

Superior Court of California, County of Los Angeles

Morera v. Continental Assets Management, LLC, Case No. BC502003

**NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED SETTLEMENT AGREEMENT,
AND HEARING FOR FINAL COURT APPROVAL**

If You Worked as a Non-Exempt, Hourly-Paid Employee for Continental Assets Management, LLC in California after February 28, 2009, You May Be Entitled to Money from a Class Action Settlement.

A state court permitted this notice. This is not an ad.

You are not being sued. **Your legal rights are affected whether you act or not.**

PLEASE READ THIS NOTICE.

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1. Why Should You Read This Notice?

This Notice tells of your rights to share in the settlement or your ability to “opt-out” of or object to the settlement of a class action lawsuit. There was a hearing on April 10, 2015 in the Los Angeles County Superior Court, State of California. The Honorable William F. Highberger directed that you should receive this Notice.

You have received this Notice because records indicate you are a member of the purported class represented by Plaintiff (Settlement Class Member). The Settlement will resolve all Settlement Class Members’ claims described below during the Class Period, February 28, 2009 through April 10, 2015.

The Court will hold a Final Fairness Hearing concerning the proposed settlement on July 22, 2015 at 11:00 a.m. in Department 322 of the Los Angeles County Superior Court located at 600 S. Commonwealth Avenue, Los Angeles, CA 90005.

2. What is the Case About?

On February 28, 2013, Plaintiff Caesar Morera filed a complaint (the Lawsuit) in the Superior Court of the State of California for the County of Los Angeles, Case No. BC502003 against Continental Assets Management, LLC (Continental). Plaintiff and Continental are collectively referred to as the Parties.

The Lawsuit was brought on behalf of current and former employees of Continental who worked as non-exempt, hourly-paid employees in California (Class Members). The Lawsuit alleges, among other things, Continental failed to pay all overtime wages for hours worked in excess of eight per day and 40 per week, failed to pay minimum wages, failed to provide meal periods or compensation in lieu thereof, failed to provide rest periods or compensation in lieu thereof, failed to pay wages at time of termination, failed to pay wages timely during employment, failed to reimburse Class Members' business expenses incurred on Continental's behalf, failed to keep requisite payroll records, failed to provide properly itemized wage statements, and engaged in unfair business practices. The Lawsuit seeks various penalties under the California Labor Code and Private Attorneys General Act (PAGA) (the Class Claims). As a result, the Lawsuit claims Class Members were entitled to receive compensation for earned wages and for other related penalties under California law.

The Lawsuit has been actively litigated since it was filed. Continental claimed the class could not be certified nor continue as a representative action because, among other things, the class was too small; it properly and timely paid all Class Members all amounts owed to them, including minimum, overtime, and double-time wages; it properly retained records, provided employees with properly itemized wage statements, provided proper meal and rest breaks; and it properly reimbursed employees for all business expenses. The Parties exchanged extensive discovery. On January 9, 2015, the Parties participated in a full day mediation wherein the Parties negotiated a Settlement. Continental agreed to pay the total amount of \$40,000 (Class Claims Consideration) to the Class Members to be distributed pro rata, in amounts proportionate to each Class Member's length of service with Continental. From the Class Claims Consideration, Continental also agreed to pay an additional \$2,500 penalty to the Labor and Workforce Development Agency (LWDA), a \$3,500 Enhancement Award to Plaintiff, attorney's fees for Class Counsel in the amount of \$14,000 plus \$ 9,500.00 towards reasonable approved costs and \$3,000 in Third Party Administration Fees.

The Court gave preliminary approval to the above settlement (Settlement) on April 10, 2015 Accordingly, the Class Members include non-exempt, hourly-paid employees who worked for Continental from February 28, 2009 to April 10, 2015.

3. What is the class action settlement?

You may get money from the Settlement. The Court must finally approve the terms of the Settlement as fair and reasonable to the Class. The Settlement will affect all Class Members. Class Members will get money from the Settlement if: (1) the Settlement is not nullified, and (2) the Court approves of the Settlement at the final fairness hearing. This Notice will explain the terms of the Settlement and the amount of money you may get.

4. Why did Continental Join In This Notice?

Continental does not admit to any of the claims alleged in the Lawsuit. Continental denies it owes money for unpaid wages, unpaid overtime, or unpaid minimum wages; Continental further denies it failed to pay wages upon termination, failed to timely pay wages during employment, failed to provide meal and rest periods, failed to provide properly itemized wage statements, failed to reimburse reasonable business expenses, or violated any California law related to payment of wages or penalties. Continental is settling the lawsuit as a compromise for the purpose of ending litigation and avoiding expenditure of further time and costs. Continental reserves its right to object to any and all claims if for any reason the Settlement fails. The Court file has the Settlement documents with more information on the lawsuit.

5. Who are the Parties in this class action?

Caesar Morera is the Named Plaintiff and Class Representative in this class action lawsuit, acting on behalf of himself and on behalf of all other Class Members. Continental Assets Management, LLC is the Defendant in this lawsuit who employed the Class Members, such as you.

6. Who are the attorneys representing the Parties?

Attorneys for Plaintiff & the Class (Class Counsel):

PROTECTION LAW GROUP, LLP

Heather Davis, Esq.
Eric A. Boyajian, Esq.
136 Main Street, Suite A
El Segundo, CA 90245
Phone: (424) 290-3095
Fax: (866) 264-7880

SHENKMAN & HUGHES

Kevin Shenkman
28905 Wight Road
Malibu, CA 90265
Phone: (310) 457-0970

Attorneys for Continental:

ANDREWS · LAGASSE · BRANCH & BELL LLP

Jennifer S. Branch, Esq.
Erin J. DeNatale, Esq.
4365 Executive Drive, Suite 950
San Diego, CA 92121
Phone: (858) 345-5080
Fax: (858) 345-5025

LAWYERS FOR JUSTICE, PC

Edwin Aiwazian
Arby Aiwazian
410 West Arden Avenue, Suite 203
Glendale, CA 91203
Phone: (818) 265-1020
Fax: (818) 265-1021

7. What are my rights? How Will My Rights Be Affected?

To get money from the Settlement, you do not need to do anything – you do not need to return any forms or paperwork. Class Counsel will represent you and the Class Administrator will provide you with your share of the settlement as reflected on the attached Dispute Form.

If you want to get money from the Settlement, but you believe the dates of your employment shown on the attached Dispute Form, are incorrect, you MUST return the Claims Dispute Form to the Claims Administrator. On the Dispute Form, you must state the dates of employment which you believe to be correct and provide any supporting documentation you have. The Claims Administrator's decision is final and non-appealable and will be provided to you in writing.

If you **do not** wish to take part in the settlement, you must send to the Class Administrator a "Request for Exclusion from the Class Action Settlement" within 30 days of the date post-marked on the envelope containing this notice. The Request for Exclusion form is provided with these documents.

If you choose to send a Request for Exclusion, you will receive no money from the Settlement.

Send the Request for Exclusion directly to the Class Administrator at:

**ICC Third Party Administrators
P.O. Box 8873
Wichita, KS 67208
(316) 683-0170**

The judgment following final approval of the Settlement by the Court will bind all Class Members who do not request exclusion from the Settlement. Any Class Member who does not request exclusion may, if they wish, enter an appearance through his or her own lawyer.

If you wish to Object to the Settlement, you must send the Claims Administrator an objection via First Class U.S. Mail within 30 days of the date post-marked on the envelope containing this notice. Your objection must state your full name, address, and telephone number, why you object to the Settlement and whether you intend to object at the Final Approval hearing. The settling parties may respond in writing to any objections received.

DO NOT TELEPHONE THE COURT.

You may also, if you wish, appear at the Final Fairness Hearing set for July 22, 2015 at 11:00 a.m. in Dept. 322 of the Los Angeles County Superior Court, 600 S. Commonwealth Avenue, Los Angeles, CA 90005,

If the proposed Settlement is finally approved by the Court, a Final Judgment will be entered by the Court. Unless you request exclusion, the Judgment will resolve the Class Claims to the extent provided in the Settlement and permanently bar all Class Members from prosecuting any and all released Claims against Continental or any Released Party. If the Settlement is approved, you will receive compensation and will be forever barred from asserting any released claims against Continental or any Released Party.

If the Settlement is approved and you have submitted a Request for Exclusion you will not receive any of the settlement monies.

8. How Much Can I Expect to Receive?

You can expect to receive your pro rata portion of the \$40,000 Class Claims Consideration, less the Enhancement Award of \$3,500.00, PAGA Penalty of \$2,500.00, attorneys' fees to Class Counsel in the amount of \$14,000.00, Class Counsel's costs in the amount of \$9,500.00, and Third Party Administration Fees of \$3,000. The remainder, less payroll taxes, will be distributed to the Class Members pro rata, in an amount proportionate to that Class Member's length of service with Continental.

NOTE: YOU DO NOT NEED TO SUBMIT ANY PAPERWORK OR RETURN THE ATTACHED DISPUTE FORM TO GET MONEY FROM THE SETTLEMENT. YOU ONLY NEED TO RETURN THE ATTACHED DISPUTE FORM IF YOU DISAGREE WITH YOUR SERVICE RECORD AS DESCRIBED ON THE DISPUTE FORM.

If you want to participate in the Settlement, but you disagree with your Service Record as described in the attached Dispute Form, it is your responsibility to ensure the Class Administrator timely receives your Dispute Form. You may contact Class Counsel at the number listed at the bottom of each page if you have any questions and/or to confirm your Dispute Form has been received.

It is also your responsibility to keep a current address on file with Class Counsel to ensure receipt of your Settlement Claim Payment.

If you receive a check and do not negotiate it within 160 days from the date on the check, then the check will be void and you will have waived your claim to any Settlement funds, any uncashed amounts will be returned to Continental. Further, you will be bound by the terms of the Settlement and will be deemed to have waived any claims based on the Settlement.

9. How Will The Attorneys for the Class be Paid?

Protection Law Group, LLP, Lawyers For Justice, PC and Shenkman & Hughes, the attorneys for the Representative Plaintiff and the Class, will be paid by Continental and the Parties will ask the Court to approve and order payment of \$14,000.00 for their fees plus \$9,500.00 for reasonable costs. The attorney's fees of \$14,000.00 plus \$9,500.00 for the attorney's costs includes any and all costs the attorneys will seek on behalf of the Class.

IF YOU NEED MORE INFORMATION OR HAVE ANY QUESTIONS, you may call the Class Administrator, ICC Third Party Administrators, at (316) 683-0170 or Class Counsel, PROTECTION LAW GROUP, LLP, at (424) 290-3095. Please refer to the Continental Class Action Settlement in your communication.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

Dated: _____

Honorable William F. Highberger,
Judge of the Superior Court