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7 DANA MILES, individually, and on behalf of all
others similarly situated and aggrieved

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES- SPRING STREET COURTHOUSE**

10 KENTOYA MITCHELL and DANA MILES;
11 individually, and on behalf of other similarly
12 situated and aggrieved,

13 Plaintiff,

14 vs.

15 PACIFIC INVESTMENT & MANAGEMENT,
INC. a California Corporation; PREMIER
16 INVESTORS GROUP, INC., a California
Corporation; LINCOLN PETROLEUM INC., A
17 California Corporation, FARHAD
GHADOOSHAHY, a natural person, FARZAN
18 GHADOOSHAHY, a natural person, and DOES
3 through 50, inclusive,

19 Defendants.
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Case No. 20STCV43188

*[Assigned for all purposes to the Hon. Elihu M.
Berle, Dept. 6]*

CLASS ACTION

**DECLARATION OF EVELIN REYES
REGARDING NOTICE AND
SETTLEMENT ADMINISTRATION**

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DECLARATION OF EVELIN REYES

I, Evelin Reyes, hereby declare:

1. I am employed as a Case Manager by Simpluris, Inc. (“Simpluris”), the claims administrator in the above-entitled action. Our Corporate Office address is 3194-C Airport Loop Drive, Costa Mesa, CA 92626. My telephone number is (714) 640-5654. I am over twenty-one years of age and authorized to make this declaration on behalf of Simpluris and myself.

2. Simpluris is a Class Action Settlement Administration company located in Costa Mesa, California. It was founded by individuals who have each managed hundreds of settlements, along with professionals in the areas of Software Development, Third-Party Claims Administration, Mail-House Operations, and Call Center Support Management.

3. Simpluris was approved by Counsel for Kentoya Mitchell and Dana Miles (“Plaintiffs”), and Defendants Pacific Investment & Management, Inc., Premier Investors Group, Inc., Lincoln Petroleum Inc., Farhad Ghadooshahy, and Farzan Ghadooshahy (“Defendant”), (collectively the “Parties”), to provide settlement administration services in the *Mitchell, et al. v. Pacific Investment & Management, Inc., et al.* case (“Settlement”). In this capacity, Simpluris was charged with (a) establishing and maintaining a related settlement fund account; (b) establishing and maintaining a calendar of administrative deadlines and responsibilities; (c) processing and mailing payments to the Plaintiffs, Class Counsel and Class Members; (d) printing and mailing the Notice of Proposed Class Action Settlement to Class Members; (e) receiving and validating Requests for Exclusion, Objections or Disputes of Work Weeks submitted by Class Members; (f) calculating Employer Payroll Taxes and providing appropriate forms and calculations to Defendant; (g) mailing settlement checks, and (h) other tasks as the Parties mutually agree or the Court orders Simpluris to perform.

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TOLL FREE TELEPHONE HELPLINE

4. A toll-free telephone number was included in the Class Notice for the purpose of allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement. The system is accessible in English 24 hours a day, 7 days a week, and will remain in operation throughout the settlement process. Callers have the option to speak with a live call center representative during

1 normal business hours or to leave a message and receive a return call during non-business hours. The
2 toll-free telephone number included in the Notice of Proposed Class Action Settlement was (833) 591-
3 3447 and was live on November 29, 2022.

4 **NOTIFICATION TO THE CLASS**

5 5. On October 20, 2022, Simpluris received the Court-approved Notice of Proposed Class
6 Action Settlement (hereafter “Notice Packet”). The Notice Packet advised Class Members of their right
7 to request exclusion from the Settlement, object to the Settlement, do nothing, and the implications of
8 each such action. The Notice Packet advised Class Members of applicable deadlines and other events,
9 including the Final Approval Hearing, and how Class Members could obtain additional information.

10 6. On November 18, 2022, Counsel for Defendant provided Simpluris with a mailing list
11 (“Class List”) containing Class Members’ names, most recent mailing address and telephone numbers,
12 social security numbers, and pertinent employment information for each Class Member during the
13 Class Period. The Class List contained data for eight hundred sixty-eight (868) Class Members.

14 7. The mailing addresses contained in the Class List were processed and updated utilizing
15 the National Change of Address Database (“NCOA”) maintained by the U.S. Postal Service. The
16 NCOA contains requested changes of address filed with the U.S. Postal Service. In the event that any
17 individual had filed a U.S. Postal Service change of address request, the address listed with the NCOA
18 would be utilized in connection with the mailing of the Notice Packets.

19 8. On November 29, 2022, Notice Packets were mailed to eight hundred sixty-eight (868)
20 Class Members with addresses contained in the Class List via First Class mail or updated via the
21 NCOA search. A copy of the Notice Packet is attached hereto as **Exhibit A**.

22 9. A total of one hundred and nineteen (119) Notice Packets were returned to Simpluris. Of
23 these, zero (0) were returned with a forwarding address. If a Class Member’s Notice Packet was
24 returned by the USPS as undeliverable and without a forwarding address, Simpluris performed an
25 advanced address search (i.e. skip trace) on all of these addresses by using Accurant, a reputable
26 research tool owned by Lexis-Nexis. Simpluris used the Class Member’s name and previous address to
27 locate a current address. Through the advanced address search, Simpluris was able to locate thirty-nine
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(39) updated addresses and Simpluris promptly mailed the Notice Packets to those updated addresses. Currently, there are thirty-four (34) Notice Packets that are undeliverable. Simpluris expects to achieve a successful deliverable rate of 96.1% to the Class.

REQUESTS FOR EXCLUSION, OBJECTIONS AND DISPUTES

10. The Notice Packet informed Class Members that the deadline to postmark or submit objections, workweek/PAGA pay period disputes or requests for exclusion (i.e., opt out requests) is January 23, 2023.

11. As of this date, Simpluris has not received any Requests for Exclusion from Class Members.

12. As of this date, Simpluris has not received any Objections to the Settlement from Class Members.

13. As of this date, Simpluris has not received any Disputes of Workweeks from Class Members.

SETTLEMENT AWARDS

14. Therefore, as of this date, there are eight hundred sixty-eight (868) Class Members who will be paid their portion of the Net Settlement Fund.

15. Based on the current figures, the Net Settlement Fund available to pay Class Members is estimated to be \$954,372.44. This amount was determined by subtracting the requested amounts for Class Counsel's Fees (\$541,333.33) and Litigation Costs (\$23,694.23), the Named Plaintiffs' Service Awards of \$10,000 each (totaling \$20,000.00), the PAGA Award (\$75,000.00) and the Administration Costs (capped at \$9,600.00) from the Gross Settlement Amount (\$1,624,000.00).

16. As of this date, \$954,372.44 of the Net Settlement Fund will be disbursed to the Class Members. The ***average estimated payment*** is \$1,099.50, the ***highest estimated payment*** is \$5,188.32.

17. In addition, based on the data provided by Defendants, and according to the terms of the Settlement, there are four hundred forty-eight (448) PAGA Members who will receive their proportionate share of \$18,750.00 in PAGA penalties. The ***average estimated PAGA payment*** is \$41.85 and the ***highest estimated PAGA payment*** is \$101.63.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of December, 2022, in Costa Mesa, California.

Evelin Reyes
Evelin Reyes