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

KENNETH GUNTHER, individually, and on  
behalf of other members of the general public  
similarly situated and on behalf of other  
aggrieved employees pursuant to the  
California Private Attorneys General Act;

Plaintiff,

vs.

NORTH COAST COOPERATIVE., a  
California corporation; NORTH COAST  
COOP, an unknown business entity; and  
DOES 1 through 100, inclusive,

Defendants.

Case No. CV2000307

Honorable Timothy A. Caning  
Department 4

**CLASS ACTION**

**DECLARATION OF JENNIFER  
BELIVEAU REGARDING NOTICE AND  
SETTLEMENT ADMINISTRATION**

Hearing Date: October 25, 2024  
Time: 10:30 a.m.  
Courtroom: 4

Compliant Filed: February 25, 2020  
FAC Filed: April 26, 2022  
Trial Date: None Set

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**DECLARATION OF JENNIFER BELIVEAU**

I, JENNIFER BELIVEAU, hereby declare:

1. I am employed as a Project Manager by Simpluris, Inc. "Simpluris", the claims administrator in the above-entitled action. Our Corporate Office address is 3194-C Airport Loop Dr., Costa Mesa, CA 92626. My telephone number is (502) 414-1543. I am over twenty-one years of age and authorized to make this declaration on behalf of Simpluris and myself.

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

3. Simpluris was approved by Counsel for Kenneth Gunther ("Plaintiff"), and North Coast Cooperative, Inc. ("Defendant") (collectively the "Parties") to provide settlement administration services in the *Kenneth Gunther v. North Coast Cooperative, Inc.* case ("Settlement"). In this capacity, Simpluris was charged with a) establishing and maintaining a related settlement fund account; b) establishing and maintaining a calendar of administrative deadlines and responsibilities; c) processing and mailing payments to the Plaintiff, Class Counsel and Class Members; d) printing and mailing the Notice of Class Action Settlement to Class Members; e) receiving and validating Requests for Exclusion, Objections or Workweeks Disputes submitted by Class Members; f) calculating employer payroll taxes and providing appropriate forms and calculations to Defendant; g) mailing settlement checks, h) providing counsel with weekly reports; and other tasks as the Parties mutually agree or the Court orders Simpluris to perform.

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**TOLL-FREE TELEPHONE HELPLINE**

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

1 business hours. Spanish-speaking representatives are available during normal business hours. The toll-  
2 free telephone number included in the Notice of Class Action Settlement was (888) 369-3780 and was  
3 live on June 12, 2024.

#### 4 **NOTIFICATION TO THE CLASS**

5 5. On May 16, 2024, Simpluris received the Court-approved Notice of Class Action  
6 Settlement (“Class Notice”). The Class Notice advised Class Members of their right to request  
7 exclusion from the Settlement, object to the Settlement, dispute Workweeks, do nothing, and the  
8 implications of each such action. The Class Notice advised Class Members of applicable deadlines and  
9 other events, including the Final Approval Hearing, and how Class Members could obtain additional  
10 information.

11 6. On May 17, 2024, Defendant’s Counsel provided Simpluris a Class List containing each  
12 Class Member’s last known full name, last known mailing address, last known telephone number,  
13 Social Security Number, the start and end dates of employment as an hourly-paid or non-exempt  
14 employee of Defendant in California during the Class Period, and such other information as was  
15 necessary for Simpluris to calculate Workweeks during the Class Period (“Class Data List”). The Class  
16 Data List contained data for six hundred twenty-nine (629) individuals.

17 7. The mailing addresses contained in the Class List were processed and updated utilizing  
18 the National Change of Address Database “NCOA” maintained by the U.S. Postal Service. The NCOA  
19 contains requested changes of address filed with the U.S. Postal Service. In the event that any  
20 individual had filed a U.S. Postal Service change of address request, the address listed with the NCOA  
21 would be utilized in connection with the mailing of the Class Notice. Simpluris was able to locate one  
22 hundred and twenty-four (124) updated addresses using NCOA prior to the mailing of the Class Notice.

23 8. On June 12, 2024, the Class Notice was mailed to six hundred and twenty-nine (629)  
24 individuals identified as Class Members via First Class mail. A copy of the Class Notice is attached  
25 hereto as **Exhibit A**.

26 9. A total of one hundred and ninety (190) Class Notices were returned to Simpluris. If a  
27 Class Member’s Class Notice was returned by the USPS as undeliverable and without a forwarding  
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1 address, Simpluris performed an advanced address search, i.e. skip trace, on all of these addresses by  
2 using Accurint, a reputable research tool owned by Lexis-Nexis. Simpluris used the Class Member's  
3 name and previous address to locate a current address. Through the advanced address searches,  
4 Simpluris was able to locate one hundred seventy-seven (177) updated addresses and Simpluris  
5 promptly mailed a Class Notice to those updated addresses. Ultimately, thirteen (13) Class Notices  
6 remain undeliverable.

7       10. Defendant represented that for the period February 25, 2016, to May 31, 2021, there  
8 were approximately 24,828 Workweeks. If it is determined that the total number of Workweeks during  
9 the period referenced actually exceed 24,828 by more than ten percent (10%) (i.e., the Workweeks for  
10 the period referenced are actually more than 27,311), then the Gross Settlement Amount will be  
11 increased proportionately for each additional percentage of Workweeks above the ten percent (10%)  
12 threshold. For example, if the number of Workweeks during the period referenced increases by eleven  
13 percent (11%) above 24,828, the Gross Settlement Amount shall be increased by one percent (1%). The  
14 total number of Workweeks during this period was twenty-six thousand four hundred and sixty-three  
15 (26,463) Workweeks, which does not exceed the Escalator Clause. Therefore, the Escalator Clause is  
16 not triggered, and the Gross Settlement Amount remains \$875,000.00.

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18                   **REQUESTS FOR EXCLUSION, OBJECTIONS AND DISPUTES**

19       11. The deadline for Class Members to submit a Request for Exclusion from the Settlement,  
20 Object to the Settlement, or Workweeks Dispute was July 27, 2024.

21       12. As of this date, Simpluris has not received any Requests for Exclusion from the  
22 Settlement.

23       13. As of this date, Simpluris has not received any Objections to the Settlement from Class  
24 Members.

25       14. As of this date, Simpluris has not received any Workweeks Disputes from Class  
26 Members.

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16. The Net Settlement Amount of \$455,650.00 available to pay Settlement Class Members was determined by subtracting the Attorneys' Fees (\$306,250.00), Attorneys' Costs (\$20,000.00), Enhancement Payment (\$7,500.00), LWDA Payment (\$75,000.00), and the Settlement Administration Costs (\$10,600.00) from the Gross Settlement Amount of \$875,000.00.

### ADMINISTRATION COSTS

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd Day of October 2024, in Colchester, Vermont.

JENNIFER BELIVEAU