

PROPOSED CLASS/COLLECTIVE ACTION SETTLEMENT

Pineda, et al. v. Casa Amigos Mexican Kitchen, LLC, Case No. 312024CA000097
(Nineteenth Judicial Circuit in and for Indian River County, Florida)

TO FILE A CLAIM, PLEASE LOG IN WITH THE SIMID AND LAST NAME EXACTLY AS IT APPEARS ABOVE. YOUR EMPLOYER CANNOT DISCOURAGE YOU FROM PARTICIPATING IN THIS SETTLEMENT. YOUR PARTICIPATION IN THIS SETTLEMENT IS NOT REQUIRED TO BE REPORTED TO YOUR EMPLOYER.

PLEASE READ THIS CAREFULLY. YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS/COLLECTIVE ACTION SETTLEMENT IF YOU WORKED AS A SERVER AT CASA AMIGOS MEXICAN KITCHEN IN VERO BEACH, FLORIDA BETWEEN SEPTEMBER 22, 2022, AND OCTOBER 2, 2023.

A court authorized this notice of a proposed class/collective action settlement. This is not a solicitation from a lawyer and is not notice of a lawsuit against you.

WHY DID I GET THIS NOTICE?

- This notice is to inform you that a proposed settlement has been reached in a class/collective action lawsuit between Casa Amigos Mexican Kitchen, LLC d/b/a Casa Amigos Mexican Kitchen (“Defendant”) and certain individuals who worked as Servers at Casa Amigos Mexican Kitchen between September 22, 2022, and October 2, 2023. Luis Pineda (“Mr. Pineda”), a former Server at Casa Amigos Mexican Kitchen, initiated this lawsuit. Rather than continue to litigate these matters, the Parties have reached a settlement. Pursuant to the terms of the settlement, Servers who worked at Casa Amigos Mexican Kitchen in Vero Beach, Florida, between September 22, 2022, and October 2, 2023, may receive payments depending on the amount of time they worked between these time periods.
- The lawsuit alleges that Defendant violated the Florida Minimum Wage Act by failing to provide servers adequate notice of the tip credit, failing to compensate servers the applicable reduced wage. The case is *Pineda, et al. v. Casa Amigos Mexican Kitchen, LLC*, Case No. 312024CA000097, currently pending in the Nineteenth Judicial Circuit in and for St. Lucie County, Florida. The proposed settlement is not an admission of wrongdoing by Defendant, and Defendant denies that they violated the law. The Court has not decided who is right or wrong. Rather, to avoid the time, expense, and uncertainty of litigation, the Parties have agreed to settle the lawsuit. The settlement has been preliminarily approved by the Court.
- The lawsuit also alleges that Defendant violated the Fair Labor Standards Act by failing to provide servers with federal overtime wages at 1.5 times their regular hourly rate for every hour worked over 40 in a workweek. The settlement of this portion of the litigation has also been preliminarily approved by the Court.
- You are a member of the minimum wage class and eligible to participate in the settlement if you worked as a Server at Casa Amigos Mexican Kitchen in Vero Beach, Florida between September 22, 2022, and October 2, 2023.
- You are a member of the overtime collective and eligible to participate in the settlement if you worked more than 40 hours in one or more workweeks as a Server at Casa Amigos Mexican Kitchen in Vero Beach, Florida between September 22, 2022, and October 2, 2023.
- If the Court approves the settlement, members of the class who submit valid claims will receive a distribution from a settlement fund that Defendant has agreed to establish. Each individual who submits a valid claim will receive a portion of this fund, after all notice and administration costs, an individual payment to Mr. Pineda, and attorneys’ fees – if approved by the Court – have been paid.
- Payments are estimated to be \$1.26 per hour for each hour you worked for the minimum wage class, depending on the duration of your actual employment.
- Payments are estimated to be \$4.83 per overtime hour for each overtime hour you worked for the overtime collective, depending on the duration of your actual employment.

Summary of Your Rights and Choices:
Your Legal Rights Are Affected Even If You Do Not Act.
Read This Notice Carefully.

You May:	Effect of Choosing the Option:	Due Date:
Exclude Yourself from the Minimum Wage Class Settlement	You can elect to get out of the class and keep your right to sue Casa Amigos Mexican Kitchen on your own in regard to the claims in the lawsuit. To exclude yourself from participating in the Settlement, you must complete and return a request for exclusion pursuant to Section 11 below.	<u>Postmarked by:</u> <u>June 12, 2024</u>
File Objection	If you do not exclude yourself, you can remain a class member and still write to the Court about why you disagree with the settlement.	<u>Postmarked by:</u> <u>June 12, 2024</u>
Appear at a Hearing	If you do not exclude yourself, you can remain a class member and appear at the final hearing to advise the Court about why you disagree with the settlement	The Notice of Appearance must be postmarked on or before June 12, 2024 , to appear at the final hearing on June 20, 2024, at 1:30 p.m. at the St. Lucie County Courthouse in Port St. Lucie, Florida
Do Nothing	You will be bound by the terms of the settlement and give up your right to sue Casa Amigos Mexican Kitchen LLC on the claims in the lawsuit but receive no money.	
Claim Your Portion of the Minimum Wage Class Settlement	If you wish to be included in the class settlement, you may receive a payment if you submit a completed Claim Form as instructed on the Claim Form or the Notice you received by entering you SIMID and Last Name exactly how it appears at the top of your Notice	<u>Postmarked by:</u> <u>June 12, 2024</u>
Claim Your Portion of the Overtime Collective Settlement	If you wish to be included in the collective settlement, you can elect to submit a consent form to receive a portion of the overtime collective settlement. To claim your portion of the settlement you must complete this form by this date as instructed on the Consent to Join/Opt in the Notice you received by entering you SIMID and Last Name exactly how it appears at the top of your Notice.	<u>Postmarked by:</u> <u>June 12, 2024</u>

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BASIC INFORMATION

1. Why did I get a Notice?

The Court directed this Notice to be sent to you because you may have performed work as a Server at Casa Amigos Mexican Kitchen between September 22, 2022, and October 2, 2023, and therefore may be entitled to benefits pursuant to the terms of the settlement.

If you are a member of the Class, the proposed settlement will affect your legal rights. Therefore, it is important that you read this notice carefully. You have choices to make before the Court decides whether or not to finally approve the settlement.

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2. What is a Class/Collective Action?

In a class action lawsuit, one or more people called “Class Representative Plaintiffs” sue one or more defendants on behalf of other people who may have similar claims. All these people together are a “class” or are “class members.” The court can determine whether it will allow a lawsuit to proceed as a class action. If it does, a trial then decides the lawsuit for everyone in the class or the parties may settle without a trial.

In a class action, one court resolves the common issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

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3. What is this Class/Collective Action about?

Mr. Pineda claims that Casa Amigos Mexican Kitchen violated the Florida Minimum Wage Act by: failing to provide tipped employees adequate notice of the tip credit, and/or failing to compensate Servers the applicable reduced wage for all hours of work performed by Servers. As a result, Mr. Pineda claims that he and other Servers are entitled to payment of the tip credit taken by the employer, an additional amount as liquidated damages, and attorneys’ fees and costs. You can read Mr. Pineda’s operative complaint filed in this case at the St. Lucie County Clerk of Court website.

The Court has preliminarily approved the certification of the class of Servers who worked at Casa Amigos Mexican Kitchen at the Parties’ request.

The Parties have reached a settlement in this case. The Court has not ruled on the merits of Plaintiff’s claims or on Defendant’s defenses. Rather, the Court has simply certified a settlement class and tentatively approved the proposed settlement.

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4. Who are the Class Members?

In order to determine if you are entitled to benefits from this settlement, you first must determine if you are a Class Member, defined as:

All Servers who worked at Casa Amigos Mexican Kitchen in Vero Beach, Florida from September 22, 2022, through October 2, 2023.

If you fall within the definition of a Class Member, you may qualify for a payment pursuant to the criteria set forth in the settlement agreement. If you are not a Class Member as described above, you do not qualify for settlement benefits.

In order to determine if you are entitled to benefits from this settlement as a Collective Member, you must determine if you, in fact, are a Collective Member, defined as:

All Servers who worked more than 40 hours in one or more workweeks at Casa Amigos Mexican Kitchen in Vero Beach, Florida from September 22, 2022, through October 2, 2023.

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5. Why is the Class Action being settled?

This matter is being settled because both sides have agreed to a settlement of this case in order to avoid the costs and risks of trial.

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SETTLEMENT BENEFITS AND MY OPTIONS

6. What are the Settlement Benefits?

The class portion of the settlement, if approved, provides monetary benefits to the Class. After certain agreed upon and Court approved deductions, the settlement class fund will be allocated to the Settlement Class based upon the number of hours Class Members worked as Servers at Casa Amigos Mexican Kitchen in Vero Beach, Florida between September 22, 2022, and October 2, 2023.

Each Class Member that submits their claim form will receive a specified share of the settlement after the Court enters a final approval of the settlement. Therefore, it is very important that you tell us your new address and other contact information if your address or other contact information changes at any time during the payment period.

The collective portion of the settlement, if approved, provides monetary benefits to the overtime Collective. After certain agreed upon and Court approved deductions, the settlement collective fund will be allocated to the Settlement Collective based upon the number of overtime hours Collective Members worked as Servers at Casa Amigos Mexican Kitchen in Vero Beach, Florida, between September 22, 2022, and October 2, 2023.

Each Collective Member that submits their consent form will receive a specified share of the settlement after the Court enters a final approval of the settlement. Therefore, it is very important that you tell us your new address and other contact information if your address or other contact information changes at any time during the payment period.

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7. What are my options to receive Settlement Benefits?

If you wish to receive payment from the Class Settlement Fund, you must file the Claim Form that is included with this notice. If you are also a member of the Settlement Collective, you must submit both forms. More information on the Settlement Collective is below.

Each Server electing to receive payments will be paid based on the amount of time he or she worked at Casa Amigos Mexican Kitchen in Vero Beach, Florida, as follows:

Each Settlement Class Member with an Approved Claim will receive approximately **\$1.26** for each hour worked as a Server at Casa Amigos Mexican Kitchen in Vero Beach, Florida, between September 22, 2022, and October 2, 2023. Notwithstanding the foregoing, the Settlement Payment to any one Settlement Class Member will be no less than **\$1.26**.

YOU MUST SUBMIT A TIMELY CLAIM FORM TO RECEIVE A PAYMENT FROM THE CLASS SETTLEMENT FUND BY LOGGING IN WITH YOUR SIMID AND LAST NAME LOCATED AT THE TOP OR BOTTOM OF YOUR MAILED OR EMAILED NOTICE. If you elect to receive a payment, you will receive an IRS Form W-2 and Form 1099-MISC for the amount of the payment made to you if applicable in accordance with IRS regulations. You will be responsible for the payment of federal and state taxes due as a result of the payment. You should seek the advice of a tax professional if you have any questions about the tax implication of this settlement.

Please read the Claim Form for more detailed instructions on how to submit a claim for payment.

Summary: To summarize, if you wish to remain in the Class and receive a payment, then you **MUST** fill in the Claim Form and submit it to the Claims Administrator.

If you wish to receive payment from the Collective Settlement Fund, you must file the Consent Form that is included with this notice.

Each Server electing to receive payments from the Collective Settlement Fund will be paid based on the amount of overtime hours he or she worked at Casa Amigos Mexican Kitchen in Vero Beach, Florida, as follows:

Each Settlement Collective Member with an Approved Claim will receive approximately **\$4.83** for each overtime hour worked as a Server at Casa Amigos Mexican Kitchen in Vero Beach, Florida, between September 22, 2022, and October 2, 2023. Notwithstanding the foregoing, the Settlement Payment to any one Settlement Collective Member will be no less than **\$4.83**.

YOU MUST SUBMIT A TIMELY COLLECTIVE FORM TO RECEIVE A PAYMENT FROM THE COLLECTIVE SETTLEMENT FUND BY LOGGING IN WITH YOUR SIMID AND LAST NAME LOCATED AT THE TOP OR BOTTOM OF YOUR MAILED OR EMAILED NOTICE. If you elect to receive a payment, you will receive an IRS Form W-2 and Form 1099-MISC for the amount of the payment made to you if applicable in accordance with IRS regulations. You will be responsible for the payment of federal and state taxes due as a result of the payment. You should seek the advice of a tax professional if you have any questions about the tax implication of this settlement.

Please read the Consent Form for more detailed instructions on how to submit a claim for a payment.

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REMAINING IN THE CLASS

8. What happens if I do nothing and stay in the Class?

If you do nothing you will be included in the Class, and you will be bound by the terms and conditions of the settlement. However, you will not receive monetary compensation unless you elect to receive payment as described herein.

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9. If I remain in the Class, what am I giving up?

If the Court approves the settlement, you will have released Casa Amigos Mexican Kitchen, LLC d/b/a Casa Amigos Mexican Kitchen from any further state law claims related to the matters raised in this lawsuit, and you can't ever sue the Defendant about these issues based upon conduct that occurred prior to the effective date of the settlement. Notwithstanding the foregoing, if you do not elect to receive a payment, any wage claim under the Fair Labor Standards Act will be preserved subject to the applicable statute of limitations.

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EXCLUDING YOURSELF FROM THE CLASS

10. Why would I want to be excluded from the Class?

You do not have to take part in the settlement or be a member of the Class. You can exclude yourself from the settlement by "opting out." If you exclude yourself, you will not get the benefits of the settlement. Any Court orders will not apply to you. By excluding yourself, you keep any right to file or proceed with a lawsuit against Defendant based upon the facts alleged in the lawsuit.

If you have sued any of the Defendant and want to continue with your suit, you need to personally ask to be excluded from the Class. If you exclude yourself, you will not be legally bound by the Court's judgments in this case. Similarly, if you wish to start your own lawsuit against any of the Defendant, you must exclude yourself from the Class. Should you do so, you will have to hire and pay your own lawyer for that lawsuit and prove your claims. If you do exclude yourself so you can start or continue your own lawsuit, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

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11. How do I exclude myself from the Class?

If you are a member of the Class and wish to be excluded from the settlement, you must send a written request, signed by you personally, which includes all of the following:

- Your legal name, current address and telephone number;
- The name and number of the lawsuit: *Pineda, et al. v. Casa Amigos Mexican Kitchen, LLC*, Case No. 312024CA000097; and
- A statement, signed personally by you, clearly stating that you want to be excluded from the Class.

All exclusion requests must be mailed first class United States mail, **postmarked on or before June 12, 2024, to:**

Pineda v. Casa Amigos Mexican Kitchen, LLC Settlement Administrator
c/o Simpluris, Inc.
P.O. Box 26170
Santa Ana, CA 92799
Tel: (888) 369-3780

Any request for exclusion must contain your personal signature, which shall be an indication to the Court that you wish to be excluded from the Class. You cannot exclude yourself by phone. Further, if you do not follow these instructions properly or if you also submit a claims form, you will lose your right to exclude yourself. There are no exceptions.

UNLESS YOU PROPERLY SIGN AND TIMELY MAIL A REQUEST FOR EXCLUSION, YOU WILL BE BOUND BY ANY JUDGMENT IN THIS CASE AND YOU WILL NOT BE PERMITTED TO PURSUE ANY PENDING OR FUTURE LITIGATION AGAINST DEFENDANTS BASED UPON THE FACTS ALLEGED IN THE LAWSUIT, EXCEPT FOR ANY CLAIMS UNDER THE FAIR LABOR STANDARDS ACT. SHOULD YOU WISH TO EXCLUDE YOURSELF FROM THIS SETTLEMENT, IT IS IMPORTANT THAT YOU FOLLOW THESE INSTRUCTIONS CAREFULLY.

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12. How do I object to the Settlement?

If you don't like the settlement, you may file an objection to it. This means you can tell the Court that you disagree with the settlement or some of its terms. For example, you can say you don't think the settlement is fair or adequate, or that you object to the amount of attorneys' fees, costs, or expenses. The Court will consider your views but may approve the settlement anyway.

You can object only if you do not exclude yourself from the Class. If you exclude yourself, you cannot object.

To object, either you or a lawyer of your own choosing must prepare an objection that contains all of the following:

1. The name and title of the lawsuit: *Pineda, et al. v. Casa Amigos Mexican Kitchen, LLC*, Case No. 312024CA000097;
2. A written statement of objections clearly specifying the grounds or reason for each objection.
3. A statement of whether or not you or your lawyer will ask to appear at the Final Approval Hearing to talk about your objections, and, if so, how long you will need to present your objections; and
4. Copies of documents (if any) you or your lawyer will present at the Final Approval Hearing.

Your objection must be filed with the Court and served on Class Counsel and Counsel for the Defendants **no later than June 12, 2024**. Any objection postmarked after that date will be rejected.

To File an Objection with the Court, Mail Objection to:

Clerk of the Court
19th Judicial Circuit Court 201
South Indian River Drive
Fort Pierce, Florida 34950

To Serve Class Counsel, Mail Objection to:

Jordan Richards, Esq.
USA Employment Lawyers
1800 SE 10th Ave. Suite 205
Fort Lauderdale, Florida 33316

To Serve Defendants' Counsel, Mail Objection to:

Lindsay N. Greene, Esq.
DSK Law Group
332 North Magnolia Ave.
Orlando, Florida 32801.

Objections postmarked after June 12, 2024, will be untimely and may not be considered by the Court.

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THE LAWYERS REPRESENTING THE CLASS

13. Do I have a lawyer representing my interests in this case?

Yes. The Court has appointed a law firm to represent you and other Class and Collective Members. The lawyer is referred to as Class Counsel and his information is as follows:

Jordan Richards, Esq.
USA Employment Lawyers
1800 SE 10th Ave. Suite 205
Fort Lauderdale, Florida 33316
Tel: (954) 871-0050
Website: www.usaemploymentlawyers.com

You will not be charged directly by Class Counsel for their lawyers' services, but they will ask the Court to award them a fee from the Settlement. More information about Class Counsel and their experience is available at the website listed above.

If you so desire, you may hire your own attorney. However, you will be responsible for that attorney's fees and expenses.

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14. How will the Lawyers be paid?

The lawyers who represent the Class and Collective will ask the Court for reimbursement for their out-of-pocket expenses and an award of attorneys' fees based on their work in this litigation. The amount of attorneys' fees to be awarded will be determined solely by the Court. Under the terms of the settlement agreement and subject to Court approval, Class Counsel can petition the Court for 33.3333% of the Class Fund and Collective Fund plus litigation costs in a total amount not to exceed \$41,666.62.

Attorney's fees and costs payable to Class Counsel have been factored into the value of the settlement. In particular, the \$127,500.00 Defendant has agreed to pay to the Class Members and the \$160,000.00 Defendant has agreed to pay to the Collective Members will be reduced by the amount of attorney's fees and costs awarded to Class Counsel.

The settlement agreement provides further details on attorney fees payable to Class Counsel, and a copy of the settlement agreement may be obtained either from Class Counsel or the Court.

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15. How Will the Class Representative be Paid?

To compensate the Class Representative, Mr. Pineda, for his individual non-FMWA claims and non-FLSA claims and for his execution of a mutual general release, he will receive a separate payment in the amount of \$15,000.00 which will be paid in equal amounts from the two Settlement Funds. If approved, the Defendant shall pay these amounts to Mr. Pineda as part of the settlement.

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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 on June 20, 2024. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are written objections, the Court will consider them, and the Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether or not to approve the settlement.

The Hearing will be held before the Honorable Cynthia L. Cox at:

19th Judicial Circuit Court 201
South Indian River Drive
Fort Pierce, Florida 34950

Date/Time: June 20, 2024, at 1:30 p.m.

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17. Do I have to attend the Hearing?

No. Class Counsel will answer questions the Court may have, but you may appear at your own expense. If you send a written objection, the Court will consider it. You may also pay your own lawyer to attend the hearing if you desire.

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18. Can my lawyer appear at the Final Approval Hearing to tell the Court about my opinions regarding the Settlement?

Yes. As long as you don't exclude yourself, you have the right to appear through counsel at the Final Approval Hearing, so long as your attorney's Notice of Appearance and any written objections you may have are postmarked or received by the Court, Defendants, and Class Counsel by June 12, 2024. If you do this, however, the cost of having your lawyer appear will be at your own expense.

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GETTING MORE INFORMATION

19. Where do I obtain more information?

If you want additional information, you may call or write Class Counsel at the address and phone number listed above.

In addition, the Settlement Administrator has created a specific website containing relevant documents including the operative class action complaint and complete settlement agreement.: www.CasaAmigosVBSettlement.com.

The specific terms of the settlement are outlined in the legal documents that have been filed with the Court. You can look at and copy these documents at any time during regular office hours at the Office of the Clerk of Court for the Nineteenth Judicial Circuit Court, 201 South Indian River Drive, Fort Pierce, Florida 34950. You may view the documents on the Court's website.

Please **do not** call the court or Casa Amigos Mexican Kitchen or its owners for assistance. Any question or requests for further information about this notice or lawsuit should be directed to any of the plaintiffs' attorneys whose information is displayed below:

Jordan Richards, Esq.
USA Employment Lawyers
1800 SE 10th Ave. Suite 205
Fort Lauderdale, Florida 33316 Tel: (954) 871-0050
Website: www.usaemploymentlawyers.com

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