

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

**If you are or were
employed by Leprino at its Lemoore West facility as an
hourly, non-exempt employee, a class action lawsuit
may affect your rights.**

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

- A former and a current hourly, non-exempt employee sued Leprino Foods Company and Leprino Foods Dairy Products Company (collectively “Leprino”), alleging wage and hour violations.
- The Court has allowed the lawsuit to be a class action on behalf of individuals who currently work or formerly worked as a non-exempt, hourly employee of Leprino at its Lemoore West facility, at any time from May 8, 2013 until March 31, 2020.
- The Court has not decided whether Leprino did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Leprino separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Leprino separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before June 14, 2021.
- Lawyers must prove the claims against Leprino at a trial set to start June 7, 2022. If money or benefits are obtained from Leprino, you will be notified about how to ask for a share.
- Any questions? Read on and visit www.leprinoclassaction.com.

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BASIC INFORMATION

1. Why did I get this notice?

Leprino's records show that you currently work, or previously worked, for Leprino as an hourly, non-exempt employee. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Leprino, on your behalf, are correct. Judge Anthony W. Ishii of the United States District Court for the Eastern District of California is overseeing this class action. The lawsuit is known as *Vazquez, et al., v. Leprino Foods Company, et al.*, Civil Action No. 1:17-cv-00796-AWI-BAM.

2. What is this lawsuit about?

This lawsuit primarily is about whether Leprino's policies and practices effectively put its hourly, non-exempt employees on-call during breaks and, therefore, failed to provide proper meal and rest breaks.

Based upon this on-call break theory, the lawsuit also will involve: (1) whether employees worked off the clock during on-call meal breaks; (2) whether employees are owed overtime compensation for working during on-call breaks; (3) whether employees are owed minimum wage for working during on-call breaks; (4) whether employees who worked during on-call breaks have been compensated for all hours worked; (5) whether employees who worked during an on-call breaks were paid on time; (6) whether employees who had on-call meal and rest breaks received accurate, itemized wage statements; and (7) whether Leprino engaged in unfair competition.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Isaias Vazquez and Linda Hefke) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The individuals who sued—and all the Class Members like them—are called the Plaintiffs. The company they sued (in this case Leprino) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are at least 1,000 individuals who are or were employed by Leprino at its Lemoore West facility as hourly, non-exempt employees between May 8, 2013 and March 31, 2020;
- There are legal questions and facts that are common to each of them;
- Isaias Vazquez and Linda Hefke's claims are typical of the claims of the rest of the Class;
- Mr. Vazquez and Ms. Hefke, and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Granting, in Part, and Denying in Part, Plaintiffs' Motion for Class Certification, which is available at www.leprinoclassaction.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, Plaintiffs' claim that although Leprino's written meal and rest break policies are facially compliant, and although Leprino schedules facially compliant meal and rest breaks for its employees, Leprino nonetheless "requires the production workers at the Lemoore West plant to remain on-call during their breaks." Plaintiffs also say that, as a result of being on-call during breaks, they are owed additional compensation for working off the clock, overtime, minimum wage, inaccurate itemized wage statements, failing to pay all wages when due, and unfair competition. You can read the Plaintiffs' Third Amended Class Action Complaint at www.leprinoclassaction.com.

6. How does Leprino answer?

Leprino denies that it did anything wrong and says that it does not require its hourly, non-exempt employees to remain "on call" during meal and rest breaks. Leprino says that it follows its written meal and rest breaks policies and that employees are free to use their break time however they choose. Leprino says that it does not require its employees to remain available to respond to Leprino's requests during their breaks. Leprino's Answer to Third Amended Class Action Complaint is also at www.leprinoclassaction.com.

7. Has the Court decided who is right?

The Court hasn't decided whether Leprino or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial starting June 7, 2022 (See Questions 18-20 below on page 6 regarding "The Trial".)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for changes to Leprino's policies and practices to make sure that it provides the Class Members with proper, uninterrupted meal and rest breaks. The Plaintiffs will also ask for Class Members to recover money for lost wages and penalties, and an award of attorneys' fees.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Leprino did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Ishii decided that all individuals who worked as a non-exempt, hourly employee of Leprino at its Lemoore West facility at any time between May 8, 2013 and March 31, 2020, are class members. This means that you are a class member if:

- a. You are currently employed by Leprino as a supervisor or manager, but you previously worked at the Lemoore West facility as a non-exempt, hourly employee at any time between May 8, 2013 and March 31, 2020.
- b. You are currently employed by Leprino as an hourly, non-exempt employee and you worked at the Lemoore West facility as a non-exempt, hourly employee at any time between May 8, 2013 and March 31, 2020.
- c. You are no longer employed by Leprino, but you worked at the Lemoore West facility as a non-exempt, hourly employee at any time between May 8, 2013 and March 31, 2020.

11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.leprinoclassaction.com, or by calling or writing to the lawyers in this case, at the phone numbers or addresses on page 6.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

12. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, Leprino—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may only be able to sue for wage and hour violations that occurred *before* May 8, 2013 or occur *after* March 31, 2020 only. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

13. Why would I ask to be excluded?

If you already have your own lawsuit against Leprino about the same legal claims that are the subject of this lawsuit and want to continue with it, you need to ask to be excluded from the Class. Also, if you do not wish to be part of the Class, then you also may ask to be excluded from the Class.

If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Leprino and the Plaintiffs. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

Note that if you exclude yourself from this lawsuit and you are currently employed by Leprino, any changes made to Leprino’s policies and practices that are the subject of this lawsuit would still apply to you.

14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send the enclosed “Exclusion Request” form either by regular mail or email to notice@phoenixclassaction.com by June 14, 2021.

In other words, if you do not want to be part of the Class, you must either:

1. Sign and return the enclosed, self-addressed, postage-paid "Exclusion Request" postcard, no later than June 14, 2021.

OR

2. Sign and return the enclosed “Exclusion Request” postcard by email to notice@phoenixclassaction.com no later than June 14, 2021. You can either email it back as a PDF or take a picture of the completed form with your signature on it and email the picture.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that Rex Parris of Lancaster, California and Philip Downey of Long Valley, New Jersey are qualified to represent you and all Class Members. Together these lawyers are called “Class Counsel.” They are experienced in handling similar cases against other employers. Mr. Parris may be reached at the Parris Law Firm, 43364 10th Street West, Lancaster, California, 93534 or (661) 949-2595. Mr. Downey may be reached at The Downey Law Firm, LLC, 105 Guinea Hollow Road, Califon, New Jersey, 07830 or (610) 324-2848. More information about Mr. Parris is available at www.parris.com.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsels’ request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Leprino.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

18. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims at a trial. The trial is set to start on June 7, 2022, in the United States District Court for the Eastern District of California, 2500 Tulare Street, Fresno, California, in Courtroom 2. This date may change depending on orders by the Court and you will be notified of any change in the trial date. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

19. Do I have to come to the trial?

You do not need to attend the trial, unless you are served with a trial subpoena. Class Counsel will present the case for the Plaintiffs, and Leprino will present the defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website, www.leprinoclassaction.com, where you will find the Court’s Order Granting, in Part, and Denying, in Part, Plaintiffs’ Motion for Class Certification, the Third Amended Class Action Complaint that the Plaintiffs’ submitted, as well as Leprino’s Answer to the Third Amended Class Action Complaint. You may also speak to one of the lawyers by calling 1-800-960-9005, or by writing to: Phoenix Settlement Administrators, P.O. Box 7208, Orange, CA 92863.

DATE: March 15, 2021.

QUESTIONS? VISIT WWW.LEPRINOCLASSACTION.COM