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JOSE GARCIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

JOSE GARCIA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

TURN KEY SCAFFOLD, LLC, a California
limited liability company; and DOES 1
through 100, inclusive,

Defendants.

Case No.: 37-2020-00021177-CU-OE-CTL

*[Case assigned for all purposes to the Hon.
Kenneth J. Medel, Dept. C-66]*

**DECLARATION OF JARROD SALINAS
ON BEHALF OF PHOENIX
SETTLEMENT ADMINISTRATORS
WITH RESPECT TO OPT OUTS AND
OBJECTIONS RECEIVED**

Date: February 18, 2022
Time: 9:30 a.m.
Dept.: C-66

Action Filed: June 19, 2020
Trial Date: None Set

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I, JARROD SALINAS, declare as follows:

1. I am employed by Phoenix Settlement Administrators (“PSA”), the court appointed class action settlement administrator, as Case Manager for *Jose Garcia v. Turn Key Scaffold, LLC* and have personal knowledge of the facts set forth in this Declaration, and if called as a witness, could and would testify competently thereto.

2. PSA has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, property damage, employment discrimination, employment wage and hour, product liability, insurance and consumer issues. PSA specializes in pre-settlement consultation, data management, legal notification, call center support, settlement processing and tax reporting.

3. PSA was selected by the Parties and approved by the Court to provide notice of the settlement and processing services in this action. In this capacity, PSA was charged with: a) preparing, translating, printing and providing to Settlement Class members the Notice of Pendency of Class Action and Proposed Settlement, hereinafter referred to as “Class Notice”; b) processing undeliverable mail and locating updated addresses for Settlement Class members; c) establishing a toll-free number to assist and address any questions from members of the settlement class; d) receiving and reporting any Requests for Exclusion and Objections submitted by Settlement Class members; e) administering disputes by Settlement Class members; f) providing weekly reports to the Parties; g) establishing and administering a qualified settlement fund to disburse all settlement payments; h) calculating Individual Settlement Payments for each Settlement Class member; i) issuing and distributing Class Counsel’s fees and costs, the Named Plaintiff’s Service Award, the LWDA payment and Settlement Payments to Settlement Class members; j) calculating and remitting all amounts due to the appropriate federal, state, and local tax authorities; k) receiving and reviewing other communications about the Settlement; l) filing any required reports with the Court; and m) performing any additional tasks requested by the Parties.

1 4. PSA received the Court-approved text for the Class Notice from Plaintiff's
2 Counsel on October 8, 2021.

3 5. PSA prepared a draft of the mailing to the Settlement Class members. The mailing
4 consisted of a five (5) page Class Notice in English and six (6) page Class Notice in Spanish.
5 Attached hereto as **Exhibit A** is a true and correct copy of the Class Notice that was mailed to
6 Settlement Class members. PSA received approval from the Parties and a sufficient number of
7 each were printed according to the anticipated class size.

8 6. On October 25, 2021, PSA received data files from Defense Counsel containing
9 the names, last known addresses, phone numbers, social security numbers, positions held, the
10 dates of employment and the number of workweeks worked by each Settlement Class member
11 while employed during the Class Period.

12 7. On November 12, 2021, PSA conducted a National Change of Address ("NCOA")
13 search in an attempt to update the class list of addresses as accurately as possible, for all
14 Settlement Class members. A search of this database provided updated addresses for any
15 individual who had moved in the previous four (4) years and notified the U.S. Postal Service of
16 their change of address.

17 8. The Class Notices were enclosed in envelopes with the names and last known
18 addresses printed on them. On November 12, 2021, the Class Notices were mailed by U.S. first
19 class mail to three hundred twenty-two (322) Settlement Class members. The deadline to submit
20 disputes, requests for exclusion or objections was January 11, 2022

21 9. As of the date of this declaration, fifty-six (56) Class Notices were returned to our
22 office by the Post Office, none of which had a forwarding address. PSA performed a Skip Trace
23 on all returned mail with no forwarding address in an attempt to locate a better address using
24 TransUnion TLOxp, one of the most comprehensive databases available. It utilizes hundreds of
25 different databases supplied by credit reporting agencies, public records and a variety of other
26 national databases.

10. As of the date of this declaration, none of the Settlement Class members contacted Phoenix requesting another Notice Packet to be mailed to them.

11. As of the date of this declaration, fifty (50) Class Notices were re-mailed during the response period as a result of locating a better address after Skip Trace.

12. As of the date of this declaration, there are six (6) undeliverable Class Notices as no forwarding address was provided and no new address was obtained through skip trace.

13. As of the date of this declaration, PSA has received zero (0) requests for exclusion. Therefore, as of the date of this declaration, the participation rate amongst the Settlement Class members is 100%.

14. As of the date of this declaration, there are no outstanding disputes. Nor were any disputes submitted from Settlement Class members.

15. As of the date of this declaration, PSA has not received any objections to the Settlement.

16. Pursuant to the terms of the Settlement Agreement, Settlement Class members will receive a portion of the Net Settlement Amount based on the number of workweeks Settlement Class members were employed during the Class Period. As of the date of this declaration, the estimated Net Settlement Amount available to the Settlement Class members is as follows:

Gross Settlement Amount ("GSA"):	\$175,000.00
Minus Court-approved attorneys' fees (1/3 of GSA):	\$58,333.33
Minus Court-approved, verified costs:	\$11,077.00
Minus Court-approved Class Representative Service Award:	\$7,500.00
Minus Settlement Administration Costs:	\$10,000.00
Minus PAGA payment to the LWDA:	\$7,500.00
Minus Estimate of Employer's Payroll Taxes	\$3,489.38
Net Settlement Amount ("NSA"):	\$77,100.29

17. Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00) of the Gross Settlement Amount has been designated as the "PAGA Amount". Each Participating Settlement

1 Class member who was employed by Turn Key at any time from April 6, 2019 through June 30,
2 2021, shall receive a portion of the PAGA Amount proportionate to the number of workweeks that
3 he or she worked during the period of April 6, 2019 through June 30, 2021. Two Hundred Forty-
4 Eight (248) Settlement Class members are receiving a portion of the PAGA Amount and the
5 average PAGA payment is \$10.08.

6 18. Pursuant to the terms of the Settlement Agreement, Defendant will pay the
7 employer's share of payroll taxes separately from the Gross Settlement Amount.

8 19. As of the date of this declaration, the estimated average settlement payment to each
9 Settlement Class member is \$227.26. The estimated median settlement payment to Settlement
10 Class members is \$138.39. The lowest estimated settlement payment is \$5.71, and the highest
11 estimated settlement payment is \$1,304.07, without applicable taxes, withholdings, and employee
12 garnishments.

13 20. PSA will charge a total of \$10,000.00 in costs associated with the administration
14 of the Settlement. This includes all costs incurred to date, as well as estimated costs involved in
15 completing the Settlement.

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

18 Executed on January 13, 2022 at Orange, California.

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20 *Jarrood Salinas*_____

21 Jarrood Salinas
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