

1. Who is covered by the Settlement?

This Notice of Class Action Settlement (“Notice”) explains your right to share in the monetary proceeds of this Settlement, exclude yourself (“opt-out”) of the Settlement, or object to the Settlement.

The United States District Court for the District of New Jersey (“the Court”) presides over this Litigation, which was filed by Plaintiffs Anibal Mejias, Dennis Minter, Jerry Fuller, and Jose Pena (“Plaintiffs”) against Defendant Goya Foods, Inc. (“Goya” or “Defendant”). This is a “class action” lawsuit on behalf of the following group of individuals: *All truck drivers who performed work for Goya in the State of New Jersey and were designated as independent contractors or owner operators between July 18, 2013 and February 1, 2024.* The Settlement Class excludes any truck drivers who have executed Arbitration Agreements with Goya as of February 1, 2024.

The 73 people described above are called “Settlement Class Members.” **You are receiving this Notice because it is believed that you are a Settlement Class Member.** If someone who would otherwise be a Settlement Class Member is deceased, their estate is the Settlement Class Member.

Because the Litigation has been settled, you are entitled to a cash settlement payment if the Court approves the Settlement as fair and reasonable. Your individual settlement payment amount is described below in Section 5. Please continue reading to learn more about the Litigation, the Settlement, and your options.

2. What is alleged in the Litigation?

In the Litigation, the Plaintiffs claim they and the Settlement Class Members were misclassified as independent contractors rather than employees under New Jersey law. Plaintiffs claim that, as a result, they and other Settlement Class Members are entitled to unpaid overtime wages and are also entitled to recover deductions that were subtracted from their compensation by Goya. These deductions include, for example:

- Truck and equipment rentals
- Truck repairs and maintenance
- Permits and licenses
- Fuel
- Taxes, fees and tolls
- Insurance
- Returned or damaged products

The Parties have been involved in this Litigation since July 2019 and have completed extensive fact and expert discovery during that time. Specifically, the Parties have exchanged several rounds of written discovery, taken twenty-three (23) depositions, briefed numerous motions before the court, and exchanged six (6) expert reports in advance of class certification. Plaintiffs’ motion to certify the New Jersey Class is fully briefed before the Court.

The Parties also engaged in an extensive alternative dispute resolution process (“ADR”) which included three mediation sessions and a settlement conference before the Court. Only following the above efforts were the Parties able to agree to settle this action on behalf of the Settlement Class for \$5,125,000.00.

Goya denies any wrongdoing. Goya claims that Plaintiffs and the Settlement Class Members were properly classified as independent contractors, were treated appropriately under all laws, and are not required to be paid any additional amounts. Nonetheless, Goya has agreed to the Settlement described herein to avoid further litigation and to focus its efforts on its business.

The Court did not decide in favor of the drivers or Goya. Instead, both sides agreed to a settlement. This avoids the risks and costs of trials while the drivers affected will have a chance to receive compensation. The Plaintiffs and their lawyers think the settlement is best for all Settlement Class Members.

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

Certain laws allow multiple claimants to sue together for the same relief. For the state law claims, this is known as a class action.

In a class action, one or more people called Class Representatives or Plaintiffs (in this case Anibal Mejias, Dennis Minter, Jerry Fuller, and Jose Pena) sue on behalf of people who they contend have similar claims. The people together are a “Class” or “Class Members.” The company sued (in this case Goya) is called the Defendant.

In a class action, one court resolves the issues for everyone in the class—except for those people who choose to exclude themselves from the Settlement Class in the manner described in this Notice. People who do not exclude themselves and remain in the Class may not file their own lawsuit on the issues that were resolved in the class action. Page 4 of this Notice explains how to exclude yourself from the Class.

4. Why is there a settlement?

The Judge has not decided who will win the lawsuit. So, all parties run the risk of losing.

The settlement is a compromise. It allows both sides to avoid the costs, delays, and risks of further litigation and provides money to Plaintiffs and other Class Members.

In reaching this settlement, Goya denies that it violated any laws and continues to assert that its pay practices were and are entirely legal.

5. How much money will I recover under the Settlement?

The Court will decide whether the Settlement should be approved as fair and reasonable. If the Court approves the Settlement, Goya will make a total settlement payment of \$5,125,000.00. If the Judge approves the requested legal fees, expenses, service awards, and notice and administration costs, a total of approximately \$3,142,150.00 will be available to the 73 Settlement Class Members. This amount is called the “Net Settlement Amount.”

Settlement Class Members’ individual settlement payments are determined as follows:

- Every Class Member who does not exclude themselves from the Settlement (“Eligible Class Member”) will receive a base payment of \$5,000.
- In addition, every Eligible Class Member will receive a pro rata share of the remaining amount of the Net Settlement Amount based on the total amount of deductions that they experienced between July 18, 2013 and February 1, 2024.

According to Goya’s data, you, <<**first name**>> <<**last Name**>>’s settlement payment is estimated to be approximately <<\$PaymentAmount>>. Your actual amount will be calculated based on the number of individuals who do not opt out of the settlement and may exceed this amount.

If you receive a payment, you will receive an IRS 1099 Form, except that no IRS Form 1099- MISC will

be issued to Eligible Class Members who contracted with Goya through an LLC, C-Corp, or S-Corp and whose corporate entity remains in effect. It is your own responsibility to determine the amount of taxes that you will owe on your settlement payment.

Please remember that the above settlement payments will be made *only if* the Court approves the Settlement as fair and reasonable.

If you have any questions about the determination of your payment amount, please call the Settlement Administrator listed in Section 13.

6. How can I receive a settlement payment?

If the Court approves the Settlement, you will automatically be entitled to receive a Settlement payment.

If your address at the top of this Notice is not correct, please complete this information online at: www.NewJerseyGoyaDriverSettlement.com

7. What claims am I releasing in the Settlement?

If you do not exclude yourself from the settlement by following the procedures in Section 8, you will release and forever discharge Goya (as well as its past and present parents, subsidiaries, affiliates and joint venturers and each of their past and present directors, officers, agents, employees, lawyers, benefit plans and plan administrators, and each of their successors and assigns) (“Released Parties”) from any and all claims, obligations, demands, actions, rights, causes of action and liabilities, whether known or unknown, against Released Parties that were or could have been asserted in the Complaint based on the facts alleged during the Relevant Time Period through May 8, 2024, for any and all damages (whether under federal, state, or local law or regulation, common law, contract or in equity) arising from or related to the alleged misclassification of Plaintiffs and the Settlement Class as independent contractors including, but not limited to, claims for alleged unpaid wages, unlawful deductions, failure to pay minimum wages, overtime compensation, liquidated or other damages, unpaid costs or reimbursements for expenses (including, but not limited to, equipment, insurance, mileage, truck rentals, or any other cost or expense allegedly borne, arising from or related to the services rendered as described in the Complaint), restitution or other compensation or relief arising under the New Jersey Wage Payment Law, N.J.S.A. 34:11-4.1, et seq. (“NJWPL”), the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a, et seq. (“NJWHL”), and any other New Jersey state, county or municipal laws, ordinances, or regulations regarding wages, wage payments, expense reimbursement, hours of work wage and hour laws, city ordinances, or contract, state common law or equity claims (including unjust enrichment or quantum meruit).

If you have any questions about this release, please call the law firms listed in Section 10.

8. How do I exclude myself from this Settlement?

If you do not want to participate in the Settlement, then you must take steps to exclude yourself.

To exclude yourself, you must send a letter or email stating: “I wish to be excluded from the settlement of the Goya Litigation.” You must include your signature, printed full name, address, and phone number. To be valid, your exclusion request must be postmarked or emailed no later than February 10, 2025 and must be mailed or emailed to: Goya Driver Settlement c/o Atticus Administration PO Box 64053 St. Paul, MN 55164, NewJerseyGoyaDriverSettlement@atticusadmin.com.

If you exclude yourself from the settlement, you will not receive any cash payment, you will not be

legally bound by the settlement, and you will not waive or release any legal claims against Goya.

9. How do I object to the Settlement?

If you wish to object to the Settlement, you must submit a written statement to Goya Driver Settlement c/o Atticus Administration, PO Box 64053 St. Paul, MN 55164, objecting to the Settlement. The statement must state the factual and legal grounds for your objection to the Settlement. Your objection must state your full name, address, telephone number, and email address (if applicable), and must be signed by you.

If you submit a written objection, you may also, if you wish, appear at the Final Approval Hearing to discuss your objection with the Court and the parties to the Litigation. Your written objection must state whether you will attend the Final Approval Hearing, and your written notice of your intention to appear at the Final Approval Hearing must be mailed to the Settlement Administrator prior to the Notice Deadline. To be heard at the Final Approval Hearing you must also not have opted out of the Settlement. If you wish to object to the Settlement but fail to return your timely written objection in the manner specified above, you shall be deemed to have waived any objection and shall be foreclosed from making any objection to the Settlement. The postmark date of mailing to the Settlement Administrator shall be the exclusive means for determining that an objection is timely mailed.

10. Do I have a lawyer?

Class Counsel for Plaintiffs and the Settlement Class Members are represented by the following law firms:

Shanon J. Carson
Alexandra K. Piazza
Julie Pollock
Berger Montague PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3033
Email: apiazza@bm.net

David Cassidy
Yelena Kofman-Delgado
Vlasac & Shmaruk LLC
1989 Arena Drive
Hamilton, NJ 08610
Telephone: (609) 599-3400

Lawyers from these law firms are available to answer any questions about the lawsuit and Settlement free of charge and in strict confidence.

11. How is Class Counsel being paid?

You will not pay any legal fees or expenses out of your individual settlement payment described above in Section 5. Rather, Class Counsel will ask the Court to award them up to thirty-five percent (35%) of the Gross Settlement Amount plus reimbursement of their out-of-pocket costs spent to prosecute the Litigation in an amount not to exceed \$125,000. Class Counsel will also ask the Court to award the four Named Plaintiffs an additional \$15,000 each in exchange for their time and services in bringing the lawsuit and to the Settlement Class. The Court has not yet decided whether it will approve the requested attorneys' fees, expenses, and Service Awards.

12. When is the Final Approval Hearing?

The Judge will hold a final approval hearing to decide whether to approve the Settlement. You are not required or expected to attend that hearing, but you are welcome to attend.

During the final approval hearing, the Court will consider whether the payments to the Settlement Class

Members are fair and reasonable and should be approved. The Court will also consider the fairness and reasonableness of the requested attorneys' fees, out-of-pocket expenses, and Service Awards. In making this decision, the Court will consider any written objections to the Settlement and will hear from any individuals (or their legal representatives) who wish to be heard and who file written objections in the timeframe required as set forth in Section 9 above.

The hearing will take place on March 25, 2025 at 10:00 a.m. in Courtroom 8 of the United States District Court for the District of New Jersey located at 2 Federal Square, Newark, New Jersey. The Court may change the hearing date/time without further notice.

13. How do I obtain more information?
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If you need more information or have any questions, you may contact the Settlement Administrator at the telephone number or email address listed below or Class Counsel listed above. Please refer to the Goya Driver Settlement.

Goya Driver Settlement
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164
1-888-616-7892
NewJerseyGoyaDriverSettlement@AtticusAdmin.com

This Notice only summarizes the lawsuit, the Settlement and related matters. For more detailed information, you may review the Settlement Agreement, containing the complete terms of the proposed Settlement, which is available through the Settlement Administrator and publicly accessible and on file with the Court. You may inspect the Court's files at the Office of the Clerk located at the United States District Court for the District of New Jersey (Newark Division), Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Room 4015, Newark, NJ 07101, from 9:00 a.m. to 4:00 p.m., Monday through Friday.

PLEASE DO NOT WRITE OR TELEPHONE THE COURT OR GOYA FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS LAWSUIT.