

THIS IS AN IMPORTANT COURT APPROVED NOTICE. READ CAREFULLY.

*Robert Gonzalez v. Speedy Weedy La Mesa, LLC, et al.*  
San Diego Superior Court  
Case No. 37-2021-00008727-CU-OE-NC

**If you worked for Speedy Weedy La Mesa LLC, Speedy Weedy Santa Ana, LLC, Speedy Weedy Vista, LLC, and Welcome Healing Touch, Inc., at any time from September 4, 2016, through June 1, 2022, a settlement of a class action lawsuit may affect your rights.**

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

- A proposed settlement (the “Settlement”) has been reached in a class action lawsuit entitled *Robert Gonzalez v. Speedy Weedy La Mesa, LLC, et al.*, Case No. 37-2021-00008727-CU-OE-NC (San Diego Court) (the “Lawsuit”). The purpose of this Notice of Class Action Settlement (“Notice”) is to briefly describe the Lawsuit, and to inform you of your rights and options in connection with the Lawsuit and the proposed settlement.
- The Court has preliminarily approved a class action settlement with Defendants Speedy Weedy La Mesa LLC, Speedy Weedy Santa Ana, LLC, Speedy Weedy Vista, LLC, and Welcome Healing Touch, Inc. (“Defendants”), which will affect all current and former independent contractors and hourly non-exempt employees who performed work for Defendants in California at any time from September 4, 2016 through June 1, 2022. (the “Class”).
- If the Court grants final approval of the Settlement, there may be money available to you.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>PARTICIPATE IN THE SETTLEMENT – <u>NO ACTION REQUIRED</u></b>	<b>Stay in this Lawsuit. Receive a payment. Cannot pursue your own lawsuit.</b> By doing nothing, you become part of the Class and will collect a settlement award as detailed below. But you will not be able to bring your own lawsuit against Defendants for wage-and-hour violations that relate to the claims brought in this Lawsuit.
<b>OBJECT TO THE SETTLEMENT</b>	<b>Stay in this Lawsuit. Receive a payment. Object. Cannot pursue your own lawsuit.</b> To object to the Settlement, you must write to the Settlement Administrator about why you do not like the settlement. You will remain a member of the Class, and if the Court approves the Settlement, you will be bound by the terms of the settlement in the same way as Class Members who do not object.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this Lawsuit. Receive a smaller or no payment from it. Keep your right to pursue your own lawsuit for damages.</b> If you ask to be excluded from the Settlement, you keep your right to sue Defendants separately about the legal claims in this Lawsuit, except as to the claim under the California Private Attorneys General Act (“PAGA”). If you choose this option, you must exclude yourself, in writing, from the Settlement. As a result, you may receive no payment at all. At most, you will receive a very small payment for resolution of the PAGA claim if you are a member of the PAGA Group, which is a subset of the Class.

- **Regardless of the option you choose, you will not be retaliated against for exercising your rights.** To object to the Settlement or to ask to be excluded, you must act before February 6, 2023.
- **Any questions?** Read on or contact the Settlement Administrator listed below at (800) 523-5773.

## BASIC INFORMATION

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

Defendants' records show that you worked for Defendants in California as an independent contractor or non-exempt employee at some point between September 4, 2016, through June 1, 2022.

The Court has determined only that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable. Any final determination of those issues will be made at the final hearing. You have legal rights and options that you may exercise as part of this settlement.

The Court has not made any decision on the claims or defenses. The settlement represents a compromise and settlement of highly disputed claims. Nothing in the settlement is intended or will be construed as an admission by Defendants that Plaintiffs' claims have merit or that Defendants have any liability to Plaintiffs or the Class on those claims.

### 2. What is this lawsuit about?

In this Lawsuit, Plaintiffs Robert Gonzalez, Victor Penate, Blake Bixel, and Mikail Odubona ("Plaintiffs") claim that Defendants: (1) failed to pay all minimum wages; (2) failed to pay overtime wages; (3) failed to provide meal periods; (4) failed to permit rest breaks; (5) failed to pay all wages due upon separation of employment and within the required time; (6) failed to provide accurate itemized wage statements; (7) failed to reimburse necessary business expenses; and (8) Plaintiffs argued that these claimed violations were unfair and unlawful business practices under California's Unfair Competition Laws, and that they entitled (9) Plaintiffs to recover civil penalties to be split 75% to the State of California and 25% to certain employees pursuant to PAGA. Plaintiffs also claimed entitlement to restitution, interest, attorneys' fees, and costs. You can read Plaintiffs' allegations as stated in the Second Amended Complaint, which is available at [www.phoenixclassaction.com/gonzalez-v-speedy-weedy/](http://www.phoenixclassaction.com/gonzalez-v-speedy-weedy/)

Throughout the litigation, Defendants have denied—and continue to deny—the factual and legal allegations in the case. Defendants do not believe that they violated any law or regulation relating to how they paid employees, when they paid employees, how much they paid employees, or how wage statements displayed information. Defendants deny any wrongdoing and assert that their conduct at all times complied with the law. Defendants further deny that they owe the monies claimed in the Lawsuit. Both Plaintiffs and Defendants have voluntarily agreed to the terms of a negotiated settlement in order to avoid the risks, burdens, and expense of continued litigation.

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

In a class action lawsuit such as this, a person called the "Class Representative" sues on behalf of other people who may have similar claims. The people together are a "Class" or "Class Members." The person who is the Class Representative is also called the plaintiff. The companies sued are called the defendant. In class action litigation, one court resolves the issues for everyone in the Class in one lawsuit, except for those people who choose to exclude themselves from the Class.

This lawsuit also includes a "Private Attorneys General" (PAGA) claim where the Plaintiffs are attempting to recover penalties for the State of California. In a PAGA action, the State receives 75% of the civil penalties, while employees receive 25%. This settlement will resolve all claims by the State for civil penalties arising from claims made by Plaintiffs in the Lawsuit during the period of March 1, 2020, through June 1, 2022 and independent contractors and non-exempt employees covered by the Lawsuit will be barred from bringing another lawsuit on behalf of the State for such penalties.

#### 4. Why is this Lawsuit a class action?

For settlement purposes only, Plaintiffs and Defendants agreed that this case can proceed as a class action and to ask the Court to approve the settlement for the Class. The Court has not ruled on the merits of the case, and the decision to certify Class for settlement purposes should not be viewed as a prediction or agreement that Plaintiffs or the Class would ultimately prevail on the merits of the action.

#### 5. What are the terms of the proposed Settlement?

Subject to final Court approval, the major terms of the Settlement are as follows:

1. Defendants have agreed to pay \$777,645.00 to settle the claims made in this lawsuit. This amount is also known as the “Gross Settlement Amount”.
2. Plaintiffs have agreed to release all of their claims in this lawsuit against Defendants.
3. **Class Settlement Payments:** Plaintiffs seek the following deductions from the \$777,645.00 Gross Settlement Amount:
  - a. Up to one-third (1/3) of the Gross Settlement Amount (currently equal to \$259,215.00) for Class Counsel’s attorneys’ fees.
  - b. Up to \$30,000.00 for reimbursement of Class Counsel’s litigation costs.
  - c. An incentive award of up to \$35,000.00 to the named Plaintiffs, including up to \$15,000.00 for Plaintiff Robert Gonzalez and \$10,000.00 to Plaintiff Victor Penate and \$5,000.00 each for Plaintiffs Blake Bixel and Mikail Odubona for filing the Lawsuit, performing work in connection with the Lawsuit, and undertaking the risks of filing the Lawsuit.
  - d. Up to \$9,750.00 to cover the costs of the Settlement Administrator.
  - e. Payment of \$15,000.00 to the California Labor and Workforce Development Agency for release of Private Attorneys General Act claims.

If the Court approves the requested deductions, there will be approximately \$428,680.00 remaining to be distributed. These remaining funds will be referred to as the “Net Settlement Amount.” Any amounts not requested or awarded by the Court will be included in the Net Settlement Amount. The Net Settlement Amount will be distributed to Class Members who do not request exclusion (the “Settlement Class Members”) on a pro rata basis according to the number of weeks they worked during the Class Period, and whether they signed individual settlements.

**PAGA Settlement Payments.** A portion of the Gross Settlement Amount in the amount of \$5,000 will be set aside for Class Members who worked for Defendants in California at some point between March 1, 2020, through June 1, 2022 (“PAGA Group”). If you are a member of the PAGA Group, you will receive a pro rata share of the PAGA Group Payment, regardless of whether you opt-out of the settlement. You will not be able to pursue any claim on behalf of the State for such penalties.

**Settlement Payments Generally.** If a settlement check remains uncashed after 180 days from issuance, the check will become void and the uncashed funds shall be paid out pursuant to Code of Civil Procedure section 384(b)(3) to ABA Military Pro Bono Project, with it being allocated under the doctrine of cy pres.

Your estimated settlement payment is listed in Section 8 of this Notice. Applicable taxes will be withheld from your payment.

## WHO IS IN THE CLASS?

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

The “Class” includes: All current and former independent contractors and non-exempt employees who worked for Defendants in California at any time between September 4, 2016, through June 1, 2022 (the “Class Period”).

### 7. I’m still not sure if I am included.

If you still are not sure whether you are included in the Class, you can get free help by contacting Phoenix Class Action Settlement Administrators, the “Settlement Administrator,” at the designated phone number for this matter at (800) 523-5773 or by calling or writing the lawyers representing the Class in this case (“Class Counsel”), at the phone number or address listed in Section 19.

### 8. What is my approximate Individual Settlement Payment?

According to payroll records maintained by Defendants, the total number of weeks you worked in California for Defendants as an independent contractor or non-exempt employee during the Class Period is \_\_\_\_\_.

Based on information provided above and anticipated court-approved deductions, your share of the settlement is estimated to be \$\_\_\_\_\_, less applicable taxes and withholdings.

You do not need to do anything further to receive your Individual Settlement Payment, other than to ensure that the Settlement Administrator has an accurate mailing address for you. It is important that you contact and inform the Settlement Administrator listed in Section 16, below, of any changes to your mailing address for timely payment.

### Disputing Your Payment Amount

If you believe your total weeks worked during the Class Period shown above are not correct, you may send a letter to the Settlement Administrator indicating what you believe is correct by no later than February 6, 2023. You should also send any documents or other information that supports your belief. The Settlement Administrator will attempt to resolve any dispute based on Defendants’ records and any information you provide. Any disputes not resolved by the Settlement Administrator will be resolved by the Court.

### 9. What rights am I releasing if I participate in the Settlement?

If the Court grants final approval of the Settlement and you do not opt out of the Settlement, you will be deemed to have released Defendants Speedy Weedy La Mesa LLC; Speedy Weedy Santa Ana, LLC; Speedy Weedy Vista, LLC; and Welcome The Healing Touch, Inc., the Additional Released Parties (including Speedy Weedy Corona LLC; Green Rose Green Leaf Care, Inc.; Monex Place Wellness, Inc.; SW Holding, LLC; Dijla Alsaigh, Najah Alsaigh, Lika Alsaigh, Amar Alsaigh, and Frank Alsaigh), and their former, present and future owners, parents, subsidiaries, affiliated corporations entities and license holders, and all of their current, former and future officers, directors, members, managers, employees, consultants, partners, shareholders, joint venturers, agents, successors, assigns, accountants, insurers and/or legal representatives (“Released Parties”) from any and all claims which have been or could have been asserted in the lawsuits and underlying PAGA letters, including but not limited to any and all claims for wages, liquidated damages, violations of Labor Code sections 201-204,

210, 226, 226.3, 226.7, 226.8, 510, 512, 558, 558.1, 1182.12, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, 2800, and 2802, and/or applicable IWC Wage Orders, governing: meal and rest breaks, minimum wages, overtime and double time wages; any and all theories for or related to unpaid wages, including but not limited to off-the-clock work, meal period violations, and/or unpaid premiums, rest period violations and/or unpaid premiums, or any and all other claims giving rise to minimum wage and/or overtime violations; wage statement violations; separation pay violations; failure to reimburse business expenses; unfair business practices generally, any and all theories arising out of employee misclassification as independent contractors; individual and non-individual claims for civil penalties pursuant to the California Private Attorneys' General Act, and any and all other available penalties from September 4, 2016, through June 1, 2022 ("Released Claims").

Additionally, if you worked during the period of March 1, 2020 through June 1, 2022, you are a PAGA Group Member and you will also release the right to bring a claim for civil penalties on behalf of the State (and other employees) based on the same facts or theories as the Settlement Class Released Claims, which arose during the PAGA Period, even if you have formally opted-out of being a Settlement Class Member.

#### **10. How do I object to the Settlement?**

If you are a Class Member and would like to object to the Settlement, you must not submit a request for exclusion (*i.e.*, must not opt out). In order to object, you may mail a written objection to the Settlement Administrator at the address in Section 16 below. To be valid, your objection must: (1) state your full name, address, date of birth, and the dates you worked as a non-exempt hourly California employee or independent contractor with Defendants; (2) state the grounds for the objection; (3) be signed by you; and (4) indicate whether you intend to appear at the Final Approval Hearing. You can also hire an attorney at your own expense to represent you in your objection. Your written objection to the Settlement Administrator must be postmarked on or before February 6, 2023. You may appear in person at the Final Fairness and Approval Hearing to present any oral objections even if you do not submit a timely written objection.

#### **11. Why would I ask to be excluded?**

You have the right to exclude yourself from the Class (and the class settlement). If you exclude yourself from the Class—sometimes called "opting-out" of the Class – you won't get any money or benefits from the class settlement. However, you may then be able to sue or continue to sue Defendants for your own claims if permitted by law. If you exclude yourself, you will not be legally bound by the Court's ruling in this Lawsuit, except for the release by PAGA Group Members, as explained above. Whether or not you submit a Request for Exclusion, you will still receive a small PAGA Group Payment if you are determined to be a part of the PAGA Group.

#### **12. How do I ask to be excluded from the Class?**

If you are a Class Member and would like to exclude yourself from the Class ("opt-out"), you, or your authorized representative, need to submit a written statement requesting exclusion from the Class to the Settlement Administrator at the address in Section 16 below. The statement must be signed and dated by you or your authorized representative and must be postmarked on or before February 6, 2023. To be valid, your request for exclusion must: (1) state your full name, address, date of birth, and the last four digits of your Social Security Number; (2) contain a clear statement that you received the Notice Packet, decided not to participate in the Settlement, and words to the effect that you desire to be excluded from the Settlement in the *Robert Gonzalez v. Speedy Weedy La Mesa, LLC, et al.* action; and (3) be signed by you under penalty of perjury.

Any Class Member who requests to be excluded from the Class will not be entitled to any recovery under the Settlement and will not be bound by the Settlement or have any right to object, appeal, or comment on the Settlement. Class Members who fail to submit a valid and timely request for exclusion will be bound by all terms

of the Settlement and any ruling from the Court to give final approval of the Settlement. But Class Members cannot opt out of releasing PAGA claims, as those claims belong to the State of California and Plaintiffs have agreed to release those claims by acting as a proxy for the State.

### THE LAWYERS REPRESENTING YOU

#### 13. Who are the attorneys representing the Parties?

##### Lawyers for the Class

Samuel A. Wong (swong@aegislawfirm.com)  
Kashif Haque (khaque@aegislawfirm.com)  
Jessica L. Campbell (jcampbell@aegislawfirm.com)  
Namrata Kaur (nkaur@aegislawfirm.com)  
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##### Defendants' Lawyers

Christopher H. Conti (cconti@fisherphillips.com)  
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San Diego, California 92121  
Telephone: 858-597-9600  
Facsimile: 858-597-9601

The Court has preliminarily decided that Aegis Law Firm, PC is qualified to represent you and all Class Members. The law firm's attorneys are experienced in handling similar cases against other employers. More information about this law firm, their practice, and their lawyers' experience is available at [www.aegislawfirm.com](http://www.aegislawfirm.com).

#### 14. How will the lawyers be paid?

As part of the Settlement with Defendants, Class Counsel has requested one-third of the Gross Settlement Amount (currently equal to \$259,215.00) in attorneys' fees, plus costs not to exceed \$30,000, to be paid from the Gross Settlement Amount to compensate Class Counsel for their work on this matter. You will not have to pay Class Counsel's fees and costs from your Individual Settlement Payment.

#### 15. How will Plaintiffs be paid?

As part of the Settlement with Defendants, Plaintiffs' attorneys have requested a payment of up to \$15,000.00 to be paid to Plaintiff Robert Gonzalez, \$10,000.00 to Plaintiff Victor Penate, and Five Thousand Dollars (\$5,000) each for Plaintiffs Blake Bixel and Mikail Odubona for their efforts in this matter during initial investigation, discovery, mediation and the like, while serving as Class Representatives and taking on the burden and risks of litigation. This amount would be in addition to whatever they would receive as part of their pro rata share of the settlement sum.

### THE SETTLEMENT, APPROVAL, AND PAYMENT PROCESS

#### 16. Who is handling the Settlement Administration process?

Phoenix Settlement Administrators  
P.O. Box 7208  
Orange, CA 92863  
(800) 523-5773

#### 17. When is the Final Fairness and Approval Hearing and do I have to attend?

The Final Fairness and Approval Hearing has been set for April 21, 2023, at 1:30 p.m., in Department NC-31 of the San Diego Superior Court for the State of California, located at 325 South Melrose Drive, Vista, California 92081. You do not need to attend the hearing to be a part of the Settlement. However, if you wish to object to

the Settlement, you may appear at the hearing. Please note that the hearing may be continued without further notice to the Class. Make sure you check the Court's website before attempting to come to Court in person. You may be required to appear only by phone or video, depending on the current safety requirements due to the pandemic.

#### **18. When will I get money after the hearing?**

The Court will hold a hearing on April 21, 2023, to decide whether to approve the settlement. If the Court approves the settlement, then there may be appeals if anyone objects. It is always uncertain when these objections and appeals can be resolved, and resolving them can take time. If the Court approves the settlement and if you do not opt out, your individual payment set forth in Section 8 above is expected to be distributed after Defendants make payment to the Settlement Administrator. If there are no objections or appeals, Defendants will transfer the settlement funds and the Administrator will then distribute the funds. If there are objections or appeals, the payment can be delayed by at least 60 days, or even over a year. To check on the progress of the settlement, contact the Settlement Administrator or Class Counsel at the phone number or address listed in Section 19.

### **GETTING MORE INFORMATION**

#### **19. Are more details available?**

For more information, the pleadings and other records in this litigation may be examined at any time during regular business hours at the records department office for the Superior Court of the State of California for San Diego, located at 325 South Melrose Drive, Vista, California 92081. You can also view the schedule of events and register of actions for the Lawsuit at the court's website: [sd.court.ca.gov](http://sd.court.ca.gov). Click "Access Court Records," then select "Register of Actions (Civil and Probate)", then select "Accept Terms" then click on the "icon that best identifies" the request. Then Select (i) the Court as "37", (ii) year as "2021" and (iii) enter the Case Number as "00008727".

Any questions regarding this Class Notice or the Lawsuit may be directed to the Claims Administrator at the below address and telephone number. Alternatively, you may contact your own attorney, at your own expense, to advise you, or you may contact the Lawyers for the Class at the address, telephone number or email address set forth above. If your address changes, or is different from the address on the envelope enclosing this Notice, please promptly notify the Settlement Administrator.

Settlement Administrator:

Phoenix Settlement Administrators  
P.O. Box 7208  
Orange, CA 92863  
(800) 523-5773

**PLEASE DO NOT CALL OR WRITE TO THE COURT, OR TO ANY OF DEFENDANTS' MANAGERS, SUPERVISORS, OR DEFENDANTS' ATTORNEYS WITH QUESTIONS ABOUT THIS NOTICE.**