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Attorneys for Plaintiff and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

CARLOS HUMBERTO CARRILLO DIAZ
an individual, on behalf of himself and others
similarly situated,

Plaintiff,

v.

RECON360, LLC; and DOES 1 thru 50,
inclusive,

Defendants.

Case No. 20CV370603

Assigned for All Purposes To:

Hon. Sunil R. Kulkarni

Department: 1

**DECLARATION OF NATHALIE
HERNADNEZ OF ILYM GROUP, INC.,
REGARDING DISBURSEMENT OF
SETTLEMENT FUNDS**

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 the
3 Operations Manager for ILYM Group, Inc., (“ILYM Group”), the professional settlement
4 services provider that has been retained by the Parties to serve as the claims administrator for the
5 above captioned *Carrillo Diaz v. Recon360, LLC* matter. I am authorized to make this declaration
6 on behalf of ILYM Group and myself. The following statements are based on my own personal
7 knowledge and information provided by other ILYM Group employees working under my
8 supervision and, if called upon to testify, I could and would testify competently to such facts.

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

21 3. The total Settlement Fund was \$723,550.65. The breakdown of the Settlement Fund is
22 as follows:

- 23 a. \$419,299.40 for gross payment of the individual settlement payments to the 276
24 Participating Class Members.
- 25 b. \$233,333.33 for payment of Class Counsel fees.
- 26 c. \$8,617.27 for payment of Class Counsel costs.
- 27 d. \$5,000.00 for an enhancement payment to Carlos Humberto Carrillo Diaz.
- 28 e. \$15,000.00 for payment of the administration fees to ILYM Group.

- 1 f. \$18,750.00 for the PAGA payment to the California Labor and Workforce
2 Development Agency.
- 3 g. \$23,550.65 for payment of the employer's portion of applicable payroll taxes on
4 the individual settlement payments.
- 5 4. On July 5, 2022, the payment of attorney fees and costs to Kingsley & Kingsley APC
6 and Davtayan Law Firm, Inc., in the amount of \$241,950.60, was completed.
- 7 5. On July 7, 2022, ILYM Group issued and mailed the settlement award checks to the
8 276 Participating Class Members. The total net amount sent to the Participating Class Members
9 was \$367,096.62, as \$52,202.78 was withheld for payment of the employee's portion of
10 applicable payroll taxes.
- 11 6. On July 7, 2022, ILYM Group issued and mailed an enhancement payment to Carlos
12 Humberto Carrillo Diaz, in the amount of \$5,000.00.
- 13 7. On July 7, 2022, a payment of the settlement administration fees to ILYM Group, in
14 the amount of \$15,000.00, was completed.
- 15 8. On July 7, 2022, ILYM Group issued and mailed the PAGA payment to the LWDA,
16 in the amount of \$18,750.00.
- 17 9. On July 7, 2022, a payment to the Internal Revenue Service, for all applicable federal
18 payroll taxes in the amount of \$60,518.89, was completed.
- 19 10. On July 7, 2022, payment to the Employment Development Department, for all
20 applicable State payroll taxes in the amount of \$15,234.54 was completed.
- 21 11. The deadline for the Participating Class Members to cash their settlement award
22 checks is January 3, 2023; 180 days after its issuance. The value of the un-cashed checks will
23 be submitted to the State's Controller's Office – Unclaimed Property Fund.
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1 I declare under penalty of perjury under the laws of the State of California and the United
2 States that the foregoing is true and correct to the best of my knowledge and that this
3 Declaration was executed this 7th day of December 2022, at Tustin, California.

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7 *Nathalie Hernandez*
8 Nathalie Hernandez
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(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 20, 2022, I served all interested parties in this action the following documents described as: **DECLARATION OF NATHALIE HERNADNEZ OF ILYM GROUP, INC., REGARDING DISBURSEMENT OF SETTLEMENT FUNDS** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

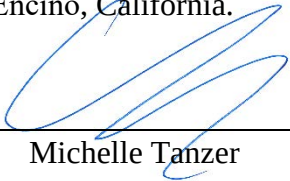
Sarju A. Naran Maysa Saeed Jackie Rivera sarju.naran@hogefenton.com maysa.saeed@hogefenton.com jackie.rivera@hogefenton.com Hoge, Fenton, Jones & Appel, Inc. 55 South Market Street, Suite 900 San Jose, CA 95113-2324	Emil Davtyan emil@davtyanlaw.com Davtyan Law Firm, Inc. 400 N. Brand Blvd., Suite 700 Glendale, CA 91203
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[XX] (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/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (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 above email address(es).

[XX] (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 20, 2022, at Encino, California.



Michelle Tanzer