

EXHIBIT A

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

IN RE DILIGENT DELIVERY WAGE
AND HOUR CASES

*Simmons v. California Logistics dba
Diligent Delivery Systems*, Superior Court
of California, County of Alameda, Case
No. RG17863988

*Ortega v. Michigan Logistics, Inc., dba
Diligent Delivery Systems, et al.*, Superior
Court of California, County of Los
Angeles, Case No. BC720954

*Hadley v. California Logistics, Inc., dba
Diligent Delivery Systems*, Superior Court
of California, County of Los Angeles, Case
No.18CMCV00022

Case No. JCCP 4990

**NOTICE OF SETTLEMENT OF
PRIVATE ATTORNEYS GENERAL ACT
CLAIM (CAL. LABOR CODE § 2698 *ET
SEQ.*)**

Date: March 8, 2023

Time: 10:00 a.m.

Dept.: 21

You have been identified as an individual or business who contracted with Defendants California Logistics, Inc. and/or Western Delivery & Logistics, LLC to perform delivery services in California sometime during the period of April 8, 2016 to May 31, 2022 (“Aggrieved Employee”).

The instant consolidated action alleges that Defendants California Logistics, Inc. and Western Delivery & Logistics, LLC misclassified delivery drivers as independent contractors. Plaintiffs are former delivery drivers: Aries Simmons, Alden Ortega, Daryl Hadley, and Claudia Farias (collectively, “Plaintiffs”). Defendants are California Logistics, Inc., Western Delivery & Logistics, LLC, Norlyn Enterprises, Inc., and Larry Browne (collectively, “Defendants.”)

Plaintiffs allege that Defendants failed to pay all minimum, overtime, and double time wages due, failed to provide meal and rest periods, failed to timely pay wages upon each pay period, failed to provide sick leave and maintain records documenting hours worked and paid sick days accrued, failed to furnish complete and accurate itemized wage statements, failed to pay all wages due upon termination, failed to indemnify employees for expenses, made unlawful deductions, failed to keep proper payroll records, and failed to provide required written notice upon hire. For these alleged violations, Plaintiffs seek civil penalties pursuant to the California

Labor Code's Private Attorneys General Act of 2004, codified at Labor Code § 2698 *et seq.* ("PAGA").

Defendants deny Plaintiffs' allegations and dispute all of Plaintiffs' claims. The Action was litigated and following an investigation, the Parties reached a settlement which takes into account the uncertainties and risks of proceeding with litigation.

The Court approved the settlement on [REDACTED] and has determined that the settlement is fair and reasonable. The payment which accompanies this notice is made to you as the first/second/third/fourth payment of four due pursuant to the terms of the Settlement, which provides for payments over four years.

The Court-approved settlement contains the following release of claims, to which you are bound:

Upon entry of final judgment and Defendants' satisfaction of their obligation to pay the Gross Settlement Amount in full in accordance with the timing requirements set forth in this Agreement, the Released Parties shall be entitled to a release from the Aggrieved Employees for any and all claims under or pursuant to PAGA based on alleged misclassification of Drivers as independent contractors or any PAGA-enabling violation of any law arising from any act or omission by the Released Parties, whether known or unknown, suspected or unsuspected, to which Aggrieved Employees and Plaintiffs may have been entitled or may be entitled under the California Labor Code, sections 1-9104 inclusive, from April 8, 2016 up to [DATE OF COURT APPROVAL] against any of the Released Parties, and for the Sanctions Order. This includes, but is not limited to, penalties based on or arising from alleged violations of California Labor Code sections 200, et seq., 201-203, 204, 207, 208, 210, 212, 221-224, 222.5, 225.5, 226, 226.3, 226.7, 226.8, 231, 245-249, 256, 351, 352, 353, 354, 432.5, 450, 500, et seq., 510, 512, 515, 550, 551, 552, 558, 1024.5, 1174, 1174.5, 1182, 1182.11-1182.13, 1194, 1194.2, 1197, 1197.1, 1198, 1199, 2802, 2804, 2753, 3700, 3700.5, 3712, 3715; and to the fullest extent permissible under governing law, the California Code of Regulations and/or Industrial Welfare Commission Wage Orders, including, but not limited to Wage Order 9-2001, and any and all other statutes, laws, or regulations on which a claim for penalties under PAGA may be based.

If you have any questions, or need to update your address or contact information, please contact [SETTLEMENT ADMINISTRATOR], at [SETTLEMENT ADMIN #].