

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF KERN

*Marcos Hernandez v. Aviation Port Services L.L.C.*, Case No. BCV-18-100141

**NOTICE OF PENDENCY OF CLASS ACTION**

**To:** All individuals employed by Aviation Port Services L.L.C. as non-exempt employees in California at any time between January 19, 2014, through the present (collectively referred to as “Class” or “Class Members”).

**IF YOU WERE EMPLOYED BY AVIATION PORT SERVICES L.L.C. BETWEEN JANUARY 19, 2014 AND THE PRESENT, THIS NOTICE MAY AFFECT YOUR RIGHTS; PLEASE READ IT CAREFULLY.**

You are receiving this Notice because your rights may be affected by a class action lawsuit regarding your employment with Aviation Port Services L.L.C. The lawsuit is pending before Judge David Lampe in the California Superior Court in and for the County of Kern. The purpose of this Court ordered Notice is to inform you how the lawsuit may affect your rights and what steps to take. This notice is not an expression by the Court of any opinion as to the merits of the claims in this lawsuit. Additional copies of this Notice may be found at the website of Plaintiff’s Counsel at [www.maralawfirm.com](http://www.maralawfirm.com), or at [www.aviationportservicesclassaction.com](http://www.aviationportservicesclassaction.com).

**THIS IS NOT A SOLICITATION. THIS IS NOT A LAWSUIT AGAINST YOU. YOU ARE NOT BEING SUED. A COURT AUTHORIZED THIS NOTICE, BUT THE FOLLOWING DOES NOT CONSTITUTE THE FINDINGS OF THE COURT. IT SHOULD NOT BE UNDERSTOOD TO BE AN EXPRESSION OF THE COURT’S VIEWS ON THE MERITS OF CLAIMS OR DEFENSES RAISED BY THE PARTIES.**

***Why should I read this Notice?***

Your rights may be affected by a class action lawsuit pending in the Kern County Superior Court (the “Court”), *Marcos Hernandez v. Aviation Port Services L.L.C. and DOES 1-100*, Case No. BCV-18-100141. On October 9, 2019, the Court certified this case as a class action. The class consists of all individuals employed by Aviation Port Services L.L.C. as non-exempt employees in California at any time between January 19, 2014, through the present. As a current or former employee of Aviation Port Services L.L.C., you may be a class member. You may be entitled to participate in any benefits that may eventually be obtained for the class as a result of this lawsuit. There is, however, no assurance that a judgment in favor of the class will be granted.

This Notice was approved and ordered by the Court. This Notice is meant to provide you with basic information about the case and to advise you of your options to remain included in this lawsuit as a class member or to “opt out” by requesting exclusion from the Class in this lawsuit. This Notice explains how you can participate in the case or remove yourself from this lawsuit.

***Who is a class member?***

You are a class member if you have been employed by Aviation Port Services L.L.C. as a non-exempt, hourly employee in California at any time between January 19, 2014, through the present.

***What are the claims in this class action lawsuit?***

This is a wage and hour class action lawsuit alleging statewide violations of the California Labor Code for Aviation Port Services L.L.C.’s failure to pay straight time wages, failure to pay overtime wages, failure to provide meal periods, failure to provide rest periods, and failure to pay employees all wages earned within seventy-two (72) hours of the termination of employment. The lawsuit seeks to recover premiums for claims that Class Members were not paid for all straight time and overtime worked while under Aviation Port Services L.L.C.’s control and direction, were not provided duty-free meal and rest breaks in which they were free to use the allotted time for their own purposes, were not provided meal and rest breaks in the quantity and time frames California law requires, and were not paid all wages owed at the time of termination.

***What are my rights and options in regard to this class action lawsuit?***

**STAY IN THE CLASS:** If you wish to remain a member of the Class and be represented by Class Counsel in this class action lawsuit, **you do not have to do anything at this time**. As a class member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this lawsuit. Thus, you may participate in any monetary judgment or settlement favorable to the class, and you may submit a Proof of Claim following a judgment or settlement. **No judgment or settlement has occurred at this time**. You will also be bound by any unfavorable judgment which may be rendered in favor of Defendants. You may not have the right to seek exclusion from the class at the time of the judgment or settlement. You may direct any questions about the case to Class Counsel. If you want to receive future notices about the case, please, contact Class Counsel.

**OPT OUT OF THE CLASS.** You have the right to “opt out” and exclude yourself from the Class and this class action lawsuit. The Court will exclude you if you make such a request by **November 10, 2020**. If you “opt out,” you still have the right to pursue any claims you have with a lawyer of your choice at your own expense in a separate lawsuit. You will not lose any claims you have by requesting

you have with a lawyer of your choice at your own expense in a separate lawsuit. You will not lose any claims you have by requesting exclusion from the Class in this lawsuit. However, you will not be able to share in any money recovered in this class action.

**If you want to “opt out” and be excluded from the Class in this lawsuit, YOU MUST SUBMIT YOUR REQUEST** to the at the address following website: [www.aviationportservicesclassaction.com](http://www.aviationportservicesclassaction.com). The request must include your name, address, telephone number, and signature, and state that you do NOT want to be a part of the Class in the *Marcos Hernandez v. Aviation Port Services L.L.C.* class action lawsuit. The request **MUST BE SUBMITTED ON OR BEFORE November 10, 2020**.

***What does this class action lawsuit seek to recover?***

This lawsuit seeks to recover premium payments in the form of one hours’ worth of pay at your regular hourly rate for each meal and/or rest break you were not provided in the manner California law requires.

***What is a class action?***

A class action is a lawsuit brought by one or more persons – called “Class Representatives” – on behalf of a specified group of persons, without requiring each person in the group to file an individual lawsuit. The specified group is called “the Class.” In a class action, the claims of everyone in the Class will be decided in one case. On October 9, 2019, the Court appointed Plaintiff Marcos Hernandez as Representative of the class. Mr. Hernandez will represent and act on behalf of the class members.

***Who represents the Class Members?***

The Court has approved Mara Law Firm, PC, as Class Counsel, finding them competent and experienced in these types of cases and able to adequately represent the interests of the Class.

**MARA LAW FIRM, PC**

David Mara, Esq.

Nikki Trenner, Esq.

2650 Camino Del Rio North, Suite 205

San Diego, CA 92108

Phone: (619) 234-2833

Fax: (619) 234-4048

In class actions, Class Counsel who recover money for the Class may get an award of reasonable attorneys’ fees and costs. Class Members represented by Class Counsel are not required to pay any out-of-pocket fees or costs. If Class Counsel recovers money for the Class through a judgment or settlement, Class Counsel will ask the Court to award attorneys’ fees and costs to be paid in addition to any money recovered for the Class. This request must be approved by the Court. You may retain your own lawyer to represent you, at your own expense, in this case and enter an appearance in this lawsuit through your lawyer, if you desire.

***How do I get more information?***

For more information, you may call Class Counsel by calling (619) 234-2833 or visit [www.aviationportservicesclassaction.com](http://www.aviationportservicesclassaction.com), or contact.

This Notice is only a summary. The pleadings and other records in this class action lawsuit can be purchased online on the Kern County Superior Court’s website. Go to <https://odyprodportal.kern.courts.ca.gov/PORTALPROD/Home/Dashboard/29>, enter the case number (BCV-18-100141) as prompted and click “Submit.” You can also contact Class Counsel to obtain any document filed in the case.

**PLEASE DO NOT DIRECT QUESTIONS ABOUT THIS CLASS ACTION LAWSUIT TO THE COURT.**

Dated: August 11, 2020

BY ORDER OF THE KERN COUNTY SUPERIOR COURT

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**Questions? Call 1-619-234-2833 toll-free or visit  
[www.aviationportservicesclassaction.com](http://www.aviationportservicesclassaction.com)**