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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA**

ARRON STANFIELD, as an individual
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

THE F.A. BARTLETT TREE EXPERT
COMPANY, a Connecticut corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: SCV-265929

[Assigned for all purposes to the Honorable Patrick
M. Broderick, Dept. 16]

**DECLARATION OF JARROD SALINAS
REGARDING NOTICE AND SETTLEMENT
ADMINISTRATION**

Date: May 26, 2021
Time: 3:00 p.m.
Dept.: 16

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I, Jarrod Salinas, declare as follows:

1. I am Senior Project Manager at Simpluris, Inc. (“Simpluris”), the Court-appointed Class Action Settlement Administrator for *Aaron Stanfield v. The F.A. Bartlett Tree Expert Company*. I have personal knowledge of the facts stated herein and, if called upon to testify, I could and would testify competently to such facts.

2. Simpluris was selected by the Parties to provide notice of the Settlement and class administration duties in this action. Pursuant to the Settlement Agreement for this matter, Simpluris was responsible for: (i) preparing, printing, and mailing the Notice of Proposed Class Action Settlement (herein referred to as the “Notice Packet”); (ii) responding to inquiries from Class Members; (iii) determining the validity of opt-outs; (iv) calculating the Net Settlement Amount and the Individual Settlement Payments; (v) issuing the Individual Settlement Payment checks and distributing them to Settlement Class Members; (vi) issuing the payment to Class Counsel for attorneys’ fees and costs and the Enhancement Payment to Plaintiff; and (vii) such other tasks as set forth in the Agreement or as the Parties mutually agree or as the Court orders.

3. On March 30, 2021, Simpluris received a data file from Defense Counsel that contained names, last known mailing addresses, Social Security numbers, and number of wage statements reflecting the payment of overtime wages issued to each Class Member during the Class Period. The final mailing list contained one hundred thirty-three (133) Class Members.

4. On April 2, 2021, Simpluris conducted a National Change of Address (NCOA) search in an attempt to update the class list of addresses as accurately as possible. A search of this database provides updated addresses for any individual who has moved in the previous four (4) years and notified the U.S. Postal Service of their change of address.

5. On April 2, 2021, Simpluris mailed the Notice Packet via U.S. first class mail, in English to all one hundred thirty-three (133) Class Members on the Class List. A true and correct copy of the mailed Notice Packet is attached hereto as **Exhibit A**.

6. As of the date of this declaration, seven (7) Notice Packets have been returned to Simpluris. No Notice Packets were returned with a forwarding address. For the seven (7) Notice

1 Packets returned from the Post Office without a forwarding address, Simpluris attempted to locate a
2 current mailing address using Accurint, a reputable research tool owned by Lexis-Nexis. Of the
3 seven (7) Notice Packets that were skip traced, six (6) updated addresses were obtained and the
4 Notice Packet was promptly re-mailed to those Class Members via first class mail.

5 7. As of the date of this declaration, one (1) Notice Packet is considered undeliverable.
6 Specifically, the Notice Packet was undeliverable since an updated address could not be obtained.

7 8. Simpluris has received zero (0) Request for Exclusion (i.e. "Opt-Out's"). The
8 deadline for Class Members to submit an "Opt-Out" request is May 17, 2021.

9 9. Simpluris has received zero (0) Objections to the Settlement. The deadline for Class
10 Members to submit an "Objection" to the Settlement is May 17, 2021.

11 10. There are no outstanding disputes.

12 11. The Net Settlement Fund of \$115,367.67, available to pay Class Members was
13 determined by subtracting the Class Counsel attorneys' fees (\$74,166.66), Class Counsel costs
14 payment (\$11,465.67), Class Representative Enhancement Award (\$10,000.00), the LWDA
15 distribution (\$7,500.00), and the Claims Administrator costs (\$4,000.00) from the Gross Settlement
16 Amount (\$222,500.00). Based upon the calculations stipulated in the Settlement, the highest
17 individual settlement payment to be paid will be approximately \$2,098.72, and the lowest individual
18 settlement payment to be paid will be approximately \$61.73, with the average individual settlement
19 payment to be paid being approximately \$867.43.

20 12. Simpluris' costs associated with the administration of this matter are \$4,000.00. This
21 includes all costs incurred to date, as well as estimated costs involved in completing the settlement
22 distribution. A true and correct copy of the invoice from Simpluris is attached hereto as **Exhibit B**.

23 I declare under penalty of perjury of the laws of the State of California that the foregoing is
24 true and correct.

25 Executed this 29th day of April 2021, at Costa Mesa, California.

26 
27 JARROD SALINAS

EXHIBIT A

If you worked for The F.A. Bartlett Tree Expert Company as an hourly non-exempt employee in the state of California and received overtime wages at any time between April 1, 2019 through October 3, 2019, a class action settlement will affect your rights.

A California court authorized this notice. This is not a solicitation from a lawyer.

«IMbFullBarcodeEncoded»

«FirstName» «LastName» «BusinessName»

«Address1» «Address2»

«City», «State» «Zip»-«ZipDPC3»

**YOU ARE ESTIMATED TO RECEIVE
APPROXIMATELY \$«MERGED_EstSettAmnt_CALC»
THROUGH THIS CLASS ACTION SETTLEMENT**

SIMID «SIMID»
«BarcodeString»

- Arron Stanfield (“Plaintiff”) filed a class action lawsuit against The F.A. Bartlett Tree Expert Company (“Defendant” or the “Company”) on behalf of himself and other non-exempt employees who received overtime wages. The lawsuit is entitled *Arron Stanfield v. The F.A. Bartlett Tree Company, et al.*, Superior Court of California, County of Sonoma, Case No. SCV-265929 and alleges the following claims: (1) failure to provide accurate wage statements; and (2) claims under California’s Private Attorneys General Act.
- Plaintiff, on behalf of the Class, and Defendant have entered into a settlement agreement, which is subject to court approval. The Court in charge of this case has preliminarily approved the settlement. The Court still has to decide whether to grant final approval of the settlement. Payments will be made only if the Court grants final approval of the settlement and after any appeals are resolved.
- If you qualify as a Class Member, you could receive money from the settlement.
- Your rights and options – and the deadlines to exercise them – are explained in this notice.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	By doing nothing, you will get a payment from the settlement. But, you give up any rights to bring your own lawsuit against the Defendants about the same legal claims in this lawsuit. The estimated amount of your settlement payment is shown above. To receive your settlement payment, all you need to do is keep the Settlement Administrator informed of your current mailing address. Once the Court grants final approval of the settlement, the Settlement Administrator will mail your check to the address on file for you.
EXCLUDE YOURSELF (Deadline: May 17, 2021)	By asking to be excluded from the settlement, you will not receive a settlement payment. But, you keep any rights you may have to file a separate lawsuit against Defendants about the same legal claims in this lawsuit. Important: You cannot ask to be excluded <u>and</u> still get a class settlement payment.
OBJECT (Deadline: May 17, 2021)	If you do not like the settlement, you can send a written objection to the Settlement Administrator by the deadline. If your objection is overruled, you will still be bound by the terms of the settlement and will receive a settlement payment. Important: If you object to the settlement, you cannot also ask to be excluded.
SUBMIT A DATA DISPUTE (Deadline: May 17, 2021)	Dispute the number of wage statements you received that contained payment for overtime wages, as identified in section 11 below.. If you dispute the number of overtime wage statements credited to you, and you do not exclude yourself from the settlement, you will still receive a payment and give up any rights to sue for the Released Claims.

BASIC INFORMATION

1. Why did I receive this Notice?

Employment records show that you worked for The F.A. Bartlett Tree Expert Company (as an hourly non-exempt employee and were paid overtime wages in California between April 1, 2019 through October 3, 2019. A settlement has been reached in a class action lawsuit against the Company that affects your rights.

2. What is this class action about?

This lawsuit, known as *Stanfield v. The F.A. Bartlett Tree Company, et al.*, Superior Court of California, County of Sonoma, Case No. SCV-265929, alleges that the Company failed to provide accurate wage statements. The lawsuit alleges that these practices violated the California Labor Code and the Private Attorneys General Act. It seeks to recover civil and statutory penalties.

3. How do the Company respond?

The Company has denied and continues to deny all of the allegations in the lawsuit. The Company contends that it has complied with the California Labor Code and all similar laws and regulations. The Company further contends that this lawsuit could not be maintained as a class action if it were litigated rather than settled.

4. What is a class action and who is involved?

In a class action lawsuit, one or more people, called “class representatives” (in this case Arron Stanfield), sue on behalf of other people who may have similar claims. The individuals the class representative purports to represent are the “class” or “class members.” One court resolves the issues for everyone in the class, except for those people who request to exclude themselves from the class.

5. Why is this lawsuit being settled?

After good-faith settlement negotiations, Plaintiff and the Company have agreed to settle this case rather than go to trial. The settlement represents a compromise of highly disputed claims and is not an admission that the Company violated the law. The parties and their attorneys believe the settlement is in the best interests of the Class, given the risks and expense of going to trial.

6. Has the Court decided who is right?

No. The Court did not decide in favor of Plaintiff or the Company.

7. Who is the Settlement Administrator?

The Settlement Administrator is an independent third party appointed by the Court to send this notice, process and issue settlement checks, and otherwise administer the settlement. The Court has approved Simpluris, Inc. to be the Settlement Administrator in this case. You may contact the Settlement Administrator to provide updated contact information, make corrections regarding your employment information at the Company, or ask questions regarding the processing of settlement awards. You may contact the Settlement Administrator at:

Stanfield v. The F.A. Bartlett Tree Company
c/o Settlement Administrator
P.O. Box 26170,
Santa Ana, CA 92799
Telephone: (888) 369-3780
Fax: (714) 824-8591

YOUR RIGHTS AND OPTIONS

8. Am I part of this Class?

In preliminarily approving the settlement, the Court has decided that any current or former non-exempt employee of Defendant who was paid overtime wages in California at any time from April 1, 2019 through October 3, 2019 (the “Class Period”) is a Class Member. The Defendant’s records indicate that you are a Class Member.

9. What does the settlement generally provide?

The proposed settlement provides for a payment by Defendant of \$222,500.00 to fully and finally resolve all claims in the lawsuit (referred to as the “Gross Settlement Amount”). The total amount to be distributed to Class Members who can be located, and who do not exclude themselves from the settlement, will be the value of the Gross Settlement Amount after deducting the following (the “Net Settlement Amount”): (a) settlement-administration costs not to exceed \$4,000.00; (b) class-representative Enhancement Payment to Plaintiff not to exceed \$10,000.00; (c) Class Counsel’s attorneys’ fees not to exceed \$74,166.66; (d) Class Counsel’s actual litigation costs and expenses as supported by declaration not to exceed \$15,000.00; and (e) payment of \$7,500.00 to the Labor and Workforce Development Agency. **Class Counsel’s attorneys’ fees and costs, and Plaintiff’s class-representative Enhancement Payment, remain subject to Court approval.**

No portion of the Net Settlement Amount will be returned to Defendant under any circumstances.

10. How do I receive money under the settlement?

You do not have to do anything to receive your settlement share.

11. What is my estimated share of the settlement?

The estimated gross share you will receive under the settlement if you are a participating Class Member is \$«MERGED_EstSettAmnt_CALC». The actual amount you receive may be higher or lower than this amount.

Your estimated share of the settlement is based on the number of wage statements you received from the Company that included payment for overtime wages during the Class Period as compared to the total wage statements received by all Class Members that included payment for overtime wages in that same period. Based upon Defendant’s records, the number of wage statements you received that contained payment for overtime wages is determined to be «MERGED_WageStmnts». If this information appears correct, you do not need to do anything further to receive your settlement payment. If you disagree with the number of wage statements with payment for wages, see section 13 below.

12. Will I have to pay taxes on my award?

One hundred percent (100%) of your award will be treated as penalties and will be reported on IRS Form 1099. **You will be responsible for correctly characterizing this compensation for tax purposes and paying any taxes that may be due on the payment you receive. You should consult a tax professional for more information about your own specific situation.**

13. What if I Believe the Wage Statement Count Is Inaccurate?

If you believe the number of wage statements you received that included payment for overtime wages during the Class Period is inaccurate, you may dispute it by sending a letter to Stanfield v. The F.A. Bartlett Tree Company, c/o Settlement Administrator, P.O. Box 26170, Santa Ana, CA 92799, Fax: (714) 824-8591 no later than May 17, 2021. Be sure to include your name, address, telephone number, last four digits of your Social Security Number, and a statement as to what and why you are disputing. Also attach a copy of any documentation you want to include to support your dispute.

14. How do I request to be excluded from the settlement?

If you wish to be excluded from the settlement, you must write to the Settlement Administrator at the address specified above in Section 7 and request to be excluded. Your request must: (1) include an explicit and unambiguous statement to the effect of: “I wish to exclude myself from the settlement reached in the matter of *Stanfield vs. The F.A. Bartlett Tree Expert Company, Inc.* I understand by excluding myself, I will not receive any money from the settlement reached in this matter.”; (2) include your name, address, and the last four digits of your Social Security number; (3) include your signature; and (4) be postmarked (if mailed), or fax stamped (if faxed) to the Settlement Administrator no later than May 17, 2021.

If you do not complete and timely submit a valid request to be excluded from the settlement, you will be bound by all terms and conditions of the settlement, including its release of claims. If you do submit a timely and valid request to be excluded, you will no longer be a class member, you will not receive any money from the settlement, and you will be barred from participating in any portion of the settlement, but you will retain the right to sue the Company separately for the same legal claims contained in this lawsuit.

15. May I object to the settlement?

If you believe the settlement is unfair or inadequate, you may object, personally or through an attorney at your own expense, by mailing a written objection to the Settlement Administrator at the address set forth above in Section 7. You **cannot** object to the settlement **and** exclude yourself from the settlement.

Your objection must be signed and include: (1) your full name; (2) the dates of your employment; (3) the last four digits of your Social Security number and/or your Employee ID number; (4) the basis for the objection; and (5) if you intend to appear at the Final Approval/Settlement Fairness Hearing; and (6) the name of the case *Stanfield vs. The F.A. Bartlett Tree Expert Company, Inc.* To be effective, your objection must be postmarked (if mailed) or fax stamped (if faxed) no later than May 17, 2021. Do not telephone the Court or the Company’s counsel.

If the Court rejects your objection, you will still be bound by the terms of the settlement, and you will not then be able to exclude yourself from the settlement.

16. When will I receive my payment?

The Court will hold a hearing on May 26, 2021, to decide whether to approve the settlement. If the judge approves the settlement and there are no objections or appeals, distribution of payments will be approximately 60 days later. Please be patient.

17. What if I do nothing?

If you do nothing, you will receive your settlement share and you will give up any rights you would otherwise have to sue the Company for the claims described below in Section 21 under claims released.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in this case?

The Court has determined that Larry W. Lee, Kristen M. Agnew, and Nicholas Rosenthal of Diversity Law Group, P.C. and William L. Marder of Polaris Law Group, LLP are qualified to represent you and all Class Members. The lawyers for these firms are called “Class Counsel.” They are experienced in handling similar cases. Their contact information is provided at the end of this Notice.

19. May I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. Nonetheless, you may hire your own lawyer if you wish. If you hire your own lawyer, however, you are responsible for paying for that lawyer.

20. How will Class Counsel and the Class Representative be paid?

Class Counsel will be paid from the Gross Settlement Amount. Class Counsel will ask for up to \$74,166.66 in attorneys' fees and for actual litigation costs incurred up to a maximum of \$15,000.00, the actual amount of which will be determined by the Court at the final approval hearing (see section 22 below for details as to when this hearing will take place). Class members (like you) do not have to pay the fees and costs of Class Counsel. **If you elect, however, to hire your own lawyer, you have to make your own arrangements to compensate your lawyer.**

If approved by the Court, a service payment for the Plaintiff of an amount up to \$10,000.00 will be paid from the Gross Settlement Amount for his work and efforts in prosecuting this case, and for undertaking the risks of costs (in the event the outcome of this lawsuit was not favorable).

RELEASE OF CLAIMS

21. What claims are being released as part of the settlement?

If you do not submit a timely request to be excluded from the settlement, you will be giving up your right to bring a legal claim against the Company for any legal claims arising during the Class Period that are based on the facts alleged by Plaintiff in the lawsuit, or any claims that could have been brought under the facts and allegations made in the lawsuit. Specifically, you will be giving up or "releasing" the claims described below:

(a) any and all claims that could have been brought under the facts and allegations made in the operative Complaint, including claims for violation of Labor Code § 226, that accrued during the Class Period; and (b) any and all claims for penalties under the California Private Attorneys' General Act predicated on the violation of Labor Code § 226 based on the facts as alleged in the operative Complaint that accrued during the Class Period (April 1, 2019 to October 3, 2019). This release will not go into effect until after the company has disbursed the settlement funds, all objections have been resolved by the trial court, any appeal has been resolved, or time to appeal has expired.

FINAL SETTLEMENT APPROVAL HEARING

22. When will the Court consider whether to finally approve the settlement?

The Court will hold a hearing in Courtroom 16 of the California Superior Court, County of Sonoma, located at 600 Administration Drive, Santa Rosa, California 95403, on May 26, 2021 at 3:00 p.m., to decide whether to finally approve the settlement as fair, reasonable, and adequate. At that time, the Court also will be asked to approve Class Counsel's request for attorneys' fees and reimbursement of costs, and the Class Representative Payment.

It is not necessary for you to appear at this hearing. If you have timely submitted an objection to the settlement and a notice of intent to appear, you may appear at the hearing to argue your objection to the Court, or have an attorney represent you at the hearing at your own expense, but only if by May 17, 2021, you have submitted a notice to the Settlement Administrator of your intent to appear at the hearing, in accordance with the instructions above.

The hearing may be postponed without further notice to the Class. If the settlement is not approved, the lawsuit will continue to be prepared for trial or other judicial resolution.

FURTHER INFORMATION

23. How do I get more information?

This Notice provides a summary of the basic terms of the settlement. If you have more questions about this Notice or this lawsuit, you can contact Class Counsel, whose contact information is below, or the Settlement Administrator at (888) 369-3780.

CLASS COUNSEL:

Larry W. Lee
Kristen M. Agnew
Nicholas Rosenthal
DIVERSITY LAW GROUP, P.C.
515 s. Figueroa Street, Suite 1250
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Telephone: (213) 488-6555
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501 San Benito Street, Suite 200
Hollister, CA 95023
Telephone: (831)531-4214
Facsimile: (831) 634-0333

For the settlement's complete terms and conditions, please consult the detailed Joint Stipulation of Class Settlement and Release which is attached as Exhibit 1 to the Declaration of Kristen M. Agnew in support of the Motion for Preliminary Approval of Class Action Settlement filed on November 2, 2020.

IMPORTANT:

1. **PLEASE DO NOT TELEPHONE THE COURT OR THE COMPANY'S COUNSEL FOR INFORMATION REGARDING THIS SETTLEMENT OR THE CLAIM PROCESS.**
2. **If you move to a different address, please send the Settlement Administrator your new address. It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your settlement payment.**

EXHIBIT B



Simpluris, Inc.
3194-C Airport Loop Drive
Costa Mesa, CA 92626
+1 7146405614
www.simpluris.com

BILL TO

F.A.Bartlett_Stanford_OptOut

CASE INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
21248	04/16/2021	\$4,000.00	06/29/2021	Special	

BID NUMBER

12310

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Fixed Bid (D)	Case Name: Stanfield v The F A Bartlett Tree Expert Company	1	3,793.60	3,793.60
Translation Services (D)	Translation Services	1	125.00	125.00
Postage (D)	Postage Cost	1	81.40	81.40

Thank you for your business!

BALANCE DUE

\$4,000.00

Please make checks payable to Simpluris, Inc.
Attention: Accounts Receivable
Accounting@simpluris.com
Accounting: (714) 640-5614

We also accept payment by Credit Card, Wire Transfer, or
ACH - please contact us for further details.