

## **AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE OF CLASS AND PAGA ACTION**

This Amendment to the Settlement Agreement and Release of Class and PAGA Action (“Amendment”) is entered into by and between: (1) Plaintiff Nazario Hernandez (“Plaintiff”), individually and in his representative capacity on behalf of the Settlement Class, as defined below, and as a private attorney general on behalf of the State of California; and (2) Defendant Bambacigno Steel Company (“Defendant”). Plaintiff and Defendant are hereafter referred to collectively as the “Parties.” This Amendment shall be effective on the date of the last signature below.

### **RECITALS**

A. The Parties entered into a Settlement Agreement and Release of Class and PAGA Action (“Agreement”) in relation to the civil actions filed by Plaintiff in the Superior Court of the State of California, County of Stanislaus, captioned *Nazario Hernandez v. Bambacigno Steel Company*, Case Numbers CV-24-010103, CV-25-001768. The Agreement was signed by the Parties as of December 12, 2025. Any capitalized terms used herein that are not defined shall have the same definition as in the Agreement.

B. Under Sections 1.25, 1.28, 5.4, and 8.3 of the Agreement, the PAGA Payment of \$28,750.00 is to be distributed as follows: seventy-five percent (75%) (i.e., \$21,562.50) to the LWDA and twenty-five percent (25%) (i.e., \$7,187.50) to the PAGA Settlement Class.

C. Labor Code section 2699, subdivision (m) provides that PAGA penalties must be allocated sixty-five percent (65%) to the LWDA and thirty-five percent (35%) to the affected employees for actions filed on or after June 19, 2024.

THEREFORE, for good and valuable consideration, the Parties agree to amend the Agreement as follows:

### **AMENDMENT**

The Parties agree to amend Sections 1.25, 1.28, 5.4, and 8.3 of the Agreement, distributing the PAGA Payment of \$28,750.00 as follows: sixty-five percent (65%) (i.e., \$18,687.50) to the LWDA and thirty-five percent (35%) (i.e., \$10,062.50) to the PAGA Settlement Class, pursuant to Labor Code section 2699, subdivision (m).

The Parties’ counsel, on behalf of the Parties, having read and agreed to the foregoing, do hereby voluntarily execute this Amendment by signing below.

**CLASS COUNSEL:**

Dated: 3/9/2026

**Melmed Law Group P.C.**



Kyle D. Smith  
Attorneys for Plaintiff

**DEFENSE COUNSEL:**

Dated: 3-9-2026

**Sagaser, Watkins & Wieland PC**



David G. Litman  
Attorneys for Defendant