

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF MERCED
Rafael Mayo v. Double B Dairy, G.P. a general partnership, et al. – Case No. 23CV-00705

The Court authorized this notice. This is not a solicitation from a lawyer.

You may be entitled to money from a class action settlement if you were employed by Double B Dairy, G.P., a general partnership, William Bylsma and Wesley Bylsma any time from February 28, 2019, to October 20, 2023.

ATTN: <<EmployeeName>>

There is a proposed class and collective action settlement (“Settlement”) to resolve a lawsuit alleging that Double B Dairy, G.P., a general partnership; William Bylsma and Wesley Bylsma (“Defendants”) violated California employment laws. The Court has preliminarily approved the Settlement. Payments will only be issued, however, if the Court grants final approval of the Settlement.

THIS NOTICE IS TO INFORM YOU ABOUT:

- A PROPOSED SETTLEMENT OF THIS CLASS ACTION LAWSUIT;
- YOUR RIGHT TO RECEIVE A SHARE OF THE SETTLEMENT FUNDS;
- YOUR RIGHT TO CHALLENGE THE DATES USED TO COMPUTE YOUR SHARE;
- YOUR RIGHT TO FILE WITH THE COURT ANY OBJECTIONS YOU MAY HAVE TO THE SETTLEMENT; AND,
- YOUR RIGHT TO OPT OUT OF THE SETTLEMENT.

1. If I decide to participate and want to receive money, what must I do?

You do not have to do anything to receive a payment. The settlement of class claims automatically includes participants unless they affirmatively exclude themselves from the settlement (“opt out”).

2. Why did I get this Class Notice?

Defendants’ records show that you were employed at some time from February 28, 2019 to October 20, 2023 as a non-exempt employee. The lawsuit is in state court and is known as *Rafael Mayo v. Double B Dairy, G.P. a general partnership, et al* the case number is 23CV-00705. The “Plaintiff” who filed the lawsuit is Rafael Mayo. Plaintiff sued Double B Dairy, G.P., a general partnership; William Bylsma and Wesley Bylsma.

The claims are brought as a class action. The Plaintiff named above is the “Class Representative” who filed this class action on behalf of himself and other employees who have similar claims. The Plaintiff and the other employees together are a “Class” and “Class Members.” The Court will decide the issues for all Class Members, except for those who exclude themselves from the Class. Plaintiff and Defendants have entered into the Settlement to avoid the cost and risk of further litigation. Defendants deny all of the legal claims in the case. The Class Representative and his lawyers think the Settlement is in the best interests of all Class Members. The Court has preliminarily approved the Settlement. The Court must also grant final approval for the Settlement to be valid.

3. Who is in the Settlement Class?

The Settlement Class is defined as follows:

All non-exempt employees who were employed by Double B Dairy, G.P. any time between February 28, 2019, to October 20, 2023 excluding all of Defendants’ family members, office workers, and salaried employees.

4. What are the claims in this lawsuit?

The claims allege that Defendants failed to pay overtime wages; failed to permit and authorize adequate rest and meal periods; failed to indemnify for necessary work-related expenses; failed to pay wages due to former employees; failed to furnish accurate wage statements; unlawful business practices; and statutory penalties under the Private Attorney General Act (PAGA). Plaintiff also alleges he and others in the Settlement Class are entitled to other penalties.

THE SETTLEMENT BENEFITS—WHAT YOU GET

5. What does the Settlement provide?

Defendants agree to pay \$500,000 into the settlement fund. The following amounts will be deducted from this settlement fund if approved by the Court: (1) \$10,000 to CPT Group, Inc. for claims administration costs; (2) \$15,000 to the California Labor and Workforce Development Agency (LWDA) for its share of penalties under the PAGA; (3) \$10,000 to the named Plaintiff as incentive payment for his service and risks as the Class Representative; and (4) \$150,000 for Class Counsel's attorney fees and \$8,900 for costs. Subtracting the Court-awarded deductions from the total settlement amount will result in a net settlement fund of approximately \$306,100, which will be used for payments to those employees who participate in the Settlement.

6. How much money will I get if I participate in the Settlement?

If you do not exclude yourself from (“opt out” of) the Settlement, you will be entitled to a payment of approximately <<estAmount>> (“Settlement Payment”). This payment is based on the number of pay periods that you worked for Defendants between February 28, 2019 and October 20, 2023 - in which you: (1) were eligible for overtime pay but were not paid; (2) were eligible for a meal period but were not provided with an adequate one; (3) were eligible for a rest break but were not provided with an adequate one; and/or (4) were not reimbursed for business related expenses. **To dispute your Settlement Payment, please use the Dispute Form included in the envelope.**

If you wish to remain in the Class, you will receive a Settlement Payment. 90% of your Settlement Payment will be treated as penalties and interest, and you will be provided with a “1099-Misc” tax form for that amount. The other 10% will be treated as wages subject to withholding of applicable taxes, and you will be provided with a “W-2” tax form.

HOW TO GET PAYMENT OR EXCLUDE YOURSELF FROM THIS LAWSUIT

7. How do I get a payment for the claims?

To receive payment for the claims, you don't have to do anything. You will give up your right to make claims against Defendants in another lawsuit regarding their alleged failure to pay overtime wages; failure to permit and authorize adequate rest and meal periods; failure to indemnify for necessary work-related expenses; failure to pay wages due to former employees; failure to furnish accurate wage statements; unlawful business practices; and statutory penalties under the PAGA.

8. What rights am I releasing if I participate in the Settlement?

If the Court grants final approval of the Settlement and you do not opt out of the Settlement, you will be deemed to have released Defendants from claims that were alleged or reasonably could have been alleged based on the facts in Plaintiff's operative complaint (“Released Claims”) during the period of February 28, 2019, through October 20, 2023. Specifically, you will be deemed to release and discharge Defendants and its present and former parent companies, subsidiaries, divisions, affiliates, clients, all related companies, joint ventures, and each of their respective present and former officers, directors, shareholders, agents, employees, insurers, attorneys, accountants, auditors, advisors, representatives, consultants, pension and welfare benefit plans, plan fiduciaries, administrators, trustees, general and limited partners, predecessors, successors and assigns (“Released Parties”) of any and all applicable claims, demands, rights, debts, obligations, guarantees, costs, expenses, attorney's fees, wages, liquidated damages, statutory damages, penalties including civil and statutory, liabilities, damages, and/or causes of action which arise out of the facts alleged in the First Amended Complaint which arose during the Class Period, as well as any claims for penalties under PAGA that were both contained in Plaintiff's notice to the LWDA and that were alleged in the First Amended Complaint.

9. When will I get a payment?

The Court will hold a final approval hearing on April 26, 2024, at 8:15 a.m., and if the Settlement is approved by the Court, then the Settlement Payment will be sent to the address where you received this notice. If you would like to change the address where your Settlement Payment will be mailed, please contact the Claims Administrator at: *Rafael Mayo v. Double B Dairy, G.P. et al.*, c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606.

Please keep the Claims Administrator advised of any change of address. Checks will be mailed to participating settlement members if and after the Court grants “final approval” of the Settlement. If the Court approves the Settlement

after the Final Approval Hearing, there may be appeals. If there are any appeals, resolving them could take some time, so please be patient. If there are no appeals and the Court grants “final approval” of the Settlement, your payment will be sent out approximately June 26, 2024. You will have 180 days to cash your check from the date of its issuance. Any unclaimed funds will be distributed Centro de los Derechos del Migrante, Inc. (CDM), a non-profit organization assisting migrant workers, as a *cy pres* recipient. If you have questions regarding when checks will be mailed, please contact the Settlement Administrator (contact information above) or Class Counsel (see Question # 14).

10. How do I exclude myself from the Settlement Class?

If you do not want to participate in the Settlement, you may be excluded (“opt out”) by sending a timely letter in writing to the Claims Administrator. The letter must contain your name, address and telephone number, and state that you do not wish to participate in the Settlement in Mayo vs. Double B Dairy, G.P. et al., case number 23CV-00705 (called a “Request for Exclusion”). The Request for Exclusion must be signed, dated, mailed by First Class U.S. Mail, or the equivalent, and postmarked no later than April 1, 2024, to: *Rafael Mayo v. Double B Dairy, G.P. et al.*, c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606

The Court will exclude any settlement class member who sends a complete and timely Request for Exclusion as described in the paragraph above. Requests for Exclusion that do not include all the required information and/or that are not timely submitted will be deemed null, void, and ineffective. Any settlement class member who fails to submit a valid and timely Request for Exclusion on or before the above-specified deadline shall be bound by all terms of the Settlement, release and any Judgment entered in the Action if the Settlement receives final approval from the Court.

If you send a Request for Exclusion, you will not receive money for the claims.

11. What happens if I exclude myself from the Settlement Class?

If you exclude yourself from the Settlement Class, then (1) you will not receive money for the claims from the Settlement; (2) you will not be bound by any further order or judgment entered for or against the Settlement Class; (3) you will not have a right to object to the Settlement or be heard at any hearing scheduled for the Court’s consideration of the Settlement; and (4) you may pursue any claims against Defendants that were included in this case. You must exclude yourself to start or continue your own lawsuit. Even if you exclude yourself from the Settlement Class, however, the PAGA claims in this case will be released and the PAGA aggrieved employees (who worked for Defendants from February 28, 2022 to October 20, 2023) will be entitled to their portion of the PAGA penalty. This means that regardless of whether or not you exclude yourself, you will receive this portion.

OBJECTING TO THE SETTLEMENT

12. How do I object to the Settlement?

Any member of the Settlement Class may object to the proposed Settlement, or any portion of it, by a written objection, which must be mailed to the Claims Administrator no later than April 1, 2024. The Claims Administrator will file any objections with the Court. The address of the Claims Administrator is: *Rafael Mayo v. Double B Dairy, G.P. et al.*, c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606

Any member who submits an objection remains eligible to receive monetary compensation from the Settlement. Only Settlement Class members who do not send a Request for Exclusion may object.

13. What is the difference between objecting and excluding yourself from the Settlement Class?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class.

Excluding yourself (“opting out”) is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself from the Settlement Class, then you cannot object because the Settlement will no longer affect you, and you will not receive any money for the claims.

THE LAWYERS IN THIS CASE

14. Do I have a lawyer in this case?

The following lawyers are Class Counsel for the Settlement Class:

Enrique Martínez
LAW OFFICES OF JOHN E. HILL
 333 Hegenberger Road, Suite 500
 Oakland, California 94621
 Telephone: (510) 588-1000

15. Who are the lawyers representing Double B Dairy, G.P., et al.?

The following lawyers represent Double B Dairy, G.P. and the other defendants in this case:

Kevin B. Piercy
RAIMONDO | MILLER, A LAW CORPORATION
 P. O. Box 28100
 Fresno, CA 93729-8100

THE COURT'S FINAL APPROVAL HEARING

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a final approval hearing (also called a fairness hearing) to decide whether to finally approve the Settlement. The hearing will be on April 26, 2024, at 8:15 a.m., in Department 8 at the Superior Court of the State of California, County of Merced, Civil Division, which is located at 627 W. 21st Street, Merced, CA 95340.

At the hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will also decide how much to pay (1) the Claims Administrator for claims administration costs; (2) the Plaintiff for serving as a Class Representative; and (3) Class Counsel for attorney fees and costs. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long the Court's decision will take. The Court will hear from any class member who attends the final approval hearing and asks to speak regarding their objection, regardless of whether they also submitted a written objection or a notice of intent to appear at the hearing.

17. Do I have to go to the hearing?

No, you do not have to go to the hearing. Class Counsel and Defendants' lawyers will answer any questions the Court may have. But you are welcome to come at your own expense. The hearing may be moved to a different date and/or time, so if you plan to attend, please contact Class Counsel before the hearing to confirm if any changes have taken place. You also have the option to appear by audio or video. You can obtain more information at www.merced.courts.ca.gov.

18. How do I get more information?

This Class Notice provides only a summary of the most important terms of the Settlement. The complete terms of the proposed settlement are stated in the actual Settlement that has been preliminarily approved by and filed with the Court. You can view important documents about this case, including the entire Settlement, at this website: www.cptgroupcaseinfo.com/doublebdairysettlement. You may contact Class Counsel (Enrique Martínez at 510-588-1000) or the Claims Administrator 1-888-919-4074 for more information. You may also get copies of the documents from Class Counsel. Please say that you are calling about the Double B Dairy case.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR DEFENDANTS, WITH INQUIRIES.