

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND
HEARING DATE FOR COURT APPROVAL**

Tomas Martinez vs. Villa & Sons Enterprises, Inc., et al., Case No. CU-19-00120

As a current or former non-exempt hourly employee of Villa & Sons Enterprises, Inc., doing business as Villa & Sons Builder Services (herein referred to as “Villa & Sons Enterprises, Inc.”) who worked for Villa & Sons Enterprises, Inc. in California, you may be entitled to receive money from a class action settlement.

CPT ID: <<CPT ID>>

<<Name>>

<<Address1>>

<<Address2>>

<<City>>, <<State>> <<Zip>>

Please provide current address (if different) here:

*The San Benito County Superior Court has authorized this Class Notice.
This is not a solicitation from a lawyer.*

YOU MAY BE ENTITLED TO RECEIVE MONEY FROM A CLASS ACTION SETTLEMENT IF YOU ARE A CURRENT OR FORMER NON-EXEMPT EMPLOYEE OF VILLA & SONS ENTERPRISES, INC., WHO WORKED FOR VILLA & SONS ENTERPRISES INC. IN CALIFORNIA FROM JULY 8, 2015 THROUGH AUGUST 31, 2020.

- A proposed settlement of \$140,000.00 (the “Gross Settlement Amount”) will be used to pay claims to: current and former non-exempt employees of Villa & Sons Enterprises, Inc., who worked for Villa & Sons Enterprises, Inc. in California from July 8, 2015 through August 31, 2020 (such periods of time, the “Class Period” and such employees, the “Class Members”).
- The settlement resolves a lawsuit entitled *Tomas Martinez vs. Villa & Sons Enterprises Inc., et al.*, Case No. CU-19-00120 (the “Lawsuit”) over whether Villa & Sons Enterprises, Inc. properly paid employees for all hours worked, provided employees meal and rest periods, and other legal consequences that would follow from not doing so. This settlement avoids the costs and risks from continuing the Lawsuit, pays money to persons like you, and releases Villa & Sons Enterprises, Inc.
- The Court has not made a determination of the validity of the claims in the Lawsuit. Villa & Sons Enterprises, Inc. denies any and all liability arising from any of the claims and contends that at all relevant times it properly compensated all employees and fully complied with all applicable laws.
- Class Members will receive a payment based on the number of workweeks worked, rounded up to the nearest full workweek, during the Class Period.
- **PLEASE READ THIS CLASS NOTICE CAREFULLY. YOUR LEGAL RIGHTS ARE AFFECTED BY IT.**

HOW MUCH WILL I GET?

You worked a total number of <<WorkWeeks>> workweeks during the Class Period.

It is expected that you will receive approximately <<estAmount>>

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING	Receive a payment and give up your legal rights to pursue claims released by the settlement of the Lawsuit.
OPT OUT	Receive no payment and retain your legal rights to pursue claims that would otherwise be released by the settlement of the Lawsuit. You may opt out by following the procedures set forth below.
OBJECT TO THE SETTLEMENT	If you do not opt out, you may write to the Settlement Administrator, CPT Group, Inc., about why you do not like the settlement, and they will forward your concerns to counsel which will then be provided to the Court. More information on this process is set forth below.
OBJECT TO THE WORKWEEK CALCULATION	If you feel that you worked a different amount of workweeks than identified above, you may object to that calculation by following the procedures set forth below.
ATTEND A HEARING	You have the right to attend a fairness hearing that will be conducted by the Court, but you are not required to attend. If you timely file and serve a written objection, and if you also want to speak about your objection at the hearing, you should send a letter to the Settlement Administrator, CPT Group, Inc., providing notice of your intention to appear and speak at the hearing.

IMPORTANT INFORMATION ABOUT THE PROPOSED SETTLEMENT**1. Why did I get this Class Notice?**

You were sent this Class Notice because you have a right to know about the proposed settlement in the Lawsuit and about all of your options before the Court rules on whether to finally approve the settlement. If the Court approves the settlement, and after any objections and appeals are resolved, a “Settlement Administrator” appointed by the Court will make the payments that the settlement allows. This Class Notice explains the Lawsuit, the proposed settlement, your legal rights, and what benefits are available and how to receive them.

The Court in charge of this case is the San Benito County Superior Court. The person who sued is called “Plaintiff” and the organizations they sued are called “Defendants.”

2. What is the Lawsuit about?

In the Lawsuit, Tomas Martinez, the Representative Plaintiff, alleged multiple violations of the California Labor Code, the California Business and Professions Code, including causes of action for: (1) Failure to Pay Minimum Wages; (2) Failure to Pay Wages and Overtime Under Labor Code § 510; (3) Meal Period Liability Under Labor Code § 226.7; (4) Rest-Break Liability Under Labor Code § 226.7; (5) Violation of Labor Code § 203; (6) Failure to Reimburse Necessary Business Expenses § 2802; and (6) Violation of Business & Professions Code § 17200, *et seq.*; and (7) Penalties Pursuant to Labor Code § 2698, *et seq.*

3. Why is there a settlement?

The parties disagree on the probable outcome of the case with respect to liability, damages, and how much money could be recovered if the Representative Plaintiff won at trial. Villa & Sons Enterprises, Inc. believes that the Representative Plaintiff would not prevail if this case went to trial. The Court has not decided in favor of the Representative Plaintiff or Villa & Sons Enterprises, Inc. There has been no trial in this case. Instead, both sides recognize the risks, expenses, and disruption associated with continued litigation and they have therefore chosen to resolve their differences by entering into a settlement. By doing so, the parties can avoid the cost of a trial, yet Class Members are still entitled to receive payments if they comply with the instructions in this Class Notice. The parties entered into this settlement after arms-length negotiations while using the services of an experienced and neutral mediator. The Representative Plaintiff and Class Counsel believe that the proposed settlement is fair and reasonable and is in the best interest of the Class Members.

4. What is a class action settlement?

The Court must approve the terms of the proposed settlement as fair and reasonable. Once approved, the settlement will affect all Class Members, except those who have properly opted out. This Class Notice explains your legal rights, the terms of the settlement, what you must do to participate, and the amount of money you may receive. Please read this entire Class Notice carefully.

5. What should I do?

You can do nothing, and if you are entitled to a payment you will be paid. Be mindful, however, that if this Class Notice reaches you and the address where you now live is different, you need to contact the Settlement Administrator and provide updated information so that any future correspondence or the settlement check itself reaches you and is not returned as an address unknown.

6. How much will my payment be?

After all fees, costs, and offsets are taken as set forth under paragraphs 27-30 of the parties' Joint Stipulation of Class Settlement (which is available for review), the remainder will be used to pay Class Members a pro-rata payment based on the number of workweeks each Class Member worked during the Class Period.

If you do not dispute your workweek calculation, and do not opt out of the settlement, you will be bound by the settlement and receive a settlement payment. **In other words, you do not need to take any action to receive a settlement payment.**

7. When would I get my payment?

The Court will hold a hearing on **July 22, 2021 at 1:30 pm** to decide whether to approve the proposed settlement. If the Court approves the settlement and anyone objects, there may be appeals. It is always uncertain when these objections and appeals can be resolved and resolving them can take time. To check on the progress of the settlement, call the Settlement Administrator at 1-888-859-0598, or contact Class Counsel (see below for Class Counsel's contact information.). *Please be patient.*

8. What am I releasing?

Upon the Court's final approval of the settlement, and except as to such rights or claims as may be created by the settlement, Plaintiff and Class Members who have not effectively opted-out of the settlement as described below, fully release Villa & Sons Enterprises, Inc., and all of their related officers, directors, shareholders, assigns, attorneys, insurers, agents, independent contractors, employees, predecessors, successor, parents, subsidiaries, affiliates, related entities or other representatives of any kind without limitation ("Released Parties") of all causes of action and factual

or legal theories that were alleged in the operative complaints or that could have been alleged against Defendant based on the facts contained in the operative complaints, including all of the following claims for relief: (a) failure to pay all regular wages, minimum wages and overtime wages due; (b) failure to provide proper meal and rest periods, and to properly provide premium pay in lieu thereof; (c) waiting time penalties; (d) failure to reimburse all necessary business expenditures; (e) unfair business practices that could have been premised on the claims, causes of action or legal theories of relief described above or any of the claims, causes of action or legal theories of relief pleaded in the operative complaint; (f) any other claims or penalties under the California Labor Code or other wage and hour laws pleaded in the Action; and (g) all damages, penalties, interest and other amounts recoverable under said claims, causes of action or legal theories of relief. The time period covered by this release is July 8, 2015 through August 31, 2020.

9. How can I opt out of this settlement?

You can opt out of this settlement and retain your rights. To do so, you must submit a written, signed request to opt out of the settlement. You will have 45 days from the date of mailing of this Class Notice to do so. Your Opt-Out request must be mailed to the Settlement Administrator, *Martinez v. Villa & Sons*, c/o CPT Group, Inc., 50 Corporate Park, Irvine, California 92606 and be postmarked no later than **June 1, 2021**, or it will not be considered, and you will be bound by the settlement.

10. Do I have a lawyer in this case?

The Court has appointed David Yeremian of DAVID YEREMIAN & ASSOCIATES, INC., 535 N. Brand Blvd., Suite 705, Glendale, California 91203, telephone 818.230.8380 to represent you and other Class Members in the Lawsuit. These lawyers are called Class Counsel. They will be compensated from the Total Settlement Amount as discussed in this Class Notice. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

Class Counsel will ask the Court to award them fees up to one-third of the Gross Settlement Amount. Class Counsel will also ask the Court to award them costs incurred in connection with the Lawsuit. The Court may choose to award less than the amount requested by Class Counsel.

12. How do I tell the Court that I do not like the settlement?

You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies the settlement, no settlement payments will be sent out and the Lawsuit will continue. If that is what you want to happen, you must object.

You may object to the proposed settlement in writing. You may also appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*Tomas Martinez vs. Villa & Sons Enterprises, Inc., et al.*, Case No. CU-19-00120), (b) be submitted to the Court either by mailing them to the Clerk of Court, San Benito County Superior Court, Department 1, 450 Fourth Street, Hollister, California 95023, or by filing them in person at the San Benito County Superior Court, and (c) be filed or postmarked on or before **June 1, 2021**.

13. How do I dispute my workweek calculation?

To dispute the number of workweeks with which you have been credited, you must submit evidence to the Settlement

Administrator showing that the workweek information is inaccurate. Such evidence must be mailed to the Settlement Administrator at Martinez v. Villa & Sons, c/o CPT Group, Inc., 50 Corporate Park, Irvine, California 92606 and postmarked on or before June 1, 2021. The Settlement Administrator shall decide the dispute. Villa & Sons Enterprises, Inc.'s records will be presumed correct, but the Settlement Administrator will evaluate the evidence submitted and make a final decision on the merits of the dispute.

14. When and where will the Court decide whether to approve the settlement?

The Court will hold a fairness hearing on **July 22, 2021 at 1:30 pm** at the San Benito County Superior Court, Department 1, 450 Fourth Street, Hollister, California 95023. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections and they have been properly lodged, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. At or after the hearing, the Court will decide whether to approve the settlement. We do not know how long this decision will take.

15. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have. But, you are welcome to come at your own expense. If you sent an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

16. May I speak at the hearing?

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter stating that it is your "Notice of Intention to Appear" in the settlement. Be sure to include your name, address, and telephone number. Your Notice of Intention to Appear must be postmarked no later than **June 1, 2021**, and be sent to the Settlement Administrator, CPT Group, Inc., at the address listed above.

17. What happens if I do nothing at all?

You will participate in the settlement and receive payment. You will be bound by the release as set forth herein.

GETTING MORE INFORMATION

This Class Notice summarizes the proposed settlement. You may call or contact Class Counsel or the Settlement Administrator if you would like more information about the case. You may call 1-888-859-0598 or write the Settlement Administrator, Martinez v. Villa & Sons, c/o CPT Group, Inc., located at 50 Corporate Park, Irvine California 92606.

You can also access the San Benito County Superior Court Case Information Portal at <http://www.sanbenitocourts.ca.gov/index.shtml>, or by visiting the Clerk's Office at the San Benito County Superior Court, located at 450 Fourth Street, Hollister, California 95023, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

The Settlement Administrator has also setup a website which has links to this Class Notice and other documents related to the proposed settlement, including the Joint Stipulation of Class Settlement. The website is: <https://www.cptgroupcaseinfo.com/villasonsettlement>.

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