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Attorneys for Plaintiffs
SHAYNIA VERNON and BENJAMIN CASTANEDA-RIVERA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

SHAYNIA VERNON, as an individual and on
behalf of all others similarly situated;
BENJAMIN CASTANEDA-RIVERA, as an
individual and on behalf of all others similarly
situated,

Plaintiffs,

vs.

MCLANE/SUNEAST, INC., a Texas
corporation; MCLANE FOODSERVICE,
INC., a Texas corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: CIVSB2123367

[Assigned for All Purposes to Hon. David
Cohn, Dept. S-26]

**DECLARATION OF STEPHEN GOMEZ
REGARDING NOTICE AND
ADMINISTRATION OF SETTLEMENT**

Date: December 23, 2022

Time: 10:00 a.m.

Dept.: S-26

Complaint Filed: August 12, 2021

FAC Filed: September 8, 2022

Trial Date: None Set

1
2 I, STEPHEN GOMEZ, declare under penalty of perjury as follows:

3 1. I have personal knowledge of the facts set forth herein and if called upon to
4 testify, I could and would do so competently under oath.

5 2. I am employed by Simpluris, Inc. ("Simpluris"), as Senior Project Manager. I
6 personally have over eight years of experience in claims management and administration of class
7 and collective action matters.

8 3. Simpluris was selected by the Parties to provide notice of the Settlement and
9 perform class administration duties in this Action. Pursuant to the Stipulation for Settlement and
10 Release of Class Action and PAGA Claims (the "Settlement Agreement" or "Agreement") for
11 this matter, Simpluris was responsible for: (i) preparing, printing, and mailing the Notice of
12 Class Action Settlement ("Notice"); (ii) responding to inquiries from Class Members; (iii)
13 determining the validity of letters indicating a request to be excluded from the Class Settlement
14 ("Requests for Exclusion"), written objections to the Class Settlement ("Notice of Objection"),
15 and/or dispute regarding the number of wage statements attributed to Class Members; (iv)
16 calculating the Net Settlement Amount and the Individual Settlement Share to Class Members;
17 (v) calculating and issuing the Individual Settlement Share and distributing them to Settlement
18 Class Members; (vi) issuing the payment to Class Counsel for attorneys' fees and costs and the
19 Enhancement Awards to both Plaintiffs; and (vii) such other tasks as set forth in the Settlement
20 Agreement or as the Parties mutually agree or as the Court orders.

21 4. On October 24, 2022, Simpluris received a data file from Defense Counsel that
22 contained names, last known mailing addresses, Social Security numbers, and number of Wage
23 Statements issued to each Class Member ("Class List") during the Settlement Periods. The final
24 mailing list contained nine hundred fifty-four (954) individuals identified as MSE Subclass Class
25 Members who received eighteen thousand four hundred eighty-nine (18,489) Wage Statements
26 during the MSE Settlement Period, and ninety-five (495) individuals identified as MFS Subclass
27 Class Members who received twelve thousand four hundred fifty-three (12,453) Wage
28 Statements during the MFS Settlement Period.

1 5. On November 2, 2022, Simpluris conducted a National Change of Address
2 ("NCOA") search in an attempt to update the Class List of addresses as accurately as possible. A
3 search of this database provides updated addresses for any individual who has moved in the
4 previous four (4) years and notified the U.S. Postal Service of their change of address.

5 6. On November 2, 2022, Simpluris mailed the Notice via U.S. first class mail, in
6 English, to all one thousand four hundred forty-eight (1,448) Class Members on the Class List. A
7 true and correct copy of the mailed Notice is attached hereto as **Exhibit A**.

8 7. As of the date of this declaration, thirty (30) Notices have been returned to
9 Simpluris. None were returned with a forwarding address. Simpluris attempted to locate a
10 current mailing address using TransUnion TLOxp, one of the most comprehensive address
11 databases available for skip tracing. Of the thirty (30) Notices that were skip traced, twenty-two
12 (22) updated addresses were obtained and the Notice was promptly re-mailed to those Class
13 Members via first class mail.

14 8. As of the date of this declaration, eight (8) Notices remain undeliverable.
15 Specifically, seven (7) are undeliverable since an updated address could not be obtained via skip
16 trace, and one (1) was returned to Simpluris a second time after being re-mailed.

17 9. As of the date of this declaration, Simpluris has not received any Requests for
18 Exclusion from Class Members. The deadline to request exclusion from the Class Settlement is
19 December 17, 2022.

20 10. As of the date of this declaration, Simpluris has received zero (0) Notices of
21 Objection from Class Members. The deadline for objecting to the Class Settlement is December
22 17, 2022.

23 11. As of the date of this declaration, Simpluris has received zero (0) Wage Statement
24 disputes from Class Members. The deadline for submitting a dispute is December 17, 2022.

25 12. There are one thousand four hundred forty-eight (1,448) Class Members who did
26 not submit timely and valid Requests for Exclusion and are therefore deemed Settlement Class
27 Members, representing 100% of the Class. Settlement Class Members have earned a collective
28 total of thirty thousand nine hundred forty-two (30,942) Wage Statements during the Settlement

1 Period.

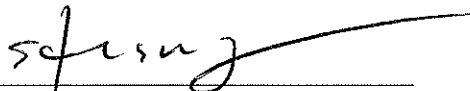
2 13. The Net Settlement Amount of \$194,840.88 available to pay Settlement Class
3 Members was determined by subtracting the requested Class Counsel attorneys' fees (\$140,000)
4 and costs (\$23,191.12), requested Enhancement Award in the amount of \$10,000 to each
5 Plaintiff (\$20,000.00 total), the PAGA Amount (\$10,000.00) and the Settlement Administration
6 Costs (\$11,968.00) from the Gross Settlement Fund (\$400,000.00).

7 14. Based upon the calculations stipulated in the Settlement, the highest Individual
8 Settlement Payment to be paid is approximately \$289.66, the lowest Individual Settlement
9 Payment to be paid is approximately \$6.30, while the average Individual Settlement Payment to
10 be paid is approximately \$134.55.

11 15. \$10,000.00 of the Gross Settlement Fund has been allocated toward penalties
12 under the Private Attorneys General Act ("PAGA Amount"), of which 75%, or \$7,500.00, shall
13 be paid to the Labor and Workforce Development Agency ("LWDA"), and 25%, or \$2,500.00,
14 of which shall be paid to all Aggrieved Employees.

15 16. Simpluris' costs associated with the administration of this matter are \$11,968.00.
16 This includes all costs incurred to date, as well as estimated costs involved in completing the
17 settlement distribution. A true and correct copy of the invoice from Simpluris is attached hereto
18 as **Exhibit B**.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on December 1, 2022 at Costa Mesa, California.

21 
22 _____
23 Stephen Gomez

Larry W. Lee (SBN 228175)
Kristen M. Agnew (SBN 247656)
Nicholas Rosenthal (SBN 268297)
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6 personally have over eight years of experience in claims management and administration of class
7 and collective action matters.

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9 perform class administration duties in this Action. Pursuant to the Stipulation for Settlement and
10 Release of Class Action and PAGA Claims (the "Settlement Agreement" or "Agreement") for
11 this matter, Simpluris was responsible for: (i) preparing, printing, and mailing the Notice of
12 Class Action Settlement ("Notice"); (ii) responding to inquiries from Class Members; (iii)
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14 ("Requests for Exclusion"), written objections to the Class Settlement ("Notice of Objection"),
15 and/or dispute regarding the number of wage statements attributed to Class Members; (iv)
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17 (v) calculating and issuing the Individual Settlement Share and distributing them to Settlement
18 Class Members; (vi) issuing the payment to Class Counsel for attorneys' fees and costs and the
19 Enhancement Awards to both Plaintiffs; and (vii) such other tasks as set forth in the Settlement
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22 contained names, last known mailing addresses, Social Security numbers, and number of Wage
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24 mailing list contained nine hundred fifty-four (954) individuals identified as MSE Subclass Class
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7 true and correct copy of the mailed Notice is attached hereto as **Exhibit A**.

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11 databases available for skip tracing. Of the thirty (30) Notices that were skip traced, twenty-two
12 (22) updated addresses were obtained and the Notice was promptly re-mailed to those Class
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16 trace, and one (1) was returned to Simpluris a second time after being re-mailed.

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18 Exclusion from Class Members. The deadline to request exclusion from the Class Settlement is
19 December 17, 2022.

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21 Objection from Class Members. The deadline for objecting to the Class Settlement is December
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26 not submit timely and valid Requests for Exclusion and are therefore deemed Settlement Class
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28 total of thirty thousand nine hundred forty-two (30,492) Wage Statements during the Settlement

1 Period.

2 13. The Net Settlement Amount of \$194,840.88 available to pay Settlement Class
3 Members was determined by subtracting the requested Class Counsel attorneys' fees (\$140,000)
4 and costs (\$23,191.12), requested Enhancement Awards to both Plaintiffs (\$20,000.00), the
5 PAGA Amount (\$10,000.00) and the Settlement Administration Costs (\$11,968.00) from the
6 Gross Settlement Fund (\$400,000.00).

7 14. Based upon the calculations stipulated in the Settlement, the highest Individual
8 Settlement Payment to be paid is approximately \$134.55, the lowest Individual Settlement
9 Payment to be paid is approximately \$6.30, while the average Individual Settlement Payment to
10 be paid is approximately \$289.66.

11 15. Additionally, \$10,000.00 of the Gross Settlement Fund has been allocated toward
12 penalties under the Private Attorneys General Act ("PAGA Amount"), of which 75%, or
13 \$7,500.00, shall be paid to the Labor and Workforce Development Agency ("LWDA"), and
14 25%, or \$2,500.00, of which shall be paid to all Aggrieved Employees.

15 16. Simpluris' costs associated with the administration of this matter are \$20,000.00.
16 This includes all costs incurred to date, as well as estimated costs involved in completing the
17 settlement distribution. A true and correct copy of the invoice from Simpluris is attached hereto
18 as **Exhibit B**.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on December 1, 2022 at Costa Mesa, California.

21
22 _____
23 Stephen Gomez
24
25
26
27
28

EXHIBIT A

Vernon, et al. v. McLane/Suneast, Inc., et al.
Superior Court of the State of California for the County of San Bernardino
(Case No. CIVSB2123367)

NOTICE OF CLASS ACTION SETTLEMENT ("NOTICE")

IF YOU ARE A CURRENT OR FORMER NON-EXEMPT EMPLOYEE OF MCLANE/SUNEAST, INC. AND/OR MCLANE FOODSERVICE, INC. ("DEFENDANTS") IN THE STATE OF CALIFORNIA AND WERE PAID OVERTIME WAGES YOU MAY BE ABLE TO COLLECT MONEY FROM A CLASS ACTION SETTLEMENT.

*The San Bernardino County Superior Court ("Court") authorized this Notice to be sent by Simpluris ("Settlement Administrator").
This is not an advertisement. This is not a solicitation from a lawyer.*

PLEASE KEEP THE SETTLEMENT ADMINISTRATOR INFORMED OF YOUR ADDRESS IF YOU MOVE AFTER RECEIVING THIS NOTICE.

«I Mj|ul | Bar codeEncoded»

**YOU ARE ESTIMATED TO RECEIVE
APPROXIMATELY \$«MERGED_EstSettAmnt_CALC»
THROUGH THIS CLASS ACTION SETTLEMENT**

«FirstName» «LastName» «BusinessName»

«Address1» «Address2»

«CITY» «STATE» «ZIP» «ZIPDPC3»

«City», «State» «Zip»-«ZipDPC3»

- Shaynia Vernon and Benjamin Castaneda-Rivera ("Named Plaintiffs") have sued Defendants on behalf of themselves and all other similarly situated employees.
- The parties to the lawsuit have reached a tentative settlement, and the Court has preliminarily approved it.
- The settlement resolves the lawsuit.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
You Can DO NOTHING	You will receive a payment from the settlement. If you do nothing, you continue your participation in this lawsuit, and you will be impacted by the outcome of this case. You will receive a settlement payment; however, you will lose any rights to sue Defendants separately for the same legal claims released by the settlement made in the lawsuit. The currently estimated amount of your settlement payment is shown above. To receive your settlement payment, all you need to do is keep the Settlement Administrator informed of your current mailing address. Once the Court grants final approval of the settlement, the Settlement Administrator will make a final calculation of the amount of your settlement payment and mail your check to the address on file for you. Defendants have approved this Settlement and will not retaliate against you for participating in the Settlement.
You Can ASK TO BE EXCLUDED FROM THE CLASS SETTLEMENT (Deadline: December 17, 2022)	If you ask to be excluded from the class settlement, you will get no payment from the class settlement amount, but you will keep any rights to sue Defendants separately for the same legal claims that otherwise would have been released by the settlement made in this lawsuit, subject to whatever defenses there may be to those claims, other than the PAGA claim. However, you may not request exclusion from the settlement of the PAGA claim. Important: You cannot ask to be excluded <u>and</u> still get a settlement payment.
You Can OBJECT TO THE SETTLEMENT	If you do not like the class settlement, you can send a written objection to the Settlement Administrator by the deadline, or you can appear at the Final Approval Hearing to make your objection in person. If your objection is overruled, you will still be bound by the terms of the settlement and will receive a settlement payment. However, you may not object to the settlement of the PAGA claim. Important: If you object to the settlement, you cannot also ask to be excluded.

THESE RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—ARE EXPLAINED IN THIS NOTICE.

The Court is in charge of this lawsuit and still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after appeals, if any, are resolved. Please be patient.

1. Why Should You Read This Notice?

You should read this Notice because you may be entitled to money from a class action settlement.

2. What is this Lawsuit About?

In the lawsuit, the Named Plaintiffs have asserted class-wide claims for violation of Labor Code section 226(a). The Named Plaintiffs also asserted a representative Labor Code Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* ("PAGA"), claim predicated on Defendants' alleged violations of Labor Code section 226(a).

The Named Plaintiffs alleged that Defendants failed to provide their respective employees with proper and accurate itemized wage statements, in violation of Labor Code section 226(a). The Named Plaintiffs alleged those violations included that whenever overtime wages were paid, the corresponding wage statements did not identify the correct rates of pay. Defendants deny the allegations in the lawsuit. Defendants assert compliance with all legal requirements and are resolving this action in order to avoid the risk and costs of further legal proceedings.

3. Why is this a Class Action?

This lawsuit is a class action. In a class action, one or more persons, called a class representative (in this case, Shaynia Vernon and Benjamin Castaneda-Rivera), sue on behalf of people who allegedly have similar claims. All these people are a class or class members. One case resolves the issues for all class members, except for those who exclude themselves from the class. The San Bernardino County Superior Court is in charge of the case. The lawsuit is known as *Vernon, et al. v. McLane/Suneast, Inc., et al.*, Case No. CIVSB2123367.

4. Why is there a Settlement?

The Court did not decide in favor of Named Plaintiffs or Defendants. Named Plaintiffs think they could have won at trial. Defendants think that they would have won at trial. But there was no trial. Instead, the parties agreed to a settlement. That way, they avoid the risks and cost of litigation, and the individuals potentially affected will get compensation. The class representatives and the attorneys think the settlement is best for Class Members.

5. How Do I Know If I Am Part of the Settlement?

The Court has decided that the following individuals are Class Members:

- (1) All current and former non-exempt employees employed by McLane/Suneast, Inc. and working in California at any time during the time period from April 6, 2019 through and including October 29, 2020 (the "MSE Settlement Period") who were paid overtime wages at any time during the MSE Settlement Period ("MSE Subclass"); and
- (2) All current and former non-exempt employees employed by McLane Foodservice, Inc. and working in California at any time during the time period from January 28, 2019 through and including October 29, 2020 (the "MFS Settlement Period") who were paid overtime wages at any time during the MFS Settlement Period ("MFS Subclass")

Together, the MSE Subclass and MFS Subclass make up the "Class" or "Class Members." Expressly excluded from the Class are any individuals who, as of September 1, 2022, have filed a pending, separate lawsuit as a named plaintiff, individually and/or as a putative class or representative action, asserting claims based on violations of any of the same statutes and/or regulations as those alleged to have been violated in the Actions and/or who have released such claims.

6. What Does the Settlement Provide?

The proposed settlement provides for a cash payment by Defendants of \$400,000.00 to fully and finally resolve all claims in the lawsuit (referred to as the "Settlement Fund"). The total amount to be distributed to Class Members who can be located and who do not exclude themselves from the settlement will be the value of the Settlement Fund after deducting the following (the "Net Settlement Fund"): (a) settlement administration costs presently budgeted to be up to \$20,000; (b) Enhancement Award in the amount of \$10,000 to each Named Plaintiff for their work and efforts in prosecuting this case, providing a general release, and for undertaking the risks of a costs award against them (in the event the outcome of this lawsuit was not favorable); (c) Class Counsel's attorneys' fees not to exceed \$140,000; (d) Class Counsel's actual litigation costs and expenses as supported by declaration not to exceed \$30,000; and (f) PAGA Amount of \$10,000 for alleged civil penalties owed pursuant to the California Private Attorneys' General Act. Class Counsel's attorneys' fees and costs and Named Plaintiffs' Enhancement Award remain subject to Court approval.

By statute, the Labor and Workforce Development Agency will receive seventy-five percent of the PAGA Amount —i.e. the amount of \$7,500. Each Class Member will receive a portion of the remaining twenty-five percent of the PAGA Amount (“Aggrieved Employee Payment”).

No portion of the Net Settlement Fund will be returned to Defendants under any circumstances. Instead, any unclaimed settlement proceeds will be transferred to the California Secretary of State Controller’s Office—Office of Unclaimed Property Fund under the unclaimed property laws in the name of the Class Member.

7. How Much Will My Payment Be?

Your currently estimated share of the Net Settlement Fund is \$«MERGED_EstSettAmnt_CALC».

For members of the MSE Subclass, this amount is based on the number of wage statements reflecting the payment of overtime wages that you received during the MSE Settlement Period, as compared to the total number of wage statements reflecting the payment of overtime wages issued to the MSE Subclass during the MSE Settlement Period. Based on Defendants’ records, the number of wage statements reflecting the payment of overtime wages that you received during the MSE Settlement Period is determined to be «MERGED_MSE_WageStatements».

For members of the MFS Subclass, this amount is based on the number of wage statements reflecting the payment of overtime wages that you received during the MFS Settlement Period, as compared to the total number of wage statements reflecting the payment of overtime wages issued to the MFS Subclass during the MFS Settlement Period. Based on Defendants’ records, the number of wage statements reflecting the payment of overtime wages that you received during the MFS Settlement Period is determined to be «MERGED_MFS_WageStatements».

If this information appears correct, you do not need to do anything further to receive your settlement payment. If you disagree with the number of wage statements identified, see below (Question 9).

8. How Do I Get a Payment?

To qualify for payment, you need not do anything. Following the Effective Date of final approval of the settlement, Defendants will submit the Settlement Fund to the Settlement Administrator. The Settlement Administrator will mail you a check after Defendants submit payment of the Settlement Fund to the Settlement Administrator.

9. What If I Believe the Information is Inaccurate?

If you believe the number of wage statements reflecting the payment of overtime wage statements credited to you is inaccurate, you may dispute it by sending a letter to Simpluris, P.O. Box 26170, Santa Ana, CA 92799, no later than December 17, 2022. Be sure to include: (i) your full name, current mailing address, telephone number, signature, and last four digits of your Social Security number; (ii) the case name (*Vernon, et al. v. McLane/Suncoast, Inc., et al.*) and case number (CIVSB2123367); and (iii) a statement indicating that you seek to dispute the number of wage statements credited to you, the time period(s) you performed overtime work for MSE and/or MFS in a non-exempt position in California during the MSE and/or MFS Settlement Period, and the number of wages statements that you contend should be credited to you. Also attach a copy of any documentation you want to include to support your dispute.

10. What Am I Giving Up to Get a Class Settlement Payment?

Unless you request to be excluded from the class settlement, you will be a Participating Class Member.

If you are a Participating Class Member who is a member of the MSE Subclass, you will be giving up or “releasing” Defendants and the Released Parties from the following:

Any and all allegations, claims, debts, rights, demands, charges, complaints, actions, causes of action, guarantees, costs, expenses, attorneys’ fees, economic damages, non-economic damages, restitution, civil penalties, statutory penalties, liquidated damages, punitive damages, interest, obligations, liabilities, or other monies and remedies, of any and every kind, contingent or accrued, that have been or reasonably could have been alleged or asserted in the FAC and/or any of the pleadings filed in the Federal Action based on the factual and/or legal violations allegations contained therein, and in any notice Plaintiffs sent to the LWDA pursuant to PAGA based on the factual and/or legal violations allegations contained therein, including, without limitation, for failure to furnish accurate itemized wage statements arising out of, based on, or related to any violation of Cal. Lab. Code § 226, and/or civil penalties pursuant to PAGA, based in whole or in part on any direct or imputed violation of any federal, state, local or administrative constitution, charter, law, rule, regulation or ordinance, during the MSE Settlement Period [April 6, 2019 through and including October 29, 2020].

If you are a Participating Class Member who is a member of the MFS Subclass, you will be giving up or “releasing” Defendants and the Released Parties from the following:

Any and all allegations, claims, debts, rights, demands, charges, complaints, actions, causes of action, guarantees, costs, expenses, attorneys' fees, economic damages, non-economic damages, restitution, civil penalties, statutory penalties, liquidated damages, punitive damages, interest, obligations, liabilities, or other monies and remedies, of any and every kind, contingent or accrued, that have been or reasonably could have been alleged or asserted in the FAC and/or any of the pleadings filed in the Federal Action based on the factual and/or legal violations allegations contained therein, and in any notice Plaintiffs sent to the LWDA pursuant to PAGA based on the factual and/or legal violations allegations contained therein, including, without limitation, for failure to furnish accurate itemized wage statements arising out of, based on, or related to any violation of Cal. Lab. Code § 226, and/or civil penalties pursuant to PAGA, based in whole or in part on any direct or imputed violation of any federal, state, local or administrative constitution, charter, law, rule, regulation or ordinance, during the MFS Settlement Period [January 28, 2019 through and including October 29, 2020].

11. What is the PAGA Release?

You may not opt-out, or request to be excluded, from the settlement of the PAGA claim, nor may you object to that settlement. Thus, all Class Members are "Aggrieved Employees" for the purpose of the PAGA Release.

If you are an Aggrieved Employee who is a member of the MSE Subclass, you will be giving up or "releasing" Defendants and the Released Parties from the following:

All claims for any civil penalties recoverable under the California Labor Code, including PAGA, as well as costs and attorneys' fees related thereto, predicated on any violations of California Labor Code section 226 that arose, accrued and/or have been asserted during the during the MSE Settlement Period [April 6, 2019 through and including October 29, 2020]

If you are an Aggrieved Employee who is a member of the MFS Subclass, you will be giving up or "releasing" Defendants and the Released Parties from the following:

All claims for any civil penalties recoverable under the California Labor Code, including PAGA, as well as costs and attorneys' fees related thereto, predicated on any violations of California Labor Code section 226 that arose, accrued and/or have been asserted during the during the MFS Settlement Period [January 28, 2019 through and including October 29, 2020].

12. How Do I Exclude Myself from the Settlement?

To exclude yourself from the class settlement (also referred to as "opt-out"), you must mail a letter to the Settlement Administrator that includes: (i) your full name, current mailing address, signature, and last four digits of your Social Security number; and (ii) a statement that you seek to be excluded from the *Vernon, et al. v. McLane/Suneast, Inc., et al.* class action settlement and understand that by doing so, will not participate in the settlement, and will not receive any money from it. You must mail your exclusion letter postmarked no later than December 17, 2022, to the Settlement Administrator at P.O. Box 26170, Santa Ana, CA 92799.

If you submit a timely and valid "opt-out" request, you will no longer be a member of the class and you will not receive any money from the class settlement, or be able to object to the settlement, but you will not be legally bound by anything that happens regarding the class action portion of this lawsuit. You will keep any rights to sue (or continue to sue) Defendants in the future for the same class claims made in this lawsuit, at your own expense.

You may not opt-out, or request to be excluded, from the settlement of the PAGA claim. Thus, even if you submit a timely and valid "opt-out" request, you will still receive a portion of the Aggrieved Employee Payment and will be deemed to have released the PAGA claims.

13. If I Don't Exclude Myself, Can I Sue Defendants or Get Money from the Settlement?

If you do not exclude yourself from the class settlement, you cannot sue Defendants for any of the claims that this settlement releases and resolves. If you have a pending lawsuit against Defendants, speak to your lawyer in that case immediately. You may have to exclude yourself from this case to continue on with your own lawsuit. Remember, the exclusion deadline is December 17, 2022.

Again, if you exclude yourself from this settlement, you cannot get money from this settlement.

14. How Do I Tell the Court that I Don't Believe that the Settlement is Fair?

If you are a Class Member and you do not exclude yourself from the class settlement, you can object to the class settlement if you believe that the settlement is unfair or inadequate. You can give reasons why you think the Court should not approve the class settlement. If you object and follow the procedures set out in this section, your objection will be considered.

If you decide to object to the proposed settlement, you can do so in writing. All objections must be signed by you and must include: (i) your full name and current address, and contact information for any attorney representing you for the purposes of your objection; (ii) a written statement of the basis for your objection; and (iii) any copies of papers, briefs, or documents upon which the objection is based. You must mail your written objection postmarked no later than December 17, 2022, to the Settlement Administrator at P.O. Box 26170, Santa Ana, CA 92799. If you do not submit a written objection, you may still object by appearing at the Final Approval Hearing, which is set for December 23, 2022, and stating your objection in person, provided that you did not exclude yourself from the Settlement. If you do not follow these procedures, you will be deemed not to have objected.

There is no right to object to the settlement of the PAGA claim.

15. What is the Difference Between Objecting and Excluding?

Objecting is simply telling the Court that you don't like something about the class settlement. You can object only if you stay in the class. Excluding yourself, on the other hand, is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you and you will not receive settlement benefits under the class settlement if it is approved by the Court. However, if you file an objection, you will still receive settlement benefits under the class settlement if it is approved by the Court.

16. Do I Have a Lawyer in this Case?

In connection with the Preliminary Approval of the Settlement, the Court decided that the law firms of Diversity Law Group and Polaris Law Group LLP, which represent the Named Plaintiffs, are also qualified to represent you and all Class Members. You will not be charged for these lawyers. These law firms are referred to as "Class Counsel." If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How Will the Attorneys for the Class and the Class Representative Be Paid?

The attorneys for the Named Plaintiffs and the class will be paid from the Settlement Fund. Class Counsel will ask the Court to approve up to \$140,000 in attorneys' fees and for actual litigation costs incurred up to a maximum of \$30,000, the actual amount of which will be determined by the Court at the final approval hearing (see section 17 below for details as to when this hearing will take place). Class Members (like you) do not have to pay the fees and costs of Class Counsel. If you elect, however, to hire your own lawyer, you have to make your own arrangements to compensate your lawyer.

If approved by the Court, each Named Plaintiff will receive an Enhancement Award in an amount up to \$10,000 for their work and efforts in prosecuting this case, providing a general release, and for undertaking the risks of costs (in the event the outcome of this lawsuit was not favorable). The Enhancement Award will be paid from the Settlement Fund.

18. Notice of Hearing on Final Approval and Objections to Class Action Settlement

The Court has preliminarily approved the settlement and will hold a final approval hearing to decide whether to give final approval to the settlement. This hearing will be held before the Honorable David Cohn on December 23, 2022 at 10:00 a.m., in Department S-26 of the Superior Court of California for the County of San Bernardino, located at 247 West Third Street, San Bernardino, CA 92415-0210, to determine whether the proposed settlement is fair, reasonable, and adequate, and whether it should be finally approved by the Court. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the settlement. We do not know how long this decision will take. The final approval hearing may be continued without further notice. The Court may adjourn or continue the hearing from time to time, without further notification, as the Court may direct. You may also be able to attend the final approval via Zoom or other remote means.

Once final approval is granted by the Court, the Court will enter judgment against Defendants, and all Class Members who have not requested exclusion from the class will be deemed to have waived the Released Claims set forth above.

19. How Do I Get More Information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by contacting Class Counsel.

20. What is the Contact Information for the Court and Class Counsel?

The contact information for Class Counsel are below:

IVERSITY LAW GROUP, P.C. Larry W. Lee Kristen M. Agnew Nicholas Rosenthal 515 S. Figueroa Street, Suite 1250 Los Angeles, CA 90071 Telephone: (213) 488-6555 lwlee@diversitylaw.com kagnew@diversitylaw.com nrosenthal@diversitylaw.com	POLARIS LAW GROUP LLP William L. Marder 501 San Benito Street, Suite 200 Hollister, CA 95023 Telephone: (831) 531-4214 bill@polarislawgroup.com
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WHAT IF I HAVE QUESTIONS?

If you have any questions about the settlement, you may contact the Settlement Administrator:

Vernon, et al. v. McLane/Suneast, Inc., et al.
c/o Simpluris
P.O. Box 26170
Santa Ana, CA 92799
Toll-Free Phone Number: (866) 606-0821
www.simpluris.com/case-search

PLEASE DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE COURT CLERK FOR INFORMATION ABOUT THIS SETTLEMENT OR THE SETTLEMENT PROCESS.

PLEASE DO NOT CONTACT DEFENDANTS, THEIR MANAGERS, OR ATTORNEYS FOR INFORMATION ABOUT THIS SETTLEMENT OR THE SETTLEMENT PROCESS.

EXHIBIT B



3194-C Airport Loop Drive
Costa Mesa, CA 92626
800-779-2104 www.simpluris.com

Estimate #: 14595
Estimate Date: 3/21/2022

Prepared By: Michael Sutherland
Direct Dial #: 321.223.5067
Email: msutherland@simpluris.com

Plaintiff Attorney
Attorney/Client: **Kristen Agnew**
Firm: Diversity Law
Email: <kagnew@diversitylaw.com>

Defense Attorney
Attorney/Client: Amy Beverlin and Matt Kane
Firm: Baker Hostetter
Email:

Case Name: Class/PAGA: Opt Out Settlement

***Capped Fee: \$11,968**

***Terms:**

1) Capped Fees assume that Simpluris will receive data in a Single Excel file with no substantial change in class size or response rate.

Total Possible Class Size:	1,450	Undeliverable Rate:	10%
Response Rate:	1%	Call Rate:	5%
Mailing Document Language:	English	Re-distribution:	No
Reminder Postcard / Letter:	No	State(s):	Single
Unclaimed Funds	TBD	Tax Years	One

Case Setup

Data Compilation - Develop Case Specific Response Tracking - Error Reports			
Category	Unit Value	# of Units	Total
Project Manager - Case Setup, Website posting	\$125.00	6	\$750.00
Database Manager - Initial Data Analysis	\$140.00	6	\$840.00
Total			\$1,590.00

Notification

Notice Packet: 6 page class notice			
Category	Unit Value	# of Units	Total
Mall Notice Packet	\$1.00	1,450	\$1,450.00
Postage	\$0.53	1,450	\$768.50
NCOA/CASS/LACS	\$0.05	1,450	\$72.50
Undeliverable Processing	\$0.25	145	\$36.25
Skip Trace RUM	\$1.00	145	\$145.00
Remail Notice Packet	\$1.25	123	\$154.06
Remail Postage	\$0.58	123	\$71.49
Mall Supervisor	\$50.00	1	\$50.00
Total			\$2,747.80

Call Center-IVR

Establish Case Specific Toll Free Number			
Category	Unit Value	# of Units	Total
Customer Service Reps / Call Center Support	\$75.00	5	\$375.00
800 # Charges	\$0.10	300	\$30.00
Total			\$405.00



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Claims Administration

Process Mail: Claims, Opt-Outs and/or Objections

Category	Unit Value	# of Units	Total
Database Manager	\$125.00	2	\$250.00
Disputes / Deficiencies - Send One Cure Letter	\$1.50	2	\$3.05
Opt Out Processing	\$1.00	10	\$10.15
Data Entry	\$50.00	1	\$50.00
Project Manager	\$125.00	2	\$250.00
Weekly Reporting to Counsel	WAIVED	12 Wks of Reporting	\$0.00
Total			\$563.20

Distribution

Setup a Disbursement Account

Print & Mail Checks to Class Members - W2's / 1099's - File Reports with Appropriate Federal & State Taxing Authorities

Account Management & Reconciliation

Category	Unit Value	# of Units	Total
Disbursement Data Preparation	\$140.00	4	\$560.00
Disbursement Manager - Data Validation	\$75.00	1	\$75.00
Setup Banking Account / QSF	\$300.00	1	\$300.00
Print & Mail Checks	\$1.50	1450	\$2,175.00
Postage	\$0.53	1450	\$768.50
Process Returned Checks	\$0.50	15	\$7.25
Skip Trace Search Undeliverable Checks	\$5.00	15	\$72.50
Remail Checks	\$3.50	15	\$50.75
Remail Checks Postage	\$0.58	15	\$8.41
QSF Account Reconciliation	\$250.00	1	\$250.00
Individual Federal / State Tax Reporting	\$350.00	1	\$350.00
QSF Reporting / Declaration	\$500.00	1	\$500.00
QSF Annual Tax Preparation Fee(2022)	\$1,000.00	1	\$1,000.00
Reissuing Checks/Mailing	\$2.50	15	\$36.25
Reissuing Checks Postage	\$0.58	15	\$8.41
Disbursement Manager	\$125.00	3	\$375.00
Total			\$6,537.07



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Case Wrap Up

Send Final Reports to Counsel

Category	Unit Value	# of Units	Total
Data Manager: Final Reporting	\$125.00	1	\$125.00
Total			\$125.00

Postage

\$848.40

Total Case Costs

\$11,968.06