

NOTICE OF CLASS ACTION SETTLEMENT

Dale M. Lacroix, et al. v. Foster Farms, LLC, et al.
Superior Court of the State of California, County of Merced
Case No.: 19CV03393

If, at any time from February 1, 2014 through July 31, 2020, you applied for employment with Foster Farms, LLC and/or Foster Poultry Farms (collectively, “Foster Farms” or “Defendant”), and Foster Farms procured a background check report on you for employment purposes, the above-titled class action lawsuit may affect your rights, and you may be entitled to a payment under the proposed settlement (the “Settlement”) described below.

You are not being sued. A court authorized this notice. This is not a solicitation from a lawyer.

PLEASE READ THIS NOTICE CAREFULLY. IT CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS.

- This is a class action lawsuit that involves a class defined as “all individuals on whom Defendant obtained a consumer report between February 1, 2014 and July 31, 2020.”
- Plaintiffs in this class action, Dale M. Lacroix and Alejandro Haro (the “Plaintiffs”) allege that Foster Farms acquired consumer, investigative consumer, and/or consumer credit reports to conduct background checks on Plaintiffs and other prospective current and former applicants for employment purposes without providing proper disclosures and obtaining proper authorization in violation of the Fair Credit Reporting Act (“FCRA”) and failed to provide prospective current and former employees with a Summary of Rights under the FCRA, along with similar state law claims under the California Investigative Consumer Reporting Agencies Act (“ICRAA”), and the California Consumer Credit Reporting Agencies Act (“CCRAA”).
- Foster Farms denies Plaintiffs’ claims and asserts that it has complied with all of its legal obligations to applicants and its employees. Foster Farms intended to vigorously defend against this lawsuit and denies any liability whatsoever.
- There has been a Settlement that affects your legal rights. Although the Court has authorized the Parties to provide this notice of the proposed settlement, the Court has expressed no opinion on the merits of Plaintiffs’ claims or Foster Farms’ defenses.
- You have a number of options available to you:

DO NOTHING	By doing nothing, you will receive a monetary share of the settlement proceeds, and you will give up any rights to sue Foster Farms and Released Parties separately regarding all claims and causes of action of whatever kind or nature that are alleged, related to or that reasonably could have arisen out of the same facts alleged in this class action.
ASK TO BE EXCLUDED (OPT OUT)	You can request to not be part of this lawsuit. If you ask to be excluded, you will not receive a monetary share of the Settlement proceeds, but you will keep any rights you may have to sue Foster Farms and the Released Parties separately about the same legal claims alleged in this lawsuit.
OBJECT	Object to the terms of this Settlement.

**Your options are explained in this Notice.
To opt out of or object to the Settlement, you must act
no later than May 3, 2022.**

1. Why did I get this notice?

A Settlement has been reached in a class action lawsuit that was brought on behalf of a class of people defined as “all individuals on whom Defendant obtained a consumer report between February 1, 2014 and July 31, 2020.”

You have received this notice because Foster Farms’ records indicate that you are a member of this class.

2. What is this lawsuit about?

In this class action lawsuit, Plaintiffs allege, on behalf of themselves and a putative nationwide class, the following legal claims against Foster Farms: (1) violation of 15 U.S.C. § 1681b(2)(A) (FCRA); (2) violation of 15 U.S.C. § 1681d(a)(1) and 1681g(c) (FCRA); (3) violation of California Civil Code § 1786 *et seq.* (ICRAA); (4) violation of California Civil Code § 1785 *et seq.* (CCRAA); and (5) unfair competition (California Business and Professions Code § 17200 *et seq.*). These legal claims are based upon Plaintiffs’ allegations that, as part of Foster Farms’ employment application process during the period between February 1, 2014 and July 31, 2020, Foster Farms presented employment applicants – the Plaintiffs and Class Members – certain forms that disclosed the fact that Foster Farms may obtain a background check report (a “consumer report”) on them that did not meet the requirements of the FCRA, ICRAA, and CCRAA. For these alleged violations, the lawsuit seeks punitive damages, restitution, injunctive and equitable relief, and attorneys’ fees and costs.

Foster Farms denies Plaintiffs’ claims and asserts that it has complied with all of its legal obligations to applicants and its employees. If a Settlement had not been reached, Foster Farms would have vigorously defended itself against the lawsuit and was confident that it would have prevailed at trial.

3. Has the Court decided who is right?

No. The Court has made no decision regarding the merits of Plaintiffs' allegations or Foster Farms' defenses.

4. Why did this case settle?

The Parties reached a Settlement in order to avoid the risk and expense of further litigation. Plaintiffs and their attorneys believe the Settlement is fair, adequate, and in the best interest of the class members to whom it applies given the outcome of their investigation, the consumption of time and resources required in connection with further litigation, and the uncertainty in the law governing some of the claims presented. Although Foster Farms disputes Plaintiffs' claims and asserts it has complied with all of its legal obligations towards applicants and its employees, it has also concluded that further litigation would be protracted, expensive, and would also divert resources and management and employee time.

5. What are the terms of the settlement and how much will I receive?

Subject to final Court approval, Foster Farms will pay \$2,200,000.00 (the "Gross Settlement Amount") for: (a) Settlement Payments to Participating Class Members; (b) the Court-approved Class Counsel's fees and costs; (c) the Court-approved Service Payment to the Class Representative; and (d) the Settlement Administration Costs.

Participating Class Member Settlement Payments. After deductions from the Gross Settlement Amount for attorneys' fees and costs, the Service Payment to the Class Representative, and the Settlement Administration Costs, there will be a Net Settlement Amount. From the Net Settlement Amount, each Class Member who does not opt out of the Settlement Class will receive an equal, *pro rata* share of the Net Settlement Amount (the "Settlement Payment"). Any payments which are not cashed shall be transmitted to Central California Legal Services, a private, not-for-profit, public interest law firm established for the purpose of providing free civil legal assistance to low-income individuals, families, organizations, and communities.

While the precise amount of your Settlement Payment is not known at this time, if Foster Farms procured or caused to be procured a background check on you at any time between February 1, 2014 and July 31, 2020, your estimated Settlement Payment is \$34.21.

None of the Parties or attorneys make any representations concerning the tax consequences of this settlement or your participation in it. Class Members should consult with their own tax advisors concerning the tax consequences of the settlement. Class Counsel is unable to offer advice concerning the state or federal tax consequences of payments to any Class Member.

If Notice to a Class Member was returned as undeliverable, and if the Settlement Administrator cannot locate a valid address for a Class Member with reasonable efforts, the Class Member will not be mailed a check and the money that would have gone to that Class Member will be redistributed to the other Participating Class Members whose Notices were not returned as undeliverable.

Class Counsel Attorneys’ Fees and Costs, Service Payments to Class Representatives, and Administrative Costs. Class Counsel will ask the Court for an award of reasonable attorneys’ fees up to one-third of the Gross Settlement Amount and reasonable litigation costs. Class Counsel will also ask the Court to authorize the payment of Class Representative Service Awards, in an amount not to exceed \$15,000 to each Plaintiff, from the Gross Settlement Amount for their service in this class action as the Class Representatives, in addition to their *pro rata* portion of the Net Settlement Amount. The costs of administering the Settlement are estimated to be \$80,180.00.

6. What do I have to do to receive a share of the Settlement?

If you wish to receive a payment under the terms of this Settlement, you do not have to do anything. However, it is advisable to confirm your current mailing address with the Settlement Administrator in order to ensure you receive your settlement share. You will be covered by the release summarized in Section 7, below.

7. What claims are being released by the proposed Settlement?

Each Settlement Class Member who does not opt out of the Settlement shall release Foster Farms and its predecessors, successors, subsidiaries, parent companies, other corporate affiliates, and assigns, and each and all of their current or former subsidiaries, parents, affiliates, predecessors, insurers, agents, servants, employees, successors, assigns, officers, officials, directors, attorneys, personal representatives, registered representatives, executors, and shareholders, including their respective pension, profit sharing, savings, health, and other employee benefits plans of any nature, the successors of such plans, and those plans’ respective current or former trustees and administrators, agents, employees, and fiduciaries, and any other persons acting by, through, under, or in concert with any of them, from any and all claims, debts, liabilities, demands, obligations, penalties, guarantees, costs, expenses, attorney’s fees, interest, damages, actions or causes of action that such individuals have or may have, or that have or could have arisen under the facts pled and alleged by Plaintiffs in the operative complaint in this Action under: 15 U.S.C. § 1681b of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681d and 1681g of the FCRA, California Civil Code Section 1786, *et seq.* (the Investigative Consumer Reporting Agencies Act (“ICRAA”)), California Civil Code Section 1785, *et seq.* (the Consumer Credit Reporting Agencies Act (“CCRAA”)), California Business & Professions Code section 17200, *et seq.* (the Unfair Competition Law (“UCL”)), and similar claims under the law of any other State.

“Released Parties” refers to Foster Poultry Farms and Foster Farms, LLC, and their predecessors, successors, subsidiaries, parent companies, other corporate affiliates, and assigns, and each and all of their current or former subsidiaries, parents, affiliates, predecessors, insurers, agents, servants, employees, successors, assigns, officers, officials, directors, attorneys, personal representatives, registered representatives, executors, and shareholders, including their respective pension, profit sharing, savings, health, and other employee benefits plans of any nature, the successors of such plans, and those plans’ respective current or former trustees and administrators, agents, employees, and fiduciaries, and any other persons acting by, through, under, or in concert with any of them.

8. What if I do not wish to be involved?

If you do not wish to participate in the Settlement, you may opt out of the Settlement – i.e., exclude yourself from it – by submitting a Request for Exclusion. If you opt out of the Settlement by doing so, you will receive no money from the Settlement, and you will not be bound by its terms.

To opt out, you must submit a Request for Exclusion by First-Class Mail postmarked no later than May 3, 2022.

A Request for Exclusion is a letter or written request to the Settlement Administrator that includes: (1) your name; (2) your signature; (3) only the last four digits of your Social Security Number; and (4) the following statement, or something similar to: “I request to be excluded from the class action proceedings in the matter of *Dale M. Lacroix, et al. v. Foster Farms, LLC, et al.*, Case No. 19CV03393, pending in the California Superior Court, County of Merced.”

If you do not submit a valid Request for Exclusion postmarked no later than May 3, 2022, your Request for Exclusion will be rejected, and you will be a member of the Settlement Class and will be bound by all the terms of the Settlement and any judgment entered once the Settlement is finally approved by the Court.

The address for the Settlement Administrator is *Lacroix v Foster Farms*, c/o Settlement Administrator, PO Box 23369, Jacksonville, FL 32241.

9. What if I have an objection?

If you have not submitted a Request for Exclusion and believe the Settlement should not be finally approved by the Court for any reason, you may object to the Settlement. To object to the Settlement in writing, you must submit by First-Class Mail a written objection to the Settlement Administrator postmarked by May 3, 2022 that includes: (1) your name; (2) your signature; (3) only the last four digits of your Social Security Number; (4) the reasons for the objection; (5) whether you intend to appear at the Final Approval Hearing; and (6) identification of the case: *Dale M. Lacroix v. Foster Farms, LLC, et al.*, Case No. 19CV03393, pending in the California Superior Court, County of Merced.

The Settlement Administrator shall forward copies of any written objections to Class Counsel and Defendant’s Counsel within three (3) days of receipt. Class Counsel shall submit copies of any objections received to the Court in conjunction with the filing of the motion for Final Approval of the Settlement.

However, even if you do not timely submit a written objection using the above procedure, you may still submit an objection directly to the Court by appearing at the Final Approval Hearing.

The address for the Settlement Administrator is *Lacroix v Foster Farms*, c/o Settlement Administrator, PO Box 23369, Jacksonville, FL 32241.

Even if you submit an objection, you will be bound by the terms of the Settlement unless the

Settlement is not finally approved by the Court.

10. Do I need a lawyer?

You do not need to hire your own lawyer, because Class Counsel is working on your behalf. However, if you want your own lawyer, you are free to hire one at your own expense.

<u>Class Counsel</u>
Shaun Setareh William M. Pao SETAREH LAW GROUP 9665 Wilshire Boulevard, Suite 430 Beverly Hills, California 90212 Telephone: (310) 888-7771

11. What happens next in the case?

The Settlement has only been preliminarily approved by the Court. The Court will hold a hearing in Department 8 of the Merced County Superior Court, 627 West 21st Street, Merced, California 95340, on April 29, 2022, at 8:15AM (Pacific Time), to consider any objections and determine whether the settlement should be finally approved as fair, reasonable, and adequate. The Court will also be asked to approve Class Counsel’s requests for attorneys’ fees and costs, the Service Payment to the Class Representatives, and the Settlement Administration Costs. The hearing may be continued without further notice to you. You are not required to appear at this hearing but may do so if you wish.

12. How can I receive more information?

This notice is a summary of the basic terms of the Settlement. For more information, please visit www.lacroixfcrasettlement.com, where you will find copies of the Settlement Agreement, Preliminary Approval Order, and other relevant documents, including this Notice.

If you still have further questions regarding this Notice, they should be directed to the Settlement Administrator at (800) 393-1266 or to Class Counsel at the addresses listed above in this Notice.

Please do NOT telephone the Court, the Office of the Clerk, or Foster Farms for information regarding this Settlement.