

1 Taras Kick (SBN 143379)
Taras@kicklawfirm.com
2 Greg Taylor (SBN 315128)
Greg@kicklawfirm.com
3 THE KICK LAW FIRM, APC
815 Moraga Drive
4 Los Angeles, California 90049
Telephone: (310) 395-2988
5 Facsimile: (310) 395-2088

6 Attorneys for Plaintiff YAMZIN GONZALEZ,
7 individually, and on behalf of all others similarly
situated

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **CENTRAL DISTRICT — SPRING STREET COURTHOUSE**

11 YAMZIN GONZALEZ, individually, and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 BRANDED ONLINE, INC., a Delaware
16 Corporation; and DOES 1 through 100,
inclusive.

17 Defendants.

Case No.: 20STCV29702

*[Assigned for all purposes to the Hon. Maren
Nelson, Dept. 17]*

COMPLEX CLASS ACTION

**DECLARATION OF GREG TAYLOR IN
SUPPORT OF UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Date: August 31, 2023
Time: 9:00 a.m.
Dept: 17

Complaint filed: August 5, 2020
FAC filed: October 27, 2020
Trial date: None set

1 I, Greg Taylor, declare:

2 1. I am a member in good standing of the State Bar of California and am one of the attorneys
3 for Plaintiff Yazmin Gonzalez (“Plaintiff”) in this action. If sworn as a witness, I could and would
4 competently testify to the facts set forth herein from my own personal knowledge.

5 2. As discussed at the preliminary approval hearing on April 20, 2023, Defendant’s financial
6 condition was contemplated when the parties negotiated the Settlement terms, including the payment plan
7 for funding and distribution outlined at paragraphs 4.3 and 4.4 of the Amended Class Action and PAGA
8 Settlement Agreement (“Settlement,” “Settlement Agreement,” or “SA”).

9 3. Along with the preliminary approval papers, Class Counsel provided the Court with an
10 overview of publicly available financial information regarding Branded Online, Inc. (now known as
11 Nogin, Inc.), and supporting documents, indicating that Defendant has been operating with a negative
12 cashflow and debt in excess of its cash assets since 2021. (*See* Declaration of Taras Kick in Support of
13 Preliminary Approval, ¶¶ 27-28, Exs. 7-9.)

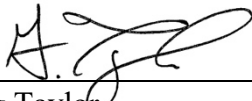
14 4. At the preliminary approval hearing on April 20, 2023, the Court thoroughly inquired about
15 Defendant’s financial condition and the payment plan details, including Defendant’s ability to make the
16 payments agreed to. Defense counsel represented that although Defendant requires a structured payment
17 plan due to Defendant’s limited cash assets, Defendant will not have any problem completing the proposed
18 payments because Defendant has substantial revenues. The Court indicated satisfaction with the
19 information provided.

20 5. At preliminary approval, the Court also inquired about the timing and fairness of the
21 attorney fee disbursement in light of the payment plan. Class Counsel clarified that their intention is not
22 to seek the entire attorney fee and cost amount during the initial distribution. Rather, the Settlement
23 provides that Class Counsel will receive a distribution of fees and costs proportional to each distribution
24 amount (specifically, 40% of fees and costs with the first distribution, followed by the remaining 60%
25 with the second distribution). (SA, ¶ 4.4.) During the preliminary approval hearing, Class Counsel
26 emphasized the fairness of this approach by highlighting that the proportionate amount of attorney fees
27

1 would be considered fully earned at the time of each distribution, and the Court expressed satisfaction
2 with counsel's explanation.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct.

5 Executed this 9th day of August 2023, at Los Angeles, California.

6 
7 _____
8 Greg Taylor
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27