

NOTICE OF CLASS ACTION SETTLEMENT

Manuel de Jesus Altamirano-Santiago, et al. v. Better Produce, Inc.

United States District Court for the Central District of California, Western Division
Case No. 2:19-cv-3964-DDP

This Notice provides important information about a proposed settlement in the class action lawsuit entered into by former workers at Rancho Del Mar, Inc. and the Defendants who are Rancho Del Mar, Inc., Better Produce, Inc., C.J.J. Farming, Inc., and Juan Cisneros. This Notice explains the lawsuit, the proposed settlement of the lawsuit, changes to employment practices at the Defendants’ farm operations that are part of the proposed stipulated judgment, and your rights to participate in or exclude yourself from the settlement.

A. Summary of the Claims

The Complaint alleges that Defendants failed to reimburse travel expenses, collected kickbacks to secure employment, and failed to pay travel time, waiting time, and all hours worked, failed to provide timely and complete meal and rest breaks, and paid Sunday work on separate checks without the payment of required overtime wages. Class Members are those workers who worked for Rancho Del Mar, Inc. during one or more of the following employment contracts during the following time periods in the years 2015, 2016, 2017 or 2018.

Contract	Start Date	End Date
14249242	March 12, 2015	November 30, 2015
14642271	March 14, 2016	November 30, 2016
14968271	September 16, 2016	November 30, 2016
15159101	March 13, 2017	November 30, 2017
15771064	March 12, 2018	November 30, 2018

Plaintiffs filed this lawsuit to assert their right to minimum wages, pay for all hours of work, overtime under California law, reimbursement of necessary expenses, meal and rest break premium wages, and for payment of contractually promised wages. Plaintiffs alleged that not all of their compensable hours of work were recorded and that wage violations resulted. As a result of these claims, the Complaint alleged violations of the following: (1) the federal minimum wage in the Fair Labor Standards Act, 29 U.S.C. §§ 206; (2) California minimum wages laws, Cal. Lab. Code §§ 1182.11-1182.13, 1194 and 1197; (3) California overtime laws, Cal. Lab. Code § 1194 and Wage Orders 8 and 14; (4) Breach of Contract for violation of the wage requirements, (5) California reimbursement and indemnification for business expenses law, Cal. Lab. Code § 2802, (6) Waiting

time penalties under California law for violation of Labor Code 201 through 203, (7) California's Unfair Competition law, Cal. Bus. & Prof. Code §§ 17200 et seq.; (8) California meal and rest break laws, Cal. Lab. Code §§ 226.7, 512 and Wage Orders 8 and 14.

B. Why You Are Receiving This Notice

On June 7, 2021, the Court preliminarily approved a settlement of the Lawsuit. According to Defendants' records, you are a Class Member. Because you are a Class Member, you have the right to participate in, object to, or exclude yourself from the settlement. This Notice explains your legal rights and options with respect to the settlement.

C. The Terms of the Settlement

Monetary Payment to Class Members

Defendants have agreed to pay the Gross Settlement Amount of Three Million Five Hundred and Fifty Thousand Dollars (\$3,550,000.00). It is estimated that, after deducting the litigation costs (not to exceed \$65,000), the cost to administer the settlement (estimated at \$45,000), and attorney's fees not to exceed \$958,500 (27% of the Gross Settlement Amount) awarded to Class Counsel, and the service payments awarded to certain Plaintiffs (not to exceed \$93,000 total), approximately \$2,388,500 (the "Net Settlement Amount") will be available for distribution to Class Members. If all estimated 1,000 Class Members are located and do not opt out and the Court approves the requested amounts, each Class Member will on average receive about \$2,388.50 from the Net Settlement Amount plus interest on a portion of that amount, as explained below.

Payment Terms

Plaintiffs and Defendants have agreed to payment terms. Forty percent of the payment will be paid within 21 days of the settlement being finally approved. The remaining settlement amount, plus 4% interest, will be paid in two annual payments (each 30% of the total settlement amount). The first annual payment will be made no later than 12 months after the initial payment. The second and final annual payment will be made no later than 24 months after the initial payment. However, Defendants can pay the full amount before the due dates. Each of these subsequent payments will be thirty percent of the settlement amount plus compound interest of four percent per year. Defendants will pay their share of any employment taxes separately.

Settlement Allocation

The settlement payments will be allocated based on the workweeks you worked as a Class Member during the class period and whether you were in certain categories. For those who worked with an H-2A visa, for each season, they will receive \$800 in unpaid reimbursement, for Class Members who worked at least four weeks with an H-2A visa, they will receive \$650 for alleged kickbacks. The remaining amounts will be distributed to Class Members based on the number of workweeks they worked in the class period. However, Class Members who also received payment from C.J.J. Farming, Inc. in the same season will received 1.25 times the weekly amounts and Class Members who had average earnings below the contract's guaranteed wage rate will received 1.25 times the weekly amount. For Class Members where both conditions apply will receive 1.5 times the weekly amount. Your estimated individual settlement allocation is attached to this Notice. Payments to you will be based on your share of each of the payments made by the Defendants. You

will not receive your complete payment until all of the payments are made under the payment schedule.

Employment Practices to Change at Defendants' Agricultural Operations

In addition, the settlement provides that Defendants will take the following steps (1) offer re-hire to the plaintiffs, (2) pay daily commute/travel time to and from the H-2A employees' assigned residences to the worksite, (3) implement electronic time cards and time keeping, (4) provide electronic paycheck deposit to all seasonal and field employees and arrange for bank accounts to be opened for those employees, (4) show all field work on one paystub with no payment by a second Defendant during the same time period, (5) provide duty-free rest periods of no less than 10 minutes for every four hours, or major fraction thereof, with separate compensation at the higher of the prevailing hourly rate or average piece rate earnings and (6) provide a full 30-minute duty-free meal period for each five hours of work during a workday.

D. Your Options

You have three options: (1) participate in the settlement (which does not require any further action from you); (2) object to the settlement; or (3) exclude yourself from the settlement.

1. Participate in the Settlement

To receive your share of settlement benefits, estimated at <<estimated_payment>>, you do not need to do anything more. As long as you do not exclude yourself from the settlement by submitting a written exclusion request to Atticus Administration, LLC, the settlement administrator, you will receive whatever settlement benefits you are entitled to following final approval of the settlement and you will be bound by the release of claims in the settlement, which means that you will not be able to sue the Defendants for any of the claims asserted against them in the lawsuit for the time period of the employment contracts at issue.¹ **If the Court approves the settlement at the final approval hearing, the first settlement payments to you and the other Class Members are expected to be made by November 15, 2021.** If you received this Notice outside of the United States, you will need to contact Atticus Administration, LLC to confirm your payment preferences. You may also update your address by sending a change of address request to Atticus:

Litigio RDM
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164
Email: litigioRDM@atticusadmin.com
Fax: 1-888-326-6411
WhatsApp: 612-205-1767
Phone: 1-888-214-3186

¹ Each member of the Class who does not submit a timely request for exclusion from the Settlement will receive his/her pro-rata share of the Net Settlement Amount based on the amount of damages the Class Member is owed. The damage calculations are based on the Class Members' dates of employment with Defendants and the value of each of their claims as approximated in the settlement agreement.

If you are in the United States, your payment will be mailed to the address this Notice was mailed to. If you are in Mexico, your payment will be made electronically to your bank account or by sending a prepaid electronic card to your phone number. More information about how to update your information, payment options, and to review case filings are also available on the settlement website: www.litigioRDM.com.

2. Object to the Settlement

As long as you do not exclude yourself from the settlement, you have the right to object to the settlement. The objection must be in writing and must be sent by September 27, 2021 by regular mail, e-mail, or fax to the Settlement Administrator at the following address:

Litigio RDM
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164
Email: litigioRDM@atticusadmin.com
Fax: 1-888-326-6411

The Court will rule on your objection at the Final Class Settlement Approval Hearing discussed below.

3. Exclude Yourself from the Settlement

If you wish to exclude yourself from the settlement, you must submit a written request for exclusion. The exclusion request must be sent by September 27, 2021 by regular mail, e-mail or fax to the Settlement Administrator at the address above.

Class Members who submit a valid and timely request for exclusion will not be entitled to recover any settlement benefits or object to the settlement but will retain the right to bring any claims they may have against Defendants. Any Class Member who does not exclude himself or herself from the settlement will upon final approval of the settlement be bound by the release of claims against Defendants and lose the right to sue Defendants for the contract time periods in Section A of this Notice for the claims asserted against Defendants in the lawsuit.

E. Release of Claims

Unless you exclude yourself from the settlement, upon final approval of the settlement by the Court you will be deemed to release and discharge all Defendants named in the Complaint for the claims alleged in the Complaint, also listed in Section A, and for the time periods listed above in Section A during the years 2015, 2016, 2017 and 2018.

F. Final Class Settlement Approval Hearing

The Court has scheduled a Final Class Settlement Approval Hearing for October 18, 2021 at 10:00 a.m. in Courtroom 9C of the United States District Court for the Central District of California, located at 350 West 1st Street 9th Floor, Los Angeles, CA 90012. At the Final Class Settlement Approval Hearing, the Court will decide whether to grant final approval to the

settlement. The Court will also rule on the application by Plaintiffs for an award of attorney's fees not to exceed \$958,500 (27% of the Gross Settlement Amount), costs (not to exceed \$65,000), Administration costs (estimated at \$45,000) and service payments to certain Plaintiffs (not to exceed \$93,000). You have the right to participate in the Final Class Settlement Approval Hearing and, if you objected to the settlement, address the Court. You also have the right to retain an attorney, at your own expense, to speak on your behalf. You may access the court website at www.cacd.uscourts.gov or you may access information on the case specific website at www.litigioRDM.com.

G. Where to Get More Information

If you want more information about the lawsuit or the settlement, you can contact the attorney for the Class at the address or telephone numbers listed below or any other advisor of your choice.

LAW OFFICES OF SANTOS GOMEZ
1003 Freedom Boulevard
Watsonville, CA 95076
Telephone: (831) 228-1560; WhatsApp Number: (404) 550-7851

You can also view and obtain copies of lawsuit related documents in the Court's file by going to the settlement website at www.litigioRDM.com.

DO NOT CONTACT THE COURT WITH QUESTIONS