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and on behalf of all others similarly situated

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY LOS ANGELES**
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15 NANCY GARCIA, individually, and on
16 behalf of all others similarly situated,

17 Plaintiff,

18 vs.

19 COMMON AREA MAINTENANCE
20 SERVICES, INC. a California dba CAM
21 SERVICES, INC.; CAM PROPERTY
22 SERVICES INC.; DAVID HERRERA, an
Individual, DOES 1 through 20, inclusive;

23 Defendants.
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CASE NO. 20STCV19361

**SUPPLEMENTAL DECLARATION
OF DANIEL J. BASS IN SUPPORT
OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 26, 2024

Time: 10:00 a.m.

Department: 6

Complaint Filed: May 14, 2020

1 **SUPPLEMENTAL DECLARATION OF DANIEL J. BASS**

2 I, Daniel J. Bass, declare:

3 1. I am an attorney licensed and admitted to practice before all courts of the State of
4 California. I am an attorney for the law firm of Makarem & Associates APLC, the counsel of
5 record for the Plaintiff in this case. I make this supplemental declaration in support of Plaintiff's
6 Motion For Final Approval of Class Action Settlement. Except as otherwise stated, I have personal
7 knowledge of the facts herein, and if called as a witness I could and would competently testify to
8 them under oath.

9 2. Pursuant to California Rules of Court, Rule 3.769(g), Plaintiff, Nancy Garcia
10 ("Class Representative" or "Plaintiff"), as Class Representative—of the "Class" or "Settlement
11 Class" of all current and former non-exempt field or administrative employees employed by Defendants
12 CAM Services, Inc., et al. in California at any time from May 14, 2016, through the earlier of either the
13 Court has given (1) preliminary approval of the Class Settlement or (2) whenever the workweeks for
14 the Settlement Class exceed 12,597 seeks final approval of the "Joint Stipulation of Settlement and
15 Release of Class Action" ("Settlement" or "Settlement Agreement") set forth in Plaintiff's Motion
16 for Preliminary Approval, which was granted by this Court on August 25, 2023.

17 3. Plaintiff's supplemental brief and declarations in support thereof, including this one,
18 follows the Court's March 22, 2024 hearing on Plaintiff's Motion for Final Approval where the
19 Court requested additional information regarding several issues by no later than May 20, 2024.

20 1) a supplemental administrator's brief that states the outcome of the notice process and
21 also clearly articulates the workweek information received from Defendants to see if the
22 escalation clause was triggered;

23 2) evidence that the settlement and briefing was uploaded to the LWDA; and

24 3) an explanation as to why Defendants signed the Settlement Agreement after
25 preliminary approval had been granted.

26 **Supplemental Administrator's Brief**

27 4. As an initial matter and as mentioned during the March 22, 2024 hearing on
28 Plaintiff's Motion for Final Approval it appears that though a declaration from the Settlement

1 Administrator (CPT) was served to Defendants and to the Court via Case Anywhere (and uploaded
2 to the LWDA via its website) the Declaration was not formally filed due to a clerical error where
3 two copies of Plaintiff's declaration were filed instead of one from the Plaintiff and one from the
4 administrator. As such, the Declaration of Irvin Garcia on Behalf of CPT Group, Inc. Regarding
5 Settlement Administration and Notice ("CPT Declaration") is submitted again along with this filing
6 and for formal filing along with this supplemental brief and supportive declarations.

7 5. Along with Plaintiff's supplemental brief and this declaration the Plaintiff is
8 submitting the Supplemental Declaration of Irvin Garcia on Behalf of CPT Group, Inc. Regarding
9 Settlement Administration and Notice ("Supp. CPT Declaration") directly addressing the Court's
10 questions regarding notice and workweek information. That supplemental declaration clearly states
11 the results of the notice process and that the escalation clause was not triggered. (See Supp. CPT
12 Declaration.)

13 **Notice to the LWDA**

14 6. Concurrently with her submission to the Court on February 27, 2024, Plaintiff
15 provided notice to the LWDA of the proposed settlement by uploading the proposed settlement,
16 motion for final approval, the proposed order granting the same and the supportive declarations of
17 Irvin Garcia from CPT, the Plaintiff and of Daniel Bass to the LWDA's website. A true and correct
18 copy of the "PAGA NOTICE PUBLIC SEARCH - CASE DETAIL" for this matter is attached
19 hereto as "**Exhibit 1.**"

20 7. As of the date of this declaration, my office has not received any notice or other
21 communication from the LWDA stating its disagreement with the proposed settlement.

22 8. Along with this submission to the Court, I again uploaded this supplemental brief
23 and supportive declarations to the LWDA's website and provided notice of the time, date and
24 location of the continued hearing on Plaintiff's motion for final approval.

25 **Disparity Between the Date of Preliminary Approval and Defendants' Signature on the** 26 **Settlement Agreement**

27 9. As noted by the Plaintiff's Motion for Final Approval (see Declaration of Daniel J.
28 Bass in Support of Plaintiff's Motion for Final Approval of Class Action Settlement ["Bass Decl."])

¶ 10) and the Court at the March 22, 2024 hearing of this matter, the Defendants signed the Settlement Agreement on or about December 6, 2023, after the Court granted preliminary approval on or about August 25, 2023. (see also *id.*).

10. From my discussions with opposing counsel and review of the records for this matter, it is the Parties' understanding that this occurred because the Court granted preliminary approval of a redlined settlement agreement that had not yet been executed following revisions at the behest of the Court.

11. Plaintiff initially moved for preliminary approval with a hearing set for October 26, 2022 based on an agreement that was fully executed on August 12, 2022. (see Plaintiff's September 16, 2022 Declaration of Ronald W. Makarem in Support of Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement).

12. Following the initial hearing for preliminary approval the Parties revised their proposed settlement and submitted unexecuted redlines of a proposed settlement to the Court on or about February 8, 2023 and did so again on or about June 1, 2023.

13. When the Court ultimately granted preliminary approval at the continued August 25, 2023 hearing on the matter it is my understanding through discussion with counsel and review of the record¹ that the approval was provided as to the Settlement Agreement as presented in the redlined revisions submitted rather than an executed copy.

14. Following Preliminary Approval, the Plaintiff and my former colleague Cameron Stewart executed the Settlement Agreement presented to the Court in redline revisions and the Parties and the administrator proceeded with preparing the notice to the Class. During that process it was noticed that Defendants had not signed the revised settlement agreement the Court had approved, so they ultimately did so on December 6, 2023 and notice was provided by the administrator about a month later. (see also Bass Decl., Exhibit A).

I declare under penalty of perjury of the laws of United States of America in the state of California that the foregoing is true and correct.

¹ The handling attorneys for both my firm and Defendants' counsel changed between preliminary and final approval due to the departure of the prior handling attorneys from their respective firms.

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Executed on May 20, 2024 in Los Angeles, California

Daniel Bass

Daniel J. Bass

EXHIBIT 1

PAGA NOTICE PUBLIC SEARCH - CASE DETAIL

Case Information

Case Number: LWDA-CM-784827-20
Plaintiff for PAGA Case: Nancy Garcia
Filer/Attorney for PAGA Case: Cameron Stewart
Law Firm for PAGA Plaintiff: Makarem & Associates
Employer: Common Area Maintenance Services, Inc.
Date Case Received:
Filer for Employer:
Employer Filer Firm:
Court Type:
Court Name: Los Angeles Superior Court
PAGA Court Case Number:
Violation Type:
Related BOFE Case: [CME258660](#)

Attachments

Attachment Name	Description	Date Submitted	Type
Additional Document Submitted with Proposed Settlement on 02/27/2024 04:58:26 PM by Daniel Bass	CAM Services MFA Final.pdf	2/28/2024 12:58 AM	Proposed Settlement
Additional Document Submitted with Proposed Settlement on 02/27/2024 04:58:26 PM by Daniel Bass	CAM Services (Garcia) prop Order and Judgment re MFA.pdf	2/28/2024 12:59 AM	Proposed Settlement
Additional Document Submitted with Proposed Settlement on 02/27/2024 04:58:26 PM by Daniel Bass	CAM Services (Garcia) CPT Decl ISO MFA.pdf	2/28/2024 12:59 AM	Proposed Settlement
Additional Document Submitted with Proposed Settlement on 02/27/2024 04:58:26 PM by Daniel Bass	CAM Services (Garcia) Garcia Decl ISO MFA.pdf	2/28/2024 12:58 AM	Proposed Settlement
Additional Document Submitted with Proposed Settlement on 02/27/2024 04:58:26 PM by Daniel Bass	CAM Services (Garcia) Bass DECL ISO MFA.pdf	2/28/2024 12:58 AM	Proposed Settlement
Proposed Settlement Submitted on 02/27/2024 04:58:26 PM by Daniel Bass	CommonAreaMaintance_Declaration_20240226.pdf	2/28/2024 12:58 AM	Proposed Settlement