

**NOTICE OF CLASS ACTION SETTLEMENT**

To: **All current and former hourly-paid or non-exempt employees who worked for Altec Industries, Inc. (“Altec” or “Defendant”) within the State of California at any time during the period covering December 26, 2015 through March 19, 2021.**

*A court authorized this Notice. This is not a solicitation.  
This is not a lawsuit against you and you are not being sued.  
However, your legal rights may be affected by a class action settlement.*

ILYM ID: «ILYMID»  
«FirstName» «LastName»  
«Address1» «Address2»  
«City», «State» «Zip»

*If the contact information that is listed here for you needs to be updated or corrected, please inform the Settlement Administrator immediately.*

Your rights and options – and the deadlines to exercise each of them – are explained in this Notice.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>DO NOTHING AND RECEIVE AN INDIVIDUAL SETTLEMENT PAYMENT</b>	The estimated amount of your Individual Settlement Payment is shown in Paragraph 8 of this Notice. To receive your payment, you do not need to do anything. If you move, what you need to do is to keep the Settlement Administrator informed of your current mailing address. Once the Court grants final approval of the Settlement, the Settlement Administrator will mail your check to the last known address on file for you.
<b>UPDATE CONTACT INFORMATION</b>	Update your contact information with the Settlement Administrator to ensure that your Individual Settlement Payment check is sent to the correct address.
<b>EXCLUDE YOURSELF Deadline: August 9, 2021</b>	You can exclude yourself from the Settlement if you do not wish to participate in the Settlement by submitting a written request for exclusion to the Settlement Administrator as further explained in Paragraph 12 of this Notice. This is the only option that allows you to pursue your own lawsuit against Altec about the Released Claims. If you exclude yourself, you will not receive an Individual Settlement Payment.
<b>OBJECT Deadline: August 9, 2021</b>	If you want to object to the Settlement, you can submit a written objection (“Notice of Objection”) to the Settlement Administrator, and it will be considered by the Court. If you submit an objection, you may also ask to speak in Court about why you think the Settlement is not fair at the time of the Final Approval Hearing. If the Settlement is approved, you will be bound by the terms of the Settlement and releases described in this Notice.

**BASIC INFORMATION**

**1. Why did I get this notice packet?**

A settlement has been reached in the case entitled *Robert Earl Mann v. Altec Industries, Inc.*, Case No. FSC054121, which is pending in the Superior Court for the State of California, County of Solano (“Court”) (“Action” or “Lawsuit”). The Settlement has been reached on behalf of a proposed Class, defined as: all current and former hourly-paid or non-exempt employees who worked for Defendant within the State of California at any time during the period covering December 26, 2015 through March 19, 2021 (collectively referred to as “Class” and individually as “Class Member”).

You have received this Notice because Altec’s records indicate that you worked for Altec as an hourly-paid or non-exempt employee in California at some time during the period covering December 26, 2015 through March 19, 2021 (“Covered Period”), and therefore, you are a Class Member. The purpose of this Notice is to explain the Lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

**2. What is this Lawsuit about?**

Robert Earl Mann (“Plaintiff”) (together with Defendant, the “Parties”) is a former employee of Altec who filed the Class and Representative Action Complaint against Defendant on December 26, 2019 and commenced this Lawsuit. On August 31, 2020, Plaintiff filed the First Amended Class and Representative Action Complaint, which included a claim for enforcement under the Private Attorneys General Act, Cal. Labor Code § 2698 et seq. (“Operative Complaint”).

Plaintiff asserts that Altec violated multiple provisions of the California Labor Code and California Business and Professions Code with respect to Plaintiff and the Class by, *inter alia*, failing to properly pay minimum wages and overtime pay, failing to provide legally compliant meal and rest breaks and premium pay in lieu thereof, failing to reimburse or indemnify employees for all necessary business expenses, failing to timely pay wages during employment and upon termination, failing to provide accurate wage statements, failing to maintain requisite payroll records, engaging in unfair competition, and therefore allegedly owes civil penalties under the California Labor Code and also civil penalties pursuant to the California Private Attorneys General Act of 2004 (“PAGA”).

Altec denies the allegations in the Lawsuit and contends that it has complied at all times with California law. The Settlement is not an admission of any wrongdoing by Altec or an indication that any law was violated.

**3. Why is this a class action?**

In a class action, one or more individuals called Class Representatives (in this case, Plaintiff Robert Earl Mann) sue on behalf of themselves and other people who have similar claims. The group of people with similar claims is called a “Class.” Each person covered by the class definition is a “Class Member.” One court resolves the issues for all Class Members, except those individuals who request to be excluded from the Class.

**4. Why is there a Settlement?**

The Court has not decided in favor of Plaintiff Robert Earl Mann or Defendant Altec. There was no trial. Instead, the Parties agreed to a no-fault settlement of the Lawsuit (“Settlement”). That way, they avoid the cost of a trial and the Class Members have the opportunity to get compensation from the Settlement. Plaintiff and Class Counsel think that the Settlement is best for the Class.

**5. Who are the Parties in this Lawsuit?**

Plaintiff Robert Earl Mann is a former employee of Defendant.

Defendant Altec Industries, Inc. is the named Defendant.

**6. Who are Class Counsel?**

The Court has preliminarily appointed the law firms Bokhour Law Group, P.C. and Falakassa Law, P.C. to serve as Counsel for the Class (“Class Counsel”).

Mehrdad Bokhour, Esq.  
Bokhour Law Group, P.C.  
1901 Avenue of the Stars, Suite 450  
Los Angeles, California 90067  
Tel: 310-975-1493  
Fax: 310-675-0861

Joshua Falakassa, Esq.  
Falakassa Law, P.C.  
1901 Avenue of the Stars, Suite 450  
Los Angeles, California 90067  
Tel: 818-465-6168  
Fax: 888-505-0868

If you have questions regarding this Settlement, you should contact Class Counsel or the Settlement Administrator at 1-888-250-6810. You may also view documents relating to the Settlement (including, but not limited to, the complaint, all papers filed in connection with the motion for preliminary approval of the Settlement, the order granting preliminary approval of the Settlement, and other documents) by visiting the following website:

[www.MannAltecSettlement.com](http://www.MannAltecSettlement.com)

**THE TERMS OF THE SETTLEMENT**

**7. What is the Maximum Settlement Amount and how will the Individual Settlement Payment be calculated?**

Under the proposed Settlement, Altec will pay \$1,450,000 (referred to as the “Maximum Settlement Amount”) to fully and finally resolve all claims in the Lawsuit.

The “Net Settlement Amount” or “NSA” means the Maximum Settlement Amount, less all of the following amounts, which are subject to approval by the Court:

- A. **Class Counsel Award:** Class Counsel will apply to the Court for attorneys' fees of up to \$483,333.33 (i.e., 33.33% of the Maximum Settlement Amount and reimbursement of actual litigation costs and expenses of up to \$20,000. Class Counsel has been litigating the Action on a contingency fee basis, that is, without having been paid to date, and has been paying all litigation costs and expenses out of pocket so far.
- B. **Class Representative Service Award:** Class Counsel will apply to the Court for a Class Representative Service Award of up to \$10,000 to Plaintiff Robert Earl Mann for his efforts in prosecuting this case. The Class Representative Service Award will be in addition to any Individual Settlement Payment Plaintiff will receive as a Settlement Class Member.
- C. **LWDA Payment:** Under the Settlement, \$25,000 will be allocated towards penalties under PAGA (the "PAGA Payment"). Pursuant to PAGA, 75% of the PAGA Payment, or \$18,750, ("LWDA Payment") will be paid to the Labor and Workforce Development Agency ("LWDA"). The remaining 25% of the PAGA Payment, or \$6,250, will remain in the Net Settlement Amount to be distributed to Class Members who do not opt out of the Settlement ("Settlement Class Members") in the manner described herein.
- D. **Settlement Administration Costs:** The Settlement Administration Costs refer to the fees and expenses reasonably incurred by the Settlement Administrator in administering the Settlement, including, among other things, distributing this Notice to Class Members, processing requests for exclusion, Compensable Workweek disputes, and Notices of Objection, and distributing payments under the Settlement. The Settlement Administration Costs are estimated to be \$12,500.

If the Court grants final approval of the Settlement, the NSA will be paid out entirely, *automatically*, to all Class Members who do not request exclusion from the Settlement ("Settlement Class Members"). The entire NSA will be paid to Settlement Class Members, and no portion of the NSA will be returned to Altec under any circumstances.

Each Settlement Class Member's share of the NSA will be based on the number of workweeks during which Class Members were employed by Defendant during the Covered Period ("Compensable Workweeks") using the following procedure:

- The Settlement Administrator will calculate each Settlement Class Member's number of Compensable Workweeks calculating the number of days each Settlement Class Member was employed during the Covered Period, dividing by seven (7), and rounding up to the nearest whole number.
- The Settlement Administrator will determine the total, aggregate number of Compensable Workweeks worked by all Settlement Class Members.
- Each Settlement Class Member's Compensable Workweeks will be divided by the total Compensable Workweeks for all Settlement Class Members, resulting in the "Payment Ratio" for each Settlement Class Member.
- Each Settlement Class Member's Payment Ratio will then be multiplied by the Net Settlement Amount to calculate his or her gross Individual Settlement Payment.

For tax purposes, each Individual Settlement Payment will be allocated as follows: (i) one-third (1/3) as wages (to be reported on IRS Form W-2), (ii) one-third (1/3) as penalties (to be reported on IRS Form 1099), and (iii) one-third (1/3) as interest (to be reported on IRS Form 1099). Each Individual Settlement Payment will be reduced for the employee's share of taxes and withholdings with respect to the wages-portion of the Individual Settlement Payment.

**8. How much will my Individual Settlement Payment be?**

Altec's records indicate that **you were employed for <workweeks> Compensable Workweeks and your estimated gross Individual Settlement Payment is approximately \$<Est. Settlement Amt.>.**

The above-stated amount is only an estimate and is subject to reduction for the employee's share of taxes and withholdings with respect to the wages portion of the Individual Settlement Payment. The actual Individual Settlement Payment you receive may be more or less than the estimated amount shown.

**9. What do I do if I believe the number of Compensable Workweeks attributed to me is wrong?**

As described above, the amount of your Individual Settlement Payment will be based on your number of Compensable Workweeks. If you believe that the number of Compensable Workweeks attributed to you above in Paragraph 8 of this Notice is incorrect, you can submit a dispute to the Settlement Administrator. The dispute must contain: (1) the Class Member's full name, address, and last four digits of his or her Social Security number; (2) the case name and number of the Action (*Robert Earl Mann v. Altec Industries, Inc.*, Case No. FSC054121); (3) a clear statement indicating that the Class Member wishes to dispute the Compensable Workweeks attributed to him or her; and (4) the dates of employment that the Class Member contends to have

worked for Defendant, together with any supporting documents or information. In order to be timely, the dispute must be mailed to the Settlement Administrator on or before August 9, 2021 the following address:

Mann v. Altec Industries, Inc.  
P.O. Box 2031  
Tustin, CA 92781  
Telephone: (888) 250-6810  
Fax: (888) 845-6185

## HOW TO GET A PAYMENT

### 10. How do I get my Individual Settlement Payment?

If you do nothing, you will automatically be deemed a Settlement Class Member and receive your Individual Settlement Payment after the Court finally approves the Settlement at a Final Approval Hearing. You must notify the Settlement Administrator of any change or correction in your contact information. **It is your responsibility to keep the Settlement Administrator informed of any change in your address. If final approval of the Settlement is granted, your Individual Settlement Payment will be mailed to the last known address that the Settlement Administrator has on file for you.**

Settlement Class Members will be responsible for correctly characterizing his or her Individual Settlement Payment for tax purposes and paying taxes due, if any.

### 11. What am I giving up to get an Individual Settlement Payment?

Unless you request to be excluded from the Settlement, you will be deemed a Settlement Class Member. If the Court grants final approval of the Settlement, as of the Effective Date, in exchange for the consideration set forth in the Settlement, Settlement Class Members will be deemed to have, and by operation of the Final Approval Order and Judgment, will have, expressly waived and released the Released Parties (defined below) of the Released Claims (defined below) to the fullest extent permitted by the law.

- “Released Parties” means Defendant and its past, present and/or future, direct and/or indirect, officers, directors, members, managers, employees, agents, representatives, attorneys, insurers, partners, investors, shareholders, administrators, parent companies, subsidiaries, affiliates, divisions, predecessors, successors, assigns, and joint venturers, and all persons acting under, by, through, or in concert with any of them, and each of them.
- “Released Claims” refers to all causes of action and factual or legal theories that were alleged in the operative Complaint or reasonably could have been alleged based on the facts and legal theories contained in the operative Complaint, including all of the following claims for relief: (a) failure to provide all wages due, including minimum wage, straight time, overtime, bonus overtime, time-and-a-half, double time, reporting time pay, off-the-clock pay, and all other potential wages; (b) failure to provide proper meal periods, and to properly provide premium pay in lieu thereof; (c) failure to provide proper rest breaks, and to properly provide premium pay in lieu thereof; (d) waiting time penalties for untimely pay during employment and untimely final pay; (e) improper and/or inaccurate wage statements; (f) failure to reimburse business expenses; (g) failure to keep complete or accurate payroll records; (h) unfair business practices; (i) civil penalties under the California Labor Code Private Attorneys General Act (“PAGA”); (j) any other claims or penalties under the wage and hour laws plead in the Action; and (k) all damages, penalties, interest and other amounts recoverable under said causes of action under California and federal law, to the extent permissible, including but not limited to the California Labor Code as to the facts alleged in the Action, the applicable Wage Orders as to the facts alleged in the Action, and the California Unfair Competition Law (collectively, the “Released Claims”). The period of the Release shall extend to the limits of the Covered Period. The res judicata effect of the Judgment will be the same as that of the Release.

Settlement Class Members will be bound by a limited release of claims under California Civil Code Section 1542, which provides: “A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.” The limited Section 1542 waiver provided for herein releases solely claims against the Released Parties within the definition of Released Claims. To be clear, the scope of the Section 1542 waiver is limited to the Released Claims only.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 12. How do I get out of the Settlement?

If you do not wish to participate in the Settlement, you can exclude yourself from (or “opt out” of) the Settlement. To exclude yourself from the Settlement, you must submit a timely and complete written request for exclusion to the Settlement

Administrator. If you exclude yourself from the Settlement, you will no longer be subject to the Settlement and will not receive an Individual Settlement Payment.

The request for exclusion must: (1) contain the full name, address, telephone number, and the last four digits of the Social Security number or the full employee ID number of the person requesting exclusion; (2) be signed by the Class Member or his or her legal representative; (3) be submitted to the Settlement Administrator, postmarked by August 9, 2021; and (4) contain a clear statement that the Class Member wishes to be excluded from the Settlement. Requests for exclusion must be mailed to the following address or fax number:

Mann v. Altec Industries, Inc.  
P.O. Box 2031  
Tustin, CA 92781  
Telephone: (888) 250-6810  
Fax: (888) 845-6185

**13. If I don't exclude myself, can I sue Altec for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Altec for the Released Claims defined in Paragraph 11 of this Notice. *If you have a pending lawsuit for the Released Claims, speak to your lawyer in that case immediately.* You must exclude yourself from this Class to continue your own lawsuit.

**OBJECTING TO THE SETTLEMENT**

**14. How do I tell the Court that I object to the Settlement?**

If you want to object to the Settlement, you can submit a written objection ("Notice of Objection") and tell the Court that you do not agree with the Settlement or some part of it. The Court will consider complete and timely Notices of Objection when deciding whether to grant final approval of the Settlement.

In order to be complete, the Notice of Objection must be signed by the Settlement Class Member or his or her legal representative and must contain: (a) the full name, address, telephone number, and the last four digits of the Social Security number or the full employee ID number of the Settlement Class Member; (b) the case name and number of the Action (*Robert Earl Mann v. Altec Industries, Inc.*, Case No. FSC054121); (c) a clear statement indicating that the Settlement Class Member wishes to object to the Settlement; (d) the basis and/or legal grounds for the objection; (e) a statement indicating whether the Settlement Class Member is represented by counsel and the name of his or her counsel; and (f) a statement indicating whether the Settlement Class Member intends to appear at the Final Approval Hearing. In order to be timely, the Notice of Objection must be mailed to the Settlement Administrator on or before August 9, 2021 to the following address:

Mann v. Altec Industries, Inc.  
P.O. Box 2031  
Tustin, CA 92781  
Telephone: (888) 250-6810  
Fax: (888) 845-6185

**15. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like something about the Settlement. You may only object if you remain a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be a part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object because the Settlement does not affect you.

**THE COURT'S FINAL APPROVAL HEARING**

**16. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Final Approval Hearing in Department 4, Room 305 of the Superior Court of California, County of Solano, located at 1600 Union Avenue, Fairfield, California 94533 on September 9, 2021, at 9:30 a.m. At the Final Approval Hearing, the Court will determine whether the Settlement should be finally approved as fair, reasonable, and adequate. The Court will also be asked to finally approve the allocations for Class Counsel Award, Class Presentative Service Award, and Settlement Administration Costs. The Court may reschedule the Final Approval Hearing without further notice to Class Members. Any updates will be available at [www.MannAltecSettlement.com](http://www.MannAltecSettlement.com) and on the Solano County Superior Court's website. The Court's website can be accessed at <https://www.solano.courts.ca.gov>. Any Final Approval Order and Judgment that the Court enters in the Action, relating to the Settlement, will also be available at [www.MannAltecSettlement.com](http://www.MannAltecSettlement.com) and on the Court's website.

**17. Do I have to come to the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. You may also hire and pay your own lawyer to attend if you so desire.

If you send a Notice of Objection, you do not have to come to Court to talk about it. As long as you have submitted a complete and timely Notice of Objection on time, the Court will consider it.

**18. May I appear and speak at the hearing?**

You may appear at the Final Approval Hearing on your own or through your own attorney, at your own expense. If you wish to appear and speak at the Final Approval Hearing about your Notice of Objection, you must indicate your intention to speak at the Final Approval Hearing in your Notice of Objection (see Paragraph 14, above).

**GETTING MORE INFORMATION**

**19. Who may I contact if I have questions about the Settlement?**

If you have any questions about the Settlement, you may contact Class Counsel at the address or telephone number listed above in Paragraph 6 of this Notice. You may also contact the Settlement Administrator by calling toll free 1-888-250-6810, or by writing to the Settlement Administrator, at the address shown in Paragraph 14, above.

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by contacting Class Counsel. You can also review the settlement documents, including applicable motions and orders, at *www.MannAltecSettlement.com*. Settlement documents, imaged by the Court, can also be accessed on the Court's website (see information in Paragraph 16, above).

**PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, OR DEFENDANT FOR INFORMATION.**

**ADDITIONAL IMPORTANT INFORMATION**

**20. Altec supports the Settlement and will not retaliate in any manner whatsoever** against any Class Member, whether they choose to participate in the Settlement and receive an Individual Settlement Payment, request to be excluded from the Settlement, or object to the Settlement.

**21. It is your responsibility to ensure that the Settlement Administrator has your current mailing address and telephone number on file**, as this will be the address to which your Individual Settlement Payment check will be sent.