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2 ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
3 LIANE KATZENSTEIN LY, Esq., (SBN 259230)
4 liane@kingsleykingsley.com
KINGSLEY & KINGSLEY, APC
5 16133 Ventura Blvd., Suite 1200
6 Encino, CA 91436
(818) 990-8300, Fax (818) 990-2903
7 Attorneys for Plaintiff and Certified Class

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF IMPERIAL**
11

12
13 JESUS A. RIOS an individual, on behalf of
14 himself and others similarly situated,

15 PLAINTIFF,

16
17 v.

18 ALL STAR SEED; and DOES 1 thru 50,
19 inclusive,

20 DEFENDANTS.
21

CASE NO. ECU08770

DECLARATION OF STEPHEN L.
DONALDSON REGARDING
NOTICE

22
23 I, STEPHEN L. DONALDSON, declare and state as follows:

24 1. I am a Director of JND Legal Administration ("JND"). The following
25 statements are based on my personal knowledge and information provided to me by
26 other JND employees working under my supervision and, if called on to do so, I could
27 and would testify competently thereto.

28 2. JND is serving as the Settlement Administrator in the above-captioned
litigation ("Action") for the purposes of administering the parties' Joint Stipulation of
Class Action Settlement and Release ("Agreement"), preliminarily approved in the

1 Court's Order Granting Preliminary Approval of Class Action Settlement dated May 21,
2 2020.

3
4 3. JND is a legal administration services provider with its headquarters
5 located in Seattle, Washington. JND has extensive experience in all aspects of legal
6 administration, and has administered settlements in hundreds of cases.

7
8 **DATA TRANSFER**

9 4. On September 2, 2020 Defendants' Counsel provided JND with an
10 electronic file containing the names and last-known mailing addresses for 390 Class
11 Members. The Class Member data was promptly loaded into a database established for
12 this Action.

13
14 **NOTICE MAILING**

15 5. Pursuant to the terms of the Agreement, on October 2, 2020, JND sent the
16 Court-approved Notice via first-class regular U.S. mail to the 390 Class Members. Prior
17 to mailing, JND updated 40 Class Member addresses using the USPS National Change
18 of Address database¹. The Notice informed Class Members of their rights in the
19 Settlement and the deadline for filing a Claim, objecting to, or excluding from the
20 Settlement.

21
22 6. As of the date of this Declaration, JND has tracked one Notice from the
23 original mailing that was returned as undeliverable with a forwarding address. This
24 Notice were promptly forwarded. As of the date of this Declaration, JND has tracked
25 74 Notices from the original mailing that were returned as undeliverable without a
26 forwarding address. JND conducted advanced address research and updated address
27
28

¹ The NCOA database is the official United States Postal Service ("USPS") technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

1 information was received for 49 Class Members. JND re-mailed the Notice to the 49
2 Class Members for which an updated address was received.
3

4 CLAIM FORMS

5
6 7. The deadline for Class Members to submit a Claim Form was a postmark
7 deadline of December 1, 2020.

8 8. As of the date of this Declaration, JND has received 110 timely Claim
9 Forms.

10 9. As of the date of this Declaration, JND has received one Claim Form
11 postmarked past the deadline of December 1, 2020. Per Counsel's instruction, this
12 additional Claim Form is to be included in the Settlement.

13 10. JND has calculated the average Settlement payment amount to be
14 \$2,343.57, and the highest Settlement payment amount to be \$5,115.21.
15

16 OBJECTIONS

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18 11. The deadline for Class Members to submit an objection to the Settlement
19 was a postmark deadline of December 1, 2020.

20 12. As of the date of this Declaration, JND has not received any objections to
21 the Settlement.
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23 EXCLUSIONS

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25 13. The deadline for Class Members to submit a request for exclusion to the
26 Settlement was a postmark deadline of December 1, 2020.

27 14. As of the date of this Declaration, JND has received one request for
28 exclusion to the Settlement.

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10 I declare under the penalty of perjury pursuant to the laws of the United States of
11 America and the State of Washington and the State of California that the foregoing is
12 true and correct.


STEPHEN L. DONALDSON

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On December 9, 2020 , I served all interested parties in this action the following documents described as: **DECLARATION OF STEPHEN L. DONALDSON REGARDING NOTICE** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Scott C. Lacunza
JACKSON LEWIS, PC
200 Spectrum Center Drive, Suite 500
Irvine, CA 92618
Scott.lacunza@jacksonlewis.com

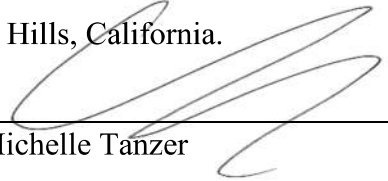
☐ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE:** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/271>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 9, 2020 , at Woodland Hills, California.



Michelle Tanzer