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Attorneys for Plaintiff ROBERTO TOSCANO HERRERA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ROBERTO TOSCANO HERRERA, an individual and on behalf of all others similarly situated;

Plaintiff,

vs.

180 SNACKS, INC., a California corporation; MICHAEL KIM, an individual; and DOES 1 through 50,

Defendants.

Case No.: 30-2023-01346806-CU-OE-CXC

[Assigned for All Purposes to:
Hon. David A. Hoffer, Dept. CX103]

SECOND SUPPLEMENTAL DECLARATION OF WILLIAM C. SUNG IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

(Filed concurrently with [Second Amended Proposed] Order)

DATE: December 7, 2026
TIME: 1:30 p.m.
DEPT: CX103
Reservation ID: Per August 10, 2026 Ruling

Action Filed: September 5, 2023
Trial Date: Not Set

I, William C. Sung, hereby declare as follows:

1. I am an attorney licensed to practice law in the state of California and have been admitted to practice before this Court. I am an attorney with the law firm of Justice for Workers, P.C., counsel of record for Plaintiff Roberto Toscano Herrera ("Plaintiff") in this action. I am lead counsel for Plaintiff in this case and I have personal knowledge of the matters stated herein and if called and sworn as a witness, I would and could competently testify under oath thereto.

2. On November 17, 2026, Defendant's counsel provided me with the fully executed Amendment to class Action and PAGA Settlement Agreement (the "Amendment"), which is attached hereto as **Exhibit 1.**

3. Concurrent with this filing, I am submitting a Second Amended Proposed Order which attaches the Amendment as an exhibit.

4. On November 17, 2026, I served the LWDA via filing through its online portal at https://dir.govfa.net/432 (Proposed Settlement of PAGA Case) with the Second Supplemental Declaration of William C. Sung and the Second Amendment Proposed Order. Enclosed as **Exhibit 2** is a true and correct copy of the LWDA's filing confirmation.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on November 17, 2026 at Los Angeles, California.



William C. Sung

EXHIBIT 1

AMENDMENT TO CLASS ACTION AND PAGA SETTLEMENT AGREEMENT AND CLASS NOTICE

This Amendment to Class Action and PAGA Settlement Agreement ("Amendment") is made by and between Plaintiff Roberto Toscano Herrera ("Plaintiff") and Defendant 180 Snacks, Inc. ("Defendant 180 Snacks") and Michael Kim (collectively, "Defendants") pursuant to the Court's August 10, 2026 ruling on Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement. The Amendment refers to Plaintiff and Defendant collectively as "Parties," or individually as "Party."

The Amendment shall modify the Parties' Class Action and PAGA Settlement Agreement and Class Notice ("Agreement") fully executed by the Parties on March 13, 2026 by replacing the below-referenced paragraphs from the Agreement to read as follows. The Parties agree that in the event of a conflict between any term in the Agreement and the Amendment, the terms set forth in this Amendment shall control.

1. DEFINITIONS.

1.11 "Class Notice" means the revised COURT APPROVED NOTICE OF CLASS ACTION SETTLEMENT AND HEARING DATE FOR FINAL COURT APPROVAL, to be mailed to Class Members in English with a Spanish translation in the form, without material variation, attached as Exhibit A and incorporated by reference into this Amendment.

1.22 "Gross Settlement Amount" means Three Hundred Sixty-Seven Thousand Seven Hundred Fifty-Six Dollars and Eighty-Eight ($367,756.88) which is the total amount Defendants agree to pay under the Settlement. The Gross Settlement Amount will be used to pay Individual Class Payments, Individual PAGA Payments, the LWDA PAGA Payment, Class Counsel Fees, Class Counsel Expenses, Class Representative Service Payment, and the Administrator's Expenses. The Parties agree that Defendant 180 Snacks' share of the employer's payroll taxes shall be paid by Defendant 180 Snacks in addition to the Gross Settlement Amount.

3. RECITALS.

3.1 Gross Settlement Amount. Defendants promise to pay Three Hundred Sixty-Seven Thousand Seven Hundred Fifty-Six Dollars and Eighty-Eight ($367,756.88) and no more as the Gross Settlement Amount and to separately pay any and all employer payroll taxes owed on the Wage Portions of the Individual Class Payments. Defendants have no obligation to pay the Gross Settlement Amount (or any payroll taxes) prior to the deadline stated in Paragraph 4.3 of this Agreement. The Administrator will disburse the entire Gross Settlement Amount without asking or requiring Participating Class Members or Aggrieved Employees to submit any claim as a condition of payment. None of the Gross Settlement Amount will revert to Defendants.

8. RESERVED.

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ACCEPTED AND AGREED:

Dated: Nov 10, 2026

DEFENDANT 180 SNACKS, INC.

Eugene Kim

By: Eugene Kim

Its: EK and authorized representative

Dated: Nov 10, 2026

DEFENDANT MICHAEL KIM

Michael Kim

Michael Kim

Dated: 10/29/26, 2026

PLAINTIFF

Roberto Toscano Herrera

AGREED AS TO FORM

Dated October 29, 2026

JUSTICE FOR WORKERS, P.C.

William C. Sung
Tiffany L. Luu
Attorneys for Plaintiff

Dated: November 10, 2026

JACKSON LEWIS, P.C.

James P. Carter
Shiva Anari
Attorney for Defendants

Doc ID: 42b518d84fcabb5ab18c7d83beeee9c0310766e4

Exhibit A

COURT APPROVED NOTICE OF CLASS ACTION AND PAGA SETTLEMENT AND HEARING DATE FOR FINAL COURT APPROVAL

Roberto Toscano Herrera v. 180 Snacks, Inc., et al., Case No. 30-2023-01346806-CU-OE-CXC

The Superior Court for the State of California authorized this Notice of Class Action and PAGA Settlement (the "Notice"). Read it carefully!
It's not junk mail, spam, advertisement, or solicitation by a lawyer. You are not being sued.

You may be eligible to receive money from an employee class and PAGA action lawsuit ("Action") against 180 Snacks, Inc. ("Defendant 180 Snacks") and Michael Kim (collectively, "Defendants") for alleged wage and hour violations. The Action was filed by a former employee Roberto Toscano Herrera ("Plaintiff") and seeks payment of (1) back wages and other relief for a class of all current and former non-exempt employees who worked for Defendant 180 Snacks within the State of California at any time during the Class Period of September 5, 2019 through August 12, 2025 ("Class Members"); and (2) penalties under the California Private Attorney General Act ("PAGA") for all current and former non-exempt employees who worked for Defendant 180 Snacks within the State of California at any time during the PAGA Period of July 28, 2022 through August 12, 2025 ("Aggrieved Employees").

The proposed settlement has two main parts: (1) a Class Settlement requiring Defendants to fund Individual Class Payments, and (2) a PAGA Settlement requiring Defendants to fund Individual PAGA Payments and pay penalties to the California Labor and Workforce Development Agency ("LWDA").

Based on Defendants' records, and the Parties' current assumptions, **your Individual Class Payment is estimated to be $INSERT (less withholding) and your Individual PAGA Payment is estimated to be $INSERT**. The actual amount you may receive may be different and will depend on a number of factors. (If no amount is stated for your Individual PAGA Payment, then according to Defendants' records you are not eligible for an Individual PAGA Payment under the Settlement because you did not work during the PAGA Period.)

The above estimates are based on Defendants' records showing that **you worked INSERT Workweeks** during the Class Period, and **you worked INSERT PAGA Pay Periods** during the PAGA Period. If you believe that you worked more workweeks during either period, you can submit a challenge by the deadline date. See Section 4 of this Notice.

The Court has already preliminarily approved the proposed Settlement and approved this Notice. The Court has not yet decided whether to grant final approval. Your legal rights are affected whether you act or do not act. Read this Notice carefully. You will be deemed to have carefully read and understood it. At the Final Approval Hearing, the Court will decide whether to finally approve the Settlement and how much of the Settlement will be paid to Plaintiff and Plaintiff's attorneys ("Class Counsel"). The Court will also decide whether to enter a judgment that requires Defendants to make payments under the Settlement and requires Class Members and Aggrieved Employees to give up their rights to assert certain claims against Defendants.

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If you worked for Defendants during the Class Period and/or the PAGA Period, you have two basic options under the Settlement:

(1) **Do Nothing**. You do not have to do anything to participate in the proposed Settlement and be eligible for an Individual Class Payment and/or an Individual PAGA Payment. As a Participating Class Member, though, you will give up your right to assert Class Period wage claims and PAGA Period penalty claims against Defendants.

(2) **Opt-Out of the Class Settlement**. You can exclude yourself from the Class Settlement (opt-out) by submitting the written Request for Exclusion or otherwise notifying the Administrator in writing. If you opt-out of the Settlement, you will not receive an Individual Class Payment. You will, however, preserve your right to personally pursue Class Period wage claims against Defendants, and, if you are an Aggrieved Employee, remain eligible for an Individual PAGA Payment. You cannot opt-out of the PAGA portion of the proposed Settlement.

Defendants will not retaliate against you for any actions you take with respect to the proposed Settlement.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

You Don't Have to Do Anything to Participate in the Settlement	If you do nothing, you will be a Participating Class Member, eligible for an Individual Class Payment and an Individual PAGA Payment (if any). In exchange, you will give up your right to assert the wage claims against Defendants that are covered by this Settlement (Released Claims).
You Can Opt-out of the Class Settlement but not the PAGA Settlement **The Opt-out Deadline is** _____	If you don't want to fully participate in the proposed Settlement, you can opt-out of the Class Settlement by sending the Administrator a written Request for Exclusion. Once excluded, you will be a Non-Participating Class Member and no longer eligible for an Individual Class Payment. Non-Participating Class Members cannot object to any portion of the proposed Settlement. See Section **6** of this Notice. A Template/Example Request for Exclusion is attached to this notice as Exhibit 1. You cannot opt-out of the PAGA portion of the proposed Settlement. Defendants must pay Individual PAGA Payments to all Aggrieved Employees and the Aggrieved Employees must give up their rights to pursue Released PAGA Claims (defined below).

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Participating Class Members Can Object to the Class Settlement but not the PAGA Settlement **Written Objections Must be Submitted by** _____	All Class Members who do not opt-out ("Participating Class Members") can object to any aspect of the proposed Settlement. The Court's decision whether to finally approve the Settlement will include a determination of how much will be paid to Class Counsel and Plaintiff who pursued the Action on behalf of the Class. You are not personally responsible for any payments to Class Counsel or Plaintiff, but every dollar paid to Class Counsel and Plaintiff reduces the overall amount paid to Participating Class Members. You can object to the amounts requested by Class Counsel or Plaintiff if you think they are unreasonable. See Section **7** of this Notice. A Template/Example Objection to Settlement is attached to this notice as Exhibit 2.
You Can Participate in the _____ Final Approval Hearing	The Court's Final Approval Hearing is scheduled to take place on _____. You do not have to attend but you do have the right to appear (or hire an attorney to appear on your behalf at your own cost), in person, by telephone or by using the Court's virtual appearance platform. Participating Class Members can verbally object to the Settlement at the Final Approval Hearing. See Section **8** of this Notice.
You Can Challenge the Calculation of Your Workweeks/Pay Periods **Written Challenges Must be Submitted by** _____	The amount of your Individual Class Payment and PAGA Payment (if any) depend on how many Workweeks you worked at least one day during the Class Period and how many PAGA Pay Periods you worked at least one day during the PAGA Period, respectively. The number of Class Period Workweeks and number of PAGA Pay Periods you worked according to Defendants' records is stated on the first page of this Notice. If you disagree with either of these numbers, you must challenge it by _____. See Section **4** of this Notice. A Template/Example Workweek/Pay Period Challenge is attached to this notice as Exhibit 3.

1. WHAT IS THE ACTION ABOUT?

Plaintiff is a former employee of Defendant 180 Snacks, Inc. The Action accuses Defendants of violating California labor laws by failing to pay all wages due including minimum and overtime wages, failing to provide legally compliant meal and rest periods, failing to pay wages due upon termination, and failing to provide accurate itemized wage statements. Based on the same claims, Plaintiff has also asserted a claim for civil penalties under the California Private Attorneys General Act (Labor Code §§ 2698, *et seq*.) ("PAGA"). Plaintiff is represented by attorneys in the Action: William C. Sung and Tiffany L. Luu of Justice for Workers, P.C. ("Class Counsel")

Defendants deny violating any laws or failing to pay any wages and contend they complied with all applicable laws.

2. WHAT DOES IT MEAN THAT THE ACTION HAS SETTLED?

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So far, the Court has made no determination whether Defendants or Plaintiff is correct on the merits. In the meantime, Plaintiff and Defendants hired an experienced, neutral mediator in an effort to resolve the Action by negotiating to end the case by agreement (settle the case) rather than continuing the expensive and time-consuming process of litigation. The negotiations were successful. By signing a lengthy written settlement agreement ("Agreement") and agreeing to jointly ask the Court to enter a judgment ending the Action and enforcing the Agreement, Plaintiff and Defendants have negotiated a proposed Settlement that is subject to the Court's Final Approval. Both sides agree the proposed Settlement is a compromise of disputed claims. By agreeing to settle, Defendants do not admit any violations or concede the merit of any claims.

Plaintiff and Class Counsel believe the Settlement is fair because they believe that: (1) Defendants have agreed to pay a fair, reasonable and adequate amount considering the strength of the claims and the risks and uncertainties of continued litigation; and (2) Settlement is in the best interests of the Class Members and Aggrieved Employees. The Court preliminarily approved the proposed Settlement as fair, reasonable and adequate, authorized this Notice, and scheduled a hearing to determine Final Approval.

3. WHAT ARE THE IMPORTANT TERMS OF THE PROPOSED SETTLEMENT?

1. Defendants Will Pay $367,756.88 as the Gross Settlement Amount. Defendants have agreed to deposit the Gross Settlement Amount into an account controlled by the Administrator of the Settlement. The Administrator will use the Gross Settlement Amount to pay the Individual Class Payments, Individual PAGA Payments, Class Representative Service Payment, Class Counsel's attorney's fees and expenses, the Administrator's expenses, and penalties to be paid to the California Labor and Workforce Development Agency ("LWDA"). Assuming the Court grants Final Approval, Defendants will fund the Gross Settlement Amount within 30 days after the Judgment entered by the Court become final. The Judgment will be final on the date the Court enters Judgment, or a later date if the Judgment is appealed.

2. Court Approved Deductions from Gross Settlement Amount. At the Final Approval Hearing, Plaintiff and/or Class Counsel will ask the Court to approve the following deductions from the Gross Settlement Amount, the amounts of which will be decided by the Court at the Final Approval Hearing:

    A. Up to $110,327.06 (30% of the Gross Settlement Amount) to Class Counsel for attorneys' fees and up to $20,000.00 for their litigation expenses. To date, Class Counsel have worked and incurred expenses on the Action without payment.

    B. Up to $5,000.00 to Plaintiff as Class Representative Service Payment for filing the Action, working with Class Counsel and representing the Class. A Class Representative Service Payment will be the only monies Plaintiff will receive other than Plaintiff's Individual Class Payment and any Individual PAGA Payment.

    C. Up to $5,490.00 to the Administrator for services administering the Settlement.

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D. $20,000.00 for PAGA Penalties, allocated 75% ($15,000.00) to the LWDA Payment and 25% ($5,000.00) in Individual PAGA Payments to the Aggrieved Employees based on their PAGA Pay Periods.

Participating Class Members have the right to object to any of these deductions. The Court will consider all objections.

3. Net Settlement Distributed to Class Members. After making the above deductions in amounts approved by the Court, the Administrator will distribute the rest of the Gross Settlement Amount (the "Net Settlement") by making Individual Class Payments to Participating Class Members based on their Class Period Workweeks.

4. Taxes Owed on Payments to Class Members. Plaintiff and Defendants are asking the Court to approve an allocation of 20% of each Individual Class Payment to taxable wages ("Wage Portion") and 80% to interests and penalties ("Non-Wage Portion."). The Wage Portion is subject to withholdings and will be reported on IRS W-2 Forms. Defendants will separately pay employer payroll taxes it owes on the Wage Portion. The Individual PAGA Payments are counted as penalties rather than wages for tax purposes. The Administrator will report the Individual PAGA Payments and the Non-Wage Portions of the Individual Class Payments on IRS 1099 Forms.

   Although Plaintiff and Defendants have agreed to these allocations, neither side is giving you any advice on whether your Payments are taxable or how much you might owe in taxes. You are responsible for paying all taxes (including penalties and interest on back taxes) on any Payments received from the proposed Settlement. You should consult a tax advisor if you have any questions about the tax consequences of the proposed Settlement.

5. Need to Promptly Cash Payment Checks. The front of every check issued for Individual Class Payments and Individual PAGA Payments will show the date when the check expires (the void date), which will be 180 days after its issuing date. If you do not cash it by the void date, your check will be automatically cancelled, and the monies will be deposited with the California Controller's Unclaimed Property Fund in your name.

   If the monies represented by your check are sent to the Controller's Unclaimed Property, you should consult the rules of the Fund for instructions on how to retrieve your money.

6. Requests for Exclusion from the Class Settlement (Opt-Outs). You will be treated as a Participating Class Member, participating fully in the Class Settlement, unless you notify the Administrator in writing, not later than **INSERT**, that you wish to opt-out. The easiest way to notify the Administrator is to send a written and signed Request for Exclusion by the **INSERT** Response Deadline. The Request for Exclusion should be a letter from a Class Member or his/her representative setting forth a Class Member's name, present address, telephone number, and a simple statement electing to be excluded from the Settlement. Excluded Class Members (i.e., Non-Participating Class Members) will not receive Individual Class Payments but will preserve their rights to personally pursue wage and hour claims against Defendants. A Template/Example Request for Exclusion is attached to this notice as Exhibit 1.

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You cannot opt-out of the PAGA portion of the Settlement. Class Members who exclude themselves from the Class Settlement (Non-Participating Class Members) remain eligible for Individual PAGA Payments and are required to give up their right to assert PAGA claims against Defendants based on the PAGA Period facts alleged in the Action.

7. The Proposed Settlement Will be Void if the Court Denies Final Approval. It is possible the Court will decline to grant Final Approval of the Settlement or decline to enter a Judgment. It is also possible the Court will enter a Judgment that is reversed on appeal. Plaintiff and Defendants have agreed that, in either case, the Settlement will be void: Defendants will not pay any money and Class Members will not release any claims against Defendants.

8. Administrator. The Court has appointed a neutral company, Apex Class Action LLC (the "Administrator") to send this Notice, calculate and make payments, and process Class Members' Requests for Exclusion. The Administrator will also initially decide Class Member Challenges over Workweeks, mail and re- mail settlement checks and tax forms, and perform other tasks necessary to administer the Settlement. The Administrator's contact information is contained in Section 9 of this Notice.

9. Participating Class Members' Release. As described below, Participating Class Members will be legally barred from asserting any of the claims released under the Settlement. This means that unless you opted out by validly excluding yourself from the Class Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against Defendants or related entities for wages based on the Class Period facts and PAGA Penalties based on PAGA Period facts, as alleged in the Action and resolved by this Settlement.

   The Participating Class Members will be bound by the following release:

   > All Participating Class Members, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, release Released Parties from all claims under state and local law that were or reasonably could have been asserted based on the facts and allegations made in the Operative Complaint, including without limitation, California Labor Code §§ 201, 202, 203, 204, 210, 218.5, 226, 226.3, 226.7, 510, 512, 516, 558, 558.1, 1194, 1194.2, 1197, 1197.1, 1198, 1198.5, California Industrial Commission Wage Orders, and Business and Professions Code §§ 17200, et seq., and including all claims for unpaid wages, overtime or double time wages, minimum wages, liquidated damages, statutory penalties recoverable pursuant to the claims listed above, interest, fees, costs, as well as all other claims and allegations alleged in the Operative Complaint, arising during the Class Period (the "Released Class Claims").

10. Aggrieved Employees' PAGA Release. As described below, all Aggrieved Employees will be barred from asserting PAGA claims against Defendants, whether or not they exclude themselves from the Settlement. This means that all Aggrieved Employees, including those who are Participating Class Members and those who opt-out of the Class Settlement, cannot sue, continue to sue, or participate in any other PAGA claim against Defendants or their related entities based on the PAGA Period facts alleged in the Action and resolved by this

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Settlement.

The Aggrieved Employees' Releases for Participating and Non-Participating Class Members are as follows:

> All Aggrieved Employees are deemed to release, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, the Released Parties from all claims for civil penalties under state and local law that were or reasonably could have been asserted based on the facts and allegations alleged in Plaintiff's PAGA Notice and the Operative Complaint, including without limitation, California Labor Code §§ 201, 202, 203, 204, 210, 226, 226.3, 226.7, 246, 510, 512, 516, 558, 558.1, 1182, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 1198.5, 1199, 2698, et seq., 2802, California Industrial Commission Wage Orders, and including all claims for unpaid wages, overtime or double time wages, minimum wages, meal periods and meal period premiums, rest periods and rest period premiums, timely payment of wages during employment and at separation, wage statement penalties, recordkeeping penalties, penalties recoverable pursuant to the claims listed above (including civil penalties pursuant to PAGA), interest, fees, costs, as well as all other claims and allegations alleged in the PAGA Action, arising during the PAGA Period ("Released PAGA Claims").

4. HOW WILL THE ADMINISTRATOR CALCULATE MY PAYMENT?

1. Individual Class Payments. The Administrator will calculate Individual Class Payments by (a) dividing the Net Settlement Amount by the total number of Workweeks worked by all Participating Class Members, and (b) multiplying the result by the number of Workweeks worked by each individual Participating Class Member.

2. Individual PAGA Payments. The Administrator will calculate Individual PAGA Payments by (a) dividing $5,000.00 by the total number of PAGA Pay Periods worked by all Aggrieved Employees and (b) multiplying the result by the number of PAGA Pay Periods worked by each individual Aggrieved Employee.

3. Workweek/PAGA Pay Period Challenges. The number of Class Workweeks you worked during the Class Period and the number of PAGA Pay Periods you worked during the PAGA Period, as recorded in Defendants' records, are stated in the first page of this Notice. You have until **INSERT** (60 days after this Notice was mailed) to challenge the number of Workweeks and/or PAGA Pay Periods credited to you. You can submit your challenge by signing and sending a letter to the Administrator via mail, email, or fax. Section 9 of this Notice has the Administrator's contact information. A Template/Example Workweek/Pay Period Challenge is attached to this notice as Exhibit 3.

   You need to support your challenge by sending copies of pay stubs or other records. The Administrator will accept Defendants' calculation of Workweeks and/or PAGA Pay Periods based on Defendants' records as accurate unless you send copies of records containing contrary information. You should send copies rather than originals because the documents will not be returned to you. The Administrator will make the initial determination regarding

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your Workweek and/or PAGA Pay Period challenges based on your submission and on input from Class Counsel (who will advocate on behalf of Participating Class Members) and Defendant's Counsel. However, the Court will make the final determination regarding any such challenge.

5. HOW WILL I GET PAID?

1. Participating Class Members. The Administrator will send, by U.S. mail, a single check to every Participating Class Member (i.e., every Class Member who does not opt-out) including those who also qualify as Aggrieved Employees. The single check will combine the Individual Class Payment and the Individual PAGA Payment.

2. Non-Participating Class Members. The Administrator will send, by U.S. mail, a single Individual PAGA Payment check to every Aggrieved Employee who opts out of the Class Settlement (i.e., every Non-Participating Class Member).

Your check will be sent to the same address as in this Notice. If you change your address, be sure to notify the Administrator as soon as possible. Section 9 of this Notice has the Administrator's contact information.

6. HOW DO I OPT-OUT OF THE CLASS SETTLEMENT?

Submit a written and signed letter with your name, present address, telephone number, and a simple statement that you do not want to participate in the Settlement. The Administrator will exclude you based on any writing communicating your request to be excluded. Be sure to personally sign your request, identify the Action as *Roberto Toscano Herrera v. 180 Snacks, Inc., et al.*, Case No. 30-2023-01346806-CU-OE-CXC, and include your identifying information (full name, address, telephone number, approximate dates of employment, and social security number for verification purposes). You must make the request yourself. If someone else makes the request for you, it will not be valid. **The Administrator must receive your request to be excluded by INSERT (60 days after this Notice was mailed), or it will be invalid.** The Administrator will make the initial determination regarding your request for exclusion; however, the Court will make the final determination regarding any request for exclusion. Section 9 of the Notice has the Administrator's contact information. A Template/Example Request for Exclusion is attached to this notice as Exhibit 1.

7. HOW DO I OBJECT TO THE SETTLEMENT?

Only Participating Class Members have the right to object to the Settlement. Before deciding whether to object, you may wish to see what Plaintiff and Defendants are asking the Court to approve. At least 16 court days before the **INSERT** Final Approval Hearing, Class Counsel and/or Plaintiff will file in Court (1) a Motion for Final Approval that includes, among other things, the reasons why the proposed Settlement is fair, and (2) a Motion for Attorneys' Fees and Litigation Costs and Class Representative Service Payment stating (i) the amount Class Counsel is requesting for Attorneys' Fees and Litigation Costs; and (ii) the amount Plaintiff is requesting as Class Representative Service Payment. Upon reasonable request, Class Counsel (whose contact information is in Section 9 of this Notice) will send you copies of these

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documents at no cost to you. You can also view them on the Administrator's Website www._____.com_____or the Court's website https://civilwebshopping.occourts.org/Login.do.

A Participating Class Member who disagrees with any aspect of the Agreement, the Motion for Final Approval and/or Motion for Attorneys' Fees and Litigation Costs, and Class Representative Service Payment may wish to object. **The deadline for sending written objections to the Administrator is INSERT**. Be sure to tell the Administrator what you object to, why you object, and any facts that support your objection. Make sure you identify the Action, Roberto Toscano Herrera v. 180 Snacks, Inc. and Michael Kim, Case No. 30-2023-01346806-CU-OE-CXC, and include your name, current address, telephone number, and approximate dates of employment for Defendants and sign the objection. Section 9 of this Notice has the Administrator's contact information. A Template/Example Objection to Settlement is attached to this notice as Exhibit 2.

Alternatively, a Participating Class Member can object (or personally retain a lawyer to object at your own cost) by attending the Final Approval Hearing. You (or your attorney) should be ready to tell the Court what you object to, why you object, and any facts that support your objection. See Section 8 of this Notice (immediately below) for specifics regarding the Final Approval Hearing.

8. CAN I ATTEND THE FINAL APPROVAL HEARING?

You can, but don't have to, attend the Final Approval Hearing **INSERT** at **INSERT** a.m./p.m. in Department CX103 of the Civil Complex Center, Orange Superior Court, located at 751 W. Santa Ana Blvd., Santa Ana, CA 92701. At the Hearing, the judge will decide whether to grant Final Approval of the Settlement and how much of the Gross Settlement Amount will be paid to Class Counsel, Plaintiff, and the Administrator. The Court will invite comment from objectors, Class Counsel and Defense Counsel before making a decision. You can attend (or hire a lawyer to attend) either personally or virtually via https://occourtsapp.azurewebsites.us/aci/checkin-results?dept=CX103. Check the Court's website for the most current information.

It is possible the Court will reschedule the Final Approval Hearing. You should check the Administrator's website www._____.com beforehand or contact Class Counsel to verify the date and time of the Final Approval Hearing.

9. HOW CAN I GET MORE INFORMATION?

The Agreement sets forth everything Defendants and Plaintiff have promised to do under the proposed Settlement. The easiest way to read the Agreement, the Judgment or any other Settlement documents is to go to the Administrator's website at www._____.com, which will be available on the administrator's website for at least 180 days following entry of judgment, which occurs after the Court grants final approval. You can also telephone or send an email to Class Counsel or the Administrator using the contact information listed below, or consult the Superior Court website by going to https://www.lacourt.org/casesummary/ui/) and entering the Case Number for the Action, Case No. 30-2023-01346806-CU-OE-CXC. You can also make

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an appointment to personally review court documents in the Clerk's Office at the Orange Superior Court.

DO NOT TELEPHONE THE SUPERIOR COURT TO OBTAIN INFORMATION ABOUT THE SETTLEMENT.

Class Counsel:

William C. Sung, Esq.
Tiffany L. Luu, Esq.
Justice for Workers, P.C.
3600 Wilshire Blvd., Ste. 1815
Los Angeles, CA 90010
Tel: (323) 922-2000
william@justiceforworkers.com
tluu@justiceforworkers.com

Administrator:

Apex Class Action LLC
claims@apexclassaction.com
P.O. Box 54668,
Irvine, CA 92619
Telephone: (800) 355 - 0700
Fax Number: (949) 989-4428

10. WHAT IF I LOSE MY SETTLEMENT CHECK?

If you lose or misplace your settlement check before cashing it, the Administrator will replace it as long as you request a replacement before the void date on the face of the original check. If your check is already void, you should consult the Unclaimed Property Fund for instructions on how to retrieve the funds.

11. WHAT IF I CHANGE MY ADDRESS?

To receive your check, you should immediately notify the Administrator if you move or otherwise change your mailing address.

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Exhibit 1 to Notice

Template/Example Request for Exclusion

The below is a template/example of a Request for Exclusion. Although you may use this or a substantially similar formatted document to submit a Request for Exclusion, you are not required to use this format/template. Regardless of whether you use this format/template, if you submit a timely Request for Exclusion consistent with Section 3(6) above, it will be considered.

REQUEST FOR EXCLUSION
Roberto Toscano Herrera v. 180 Snacks, Inc., et al., Case No. 30-2023-01346806-CU-OE-CXC

Apex Class Action
claims@apexclassaction.com
P.O. Box 54668,
Irvine, CA 92619
Telephone: (800) 355 - 0700
Fax Number: (949) 989-4428

Settlement Administrator,

I request to be excluded from the *Roberto Toscano Herrera v. 180 Snacks, Inc., et al.*, Case No. 30-2023-01346806-CU-OE-CXC Class Settlement. My name and contact information is below:

Employee Name:	
Employee Address:	
Employee Phone Number: Approximate Employment Dates:	

Thank you,

Signature: _____

Doc ID: 42b518d84fcabb5ab18c7d83beeee9c0310766e4

Exhibit 2 to Notice

Template/Example Objection to Settlement

The below is a template/example of an Objection to Settlement. Although you may use this or a substantially similar formatted document to submit an Objection, you are not required to use this format/template. Regardless of whether you use this format/template, if you submit a timely Objection consistent with Section 7 above, it will be considered. Alternatively, you may object by attending (or retaining an attorney to attend) the Final Approval Hearing. Information regarding the Final Approval Hearing is provided in Section 8 above.

OBJECTION TO SETTLEMENT
Roberto Toscano Herrera v. 180 Snacks, Inc., et al., Case No. 30-2023-01346806-CU-OE-CXC

Apex Class Action
claims@apexclassaction.com
P.O. Box 54668,
Irvine, CA 92619
Telephone: (800) 355 - 0700
Fax Number: (949) 989-4428

Settlement Administrator,

I object to the *Roberto Toscano Herrera v. 180 Snacks, Inc., et al.*, Case No. 30-2023-01346806-CU-OE-CXC Class Settlement.

[Insert what you object to, why you object, and any facts that support your objection.]

My name and contact information is below:

Employee Name:	
Employee Address:	
Employee Phone Number:	
Approximate Employment Dates:	

Thank you,

Signature: _____

Doc ID: 42b518d84fcabb5ab18c7d83beeee9c0310766e4

Exhibit 3 to Notice

Template/Example Workweek/Pay Period Challenge

The below is a template/example of a Workweek/Pay Period Challenge. Although you may use this or a substantially similar formatted document to submit a Workweek/Pay Period Challenge, you are not required to use this format/template. Regardless of whether you use this format/template, if you submit a timely a Workweek/Pay Period Challenge consistent with Section 4(3) above, it will be considered.

WORKWEEK/PAY PERIOD CHALLENGE
Roberto Toscano Herrera v. 180 Snacks, Inc., et al., Case No. 30-2023-01346806-CU-OE-CXC

Apex Class Action
claims@apexclassaction.com
P.O. Box 54668,
Irvine, CA 92619
Telephone: (800) 355 - 0700
Fax Number: (949) 989-4428

Settlement Administrator,

I write to challenge the number of Workweeks and/or PAGA Pay Periods as shown on the Settlement Notice I received regarding the *Roberto Toscano Herrera v. 180 Snacks, Inc., et al.*, Case No. 30-2023-01346806-CU-OE-CXC Class Settlement.

My name and contact information is below:

Employee Name:	
Employee Address:	
Employee Phone Number:	
Approximate Employment Dates:	

Doc ID: 42b518d84fcabb5ab18c7d83beeee9c0310766e4

Below are the number of workweeks and pay periods listed in the Notice I received, and the number of workweeks and/or pay periods I believe should be listed:

	Class Workweeks (Workweeks worked between September 5, 2019 through August 12, 2025)	PAGA Pay Periods (Pay Periods worked between July 28, 2022 through August 12, 2025)
Listed on Class Notice		
Employee Proposed		

I have attached/enclosed supporting documents regarding the challenge above.

Thank you,

Signature: _____

Doc ID: 42b518d84fcabb5ab18c7d83beeee9c0310766e4

EXHIBIT 2