

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

**If you are a current or former non-exempt (meaning hourly) employee employed by Union City Hotel Management Corporation, Pacific Pearl Hotels LLC, and/or APMC Hotel Management LLC (“the Hotel Group”) at any time between April 24th, 2015 through April 4, 2022, a class action lawsuit may affect your rights.**

*This is a court-authorized notice. It is not a solicitation from a lawyer.*

- A former non-exempt, hourly employee has sued The Hotel Group alleging wage and hour claims.
- The Court has allowed the lawsuit to be a class action on behalf of all current and former non-exempt, hourly employees employed by The Hotel Group from April 24, 2015 through April 4, 2022.
- The Court has not decided whether The Hotel Group 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:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	<p><b>Stay in this Lawsuit. Await the outcome. Give up certain rights.</b></p> <p>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 The Hotel Group separately about the same legal claims in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this Lawsuit. Get no benefits from it. Keep rights.</b></p> <p>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 The Hotel Group separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before **June 16, 2022**.
- Lawyers must prove the claims against The Hotel Group at trial. If money or benefits are obtained from The Hotel Group, you will be notified about how to ask for a share.
- **Any questions? Read on and visit [phoenixclassaction.com](http://phoenixclassaction.com).**

QUESTIONS? VISIT [phoenixclassaction.com](http://phoenixclassaction.com)

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## BASIC INFORMATION

### 1. Why did I get this notice?

The Hotel Group's records show that you currently work, or previously worked, at The Hotel Group. 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 The Hotel Group, on your behalf, are correct. Judge Katherine A. Bacal of the Superior Court of the State of California for the County of San Diego is overseeing this class action. The lawsuit is known as *Andres Garcia and Diana Vinalay, et al. v. Union City Hotel Management Corporation, et al.*, Case Number 37-2019-00021268-CU-OE-CTL.

### 2. What is this lawsuit about?

The lawsuit is about whether The Hotel Group failed to pay minimum and overtime wages, failed to provide lawful meal periods, failed to provide lawful rest breaks, failed to provide accurate wage statements, and failed to pay all wages timely upon separation of employment to its non-exempt, hourly employees as required by applicable California laws, including California's Labor Code and Unfair Competition Law.

### 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 Andres Garcia and Diana Vinalay) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The persons who sued—and all the Class Members like them—are called the Plaintiffs. The companies they sued (in this case The Hotel Group) are called the Defendants. 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 California Code of Civil Procedure Section 382, which governs class actions in state courts. Specifically, the Court found that:

- There are at least 377 non-exempt, hourly employees who are or were hired by The Hotel Group;
- There are legal questions and facts that are common to each of them;
- Andres Garcia's and Diana Vinalay's claims are typical of the claims of the rest of the Class;
- Mr. Garcia and Ms. Vinalay 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 Certifying the Class, which is available at [phoenixclassaction.com](http://phoenixclassaction.com).

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that The Hotel Group failed to pay wages for all hours worked, failed to provide lawful meal periods, failed to provide lawful rest breaks, failed to provide accurate wage statements, and failed to pay all wages timely upon separation of employment to its non-exempt, hourly employees. You can read the Plaintiffs' Class Action Complaint at [phoenixclassaction.com](http://phoenixclassaction.com).

### 6. How does The Hotel Group answer?

The Hotel Group denies all allegations of wrongdoing or illegal conduct, including but not limited to, failure to pay minimum and overtime wages, failure to provide lawful meal periods, failure to provide lawful rest breaks, failure to provide accurate wage statements, and failure to pay all wages timely upon separation of employment.

### 7. Has the Court decided who is right?

The Court hasn't decided whether The Hotel Group 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.

### 8. What are the Plaintiffs asking for?

The Plaintiffs are asking for monetary compensation including lost wages, penalties, and interest for Class Members and changes in The Hotel Group's policies to ensure that California laws are followed.

### 9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether The Hotel Group 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?

### 10. Am I part of this Class?

Judge Bacal decided that all current and former non-exempt, hourly employees employed by The Hotel Group at any time from April 24, 2015 through April 4, 2022 are Class Members. Specifically, the Judge certified the following class and subclasses:

**Class:** All current and former non-exempt employees employed by Union City Hotel Management Corporation, Pacific Pearl Hotels LLC, and APMC Hotel Management LLC at any time from April 24, 2015 through April 4, 2022 (the "Class Period").

**24-Hour Workday Subclass:** Class Members who worked two shifts in the same workday during the Class Period, which when combined would result in over 8 hours of work for the workday.

**Seventh Day Overtime Subclass:** Class Members who worked seven shifts in a workweek who were not paid overtime or double time correctly on the seventh day during the Class Period.

**Automatic Meal Period Deduction Subclass:** Class Members who had time deducted from their pay for at least one meal period not recorded in their time records during the Class Period.

**Meal Period Premium Wage Subclass:** Class Members who were not paid meal period premiums when their records showed meal period violations during the Class Period.

**Wage Statement Subclass:** Class Members who received a wage statement from Defendants at any time from April 24, 2018 through the date of class certification.

**Waiting Time Subclass:** Class Members whose employment with Defendants ended at any time from April 24, 2016 through the date of class certification.

### 11. Which current and former employees are included?

Current and former employees are in the Class as long as they were employed by The Hotel Group any time from April 24, 2015, through [date of class certification] and paid hourly. If you were hired after April 4, 2022—even if you are a current employee—you are not included.

### 12. 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 [website], or by calling or writing to the lawyers in this case, at the phone number or address listed in question 22.

## 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.

### 13. 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, The Hotel Group—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 the same wage and hour violations that occurred before April 24, 2015 or occur after [date of class certification] only. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### 14. Why would I ask to be excluded?

If you already have your own unpaid minimum wage, unpaid overtime wage, meal period, rest break, wage statement, or waiting time penalty lawsuit against The Hotel Group and want to continue with it, you need to 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 The Hotel Group and the Plaintiffs.**

However, you may then be able to sue or continue to sue The Hotel Group for wage and hour violations. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against The Hotel Group after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against The Hotel Group, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

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

To ask to be excluded, you must send an "Exclusion Request" in the form of a letter sent by mail, stating that you want to be excluded from *Andres Garcia, et al. v. Union City Hotel Management Corporation, et al.* Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by **June 16, 2022**, to: *Andres Garcia, et al. v. Union City Hotel Management Corporation, et al.*, Exclusions, **Phoenix Settlement Administrators, P.O. Box 7208, Orange, CA 92863**. Do NOT send an Exclusion Request if you want to participate in this case.

#### **THE LAWYERS REPRESENTING YOU**

#### 16. Do I have a lawyer in this case?

The Court decided that the law firm of Aegis Law Firm, PC, of Irvine, CA and Gaines & Gaines, APLC of San Diego, California are qualified to represent you and all Class Members. The law firms are called "Class Counsel." They are experienced in handling similar cases against other employers. More information about this law firm, their practices, and their lawyers' experience is available at [www.aegislawfirm.com](http://www.aegislawfirm.com) and <https://gaineslawfirm.com>.

#### 17. 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.

#### 18. 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 Counsel's request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by The Hotel Group.

#### **THE TRIAL**

#### 19. 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. No trial date is set at this time, but the trial will likely take place next year, in the Superior Court of California for the County of San Diego, 330 W Broadway San Diego, CA 92101, in Department C-69. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a

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decision about whether the Plaintiffs or The Hotel Group 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.

#### 20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and The Hotel Group will present the defenses. You or your own lawyer are welcome to come at your own expense.

#### 21. When will I receive the compensation?

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

#### 22. Are more details available?

Visit the website, [phoenixclassaction.com](http://phoenixclassaction.com), where you will find the Court's Order Certifying the Class, the Complaint that the Plaintiffs submitted, and Defendants' Answer to the Complaint. You may also speak to one of the lawyers by calling Aegis Law Firm, PC at (949) 379-6250 or Gaines & Gaines, APLC at (818) 703-8985; emailing [jszilagyi@aegislawfirm.com](mailto:jszilagyi@aegislawfirm.com) or [alex@gaineslawfirm.com](mailto:alex@gaineslawfirm.com); or by writing to: Aegis Law Firm, PC, 9811 Irvine Center Drive, Suite 100, Irvine, CA 92618 or Gaines & Gaines, APLC, 27200 Agoura Rd Suite 101, Calabasas, CA 91301.