

<<Mailing Date>>

To: <<First Name>><<Last Name>>
<<Address>>
<<City>> <<State>> <<Zip>>

Re: Individual PAGA Payment from *John Nolan et al. v. Swami's 101, LLC et. al.*
San Diego County Superior Court, Case No. 37-2022-00042482-CU-OE-CTL

Dear <<First Name>><<Last Name>>:

Please find enclosed a check in the amount of <<**amount of payment**>> ("Individual PAGA Payment"). This check is your payment from the settlement of a lawsuit entitled *John Nolan et al. v. Swami's 101, LLC et. al.*, Case No. 37-2022-00042482-CU-OE-CTL ("Action"), pending in the Superior Court of California for the County of San Diego ("Court").

The lawsuit was filed by John Nolan, Fidelio Robles, Sergio Molina, and Crellyn Collister ("Plaintiffs"), former employees of Swami's 101, LLC ("Defendant"), on behalf of the State of California with respect to themselves and other alleged aggrieved employees, to seek recovery of civil penalties pursuant to the California Private Attorneys General Act of 2004, California Labor Code § 2698, *et seq.* ("PAGA"). Plaintiffs alleged that Defendant violated the California Labor Code and Industrial Welfare Commission Wage Orders by failing to properly pay all overtime wages, provide lawful meal periods or compensation in lieu thereof, authorize or permit lawful rest breaks or provide compensation in lieu thereof, provide accurate itemized wage statements, and timely pay all wages during employment and upon separation of employment. Defendant denies these allegations and denies any wrongdoing of any kind associated with these allegations.

A settlement was reached between Plaintiffs and Defendant, on behalf of Plaintiffs, the State of California, and the following Aggrieved Employees: persons employed by Swami's 101, LLC in California and classified as a non-exempt hourly employee who worked for Swami's 101, LLC at any time from August 16, 2022 to ____.

On <<Approval Date>>, the settlement was approved by the Court, with a portion to be paid to the State of California and a portion to be paid to the Aggrieved Employees. You are receiving a portion of the settlement (the enclosed Individual PAGA Payment) because you have been identified as an Aggrieved Employee. Your Individual PAGA Payment is based on the total number of pay periods that you worked as a PAGA Employee during the period between August 16, 2022 to _____. ("PAGA Period"). The Individual Settlement Check is considered to be 100% penalties, which will be reported on an IRS Form 1099. You are responsible for paying any and all taxes that may be due as a result of any payment issued to you under the settlement and should consult a tax advisor regarding the tax consequences of such payment.

By way of the settlement, you are deemed to fully release and forever discharge the Released Parties from the Released Claims. The "Released Parties" means Swami's 101 LLC and each of its former and present directors, officers, shareholders, owners, members, attorneys, insurers, predecessors, successors, assigns, subsidiaries, and affiliates. The "Released Claims" means and refers to all claims for PAGA penalties that were alleged, or reasonably could have been alleged,

based on the PAGA Period facts stated in the Operative Complaint and the PAGA Notice, from August 16, 2022 to _____, including for the failure to properly pay overtime wages, provide lawful meal periods or compensation in lieu thereof, authorize or permit lawful rest breaks or provide compensation in lieu thereof, provide wages for all time work, provide reimbursement for business expenses, provide accurate itemized wage statements, and timely pay all wages during employment and upon separation of employment.

Your check is valid for 180 calendar days from the date of issuance, and if you do not cash, deposit, or otherwise negotiate the check within the 180-day timeframe, your Individual PAGA Payment will be cancelled and the funds will be transmitted to the State Controller's Office Unclaimed Property Fund in the name of the PAGA Employee whose check is voided.

Do not call or write the Court or Office of the Clerk of the Court to ask questions about the settlement. If you have any questions concerning the settlement, you may contact the Settlement Administrator at <<INSERT CONTACT INFORMATION>>.