

NOTICE OF CLASS AND PAGA SETTLEMENT

Mora v. Diamond ZB Staffing Services, LLC, Capital Logistics, and JCR Services, LLC
 Orange County Superior Court, Case No. 30-2019-01104920-CU-OE-CXC

<<FullName>>

<<Address1>> <<Address>>

<<City>>, <<State>> <<Zip>>

TO: ALL PERSONS WHO HAVE BEEN EMPLOYED AS NON-EXEMPT, TEMPORARY EMPLOYEES OF JCR SERVICES WHO WERE PLACED TO WORK FOR CAPITAL LOGISTICS AT ITS FACILITY AT 22000 OPPORTUNITY WAY, RIVERSIDE, CALIFORNIA AT ANY TIME FROM MAY 8, 2019, TO NOVEMBER 12, 2019 (“CLASS PERIOD”) (“CLASS” OR “CLASS MEMBERS”)

A court authorized this Notice. This is not a solicitation from a lawyer.

Please read this Notice carefully. Your rights may be affected.

- A former employee (“Plaintiff”) has sued Capital Logistics & Warehousing West, Inc. (“Capital Logistics”) and JCR Services, LLC (“JCR Services”) (Capital Logistics and JCR Services are referred to collectively as “Defendants”), alleging that Defendants failed to provide meal periods and rest periods to temporary employees from JCR Services placed to work at Capital Logistics at 22000 Opportunity Way, Riverside, California from May 8, 2019 to November 12, 2019, and that Defendants failed to reimburse those temporary employees for work related expenses. Plaintiff also seeks civil penalties under the Labor Code Private Attorneys General Act (“PAGA”).
- Defendants have denied any wrongdoing or liability, but Plaintiff and Defendants have agreed to a class action settlement, and the Court has granted preliminary approval of the settlement.
- The Court has certified a Class for purposes of the Settlement but has not ruled on the merits of Plaintiff’s claims or Defendants’ defenses.
- You received this Notice because you are a member of the Class according to Defendants’ records.
- Under the Settlement, you will receive approximately <<PAGAAmt>> in settlement of civil penalties under PAGA. This amount will be mailed to you whether or not you opt out of the Class Settlement.
- If you do not opt out of the Class Settlement, a sum of approximately <<SettAmt>> will be mailed to you upon the Court granting final approval of the settlement.
- The amounts listed above are based on Defendants’ records of the number of Workweeks you worked as a non-exempt, temporary employee of JCR Services and placed to work for Capital Logistics at 22000 Opportunity Way, Riverside, California during the Class Period (from May 8, 2019 to November 12, 2019) and Pay Periods you worked during the PAGA Period (from October 1, 2018 to November 12, 2019). Defendants’ records show that you worked: <<Workweeks>> Workweeks during the Class Period and worked <<PAGAPeriods>> Pay Periods during the PAGA Period.
- Upon the Court granting final approval and entering a judgment approving the settlement, the notice of judgment will be available at the Settlement Administrator’s website: www.cptgroupcaseinfo.com/MoravDZBCapitalLogisticsJCRServicesSettlement. The operative Second Amended Complaint, the PAGA Claim Notice letter, the Amended Class Action and PAGA Settlement Agreement, the Order Granting Preliminary Approval Of Class Action and PAGA Settlement, the Notice Packet (including Notice of Class and PAGA Settlement, Opt-Out Form, and Objection Form), and other documents regarding this lawsuit and the Settlement are also available on that website.
- Please note this Action includes other defendants, including Diamond ZB Staffing Services, LLC, but the settlement does not include Diamond ZB Staffing Services, LLC or any other defendants.

YOUR RIGHTS UNDER THE SETTLEMENT	
Do Nothing	Stay as Class Member. Receive money under the Settlement. Give up right to sue separately. By doing nothing, a settlement check will be mailed to you upon the Court granting final approval of the Settlement, but you give up any rights to sue Capital Logistics and/or JCR Services separately for the claims being released under the Settlement.
Opt Out	Get out of this Settlement. Receive no money under the Settlement. Keep rights to sue separately. By excluding yourself (opting out) from the Class, you give up the right to receive money under the Settlement but keep any rights to sue Capital Logistics and/or JCR Services separately for the claims being released under the Settlement.
Object	If you feel any of the terms of the Settlement are unfair, you may object to the Settlement following the procedure described in this Notice. You have a right to appear through your own attorney.

- Any questions after you read this Notice? Contact the Settlement Administrator at 1-888-628-3709 or attorneys for the Class at (818) 609-0807 or (714) 274-9815.

The Superior Court of California for the County of Orange has granted preliminary approval to a class action settlement (the “Settlement”) in the above-captioned action (“Action”).

The Court has conditionally certified the following Class for settlement purposes only: “Any and all non-exempt, temporary employees of JCR who were placed to work for Capital Logistics at its facility at 22000 Opportunity Way, Riverside, California at any time during the Class Period from May 8, 2019 to November 12, 2019.

A. DESCRIPTION OF THE LAWSUIT

Plaintiff has brought this lawsuit as a class action. In a class action, one or more persons bring claims in a lawsuit on behalf of themselves and others who are in a similar situation or have similar possible claims against one or more defendants. The Plaintiff in this case has made claims on behalf of all current and former non-exempt employees of JCR Services who were placed to work for Capital Logistics at 22000 Opportunity Way, Riverside, California at any time during the Class Period from May 8, 2019 to November 12, 2019. In the lawsuit, Plaintiff alleges that Defendants failed to provide meal breaks, failed to provide rest breaks, failed to reimburse work related expenses, and violated the Unfair Competition Law, Business and Professions Code section 17200, *et seq.* Based on those allegations, Plaintiff seeks class damages for unpaid premium wages due for failure to provide meal and/or rest breaks, reimbursement of work-related expenses, restitution, civil penalties under PAGA, and other relief.

Defendants deny Plaintiff’s claims and deny any wrongdoing or liability. The Court has not ruled on the merits of Plaintiff’s claims or Defendants’ defenses and the parties have agreed to the Settlement. (Note that the Settlement does not include Diamond ZB Staffing Services, LLC or any other defendants in the Action.)

Plaintiff and Class Counsel believe the Settlement is fair and in the best interest of the Class and for these reasons are seeking final approval of the Settlement. The attorneys for the employees (“Class Counsel”) in this lawsuit are:

Justian Jusuf
 LAW OFFICE OF JUSTIAN JUSUF APC
 17011 Beach Blvd., Suite 900
 Huntington Beach, CA 92647
 Phone: (714) 274-9815

Sahag Majarian II
 LAW OFFICES OF SAHAG MAJARIAN II
 18250 Ventura Blvd.
 Tarzana, CA 91356
 Phone: (818) 609-0807
 Fax: (818) 609-0892

The attorneys for Capital Logistics are:

Thomas F. Nowland
Daniel A. Brodnax
Kevin H. Ngai
LAW OFFICES OF THOMAS F. NOWLAND
20241 S.W. Birch Street, Suite 203
Newport Beach, CA 92660
Phone: (949) 221-0005

The attorney for JCR Services is:

Paul S. Saghera
SAGHERA LAW GROUP, APC
333 City Blvd. West, 17th Floor
Anaheim, CA 92868
Phone: (714) 627-2468

B. SUMMARY OF PROPOSED SETTLEMENT TERMS.

The following is a summary of the Settlement terms. The specific and complete terms of the Settlement are stated in the Amended Class Action and PAGA Settlement Agreement, which has been preliminarily approved by the Court. A full copy of the Settlement Agreement and other documents relating to the Action and the Settlement are available on the Settlement Administrator's website: www.cptgroupcaseinfo.com/MoravDZBCapitalLogisticsJCRServicesSettlement. The Settlement Agreement, as well as other public documents filed in this case, can also be inspected during business hours in the Office of the Court Clerk, located at 751 West Santa Ana Blvd, Santa Ana, CA 92701. For a small fee, the documents are also available at the Orange County Superior Court website: <https://www.occourts.org/online-services/case-access/>

Subject to the Court's final approval, the terms of the proposed Settlement are as follows:

1. **Settlement Fund:** Defendants will pay a total of \$100,000 (One Hundred Thousand Dollars) to establish a Settlement Fund, to pay Class Members who do not opt out of the Settlement, civil penalties under PAGA, Enhancement Award to Plaintiff, the Settlement Administrator's fee and expenses, and Class Counsel attorneys' fees and expenses. In addition, Defendants will separately pay for the employer's portion of payroll taxes on the portion of settlement payments attributed as wages.

2. **Settlement Formula and Distribution.**

A sum of \$10,000 from the Settlement Fund is attributed as settlement of claims for civil penalties under PAGA. 75% (\$7,500) of this amount will be paid to the Labor and Workforce Development Agency, and 25% (\$2,500) of the amount will be paid to those non-exempt, temporary employees of JCR Services who were placed to work for Capital Logistics at 22000 Opportunity Way, Riverside, California at any time during the PAGA Period (from May 8, 2019, to November 12, 2019). If you are eligible for this payment, the amount you will receive for this portion of the settlement is shown on the first page of this notice.

After deducting the \$10,000 PAGA settlement amount, the Enhancement Award to Plaintiff, the Settlement Administrator's fee and expenses, and Class Counsel attorneys' fees and expenses, the remaining amount ("Net Settlement Fund") will be allocated to Class Members proportionally based on their respective Workweeks during the Class Period (from May 8, 2019 to November 12, 2019). The amount you will receive upon the Court granting final approval of the Settlement, if you do not opt out of the Settlement, is shown on the first page of this notice.

You do not need to do anything to receive your share under the Settlement. Upon the Court granting final approval of the Settlement, a settlement check for the PAGA portion will be mailed to you, regardless of whether or not you opt out of the Settlement. And if you do not opt out of the Settlement, the settlement check

to you will also include the non-PAGA portion.

The approximate amounts of your share under the Settlement are shown on the first page of this Notice. The amounts were calculated based on Defendants' records of the number of Workweeks worked by you and other Class Members. If you disagree with the number of your Workweeks stated on this Notice, please write to the Settlement Administrator and state the number of Workweeks during the Class Period in which you worked for JCR Services as a non-exempt, temporary employee and placed to work for Capital Logistics at 22000 Opportunity Way, Riverside, California during the Class Period and PAGA Period and attach any and all documents that support your claim (such as pay stubs, cancelled checks, etc.).

To dispute the number of your Workweeks, you must mail your challenge and supporting documents to the Settlement Administrator within 60 days of the mailing of the Notice Packet (which includes this Notice and the accompanying Opt-Out/Exclusion Form and Objection Form). Based on the original mailing date of the Notice Packet, the deadline for you to submit your challenge is **November 18, 2024**. Please be advised that the number of Workweeks stated on page one of this Notice is presumed to be correct unless the documents you timely submit prove otherwise. The Settlement Administrator will make the initial decision regarding the disputes, subject to review of the Court.

For purposes of tax reporting under the Settlement, payments made to you under this Settlement will be deemed one-third wages, one-third interest, and one-third penalties. Nothing in this Notice or the Settlement Agreement is intended to be tax advice. You should consult your tax advisor for any tax issues pertaining to this Settlement.

3. Subject to the Court's final approval, the following amounts will be deducted from the total Settlement Fund prior to calculation of the Net Settlement Fund: (a) \$10,000 (Ten Thousand Dollars) in settlement of PAGA claims; (b) Class Counsel will seek an award of attorneys' fees for their services in these Actions in the amount of approximately \$33,333 (Thirty-Three Thousand Three Hundred Thirty-Three Dollars), which is one-third of the Settlement Fund, and reimbursement of costs and expenses they have incurred in this Actions in an amount not to exceed \$5,000 (Five Thousand Dollars); (c) Class Counsel will ask the Court for an Enhancement Award of \$2,500 (Two Thousand Five Hundred Dollars) for Plaintiff/Class Representative to compensate for the time and risk undertaken in bringing this Action as a class action; and (d) payment to the Settlement Administrator for its costs and fees in administering the Settlement and payout process, in the amount of approximately \$10,000. (Ten Thousand Dollars).

4. Release. If you do not wish to be part of this Settlement or wish to bring your own lawsuit against Capital Logistics and/or JCR Services for the Released Claims (as defined below), you need to timely request to be excluded ("opt out") from the Settlement using the procedure described in this Notice. If you do not effectively opt out of the Settlement, and on final Court approval of the Settlement, you will fully release all Released Claims (as described below):

"Released Claims" means any and all claims asserted against Defendants Capital Logistics and JCR Services in the operative Second Amended Complaint (filed March 12, 2024) arising during the Class Period and PAGA Period based on the facts alleged therein, including claims for alleged failure to provide meal periods and failure to pay premium wages in lieu thereof, failure to provide rest periods and failure to pay premium wages in lieu thereof, failure to reimburse employees for work related expenses, in alleged violations of California Labor Code sections 226.7, 2802, Business and Professions Code section 17200, and the applicable provisions of Wage Order 4. The Released Claims also include the derivative claims for civil penalties under Labor Code Private Attorneys General Act ("PAGA"), Labor Code section 2698, et seq. arising during the PAGA Period, based on the alleged Labor Code violations.

Upon final approval of the Court of this settlement and except as to such rights or claims as may be created by the Settlement Agreement, the Class Members who do not opt out will be deemed to fully release and discharge the Released Parties, which include Defendants Capital Logistics & Warehousing West, Inc., JCR Services, LLC, and each of its predecessors in interest, successors in interest, shareholders, directors, officers, managers, employees, attorneys, and agents, from the Released Claims.

C. TO RECEIVE YOUR SHARE OF THE MONEY UNDER THE SETTLEMENT.

You do not need to do anything to receive your share under the Settlement, and a settlement check will be mailed to you if you do not opt out of the Settlement. The estimated amount of your share under the Settlement is reflected on the first page of this Notice.

D. WHAT IF YOU DO NOTHING?

If you do nothing, you will remain a member of the Settlement Class, and a settlement check will be mailed to you upon final approval of the Settlement, pursuant to the terms of the Settlement. As a member of the Class, you will be bound by all the terms of the Settlement, including the release of the Released Claims, as set forth above, which will prevent you from suing Capital Logistics and/or JCR Services for the matters being settled in this case.

E. TO REQUEST EXCLUSION FROM THE SETTLEMENT.

If you want to be excluded (“opt out”) from the Settlement, you must mail a written request to be excluded (opt out) from the Settlement to the Settlement Administrator, postmarked within 60 days of the mailing of the Notice Packet (which includes this Notice and the accompanying Opt-Out/Exclusion Form and Objection Form). Based on the original mailing date of the Notice Packet, the deadline for you to submit your Opt-Out/Exclusion Form is **November 18, 2024**, to the following address:

Mora v. Diamond ZB Staffing Services, LLC et al.
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Phone: 1-888-628-3709

To be valid, your request to opt out of the Settlement must be in writing, and it must include your name (and former names, if any), signature, current address, telephone number, and shall recite the following language (verbatim) or other words to the same effect:

I wish to opt out of the settlement of this case, *Mora v. Diamond ZB Staffing Services, LLC, Capital Logistics, and JCR Services*, Orange County Superior Court, Case No. 30-2019-01104920.

If you file a timely and valid written request for exclusion, you will no longer be a member of the Class, and you will not be eligible to receive money under the Settlement or object to the terms of the Settlement. However, you will not be bound by the terms of the Settlement and may pursue any claims you may have, at your own expense, against Capital Logistics and/or JCR Services. Note, however, that you will still be bound by the release of the PAGA claims and your share of the settlement of the PAGA claims will be mailed to you, even if you choose to be excluded (or “opt out”) from the settlement.

F. OBJECTION TO THE SETTLEMENT AND/OR NOTICE OF INTENTION TO APPEAR.

If you do not opt out of the Settlement but believe the Settlement is unfair or inadequate in any respect, you may object to the Settlement in writing. You may also appear at the Final Approval Hearing, either in person or through an attorney at your own expense, provided you notify the Court of your intent to do so.

All written objections, supporting papers and/or notices of intent to appear at the Final Approval Hearing must (a) clearly identify the case name and number (Mora v. Diamond ZB Staffing Services, LLC, Capital Logistics, JCR Services, Case Number 30-2019-01104920; and (b) be mailed to the Settlement Administrator, 50 Corporate Park, Irvine, CA 92606, within 60 days of the mailing of the Notice Packet (which includes this Notice and the accompanying Opt-Out/Exclusion Form and Objection Form). Based on the original mailing date of the Notice Packet, the deadline for you to submit your objection is **November 18, 2024**.

The written objection must be signed and dated and include your name, dates of employment as a non-exempt, temporary employee of JCR Services and placed to work for Capital Logistics at 22000 Opportunity Way, Riverside, California, and a complete description of the basis for the objection. A Class Member who objects to the Settlement will still be considered a member of the Settlement Class.

G. FINAL APPROVAL HEARING ON PROPOSED SETTLEMENT.

The Final Approval Hearing on the fairness and adequacy of the proposed Settlement is scheduled for January 30, 2025, at 2:00 p.m. in Department CX104 of the Orange County Superior Court, located at 751 West Santa Ana Blvd, Santa Ana, CA 92701. The Final Approval Hearing may be continued without further notice, unless you have timely filed an objection. It is not necessary for you to attend this hearing unless you file an objection and indicate your intention to appear.

Any Class Member who has not opted out will be bound by the Settlement approved by the Court at the Final Approval Hearing. If the Settlement is not approved, the lawsuit will continue to be prepared for trial or other judicial resolution.

H. ADDITIONAL INFORMATION.

This Notice only summarizes the lawsuit, the Settlement, and related matters. The pleadings and other records in this litigation, including the Settlement Agreement, may be examined at the office of the clerk during business hours, at Orange Superior Court, located at 751 West Santa Ana Blvd, Santa Ana, CA 92701. Those documents are also available for a small fee at the Orange County Superior Court's website: <https://www.occourts.org/online-services/case-access/>. The full case name and case number is as follows: Marisela Mora, individually and on behalf of others similarly situated, Plaintiff, vs. Diamond ZB Staffing Services, LLC; Capital Logistics; JCR Services, LLC; and DOES 1-50, Defendants, Case No. 30-2019-01104920-CU-OE-CXC.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION REGARDING THIS SETTLEMENT

If your address changes or is different from the address stated on the first page of this Notice, please promptly notify the Settlement Administrator or Class Counsel.