

NOTICE OF CLASS ACTION SETTLEMENT

This Notice may affect your rights. Please read it carefully.

This is not a solicitation from a lawyer. A Court has authorized this Notice.

Bejines-Gonzalez et al v. Southern Valley Fruit & Vegetable, Inc.
United States District Court, Middle District of Georgia, Valdosta Division
Case No. 7:19-CV-55 (HL)

This Notice provides important information about a proposed settlement of a lawsuit filed by Jesus Bejines-Gonzalez and Abrahaam Sayago-Hernandez (“Plaintiffs”), against Southern Valley Fruit & Vegetable, Inc.; Hamilton Growers, Inc.; Kent Hamilton; Hamilton Farms Mex, L.P.; Hamilton Produce, L.P.; Kenda Properties, L.P.; WK Holdings, LLC; WK Mex Properties, L.P.; and WKW, LLC (“Hamilton Growers”), captioned *Bejines-Gonzalez et al v. Southern Valley Fruit & Vegetable, Inc* (the “Lawsuit”). This Notice explains your rights to participate in or exclude yourself from the settlement.

This Lawsuit concerns packing shed work in Georgia between April 11, 2013 and December 31, 2018 under the terms of an H-2A visa for Hamilton Growers. Participation in the Lawsuit will not affect your ability to return to the U.S. as an H-2A worker in the future.

A. Summary of the Claims

Plaintiffs allege that Defendants owe money to individuals who were employed in packing shed positions by Hamilton Growers under the terms of an H-2A visa (“Class Members”) between April 11, 2013 and December 31, 2018 (the “Class Period”). The Lawsuit alleges that Class Members were not paid overtime as required in certain weeks when they handled outside produce. In addition, the Lawsuit alleges that H-2A workers were not properly reimbursed for certain travel-related expenses, and that Defendants are liable for breach of contract, fraud and other claims. The lawsuit is pending before the Honorable Hugh Lawson in the United States District Court for the Middle District of Georgia. In the Complaint, Plaintiffs named all of the Defendants as employers and responsible parties.

Defendants deny all of Plaintiffs’ claims alleged in the Lawsuit and maintain that they have complied with all relevant laws during the Class Period.

The Court has not decided whether Defendants have violated any laws or whether any Class Member is entitled to any money or other relief.

B. Why You are Receiving this Notice

On July 12, 2021, the United States District Court, Middle District of Georgia, Valdosta Division (the “Court”) preliminarily approved a settlement of the Lawsuit. According to Defendants’ records, you are a Class Member. Because you are a Class Member, you have the right to participate in, object to, or exclude yourself from the settlement. This letter explains your legal rights and options with respect to the settlement.

C. The Terms of the Settlement

Defendant has agreed to pay the Gross Settlement amount of Eight Hundred and Eighty Thousand Dollars (\$880,000) in full and complete resolution of this Lawsuit. It is estimated that, after deducting the litigation costs (not to exceed \$20,000), the attorney’s fees (not to exceed 27% of the Gross Settlement Amount or \$237,600) awarded to Class Counsel, additional compensation to Plaintiffs Jesus Bejines-Gonzalez and Abrahaam Sayago-Hernandez (not to exceed \$10,000 each), the retaliation damages paid to Margarito Osorio-Jimenez and Loida Osorio-Jimenez (not to exceed \$10,000 and \$7,000, respectively), and compensation to the seven Opt-In Plaintiffs (not to exceed \$1,500 each), and the cost to administer the settlement (estimated at \$25,000), the remaining “Net Settlement Amount” of \$549,900 will be available for distribution to the Class Members.

The amount you may receive is set forth on the attached document. The amount that employees received is based upon the number of workweeks that they worked in a packing shed position for Defendants, whether, and in which seasons, they worked in January and February at a lower hourly rate, and the jobs that they performed.

D. Your Options

<p>Participate in the Settlement and Receive the Payment</p>	<p>To receive your payment, you do not need to do anything more. As long as you do not exclude yourself from the settlement by submitting a written exclusion you will be eligible to receive whatever settlement benefits you are entitled to following final approval of the settlement. You will be bound by the release of claims in the settlement, which means that you will not be able to sue the Defendants for any of the claims asserted against them in the lawsuit. The settlement payments to you and the other Class Members are expected to be made by the end of 2021. To make sure you receive your payment, you should contact the Settlement Administrator by calling 612-404-0502 or emailing them at LSV@atticusadmin.com or updating your information at www.litigiosurvalle.com. You may also call or contact Class Counsel, whose information appears below, to make arrangements to have the payment made to you in a manner you prefer.</p>
<p>Object to the Settlement</p>	<p>As long as you do not exclude yourself from the settlement, you have the right to object to the settlement. The objection must be in writing and must be sent by October 14, 2021 by regular mail, fax, or WhatsApp to the Administrator at the following address:</p> <p style="text-align: center;">Litigio Sur Valle Atticus Administration, LLC P.O. Box 64053 Saint Paul, MN 55164 Fax: 1-888-326-6411 WhatsApp: 612-205-1767</p> <p>The Court will rule on your objection at the Final Class Settlement Approval Hearing discussed below.</p>

<p>Exclude Yourself from the Settlement</p>	<p>If you wish to exclude yourself from the settlement, you must submit a written request for exclusion. The exclusion request must be sent by October 14, 2021 by regular mail, e-mail or fax to the Settlement Administrator at the above address.</p> <p>Class Members who submit a valid and timely request for exclusion will not be entitled to receive a payment or object to the settlement but will retain the right to bring any claims they may have against Defendants. Any Class Member who does not exclude himself or herself from the settlement will upon final approval of the settlement be bound by the release of claims against Defendants and lose the right to sue Defendants for any of the claims asserted against Defendants in this lawsuit.</p>
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E. Release of Claims

Unless you exclude yourself from the settlement, upon final approval of the settlement by the Court you will be deemed to waive, release, and discharge Defendants and any of their former and present parent companies, subsidiaries, affiliates, officers, members, directors, shareholders, employees, managers, consultants, partners, attorneys, joint or co-venturers, independent contractors, heirs, agents, assigns, insurers, reinsurers of any of them, client-employers, joint employers, and other related persons and entities and their successors in interest (collectively, "Released Parties"), from all causes of action, claims, losses, damages, and wages asserted in the operative complaint including but not limited to: any of the claims, actions or causes of action for any claims for off-the-clock work, failure to pay minimum wages, failure to pay overtime wages, failure to pay all wages earned every pay period, untimely payment of wages, failure to pay contractual wages owed and transportation and/or subsistence expenses, but not as to such claims that may not be waived under applicable state and federal including but not limited to claims arising from an industrial injury.

F. Final Class Settlement Approval Hearing

The Court has scheduled a Final Class Settlement Approval Hearing for November 3, 2021, at 9:30 a.m. in the Court Room of the United States District Court, Middle District of Georgia located at 401 N. Patterson Street, 2nd Floor Macon, GA 31601. At the Final Class Settlement Approval Hearing, the Court will decide whether to grant final approval to the settlement. The Court will also rule on the application by Plaintiffs for an award of attorney’s fees (not to exceed 27% or \$237,600), costs (not to exceed \$20,000), additional individual settlement compensation to Plaintiffs (not to exceed \$10,000 each), to the Retaliation Plaintiff (not to exceed \$10,000 and \$7,000), and to the Opt-in Plaintiffs (not to exceed \$1,500 each), and administration costs (estimated at \$25,000). You have the right to attend the Final Class Settlement Approval Hearing and, if you objected to the settlement, address the Court. You also have the right to retain an attorney, at your own expense, to speak on your behalf at the Hearing.

G. Where To Get More Information

If you want more information about the lawsuit or the settlement, you can contact the attorney for the class at the address or telephone numbers listed below or any other advisor of your choice.

Dawson Morton
Law Offices of Santos Gomez
1003 Freedom Boulevard
Watsonville, CA 95076
Telephone: (831) 228-1560
WhatsApp: (404) 550-7851
dawson@lawofficesofsantosgomez.com

Patricia Kakalec
Kakalec Law PLLC
195 Montague Street, 14th Floor
Brooklyn, NY 11201
Telephone: (212) 705-8730
Patricia@kakalecLaw.com

You can also view and obtain copies of lawsuit related documents from a computer or smartphone at www.litigiosurvalle.com or in the Court's file by going to the Clerk's office located at the U.S. District Courthouse, 475 Mulberry Street, Macon, GA 31201 or at 401 Patterson Street, Valdosta, GA, 31601.

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS