods); (e) Labor Code §§ 226.7, 516, 1198 and California Code of Regulations Title 8, Section 3395 (failure to provide heat recovery periods); (f) Labor Code §§ 226(a), 1174(d), and 1198 (non-compliant wage statements and failure to maintain payroll records); (g) Labor Code §§ 201 and 202 (wages not timely paid upon termination); (h) Labor Code § 204 (failure to timely pay wages during employment); (i) Labor Code § 2802 (unreimbursed business expenses); (j) Business & Professions Code §§ 17200, *et seq.* (unlawful business practices) based on the preceding claims; and (k) Business & Professions Code §§ 17200, *et seq.* based on the preceding claims (unfair business practices).

Released PAGA Claims: All claims and/or causes of action for PAGA civil penalties that were alleged, or reasonably could have been alleged, based on the facts alleged in the original complaint, first amended complaint, letter to the Labor and Workforce Development Agency, or which reasonably arise out or reasonably relate to such facts, whether known or unknown, including but not limited to claims for unpaid overtime, unpaid minimum wages, failure to provide meal periods, failure to authorize and permit rest breaks, failure to provide heat recovery periods, non-compliant wage statements, failure to maintain payroll records, failure to timely pay wages upon termination and during employment, and unreimbursed business expenses.

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.

Trotter v. Propark America West, LLC
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Fax Number: 949-419-3446

The Request for Exclusion must be postmarked or faxed not later than August 25, 2025. If you submit a Request for Exclusion which is not postmarked or faxed by August 25, 2025, 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 Class 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 *Trotter v. Propark America West, LLC* c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606.

All written objections must be received by the administrator by not later than August 25, 2025. 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 February 18, 2026 at 1: 30 p.m. in the Superior Court of the State of California, for the County of Santa Clara 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 (888) 507-1817

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