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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

17 SHIRLEY GOEMAAT and REHANA
18 BALUCH, individually, and on behalf of
others similarly situated and aggrieved,
19

20 Plaintiffs,

21 v.

22 ORANGE COUNTY ASSOCIATION FOR
MENTAL HEALTH, a California
23 Corporation; and DOES 1 through 50,
inclusive,
24

25 Defendants.
26

Case No.: 30-2019-01106371-CU-BT-CXC

**AMENDED DECLARATION OF
STEPHEN GOMEZ REGARDING
NOTICE AND SETTLEMENT
ADMINISTRATION**

Judge: Hon. Peter Wilson
Dept.: CX101
Hearing Date: January 26, 2023
Hearing Time: 2:00 p.m.

1 I, **STEPHEN GOMEZ** declare the following facts to be true and correct and if called as a
2 witness would testify competently to the same:

3 1. I am employed as a Case Manager by Simpluris, Inc. ("Simpluris") the claims
4 administrator in the above-entitled action. My business address is 3194-C Airport Loop Drive,
5 Costa Mesa, CA 92626. My telephone number is (714) 824-8590. I am over twenty-one years
6 of age and authorized to make this declaration on behalf of Simpluris and myself.

7 2. Simpluris, Inc. is a Class Action Settlement Administration company located in
8 Costa Mesa, CA. It is founded by individuals who have each managed hundreds of settlements,
9 along with professionals in the areas of Software Development, Third-Party Claims
10 Administration, Mail-House Operations, and Call Center Support Management.

11 3. Simpluris was appointed by the Court as Settlement Administrator to administer
12 the settlement in accordance with the terms of the Stipulation of Class and Representative
13 Action Settlement entered into by the parties on or about February 18, 2022, (the "Settlement
14 Agreement"). Simpluris has been, and if the Court grants final approval of the Settlement,
15 will be responsible for, among other things: (a) printing and mailing in English and Spanish
16 the Notice of Class and Representative Action Settlement ("Notice") (b) receiving
17 undeliverable Notice Packets; (c) receiving and validating requests for exclusion; (d)
18 calculating individual settlement payments, distributing funds, and tax-reporting following
19 final approval; (e) mailing settlement checks; (f) answering questions from Class Members;
20 and (g) performing such other tasks necessary to effectuate the terms of the Settlement or as
21 the Parties mutually agree or the Court orders Simpluris to perform.

22 4. A toll-free telephone number was included in the Class Notice for the purpose of
23 allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement.
24 The system is accessible 24 hours a day, 7 days a week, and will remain in operation throughout
25 the settlement process. Callers have the option to speak with a live call center representative
26 in English and Spanish during normal business hours or to leave a message and receive a return
27

1 call during non-business hours. The toll-free telephone number included in the Class Notice
2 was 1-888-369-3780.

3 5. On August 23, 2022, Simpluris received the Court-approved Notice. The Notice
4 advised Class Members of their right to opt out from the Settlement, object to the Settlement,
5 or do nothing, and the implications of each such action. The Notice advised Class Members
6 of applicable deadlines and other events, including the Final Approval Hearing, and how Class
7 Members could obtain additional information. The Notice was pre-printed with the name and
8 address of the Class Member and their estimated payment. Simpluris also provided Class
9 Members with a Spanish version of the Notice. A sample Notice is attached hereto as
10 **Exhibit A.**

11 6. On August 18, 2022, Counsel for Defendant provided Simpluris with a mailing
12 list ("Class List") containing the name, last known address, Social Security number, and
13 pertinent employment information during the Class Period for the Class Members. The Class
14 List contained data for three hundred (300) Class Members and/or PAGA Members and one
15 (1) individual who was found to have worked no weeks during the Class Period and was
16 removed from the Class. According to the data provided by Counsel for Defendant, the Class
17 Members worked a total 25,290 workweeks during the Class Period, and PAGA Members
18 worked a total of 4,705 PAGA Pay Periods.

19 7. The mailing addresses contained in the Class List were processed and updated
20 utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal
21 Service. The NCOA contains changes of address filed with the U.S. Postal Service. In the
22 event that any individual had filed a U.S. Postal Service change of address request, the address
23 listed with the NCOA was utilized in the mailing of the Notices.

24 8. On September 1, 2022, after updating mailing addresses via the NCOA, Notices
25 were mailed via 1st Class Mail to three hundred (300) Class Members.
26
27

9. As of this date, twenty-five (25) Notices were returned by the post office. For those without forwarding addresses, Simpluris attempted to find a forwarding address using Accurant, a reputable research tool owned by Lexis-Nexis. Simpluris used the Class Member's name and previous address to locate a current address. Altogether, Simpluris re-mailed twenty-one (21) Notices to either; a new forwarding address provided by the Post Office, a newfound address using Accurant, or a forwarding address provided by the Class. Ultimately, four (4) Notices were undeliverable. Simpluris was able to achieve a successful deliverable rate of 98.67% to the Class.

10. The estimated Net Settlement Amount was determined as follows:

Gross Settlement Amount:	\$175,000.00
Less Attorneys' Fees (Requested)	-\$58,333.33
Less Litigation Costs (Requested)	-\$15,000.00
Less Plaintiffs' Service Awards of \$10,000 each (Requested)	-\$20,000.00
PAGA – LWDA Payment	-\$15,000.00
PAGA – Aggrieved Employees Payments	-\$5,000.00
Less Settlement Administration:	-\$6,995.00
NET SETTLEMENT AMOUNT	\$54,671.67

11. The deadline for Class Members to postmark or submit objections, workweek/PAGA pay period disputes, or requests for exclusion (i.e., opt out requests) was October 31, 2022. Class Members who wished to object to the Settlement were directed to file their objection with the Court and serve a copy of the objection on the attorneys for the parties.

12. As of this date, Simpluris has not received any objections.

13. As of this date, Simpluris has not received any disputes.

14. As of this date, Simpluris has received four (4) requests for exclusion from the Settlement from the following individuals: Timothy Scavo, Brian Gilbert, Brent Burgoyne, and Laura Gollaz. The four (4) valid requests for exclusion represent 1.32% of the Class.

15. Therefore, as of today, there are two hundred ninety-six (296) Participating Class Members receiving an Individual Settlement Award. The estimated average award is \$184.70. The estimated lowest award is \$2.22, and the estimated highest award is \$630.58.

16. As of today, there are one hundred sixty-nine (169) PAGA Members receiving an Individual PAGA Payment. The estimated average award is \$29.59. The estimated lowest award is \$1.06, and the estimated highest award is \$55.26.

17. Simpluris' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$6,995.00. A breakdown of Simpluris' fees is attached hereto as **Exhibit B**. Simpluris' work in connection with this matter will continue with the calculation of the settlement checks, issuance and mailing of those settlement checks, etc., and preparation of the necessary tax reporting on such payments.

18. Plaintiff Baluch will receive an estimated Individual Settlement Award of \$157.61. Ms. Baluch will not receive an Individual PAGA Payment.

19. Plaintiff Goemaat will receive an estimated Individual Settlement Award of \$600.41 and an estimated Individual PAGA Payment of \$36.13.

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

Executed this 11th day of January, 2023, in Costa Mesa, California.

Stephen Gomez