

NOTICE OF CLASS ACTION SETTLEMENT

Lovelyn Tadena-Chua et al. v. Acumen Fiscal Agent, LLC et al.
Superior Court of the State of California for the County of San Diego
Case No. 37-2021-00052766-CU-OE-CTL

ATTN: «EmployeeName»

This notice is to the following individuals in connection with a pending class action settlement:

All non-exempt individuals who had payroll processed by Acumen Fiscal Agent, LLC (“Acumen”) in California during the Class Period.

Read this notice carefully. Your legal rights could be affected whether you act or not.

The Superior Court of the State of California for the County of San Diego (the “Court”) has preliminarily approved this class and representative action lawsuit filed by Lovelyn Tadena-Chua (“Class Representative”) against Acumen for alleged wage and hour violations (the “Lawsuit”).

The Lawsuit is based on various allegations, including but not limited to Class Representative’s claims that Acumen committed the following violations: (1) Failure to Pay All Overtime Wages, (2) Meal Period Violations, (3) Rest Period Violations, (4) Untimely Payment of Wages, (5) Wage Statement Violations, (6), Waiting Time Penalties, (7) Violations of the Unfair Competition Law, (8-16) Claims for Civil Penalties under PAGA, and third party beneficiary claims for breach of contract. Acumen denies all claims and maintains it has fully complied with the law.

Acumen’s records reflect you worked «**Workweeks**» workweeks during the Class Period of December 17, 2017 through July 15, 2023. Based on this information, your Individual Class Payment is estimated to be «**estAmount**» (less any applicable state and federal withholdings). The actual amount you may receive will likely be different and will depend on multiple factors, such as how many other individuals decide to opt out.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You do not have to do anything in response to this notice. If you do nothing, you will remain eligible to automatically receive an Individual Class Payment if the Court grants final approval of the settlement. In such case, you will be bound by the release provisions in the settlement.
OPT OUT	You may opt out of the Settlement by submitting a Request for Exclusion form. If you opt out, you may not object to the Settlement, you will not receive an Individual Class Payment, and you shall not be bound by the release provisions in the settlement.
OBJECT	You may object to the Settlement by submitting a written objection. If the Court grants final approval of the settlement despite your objection, you will remain eligible to automatically receive an Individual Class Payment if the Court grants final approval of the settlement. In such case, you will be bound by the release provisions in the settlement.

The Court’s final approval hearing is scheduled to take place on **December 15, 2023** at **1:30 p.m.** in Dept. 72 of the San Diego Superior Court, located at 330 West Broadway, San Diego, CA 92101. You do not have to attend but you do have the right to appear. ***For more information, please carefully read this notice.***

1. WHAT IS THE ACTION ABOUT?

The Class Representative is a non-exempt individual who had payroll processed by Acumen. The Class Representative alleged Acumen violated California labor and employment laws as follows: (1) Failure to Pay All Overtime Wages, (2) Meal Period Violations, (3) Rest Period Violations, (4) Untimely Payment of Wages, (5) Wage Statement Violations, (6), Waiting Time Penalties, (7) Violations of the Unfair Competition Law, (8-16) Claims for Civil Penalties under PAGA. The Class Representative also alleged that Acumen breached certain contracts to which she and other Class Members were third party beneficiaries. Plaintiffs are represented by [Ferraro Vega Employment Lawyers](#) (“Class Counsel.”)

Acumen denies violating any laws, denies being an employer of the Class Representative or any Class Member, denies breaching any contracts to which the Class Representative or any Class Member is a third party beneficiary, and denies that the Class Representative and/or any Class member is a third party beneficiary to any of its contracts.

2. WHAT ARE PROPOSED SETTLEMENT TERMS?

At the Final Approval Hearing, the Class Representative, through Class Counsel, will ask the Court to approve a Gross Settlement Amount of \$200,000 and authorize the following deductions: Class Representative Service Payment (\$5,000), Class Counsel Attorneys’ Fees in the amount of 33.33% of the Gross Settlement (\$66,660), Class Counsel Litigation Costs (not to exceed \$25,000), the LWDA’s 75% portion of the PAGA Payment (\$7,500), and the Administration Expenses to be paid to the third-party settlement administrator (not to exceed \$15,000).

After making the above deductions in amounts approved by the Court, the Administrator will calculate and distribute making Individual Class Payments to Participating Class Members based on their Class Period Workweeks. 20% of each Individual Class Payment shall constitute taxable wages (“Wage Portion”) and 80% shall constitute interest and penalties (“Non-Wage Portion.”). The Wage Portion is subject to withholdings and will be reported on IRS W-2 Forms.

Acumen will separately pay employer payroll taxes on the Wage Portion. The Administrator will report the Non-Wage Portions of the Individual Class Payments on IRS 1099 Forms.

You will be treated as a Participating Class Member, participating fully in the settlement, unless you submit a signed Request for Exclusion by the **December 4, 2023** “Response Deadline”.

After the Judgment is final and Acumen has fully funded the settlement and separately paid all employer payroll taxes, Participating Class Members will be legally barred from asserting any of the claims released under the settlement, as follows:

All Participating Class Members release Released Parties from any and all claims, damages, and penalties alleged in the Operative Complaint or arising out of the facts in the Operative Complaint during the Class Period, including, without limitation, claims for: (1) Failure to Pay All Overtime Wages, (2) Meal Period Violations, (3) Rest Period Violations, (4) Untimely Payment of Wages, (5) Wage Statement Violations, (6), Waiting Time Penalties, (7) Violations of the Unfair Competition Law, (8-16) Claims for Civil Penalties under PAGA; and any other claims arising out of Participating Class Members’ alleged employment by Released Parties, or any of them based on or arising out of the allegations of the Operative Complaint. All Participating Class Members further release Released Parties from any and all claims as third party beneficiaries to any contract based on or arising out of the allegations of the Operative Complaint, including without limitation any written, oral, express, or implied contract, to which Released Parties, or any of them, are a party. Participating Class Members **do not** release claims for vested benefits, unemployment insurance, disability, social security, workers’ compensation, or any claims based on facts outside of the Operative Complaint or outside the Class Period.

3. HOW IS MY INDIVIDUAL CLASS SETTLEMENT CALCULATED?

The number of Class Workweeks you worked during the class period are stated on the first page of this notice. The Administrator will calculate Individual Class Payments by (1) dividing the Net Settlement Amount by the total number of Workweeks worked by all Participating Class Members, and then (2) multiplying the result by the number of Workweeks worked by each respective Participating Class Member. In other words, you will receive a proportional recovery based on your length of employment in relation to other Class Members.

4. HOW CAN I CORRECT THE NUMBER OF WORKWEEKS?

You have until the Response Deadline to correct or challenge the number of Workweeks. You can submit your challenge by signing and sending a letter to the Administrator via mail or email to the Administrator at the following address:

Administrator:

Tadena-Chua et al. v. Acumen Fiscal Agent, LLC et al.
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Toll Free Number: 1-888-910-3209
Email: acumensettlement@cptgroup.com
Website: www.cptgroupcaseinfo.com/acumensettlement

The Administrator will accept Acumen's calculation of Workweeks as accurate unless you send copies of records containing contrary information. You should send copies rather than originals because the documents will not be returned to you.

5. HOW WILL I GET PAID?

The Administrator will send, by U.S. mail, a single check to every Participating Class Member following the Effective Date of this Settlement. Your check will be sent to the same address as this notice. If you change your address, notify the Administrator as soon as possible.

6. HOW DO I OPT-OUT OF THE CLASS SETTLEMENT?

Complete the attached Request for Exclusion form and mail or email it to the Administrator before the Response Deadline.

7. HOW DO I OBJECT TO THE SETTLEMENT?

Only Participating Class Members have the right to object to the Settlement by submitting a written objection to the Administrator before the Response Deadline. To object, please provide a written statement to the Administrator advising what you object to, why you object, and any facts that support your objection. Please sign the objection and identify the Action and include your name, current address, telephone number, and your approximate dates of employment.

Alternatively, a Participating Class Member can object (or personally retain a lawyer to object at your own cost) by attending the Final Approval Hearing. You (or your attorney) should be ready to tell the Court what you object to, why you object, and any facts that support your objection.

8. CAN I ATTEND THE FINAL APPROVAL HEARING?

You may, but are not required to, attend the Final Approval Hearing on **December 15, 2023 at 1:30 p.m.** in Dept. 72 of the San Diego County Superior Court, located at 330 West Broadway, San Diego, CA 92101. At the hearing, the judge will decide whether to grant Final Approval of the Settlement and how much of the Gross Settlement will be paid to the LWDA, Class Counsel, the Class Representative(s), and the Administrator. The Court will invite comment from objectors, Class Counsel, and Defense Counsel before making a decision.

It is possible the Court will reschedule the Final Approval Hearing. Please review the Court's online docket or contact the Administrator or Class Counsel to verify the date and time of the Final Approval Hearing if you believe it may have been continued or otherwise changed.

9. HOW CAN I GET MORE INFORMATION?

The Agreement sets forth everything Acumen and Plaintiffs have promised to do under the proposed Settlement. The easiest way to read the Agreement, the Judgment, or any other Settlement documents is to go to the Court's website, access the Register of Actions, and search for the case using the case number at the top of this notice. You can also telephone or send an email to Class Counsel or Defense Counsel at the addresses below:

Class Counsel

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10. WHAT IF I LOSE MY SETTLEMENT CHECK OR FAIL TO CASH IT?

If you lose or misplace your settlement check, the Administrator will replace it if you request a replacement before the void date on the face of the original check. If your check is already void or you have otherwise failed to cash it, it will be provided to the State of California's Unclaimed Property Division in your name. For more information, please review how to process a claim for your funds with the State of California, https://www.sco.ca.gov/upd_form_claim.html.