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Attorney for Plaintiff, on behalf of the State of CA and all Aggrieved Employees

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

JOANNE SOWLE, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

SHERPAUL CORPORATION, a California
Corporation, and DOES 1 through 50,
inclusive,

Defendants.

CASE NO: RIC2002410

**DECLARATION OF MICHAEL MOORE OF
BEHALF OF PHOENIX CLASS ACTION
SETTLEMENT ADMINISTRATION IN
SUPPORT OF PAGA SETTLEMENT**

*Honorable Judge Craig Reimer
Dept: 1*

I, Michael Moore, declare as follows:

1. I have personal knowledge of the facts set forth herein and if called upon to testify, I could and would do so competently under oath.

2. I am employed by Phoenix Settlement Administrators ("PSA"), as President and Managing Partner.

3. I personally have over twelve years of experience in claims management and administration of class and collective action matters.

4. PSA has never had any financial interests in nor affiliation with the parties or counsel in the SOWLE v. SHERPAUL CORPORATION, matter.

1 5. PSA has extensive experience administering class action matters. PSA has
2 administered complex wage and hour, labor and employment, consumer/ product liability, TCPA,
3 FLSA, FACTA, ERISA and PAGA class action matters, thru final approval and distribution. PSA
4 has developed a system of quality assurance measures, to ensure the highest quality service is
5 provided in our cases and to class members.

6 6. PSA's Claims Management Group has extensive experiences in all aspects of
7 Notification and Identification of Class Members, Claims Processing, Formulation and Calculation
8 Methodologies, Award Distribution and Taxation, Accounting and Reconciliation.

9 7. PSA has extensive experience in and are experts at all aspects of administering
10 complex class action matters including; (i) preparing, printing, mailing and tracking privacy
11 notices; (ii) operation of a 24/7/365 multi-lingual call center; (iii) establishing settlement websites;
12 (iv) claims management; (v) USPS processes and systems, third party tracing, including the use of
13 reverse telephone directory services; (vi) database management, programming and security
14 protocols; (vii) calculating and issuing settlement payments; (viii) tax management, filings, and
15 account reconciliation; and (ix) final approval.

16 8. As part of Settlement Notice procedures, PSA will run the names of all Settlement
17 Class Members through the National Change of Address ("NCOA") database to determine any
18 updated addresses for Settlement Class Members. If a Class Notice Packet from the initial notice
19 mailing is returned as undeliverable, the Settlement Administrator will attempt to obtain a current
20 address for the Settlement Class Member to whom the returned Class Notice Packet had been
21 mailed by undertaking skip tracing. If the Settlement Administrator is successful in obtaining a new
22 address, it will promptly re-mail the Class Notice Packet to the Settlement Class Member. Further,
23 any Class Notice Packets that are returned to the Settlement Administrator with a forwarding
24 address before the Response Deadline shall be promptly re-mailed to the forwarding address affixed
25 thereto.

26 9. PSA has been appointed as a Settlement Administrator in both State and Federal
27 Courts.

28 10. A true and correct copy of PSA's Curriculum Vitae is attached hereto as Exhibit A.

11. Phoenix Settlement Administrators has adequate procedure in place to safeguard the data and funds to be entrusted to it. PSA's Technology and Banking groups are directly involved with Management on all issues of Information Security and Settlement Fund transfer, as it pertains to the continuance of business processes, and all risk, vulnerability, security and assessments as it pertains to information. The group, along with internal systems in place, monitor and communicate with Management on a Preventative and comprehensive level, in order to prevent potential Strategic or Compliance Risks. All processing of confidential and personal information is handled and maintained within the organization and therefore all data received is kept within a strict chain of custody internally. All informational assets are classified and assigned based on initial case assessment, client and procedural requirements. The Technology Group handles all higher-level ownership of information and physical peripherals, as well as ownership of direct / indirect assets associated with technology and the continuance of business, Specific Users, Groups or Entities are assigned Shared Ownership or Management Capability based on procedural needs, and security level granted.

12. In addition to high levels of Data Center Policies/Procedures and Facility/Maintenance Security Protocols, PSA's conducts semiannual training to maintain additional safeguards such as:

- a. Phoenix Settlement Administration Business Continuity Policy
- b. Phoenix Settlement Administration Disaster Recovery Plan
- c. Phoenix Settlement Administration Incident Response Plan
- d. Phoenix Settlement Administration Personal Computer Security Policy
- e. Phoenix Settlement Administration Phoenix Data Archiving and Retention Policy
- f. Phoenix Settlement Administration Phoenix Personnel Security Policy
- g. Phoenix Settlement Administration Risk Assessment
- h. Phoenix Settlement Administration Service Provider Risk Assessment
- i. Phoenix Settlement Administrator Classification and Access Rights Policy
- j. Phoenix Settlement Administrator Password Policy
- k. Phoenix Settlement Administrators Certification of Destruction

- 1 1. Phoenix Settlement Administrators Security Awareness Training Program.
- 2 13. PSA currently maintains an errors and omissions insurance policy, in addition to, a
- 3 separate data breach insurance policy.
- 4 14. PSA costs are reasonable and competitive when compared to the industry.
- 5 15. PSA only employs a certified and/or qualified translator to translate Court-
- 6 approved Notices for postings on PSA's website for dissemination to the Class.
- 7 16. To complete the Settlement Administration for the Michael Franchini v. General
- 8 Consolidated Constructors case, the Settlement Administration will include hard cost and hourly
- 9 costs detailed below:
- 10 • Hard Cost: Postage, Printing Supplies, Toll Free Setup, QSF Bank Setup, NCOA,
- 11 Skip Tracing, Re-Mail and Translation costs.
- 12 • Hourly Cost: The hourly rates include Programming Database & Setup, Project
- 13 Management, Notice Packet Formatting, Programming Undeliverable, Programming Claims
- 14 Database, Programming Calculations, Disbursement Review, Printing of Notice & Checks,
- 15 Reconcile Uncashed Checks, Conclusion Reports, Potential Tax Filing and Case
- 16 Management/Maintenance.
- 17 17. Having factored in the hard and hourly cost, the settlement administration for this
- 18 project has a Flat Fee of \$3,500.00. A detailed breakdown of PSA's cost is attached hereto as
- 19 Exhibit B.

20 I declare under penalty of perjury under the laws of the United States and state of California

21 that the foregoing is true and correct.

22 Executed on August 11, 2022, at Orange, California.

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Michael Moore