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Attorneys for Plaintiffs Jeremy R. Rodriguez and Vaqar Hussain

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO - CIVIL DIVISION**

JEREMY R. RODRIGUEZ, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

KELLES TRANSPORT SERVICE LLC dba
SOAR TRANSPORTATION GROUP; a
Utah Limited Liability Company, and DOES
1 through 50, inclusive,

Defendants.

Case No. CIVDS2015275

**DECLARATION OF NATHALIE
HERNANDEZ OF ILYM GROUP, INC.,
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: June 30, 2023
Time: 8:30 a.m.

Judge: Hon. Janet Frangie
Dept.: S29

1 I, Nathalie Hernandez, declare as follows:

2 1. I am a resident of the United States of America and am over the age of 18. I am a
3 Case Manager for ILYM Group, Inc., (herein after referred to as “ILYM Group”), the professional
4 settlement services provider who has been retained by the Parties’ Counsel and subsequently
5 appointed by the Court to serve as the Claims Administrator for the above captioned *Rodriguez v.*
6 *Kelles Transport Service, LLC* matter. I am authorized to make this declaration on behalf of ILYM
7 Group and myself. I have personal knowledge of the facts herein, and, if called upon to testify, I
8 could and would testify competently to such facts.

9 2. ILYM Group has extensive experience in administering Class Action Settlements,
10 including direct mail services, database management, claims processing and settlement fund
11 distribution services for Class Actions ranging in size from 26 to 4.5 million Settlement Class
12 Members.

13 3. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and
14 appointed by the Court to provide notification services and claims administration, pursuant to the
15 terms of the Settlement, in the above referenced Action. Duties performed to-date and to be
16 performed after Final Approval of the Settlement is granted, include: (a) printing and mailing the
17 *Notice of Proposed Class Action and Private Attorney General Act Settlement* and *Share Form*
18 (referred to as “Notice Packet”); (b) receiving and processing requests for exclusion; (c) resolving
19 Settlement Class Members’ disputes over the number of workweeks Defendants have record of
20 them working during the Class Period, which was pre-printed on their individualized Share Form;
21 (d) calculating individual settlement award amounts; (e) processing and mailing settlement award
22 checks; (f) handling tax withholdings as required by the Settlement and the law; (g) preparing,
23 issuing and filing tax returns and other applicable tax forms; (h) handling the distribution of any
24 unclaimed funds pursuant to the terms of the Settlement; and (i) performing other tasks as the
25 Parties mutually agree to and/or the Court orders ILYM Group to perform.

26 4. On February 15, 2023, ILYM Group received the Court approved text for the
27 Notice Packet from Counsel for Plaintiff. ILYM Group prepared a draft of the formatted Notice
28 Packet, which was approved by the Parties’ Counsel prior to mailing.

1 5. On February 21, 2023, ILYM Group received the class data file from Counsel for
2 Defendants, which contained the name, social security number, last known mailing address, and
3 employment dates for each Settlement Class Member. The data file was uploaded to our database
4 and checked for duplicates and other possible discrepancies. The Class List contained 91
5 individuals.

6 6. As part of the preparation for mailing, all 91 names and addresses contained in the
7 Class List were then processed against the National Change of Address (“NCOA”) database,
8 maintained by the United States Postal Service (“USPS”), for purposes of updating and confirming
9 the mailing addresses of the Settlement Class Members before mailing of the Notice Packet. The
10 NCOA contains requested change of addresses filed with the USPS. To the extent that an updated
11 address was found in the NCOA database, the updated address was used for the mailing of the
12 Notice Packet. To the extent that no updated address was found in the NCOA database, the original
13 address provided by Counsel for Defendants was used for the mailing of the Notice Packet.

14 7. On March 9, 2023, the Notice Packet was mailed, via U.S First Class Mail, to all
15 91 individuals contained in the Class List. Attached hereto, as **Exhibit A**, is a true and correct
16 copy of the mailed Notice Packet.

17 8. As of the date of this declaration, 15 Notice Packets have been returned to our office
18 as undeliverable. Of the 15 returned Notice Packets, 1 was returned with a forwarding address and
19 promptly re-mailed to the forwarding address provided. ILYM Group performed a computerized
20 skip trace on the 14 returned Notice Packets that did not have a forwarding address, in an effort to
21 obtain an updated address for the purpose of re-mailing the Notice Packet. As a result of this skip
22 trace, 9 updated addresses were obtained and the Notice Packets were promptly re-mailed to those
23 Settlement Class Members, via U.S First Class Mail.

24 9. As of the date of this declaration, a total of 10 Notice Packets have been re-mailed.
25 Specifically, 1 was re-mailed as a result of a forwarding address provided by the USPS, 9 have
26 been re-mailed as a result of ILYM Group’s skip tracing efforts.

27 10. As of the date of this declaration, a total of 5 Notice Packets have been deemed
28 undeliverable. Specifically, 5 have been deemed undeliverable as no updated address was found

1 notwithstanding the skip tracing.

2 11. As of the date of this declaration, ILYM Group has not received any requests for
3 exclusion. The deadline to request exclusion from the Settlement was May 8, 2023.

4 12. As of the date of this declaration, ILYM Group has not received any objections to
5 the Settlement. The deadline to file an objection to the Settlement was May 8, 2023.

6 13. As of the date of this declaration, ILYM Group will report a total of 91 Participating
7 Claimants, representing 100% of the 91 Settlement Class Members.

8 14. Participating Claimants will receive a proportional share of the Net Settlement Fund
9 through individual settlement payments, based on the number of workweeks worked by Class
10 Members during the Class Period. The Net Settlement Fund is the amount remaining after
11 deduction of the Court-approved payments from the Gross Settlement Fund for Class Counsel Fees
12 and Litigation Costs, the Class Representative Enhancement Award, Claims Administration Fees
13 to ILYM Group, LWDA and the Aggrieved Employees allocation, e.g.,

14	Gross Settlement Fund	\$ 91,000.00
15	Attorney Fees	\$ 30,333.33
16	Attorney Costs/Expenses	\$ 15,000.00
17	Enhancement Award	\$ 4,000.00
18	Enhancement Award	\$ 4,000.00
19	ILYM Group Fees	\$ 4,000.00
20	LWDA	\$ 6,750.00
21	Aggrieved Employees	\$ 2,250.00
22	Net Settlement Fund	\$ 24,666.67

23 To determine a Participating Claimant's individual settlement award payment, the distribution shall
24 be divided among all Class Members on a pro rata basis, based on the ratio of the Applicable
25 Workweeks worked by each Class Member during the Class Period, to the total number of
26 Applicable Workweeks worked by all Class Members during the Class Period. Based on these
27 calculations, the Participating Claimants will receive an estimated average gross payment of
28 \$271.06 and the estimated highest gross payment being \$968.41.

15. ILYM Group's total fees and costs for services in connection with the administration of this Settlement, which includes fees and costs incurred to-date, as well as anticipated fees and costs for completion of the settlement administration, are \$4,000.00. ILYM Group's work in connection with this matter will continue with the calculation of the settlement award payments, issuance and mailing of the settlement award checks, the necessary tax filing and reporting on such payments, and any other tasks that the Parties mutually agree to and/or the Court orders ILYM Group to perform.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 6th day of June 2023, at Tustin, California.

Nathalie Hernandez
NATHALIE HERNANDEZ

EXHIBIT “A”

<<Contact>>

Notice Of Proposed Class Action and Private Attorney General Act Settlement

Jeremy R. Rodriguez v. Kelles Transport Service LLC dba SOAR Transportation Group
San Bernardino Superior Court; Case No. CIVDS2015275

THIS IS A COURT-AUTHORIZED NOTICE

Dear <<Contact>>:

You are receiving this Notice because a proposed Class Action Settlement has been reached by the parties in the above-referenced action and Kelle's Transport Service, LLC's ("KTS" or "Defendant") records indicate you are one of the individuals who fall within the Class entitled to receive money.

**You are eligible to receive an Individual Settlement Amount, estimated to be
Approximately \$<<Est.SetAmt>>.**

KTS' records indicate that you are a member of the following Class which includes all persons who are or have been employed by KTS as Non-Exempt Employees or equivalent positions, however titled, in the state of California from the period beginning August 1, 2018, through November 27, 2022.

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS ARE AFFECTED WHETHER YOU
ACT OR DO NOT ACT.**

BASIC INFORMATION

1. What is this lawsuit about?

This putative class action and Private Attorneys General Act ("PAGA") representative action lawsuit ("Action") claims that KTS allegedly (1) failed to pay minimum and regular wages, (2) failed to provide compliant meal periods and pay proper missed meal period premiums, (3) failed to provide compliant rest periods and pay proper missed rest period premiums, (4) failed to pay all wages due upon separation of employment, (5) failed to provide accurate itemized wage statements, (6) failed to indemnify all necessary business expenditures, (7) unlawfully deducted from wages, (8) violated the Private Attorneys General Act Labor Code § 2698 *et seq.* (PAGA), and (9) violated the Business and Professions Code § 17200, *et seq.* ("legal issues"). KTS denies all alleged violations and denies that it owes Class Members any damages, penalties, or other remedies. The Court has not made a ruling on the merits of the case.

Notice of Class Action and Private Attorney General Act Settlement

2. What is a class action lawsuit?

In a class action, one or more persons called Class Representatives or Representative Plaintiffs (in this case Jeremy R. Rodriguez and Vaqar Hussian), sue on behalf of certain current or former employees who appear to have similar claims. All of these people are referred to as Class Members. A court resolves the issues for all Class Members in one or more lawsuits, except for those who exclude themselves from the Action. A Class Member is bound by the judgment entered in the case and may not file his or her own lawsuit on the same claims that were decided or settled in the Action, unless they exclude themselves from the settlement. In the Action, the Court has preliminarily approved the Settlement and appointed Plaintiffs Jeremy R. Rodriguez and Vaqar Hussian as the Class Representatives.

3. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs, the Class or the Defendant. Instead, both sides agreed to a settlement that they believe is fair, reasonable, and adequate under the circumstances.

WHO IS IN THE SETTLEMENT

4. How do I know if I am a Class Member?

You are part of the settlement and a Class Member, if you were a non-exempt employee of KTS who worked for KTS in the State of California at any time from August 1, 2018, through November 27, 2022.

THE SETTLEMENT BENEFITS - WHAT YOU GET

5. What does the settlement provide?

Defendant has agreed to pay a maximum total of \$91,000.00 (the "Gross Settlement Amount") to settle this Action. The Gross Settlement Amount includes KTS' share of payroll taxes arising out of the settlement. The Settlement provides for the appointment of a third-party settlement administrator who is responsible for distributing this notice, making the payments according to the settlement, and performing all tasks required to administer the settlement. Before any payments will be made to Class Members, however, the following deductions will be made from the Gross Settlement Amount:

- Settlement Administration Costs: For its work administering the Settlement, ILYM Group Inc. ("Settlement Administrator") will charge an amount not to exceed \$4,000.00.
- Enhancement Award: For their efforts prosecuting the Action and for acting as the representative on behalf of the Class, Jeremy R. Rodriguez and Vaqar Hussian will each request an Enhancement Award, which shall not exceed ~~\$5,000.00~~ 4,000.00, respectively.
- Attorneys' Fees and Expenses: Class Counsel will request a payment up to \$30,333.33 in attorneys' fees plus reimbursement of actual litigation costs, not to exceed \$15,000.00. Class Members are not personally responsible for paying Class Counsel's attorneys' fees or costs.

Notice of Class Action and Private Attorney General Act Settlement

- **The PAGA Payment:** The sum of \$9,000.00 shall be allocated from the Gross Settlement Amount to resolve civil penalties under the PAGA, Labor Code § 2698 *et seq.* Of the total PAGA Payment (\$9,000.00), seventy five percent (75%) of this sum (\$6,750.00) will be paid to the California Labor and Workforce Development Agency ("LWDA"). The remaining twenty five percent (25%), or \$2,250.00, will be paid to the PAGA Settlement Class.

6. How will my payment be calculated?

After deducting the amounts listed above for Administration Costs, Enhancement Award, Attorneys' Fees and Expenses, and the portion of PAGA Payment paid to the LWDA, the balance of the settlement money ("Net Settlement Sum") will be allocated among the Class Members who do not exclude themselves from this Settlement.

Relying on KTS' personnel records, the Settlement Administrator will determine each Settlement Class Member's Individual Settlement Payment. The Individual Settlement Payments will be allocated on a pro rata basis according to the number of workweeks each Settlement Class Member worked during the Class Period. Thus, Settlement Class Members shall be allocated a pro-rata share of the Net Settlement Sum based on the ratio of the number of each Class Member's workweeks to the total number of workweeks for all Settlement Class Members and multiplying this result by the Net Settlement Sum.

7. How much will I receive?

For information about the amount you will receive, please see the Share Form accompanying this notice.

8. How do I receive my payment?

To receive your payment, ***you do not have to do anything.*** Once the Settlement receives final approval by the Court, the Settlement Administrator will automatically send you your settlement payment check as long as you do not timely request to be excluded.

9. When do I get my payment?

The Court will hold a hearing on June 30, 2023 at 8:30 a.m. to decide whether to approve the Settlement. To check on the progress of the Settlement, you may call the Settlement Administrator at 888-250-6810. If the Court approves the Settlement, and you do not exclude yourself from this Settlement, you will receive payment following the final approval hearing.

The Settlement Administrator will issue checks for Class Members' Individual Settlement Amounts following the Court's final approval of this settlement via U.S.P.S. mail.

YOU MUST NOTIFY THE SETTLEMENT ADMINISTRATOR IF YOU CHANGE YOUR MAILING ADDRESS IN ORDER TO ENSURE THAT YOU RECEIVE YOUR INDIVIDUAL SETTLEMENT PAYMENT.

10. What am I giving up to get a payment or stay in the Class?

If you are a member of the Class, you will remain part of the Settlement unless you submit a request for exclusion. This means you will not be able to sue or be part of any other lawsuit against Kelle's Transport Service, LLC, each of its subsidiaries, affiliates, investors, partners, owners, related organizations, including, but not limited to,

Notice of Class Action and Private Attorney General Act Settlement

predecessors or successors, and all agents, employees, officers, directors, members, managers, holding companies, insurers, and attorneys thereof ("Released Parties") for any claims arising out of or related to the allegations set forth in the Complaint and/or PAGA notice to the LWDA or any other claims or allegations that could have been asserted in the Complaint and/or PAGA notice to the LWDA based on the facts, conduct, and/or omissions which arose August 1, 2018, through November 27, 2022, including claims for: (1) failure to pay minimum and regular wages, (2) failure to provide compliant meal periods and pay proper missed meal period premiums, (3) failure to provide compliant rest periods and pay proper missed rest period premiums, (4) failure to pay all wages due upon separation of employment, (5) failure to provide accurate itemized wage statements, (6) failure to indemnify all necessary business expenditures, (7) unlawful deductions from wages, (8) violation of the Private Attorneys General Act Labor Code § 2698 et seq. (PAGA), (9) violation of the Business and Professions Code § 17200, et seq.; and (10) all claims for liquidated damages, penalties, interest, fees, costs based on the foregoing.

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I get out of the Settlement?

A member of the Class may exclude themselves from this class action settlement. To exclude yourself from the settlement, you must submit a letter or postcard to the Settlement Administrator by May 8, 2023, at the following address:

ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781

The Opt Out request must state your name, address, telephone number, and signature. The Opt Out request should state something to the effect of:

"I WISH TO BE EXCLUDED FROM THE SETTLEMENT CLASS IN THE *RODRIGUEZ V. KELLES TRANSPORT SERVICE, LLC* LAWSUIT. I UNDERSTAND THAT IF I ASK TO BE EXCLUDED FROM THE SETTLEMENT CLASS, I WILL NOT RECEIVE ANY MONEY FROM THE CLASS SETTLEMENT OF THIS LAWSUIT AND WILL NOT BE RELEASING ANY CLAIMS I MIGHT HAVE."

Any Opt Out request that is not postmarked by May 8, 2023, will be invalid. You cannot exclude yourself on the phone or by fax. If you ask to be excluded from the class action settlement, you will not receive any money from the class action settlement and you cannot object to the Settlement. Class Counsel will not represent your interests in this lawsuit if you request to be excluded. If you exclude yourself from the class action settlement, you will not be legally bound by anything that happens in this lawsuit with regard to the release of the claims alleged in this lawsuit, excluding the PAGA release, as specified above.

12. If I exclude myself, can I get money from this Settlement?

If you are a member of the Class and exclude yourself from the settlement, **you will not receive any money from this Settlement as a member of the Class.**

Notice of Class Action and Private Attorney General Act Settlement

OBJECTING TO THE SETTLEMENT

13. How do I tell the Court that I don't like the Settlement?

If you are a Class Member and you wish to object to the Settlement, you must submit a written objection to the Settlement Administrator no later than May 8, 2023, and must file with the Court, and serve on all Parties a written statement of objection. The objection must include the case name and number and must set forth, in clear and concise terms, a statement of the reasons why you believe that the Court should find that the proposed Class Settlement is not in the best interest of the Settlement Class and the reasons why the Class Settlement should not be approved, including the legal and factual arguments supporting the objection. If you also wish to appear at the Final Approval and Fairness Hearing, in person or through an attorney, you must also file a notice of intention to appear at the same time as the objection is filed. If the Court rejects your objection, you will still be bound by the terms of the Settlement.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court appointed James R. Hawkins, Gregory Mauro, and Michael Calvo of JAMES HAWKINS APLC, and Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Jeffrey S. Herman, and Nicholas J. De Blouw of BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP to serve as Class Counsel and represent you and other Class Members. Class Counsel may be reached at:

JAMES HAWKINS APLC

James R. Hawkins
Gregory Mauro
Michael Calvo
9880 Research Drive, Suite 200
Irvine, CA 92618
Telephone: (949) 387-7200
Email: greg@jameshawkinsaplc.com

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Norman B. Blumenthal
Kyle R. Nordrehaug
Aparajit Bhowmik
Jeffrey S. Herman
Nicholas J. De Blouw
2255 Calle Clara
San Diego, CA 92037
Telephone: (858) 367-9913
Email: jeff@bamlawca.com

You will not be charged for their services. Instead, Class Counsel will request to be compensated directly from the Settlement, as discussed below. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will Class Counsel be paid?

Class Counsel undertook this case on a contingency basis, that is, without receiving any payment up front. Now, having successfully negotiated a preliminarily approved resolution of this Action on behalf of the Class, Class Counsel will ask the Court to approve payment of up to \$30,333.33 for attorneys' fees, plus the reimbursement of the litigation costs actually incurred in the Action, not to exceed \$15,000.00. The fees will pay Class Counsel for litigating the case and negotiating the Settlement, but the Court may award less than these amounts. You can review a copy of Plaintiffs' motion for an award of attorneys' fees and costs, which shall be submitted with or at the same time as Plaintiffs' motion for final approval of this class action settlement. A copy of the moving papers may be obtained at the Court's

Notice of Class Action and Private Attorney General Act Settlement

Register of Action website at <https://cap.sb-court.org/> or by contacting the Settlement Administrator at 888-250-6810 on or after June 30, 2023.

THE COURT'S FAIRNESS HEARING

16. When and where will the court decide whether to approve the Settlement?

The Court will hold a hearing to grant final approval of the Settlement (a "Fairness Hearing") at 8:30 a.m. on June 30, 2023, at Dept. S-29, of the San Bernardino County Superior Court, located at 247 West Third Street, San Bernardino, CA 92415. At this hearing, the Court will make a final decision as to whether the Settlement is fair, reasonable, and adequate. If you or other Class Members object to the Settlement, the Court will consider the objections. The Judge will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. At or after the hearing, the Court will decide whether to grant final approval of the Settlement.

17. Do I have to come to the hearing?

No, you do not have to attend the hearing, but you are welcome to come at your own expense. If you file an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you are a member of the Class, and do nothing in regard to this Settlement, then if the Court approves the Settlement, the Settlement Administrator will mail you a payment or payments as part of the Settlement. You will also be releasing the right to bring claims against Defendant and Released Parties that are at issue in this case and waiving the right to bring these claims in the future. This means that you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant and Released Parties about the legal issues in this case ever again.

GETTING MORE INFORMATION

19. How can I get more details about the Settlement?

This Notice is only a summary of the Action and the terms of the Class Action Settlement. You can obtain a copy of the Settlement, free of charge, by contacting the Settlement Administrator at 888-250-6810.

For a more detailed statement of the matters involved in the Action and the Settlement, you may refer to the pleadings, the Settlement Agreement, and other papers filed in the Action, which may be inspected at the Court Clerk's office, located at 247 West Third Street, San Bernardino, CA 92415, during regular business hours and view the Court file *Jeremy R. Rodriguez v. Kelles Transport Service LLC dba SOAR Transportation Group*, case number CIVDS2015275, or you may also access the case file online through the Court's website at <https://cap.sb-court.org/>.

**PLEASE DO NOT TELEPHONE OR CONTACT THE COURT, THE JUDGE, OR THE OFFICE OF THE CLERK
FOR INFORMATION REGARDING THIS SETTLEMENT.**

<<contact>>

SHARE FORM

How Much Will I Receive Under the Settlement?

KTS' records show that as a member of the Class you worked a total of <<workweeks>> workweeks as a non-exempt California employee during the Class Period (August 1, 2018 through November 27, 2022).

This means you will receive an amount currently estimated to be: \$<<Est.SetAmt>>.

If you believe in good faith that the number of workweeks listed above is incorrect, you must contact the Settlement Administrator and provide documentation that you believe demonstrates that those calculations are incorrect and authorize the Settlement Administrator to review your records and related documents. The number of workweeks stated is presumed to be correct unless the documents you submit (such as wage statements and paystubs) substantiate that the calculations provided are incorrect. **Any such dispute must be mailed to the Settlement Administrator, at the designated address for the Settlement Administrator by May 8, 2023.** If you do not provide any documents or other evidence to support your challenge, the Settlement Administrator may reject your challenge.