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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

BRAYDEN HUMPHERYS, and JEREMY HATCHER, each individually, on behalf of all similarly situated former and current employees, and LOGAN SHANE CRABTREE, on behalf of the similarly situated aggrieved employees,

Plaintiff,

v.

VIVINT, INC., a Delaware corporation;
VIVINT SMART HOME, INC., a Delaware corporation; SMART HOME PROS, INC., a Delaware corporation; ARM SECURITY, INC., a corporation state unknown; and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 30-2020-01141910-CU-OE-CXC

CLASS ACTION

**DECLARATION OF LAURA SINGH
(CPT GROUP, INC.) IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: December 8, 2023
Time: 1:30 p.m.
Dept: CX103
Judge: Hon. Lon Hurwitz

1 I, LAURA SINGH, hereby declare:

2 1. I am employed as a Case Manager of Class Action Services by CPT Group, Inc.
3 (“CPT”), the Settlement Administrator in the above-entitled action. Our California office address
4 is 50 Corporate Park, Irvine, CA 92606. I am over twenty-one years of age, have personal
5 knowledge of the following facts, except to those stated on information and belief, and am
6 authorized to make this declaration on behalf of CPT. If called as a witness, I could and would
7 testify consistently herewith.

8 2. CPT (“Settlement Administrator”) has extensive experience in providing notice of
9 class actions and administering class action settlements. In the past 30-plus years, we have provided
10 notification and/or claims administration services in thousands of class action cases.

11 3. CPT was approved by this Court to administer the settlement in accordance with the
12 terms of the Amended and Restated Joint Stipulation of Class Action Settlement (the “**Settlement**
13 **Agreement,**” or “**Settlement**”) and Preliminary Approval Order signed July 27, 2023. To the
14 extent not defined herein, capitalized terms are used as defined in the Settlement Agreement.

15 4. CPT’s duties include preparing, printing, and mailing and emailing the Class Notice
16 to all Class Members; conducting a National Change of Address search and to the extent necessary
17 a “skip trace” on any Class Notices returned by the U.S. Postal Service (“USPS”) as non-
18 deliverable, and re-mailing the Class Notice to the Class Member’s new address; setting up a toll-
19 free telephone number and dedicated email address to receive inquiries from Class Members;
20 receiving and reviewing for validity Opt-Out forms and class data disputes; calculating Individual
21 Settlement Payments; establishing alternative forms of payment; issuing the checks to effectuate
22 the payments due under the Settlement; and otherwise administering the Settlement pursuant to the
23 Settlement Agreement.

24 **NOTIFICATION TO THE CLASS**

25 5. On or about July 28, 2023, CPT received from Class Counsel the Court-approved
26 Class Notice that was approved by the Court in Word format.

27 6. On or about October 13, 2023, Counsel for Defendants provided CPT with a data
28 list formatted in Microsoft Excel containing the information required by the Settlement Agreement

1 to make up the Class List (“**Class List**”). The Class List contained data for 5,888 individuals, of
2 which 5,546 are identified as Class Members and 4,106 PAGA aggrieved employees. One
3 additional Class Member was later identified and added to the Class List, which resulted in 5,547
4 Class Members before Opt-Outs.

5 7. The mailing addresses contained in the Class List were processed and updated
6 utilizing the National Change of Address Database (“**NCOA**”) maintained by the USPS. The
7 NCOA contains changes of addresses filed with the USPS. In the event that any individual had
8 filed a USPS change of address request, the address listed within the NCOA was utilized in
9 connection with the mailing of the Class Notices.

10 8. On September 6, 2023, after updating the mailing addresses through the NCOA, the
11 Class Notice was mailed via First Class U.S. Mail to 5,795 individuals with a valid mailing address
12 originally identified in the Class List.

13 9. On September 7, 2023, the Class Notice was also emailed to the 5,782 individuals
14 in the Class List with a valid email address.

15 10. On September 7, 2023, the First Amendment to Settlement Agreement, Amended
16 Restated Settlement Agreement, Class Notice, Objection Form, Opt-Out Form, Operative
17 Complaint, and Preliminary Approval Order were posted on the CPT website page established
18 specifically for this case.

19 11. As of this date of this declaration, 661 Notices have been returned to our office by
20 the Post Office, 23 of which were provided a new address by the Post Office. CPT performed a
21 Skip Trace to locate a better address using Accurant, one of the most comprehensive address
22 databases available. It utilizes hundreds of different databases supplied by credit reporting
23 agencies, public records, and a variety of other national databases. Ultimately, after additional
24 searches, only 138 Class Notices that were mailed were undeliverable because CPT was unable to
25 find a better mailing address and of that group, only 5 did not also have an email address in the
26 Class List to which the Class Notice was also sent.

27 12. As such, the Class Notice success rate using mail and/or email was 99.91%, which
28 is among the highest notice success rates in cases CPT administers.

1 Cline; Brett Lambert; Nathan Marco; Brittany Mixon; Samuel Silva; Alyssa Weaver; and Adam
2 Webb. As such, there are 5,541 participating Class Members.

3 18. Similarly, Class Members who wished to object to the Settlement were directed to
4 submit a written objection to CPT by November 6, 2023, unless such time was extended because
5 of re-mailing or by stipulation of the parties. As of today, CPT has received only one objection to
6 the Settlement from Class Member Rodney Ratheal, which is attached hereto as ***Exhibit A*** and
7 which I am informed and believe is attached to the Notice of Lodgment filed concurrently herewith
8 as ***Exhibit B***. I am not aware of any other Class Member desiring to object to the Settlement.

9 **CALCULATION OF GROSS SETTLEMENT FUND AND SETTLEMENT BENEFITS**

10 19. The Settlement Agreement provided a Gross Settlement Fund of \$6,500,000 based
11 on Defendants' representation that the Class List would contain 5,541 Class Members; *provided*,
12 *however*, if the Class List turned in by Defendants resulted in more Class Members than represented
13 by more than a 10% allowance, then the Gross Settlement Fund would increase on a pro-rata basis
14 over the 10% allowance.

15 20. The Class List included 5,547 Class Members and 4,106 as PAGA aggrieved
16 employees, which is not over the allowance. Thus, the escalation clause was not triggered.

17 21. The Class List identified 297 Settlement Class Members with unfulfilled wage
18 advance obligations totaling \$1,927,148.09 that will be released by the Settlement and retained by
19 Class Members. The Class List identifies the following Class Members as excluded or "carved-
20 out" from the wage advance release, and as such, they are not included in the above totals: John
21 Barsoumian; Jeremy Bega; Terence Celestine; Tyler Clougher; Michael Deaunovich; Matthew
22 Griffin; Justin Holt; Terrance Jesclard; Kekoa Kane; Briant Katilus; Jeffrey Proebstle; Joseph
23 Schoendorf; Jared Tripp; and JonPaul Winton.

24 **ADMINISTRATION COSTS**

25 22. CPT's original proposal dated May 3, 2022, for services in connection with the
26 administration of this Settlement, including fees and costs incurred and anticipated future fees
27 and costs for completion of the administration, was \$32,500.

28 23. With the request of an email campaign in connection to Notice of a digital payment

option to an estimated 5,560 Class Members with a valid email, the total requested fee increased by \$1,500, which Class Counsel agreed to pay in a separate invoice and seek reimbursement as a case cost, subject to Court approval, to not exceed our original bid that was disclosed in the Class Notice. These charges include all work to conclude CPT's duties and responsibilities pursuant to the Settlement, such as mailing and re-mailing of Individual Settlement Payments, post card reminders, responding to Class Member inquiries, and preparing a final report of Administration once all checks have cleared and any unclaimed funds are deposited with the Controller of the State of California to be held pursuant to the Unclaimed Property Law, California Civil Code §1500, *et. seq.* for the benefit of those Verified Settlement Class Members who did not cash their checks. A final invoice consistent with our original bid is attached hereto as ***Exhibit B***.

NET SETTLEMENT AMOUNT AND INDIVIDUAL SETTLEMENT PAYMENTS

24. Assuming full requested awards are granted, the Net Settlement Amount available to pay Settlement Class Members is calculated as follows:

Gross Settlement Fund:	\$6,500,000.00
Less Requested Attorneys' Fees	-\$2,359,164.00
Less Requested Litigation Costs	-\$17,425.74
Less Requested Settlement Administration	-\$32,500.00
Less Requested Enhancement Awards	-\$80,000.00
<u>Less Proposed PAGA Penalties to LWDA</u>	<u>-\$97,500.00</u>
NET SETTLEMENT AMOUNT (including Employees' Share of PAGA Penalties)	\$3,913,410.45

25. From the Gross Settlement Fund, \$32,500 has been designated as the "Aggrieved Employee PAGA Share" which shall be distributed on a pro-rata basis to "All persons currently and formerly employed by Defendants in solar or alarm sales in the State of California on a door-to-door basis who made at least one sale in California between September 15, 2019 and July 27, 2023." There are 4,106 PAGA Aggrieved Employees (inclusive of certain Class Members).

26. Pursuant to the Settlement Agreement, Class Members are classified as "direct

1 sellers” (which I am informed and believe is a payroll tax exemption under *Unemployment*
2 *Insurance Code* §650 and *Internal Revenue Code* § 3508 for certain in-home sales) and thus,
3 Defendants will have no payroll tax obligations under this Settlement. CPT will issue Class
4 Members an IRS Form 1099 for their Individual Settlement Payments. (Sett. Agr. p. 20:11-19).

5 27. Based on the weighted points system, assuming full awards and not accounting for
6 the monies retained by Class Members through the release of claims, each weighted point is worth
7 \$5.04 making the estimated highest individual recovery \$22,823.48, the lowest individual recovery
8 \$25.22, and the average individual recovery \$660.00.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing
10 is true and correct and that this declaration was executed on this 17th day of November 2023, in
11 Irvine, California.

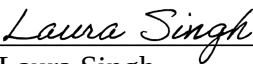
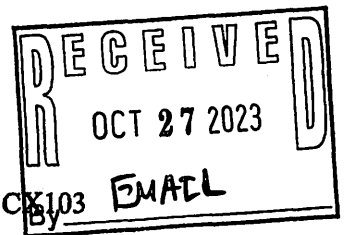
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EXHIBIT A

Attachment 2
OBJECTION FORM

Logan Shane Crabtree, et al. v. Vivint, Inc., et al.
Superior Court of California, for the County of Orange, Department CX103
Case No. 30-2020-01141910-CU-OE-CXC



NOTICE OF OBJECTION TO CLASS ACTION
SETTLEMENT

IF YOU WISH TO OBJECT TO THE SETTLEMENT DESCRIBED IN THE ACCOMPANYING NOTICE, PLEASE COMPLETE THIS FORM.

You have a right to object to the Settlement, or any of its terms. In order to object, you must NOT have submitted an Opt-Out Form. If you choose to object, you must complete this form and send the signed form **NO LATER THAN 60 days from the date of the Notice to CRABTREE V. VIVINT, INC. CLASS ACTION SETTLEMENT** c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606 or vivintsettlement@cptgroup.com and copy Class Counsel via mail or email (see Class Notice).

Name: Rodney Ratheal (Old Address 5109 79th Dr. Lubbock, TX 79424)
Address: 5245 San Palo Dr. Pahrump, NV 89061

Telephone Number: 435-817-7937 Email: rathealrod@gmail.com

Last Four of Your Social Security Number: 1026

Dates of Employment with the Company: March 2013 - July 2019

Do You Intend to Appear At The Final Approval Hearing? (Circle: YES ☒ NO)

DESCRIBE THE BASIS OF YOUR OBJECTION IN THE SPACE PROVIDED BELOW AND/OR ON THE REVERSE. YOU MAY ENCLOSE ADDITIONAL PAGES.

I HEREBY CONFIRM THAT I WANT TO OBJECT TO THE SETTLEMENT FOR THE REASONS STATED HEREIN.

Dated: 10/26/2023 Signature: Rodney Ratheal

Managers shouldn't participate in settlement. The managers were guilty of taking referrals from the low level sales agents (door-to-door) and made a lot of money. Remove the managers from benefiting from this settlement.

Crabtree v. Vivint, Inc.

CaseNo: 30-2020-01141910-CU-OE-CXC

EXHIBIT B

Crabtree v. Vivint, Inc.

All-In Settlement

* Class Members: **5,888**
Opt-Out Rate: **0.12%**
Opt-Outs Received: **7**
Postage Total: **\$8,943.51**
Grand Total: **\$46,628.47**

DISCOUNTED FLAT FEE: \$32,500.00

SUMMARY OF SERVICES: INTERACTIVE WEBSITE / FULL-NOTICE PACKET SENT BY DIRECT MAIL AND EMAIL / .5% OPT-OUT FILING RATE / DISPUTE AND OPT-OUT PROCESSING / TEN WITH LIVE CALL CENTER SUPPORT / EMAIL NOTICE FOR DIGITAL PAYMENT OPTION / CALCULATIONS / WEEKLY REPORTS / ACH, DIGITAL PAYMENTS OR MICR CHECK, 1099 & W2 / TAX REPORTING / DECLARATION / UNCASHED CHECKS REVERT TO UNCLAIMED PROPERTY DIVISION

CASE SETUP

Upon Intake of the Class Data, CPT will Scrub all Records to a Useable Format to Reduce Duplicates, Anomalies and Increase the Success Rate of Deliverability of the Class Notice. Throughout the Duration of the Settlement, Class Members will be Assigned a Unique Mailing ID. CPT will Establish and Maintain an Interactive Website and for Up to Two Years after Final Approval. The Settlement Website will Post the Full-Length Notice and all Pertinent Settlement Documents for Download and Provide Electronic Claims Filing Capabilities.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Project Manager	\$95.00	7	\$665.00
System Programming/Data Base Setup	\$150.00	7	\$1,050.00
Toll-Free Number Establish/Setup	\$150.00	2	\$300.00
Interactive Website	\$3,000.00	1	\$3,000.00
TOTAL			\$5,015.00

DIRECT EMAIL NOTIFICATION - INITIAL

CPT will Perform a Third-Party Email Validation Scan to Improve the Success Rate of Deliverability and Reduce the Number of Undeliverable Emails. Upon Completion of the Initial Email Notice, CPT will Attempt to Resend to Soft Bounced Emails.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Project Manager-Email Notice Format	\$95.00	2	\$190.00
Third-Party Email Validation/Scrub	\$0.25	5,782	\$1,445.50
Email Notification Setup/Establish/Formatting	\$150.00	2	\$300.00
Email Notification Segmentation/Sending	\$150.00	2	\$300.00
Email Notification Reporting/Monitoring	\$250.00	1	\$250.00
Email Summary Notices - Initial Notification + Attempts to Resend to Soft Bounced Emails	\$0.20	5,782	\$1,156.40
Total			\$3,641.90

DIRECT MAIL NOTIFICATION

To Ensure Mailing to the Most Current Address Possible, CPT will Perform an Address Update via NCOA and Further Skip Trace Using XML LexID, if Necessary. CPT will Print and Mail a Full-Length Notice to all Class Members.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
NCOA	\$150.00	1	\$150.00
XML LexID (10%)	\$0.34	580	\$198.59
Project Manager-Opt-Out/Notice Format	\$95.00	2	\$190.00
Print & Mail Notice Packet	\$0.65	5,795	\$3,766.75
Estimated Postage	\$0.66	5,795	\$3,824.70
TOTAL			\$8,130.04

PROCESS RETURNED UNDELIVERABLE MAIL

Based Upon CPT's Historical Data after Using XML LexID, 5% of the Notices will be Returned Undeliverable. Upon Receipt, CPT will Perform a Skip Trace in an Attempt to Obtain a Current Address; Thus, 70% of the Summary Notices will be Remailed.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Update Undeliverable	\$0.10	138	\$13.80
Skip Traces	\$0.50	638	\$319.00
Print & Remail Notice Packet	\$0.65	97	\$63.05
Estimated Postage	\$0.66	97	\$64.02
Clerical Staff	\$60.00	2	\$120.00
TOTAL			\$579.87

OPT-OUT PROCESS ADMINISTRATION

CPT will Process and Validate all Opt-Outs and Other Responses from Class Members. Deficient Opt-Outs will Receive a Deficiency Notice by Mail and Provided Opportunity to Cure. CPT will Scrub the Opt-Outs Filed to Eliminate Duplicates, Fraudulent, and Otherwise Invalid. CPT will Maintain a Dedicated Toll-Free Phone Number for Up to Two Years After Disbursement with IVR Capabilities and Live Class Member Support Representatives During Normal Business Hours (Monday-Friday 9:00 AM - 5:30 PM, PST).

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Programming of Opt-Out Data Base	\$150.00	4	\$600.00
Opt-Out/ Change of Address Processing	\$3.50	7	\$24.50
Clerical Staff	\$60.00	1	\$60.00
Deficiency/Dispute Letters	\$15.00	1	\$15.00
Estimated Postage (up to 1 oz.)	\$0.66	1	\$0.66
Project Manager	\$95.00	1	\$95.00
Live Bi-Lingual Call Center Support	\$2.50	243	\$607.50
TOTAL			\$1,402.66

DIRECT EMAIL NOTIFICATION - DIGITAL PAYMENT OPTION

CPT will Send Email Notice to 5,560 Class Members for Digital Payment Option

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Project Manager-Email Notice Format	\$95.00	2	\$190.00
Email Notification Setup/Establish/Formatting	\$150.00	2	\$300.00
Email Notification Segmentation/Sending	\$150.00	2	\$300.00
Email Notification Reporting/Monitoring	\$250.00	1	\$250.00
Email Summary Notices - Digital Payment Option	\$0.20	5,560	\$1,112.00
Total			\$2,152.00

SSN VERIFICATION

Verify SSN for Validity with IRS / IRS Backup Withholdings

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Programming for SSN Selection	\$150.00	1	\$150.00
Project Manager	\$95.00	3	\$285.00
SSN Verification	\$0.05	5,881	\$294.05
TOTAL			\$729.05

DISTRIBUTION SERVICES

CPT will Establish and Manage the Qualified Settlement Fund (QSF) for up to Two Years After Disbursement. Upon Final Approval of the Settlement, CPT will Perform all Necessary Settlement Calculations and Mail a 8.5"x11" MICR Check to all Valid Claimants That Request a Physical Check, Estimated at 50% and the Remaining Valid Claimants will Elect to Receive Settlement Funds via ACH or Digital Payment. CPT will Send a Check Reminder Postcard or Email to Any Class Member That Has Not Cashd Their Check 120 Days After Disbursement. CPT Uses a Payee Positive Pay System to Reconcile Checks Cashd and Conducts Monthly Account Reconciliations for the QSF.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Programming Database-Calculate Totals	\$150.00	3	\$450.00
Project Supervisor Review of Distribution	\$150.00	6	\$900.00
Project Manager-Correspond w/ Attorney	\$95.00	3	\$285.00
Obtain EIN, Setup QSF/Bank Account	\$150.00	3	\$450.00
Programming/Setup & Printing of Checks	\$150.00	6	\$900.00
Email Notification Setup/Establish/Formatting	\$150.00	2	\$300.00
Email Notification Segmentation/Sending	\$150.00	1	\$150.00
Email Notification Reporting/Monitoring	\$150.00	2	\$300.00
Email Notification to Select Payment Option	\$0.20	5,888	\$1,177.60
Print & Mail Checks, W-2/1099 (8x10 sheet) (50%)	\$1.25	2,941	\$3,676.25
Processing & Issuing Electronic Payment via ACH, Digital Payments (50%)	\$0.35	2,941	\$1,029.35
Print & Mail W2/1099 to Class Members that Select Digital Payment	\$0.50	2,941	\$1,470.50
Estimated Postage (up to 1 oz.)	\$0.63	5,882	\$3,705.66
Check Reminder Postcard	\$0.40	1,912	\$764.66
Postage for Reminder Postcard	\$0.52	1,912	\$994.06
Email Reminder Notice	\$0.20	1,912	\$382.33
TOTAL			\$16,935.41

SETTLEMENT CONCLUSION & TAX REPORTING - 2024

Any Check Returned Undeliverable is Skip Traced to Locate a Current Address and Remaild Accordingly. CPT will Process Requests for Check Reissues Continuously. CPT Prepares Annual Tax Reporting on Behalf of the QSF, and Federal and State Taxes in Accordance with Current State and Federal Regulations.

Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
Re-Issue Checks as Required	\$1.50	295	\$442.50
Project Supervisor -Account Recons	\$100.00	15	\$1,500.00
Skip Trace	\$0.50	88	\$44.00
Remail Undeliverable Checks	\$1.50	88	\$132.00
Estimated Postage (up to 1 oz.)	\$0.66	383	\$252.78
Project Supervisor-Reconcile Uncashed Chk	\$150.00	1	\$150.00
Programming- Reports	\$150.00	2	\$300.00
Project Manager - Acnt Files Sent to Atty	\$150.00	2	\$300.00
Project Supervisor - Final Declaration	\$150.00	2	\$300.00
CA Tax Preparation	\$600.00	1	\$600.00
Annual Tax Reporting to IRS	\$1,000.00	1	\$1,000.00
QSF Annual Tax Reporting	\$500.00	1	\$500.00
TOTAL			\$5,521.28

ESCHEATING PROCESSING

Escheatment Processing to the State Controller Unclaimed Property Division / Uncashed Check Rate 21%			
Administrative Tasks:	Unit Price	Pieces/Hours	Cost Estimate
UPEnterprise Reporting Services	\$0.10	1,235	\$123.50
Project Manager - Fall Reporting	\$95.00	2	\$190.00
Project Supervisor-Fall Reporting	\$150.00	1	\$150.00
Certified Mail Report to SCO	\$10.06	1	\$10.06
Check Reissues - Winter/Spring QTR	\$1.75	124	\$216.13
Estimated Postage (up to 1 oz.) for Reissue	\$0.66	124	\$81.51
Project Manager - June Remittance	\$95.00	2	\$190.00
Project Supervisor - June Remittance	\$150.00	1	\$150.00
Certified Mail Report to SCO	\$10.06	1	\$10.06
Add'l Account Recons	\$150.00	6	\$900.00
Add'l QSF Annual Tax Reporting	\$500.00	1	\$500.00
		TOTAL	\$2,521.26
GRAND TOTAL:			\$46,628.47