

SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY

If you are or were employed by Clearpath Federal Credit Union in an hourly-paid or non-exempt position in a Clearpath store in California, a class action lawsuit may affect your rights.

*The Superior Court of California, Los Angeles County has authorized this notice. This is not a solicitation from a lawyer, you are not being sued, and this is not an ad.*

- A lawsuit alleges that hourly-paid or non-exempt employees of Clearpath Federal Credit Union (“Clearpath” or “Defendant”) have not been correctly paid by Clearpath for time spent under its control. The lawsuit also alleges that Clearpath did not pay employees all wages owed by failing to incorporate incentive payments when calculating the regular rate of pay for purposes of paying overtime. The lawsuit also alleges that Clearpath did not provide meal and rest periods in accordance with California law.
- The Court has approved this lawsuit against Clearpath to be presented as a class action on behalf of “All persons employed by Defendant Clearpath Federal Credit Union in hourly paid or non-exempt positions in California at any time on or after September 20, 2015.”
- The Court has not decided whether Clearpath did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or other resolution. But, you give up any rights to sue Clearpath separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDE	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Clearpath separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded you must act before June 7, 2021.
- Lawyers must prove the claims against Clearpath at a trial and the Court and/or jury will then have to determine what liability, if any, Clearpath has. If money or benefits are obtained from Clearpath, you will be notified about how to ask for a share.
- Any questions? Read on.

**TABLE OF CONTENTS: WHAT THIS NOTICE CONTAINS**

Your Legal Rights and Options in this Lawsuit .....	1
Table of Contents: What this Notice Page Contains .....	2
I. Basic Information.....	3
1. Why did I get a letter telling me about how to get this information?.....	2
2. What is this lawsuit about? .....	3
3. What is a class action and who is involved? .....	3

4. Why is this lawsuit a class action? .....	3
II. The Claims in the Lawsuit .....	3
5. What does the lawsuit complain about? .....	3
6. How does Clearpath answer? .....	3
7. Has the Court decided who is right? .....	3
8. What is the Plaintiff asking for? .....	4
9. Is there any money available now?.....	4
III. Who is the Class? .....	4
10. How do I know if I am a class member? .....	4
11. I'm still not sure if I am a class member .....	4
IV. Your Rights and Options .....	4
12. What happens if I do nothing at all? .....	4
13. Why would I ask to be excluded? .....	4
14. What do I need to know about other cases alleging similar claims against Defendant? .....	5
15. How do I ask to be excluded from the Class? .....	5
16. What if my address has changed? .....	5
V. The Lawyers Representing You .....	5
17. Do I have a lawyer in this case? .....	5
18. How will the lawyers be paid? .....	5
VI. The Trial .....	6
19. How and when will the Court decide who is right? .....	6
20. Do I have to come to the trial? .....	6
21. Will I get money after the trial? .....	6
VII. Getting More Information .....	6
22. Are there more details about the Lawsuit? .....	6

**I. Basic Information**

**1. WHY DID I GET A LETTER TELLING ME ABOUT HOW TO GET THIS INFORMATION?**

Records show that you work, or did work, for Clearpath in an hourly-paid or non-exempt job position in California at some point on or after September 20, 2015. This notice explains that the Court has approved, or “certified,” that this lawsuit can be presented as a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Clearpath, on your behalf, are correct. Judge Amy D. Hogue of the Superior Court of California, County of Los Angeles is overseeing this class action. The lawsuit is known as *Rivera, et al. v. Clearpath Federal Credit Union*, Civil Case No. 19STCV33504.

## 2. WHAT IS THIS LAWSUIT ABOUT?

The lawsuit was filed by Ana Rivera and Susan Moghavam (“Plaintiffs”). Plaintiffs sued on behalf of themselves and all other similarly situated persons employed by Clearpath in California since March 8, 2012. The First Amended Complaint in the lawsuit alleges claims including a failure to pay proper hourly wages, meal and rest period violations, failure to keep adequate records of all hours worked, failure to provide and maintain accurate wage statements and records, and unfair business practices. Clearpath denies any liability or wrongdoing and contends it has complied with all applicable laws.

## 3. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a “class action,” one or more persons called the “Named Plaintiff” (in this case, the Plaintiffs listed above, Ana Rivera and Susan Moghavam) filed a lawsuit on behalf of a group of people with similar claims against the same companies (this group of people is referred to as the “Class” or “Class Members”). The companies sued (in this case Clearpath) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

## 4. WHY IS THIS LAWSUIT A CLASS ACTION?

The Court decided that this lawsuit can be tried as a class action because it meets the requirements of California Rules of Court, rule 3.764(a). The Court has not made any other findings in this case, including whether or not Clearpath has done anything wrong or illegal. More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available on [www.clearpathFCUclassaction.com](http://www.clearpathFCUclassaction.com), or by contacting Class Counsel identified below.

## II. The Claims in the Lawsuit

## 5. WHAT DOES THE LAWSUIT COMPLAIN ABOUT?

In the lawsuit, the Plaintiffs allege (but still need to prove) (1) that Clearpath failed to pay all wages owed by utilizing a system of rounding which resulted in overall underpayment to the Class, (2) that Clearpath failed to pay all wages owed by failing to include all incentive payments when calculating the regular rate of pay for purposes of paying overtime, (3) that Clearpath failed to provide meal periods in accordance with California law, (4) that Clearpath failed to provide rest periods in accordance with California law, (5) that Clearpath failed to pay all wages owed at the time of termination, (6) that Clearpath failed to provide and maintain accurate itemized wage statements, and (7) unfair business practices. You can read the Plaintiffs’ First Amended Class Action Complaint on this website.

## 6. HOW DOES CLEARPATH ANSWER?

Clearpath denies that it did anything wrong. Clearpath alleges that it paid Class Members for all hours worked and provided all required meal and rest periods. Clearpath’s Answer to the First Amended Class Action Complaint is also available on this website.

## 7. HAS THE COURT DECIDED WHO IS RIGHT?

The Court hasn’t decided whether Clearpath or the Plaintiffs are right. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose at trial.

## 8. WHAT IS THE PLAINTIFF ASKING FOR?

The lawsuit seeks recovery of all unpaid wages, interest thereon, and statutory penalties, along with any other relief awardable and awarded by the Court.

## 9. IS THERE ANY MONEY AVAILABLE NOW?

No money or benefits are available now because the Court has not yet decided whether Clearpath did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

### III. Who is the Class?

You need to decide whether you are affected by this lawsuit.

## 10. HOW DO I KNOW IF I AM A CLASS MEMBER?

The Court has defined the class as follows:

All persons employed by Defendant Clearpath Federal Credit Union in hourly paid or non-exempt positions in California at any time on or after September 20, 2015.

## 11. I'M STILL NOT SURE IF I AM A CLASS MEMBER.

If you are still not sure whether you are a Class Member, you can ask for free help. You can call Class Counsel, the firm of Moon & Yang, APC, at 1-213-232-3128, or visit their website.

### IV. Your Rights and Options

You have to decide whether to do nothing and stay in the Class or ask to be excluded before trial, and you must decide now.

## 12. WHAT HAPPENS IF I DO NOTHING AT ALL?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or otherwise, you will be told how to obtain a share. If you do nothing now, regardless of whether the Plaintiffs win or lose, you will not be able to sue, or continue to sue, Clearpath—as part of any other lawsuit—about the claims that are the subject of this lawsuit. You will be bound by all Orders and judgments the Court makes in this class action.

In addition, if you do not exclude yourself from this lawsuit, please be advised that Plaintiffs seek to prove the claims of the Class by obtaining records about the wages paid to the Class, including wage payment records for the members of the Class that do not exclude themselves from this lawsuit.

## 13. WHY WOULD I ASK TO BE EXCLUDED?

If you already have your own lawsuit against Clearpath and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—known as “opting-out” of the Class—you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or otherwise between Clearpath and the Plaintiffs.

However, you may then be able to sue or continue to sue Clearpath for misconduct by Clearpath that occurred or occurs at any time. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Clearpath after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Clearpath, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

#### 14. WHAT DO I NEED TO KNOW ABOUT OTHER CASES ALLEGING SIMILAR CLAIMS AGAINST DEFENDANT?

At this time, the Plaintiff is unaware of any similar lawsuits against Clearpath.

#### 15. HOW DO I ASK TO BE EXCLUDED FROM THE CLASS?

To exclude yourself (or to "opt out") from the Class, you must submit a written statement requesting exclusion from the Class postmarked on or before June 7, 2021. Your request must contain your full name and any other names you may have used with Clearpath (e.g., if you changed your name following marriage or divorce), your home address, and your preferred telephone number (home or cell phone). You must mail or e-mail your request for exclusion to:

Clearpath CA Notice Administration,  
c/o ILYM Group, Inc at P.O. Box 2031 Tustin, CA 92781, [claims@ilymgroup.com](mailto:claims@ilymgroup.com)

Remember: It must be postmarked no later than June 7, 2021.

#### 16. WHAT IF MY ADDRESS HAS CHANGED?

If this Notice was sent to you at your current address, you do not need to do anything further to receive any further notices concerning this case. If this Notice was forwarded by the postal service, or if it was otherwise sent to you at an address that is not current, or if you have changed your address, then you should immediately send a letter or e-mail to the Notice Administrator stating your name and current address

The Notice Administrator's address is:

Clearpath CA Notice Administration,  
c/o ILYM Group, Inc at P.O. Box 2031 Tustin, CA 92781, [claims@ilymgroup.com](mailto:claims@ilymgroup.com)

### V. The Lawyers Representing You

#### 17. DO I HAVE A LAWYER IN THIS CASE?

The Court approved the law firm of Moon & Yang, APC as Class Counsel, meaning they are the lawyers representing you and all Class Members in this case. Moon & Yang, APC is located at 1055 W. 7<sup>th</sup> Street, Suite 1880, Los Angeles, CA 90017. You do not need to hire your own lawyer, but, if you wish, you may do so at your own expense.

#### 18. HOW WILL THE LAWYERS BE PAID?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses personally. If the Court grants the request, fees and expenses would be either deducted from money obtained for the Class or paid separately by Clearpath.

## VI. The Trial

The Court scheduled trial for November 30, 2021 at 10:00 a.m. in Department 7 of the Spring Street Courthouse located at 312 North Spring Street, Los Angeles, CA 90012. This date may change without further notice. You can obtain the most up to date information regarding the trial date by contacting Class Counsel.

### 19. HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?

As long as the case isn't resolved before trial, Class Counsel will have to prove the claims at a trial. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win or get any money for the Class.

### 20. DO I HAVE TO COME TO THE TRIAL?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and Clearpath will present the defenses. You or your own lawyer are welcome to come at your own expense.

### 21. WILL I GET MONEY AFTER THE TRIAL?

If the Plaintiffs obtain money or benefits as a result of the trial or otherwise, you will be notified about that. There is no guarantee that Plaintiff will win at trial or resolve the case.

## VII. Getting More Information

### 22. ARE THERE MORE DETAILS ABOUT THE LAWSUIT?

This notice summarizes the current status of the lawsuit and your need to decide whether to remain a Class Member or exclude yourself. For a more detailed statement of the matters involved in the Action, you may refer to the pleadings and other papers filed in the Action, many of which may be inspected at [www.clearpathFCUclassaction.com](http://www.clearpathFCUclassaction.com). Any questions regarding this Notice and/or the Lawsuit should be directed to your Class Counsel at:

Kane Moon, Esq.  
Allen Feghali, Esq.  
Enzo Nabiev, Esq.  
MOON & YANG, APC  
1055 W. Seventh St., Suite 1880  
Los Angeles, California 90017  
Telephone: (213) 232-3128  
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[kane.moon@moonyanglaw.com](mailto:kane.moon@moonyanglaw.com)  
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[enzo.nabiev@moonyanglaw.com](mailto:enzo.nabiev@moonyanglaw.com)

Do not call the Court with questions about this Notice. If you do have questions or want more information, please contact Class Counsel (at the address, e-mail address, or number listed above), visit the dedicated website created to provide information about this lawsuit, [www.clearpathFCUclassaction.com](http://www.clearpathFCUclassaction.com).