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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SHANE CASKEY; KALKIDAN SILER, as
individuals, on behalf of themselves and others
similarly situated,

PLAINTIFFS,

v.

JOEY RESTAURANT (LOS ANGELES)
INC.; JOEY RESTAURANT (MANHATTAN
BEACH) INC.; JOEY RESTAURANT
(WOODLAND HILLS) INC.; JOEY
RESTAURANT GROUP; and DOES 1 thru
50, inclusive,

DEFENDANTS.

Case No. 20STCV48840
Consolidated with Case No. 21STCV11098

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

Date: September 26, 2023
Time: 10:00 a.m.

Judge: David S. Cunningham
Dept.: 11

1 I, Nick Castro, 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 *Caskey, et al*
6 *v. Joey Restaurant, et al.* matter. I am authorized to make this declaration on behalf of ILYM Group
7 and myself. I have personal knowledge of the facts herein, and, if called upon to testify, I could
8 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 Pendency of Class Action Settlement and Final Hearing* (referred to as “Notice Packet”);
18 (b) receiving and processing requests for exclusion; (c) resolving Settlement Class Members’
19 disputes over the number of workweeks Defendants have record of them working during the Class
20 Period, which was pre-printed on their individualized Class Notice; (d) calculating individual
21 settlement award amounts; (e) processing and mailing settlement award checks; (f) handling tax
22 withholdings as required by the Settlement and the law; (g) preparing, issuing and filing tax returns
23 and other applicable tax forms; (h) handling the distribution of any unclaimed funds pursuant to
24 the terms of the Settlement; and (i) performing other tasks as the Parties mutually agree to and/or
25 the Court orders ILYM Group to perform.

26 4. On April 24, 2023, ILYM Group received the Court approved text for the Notice
27 Packet from Counsel for Plaintiff. ILYM Group prepared a draft of the formatted Notice Packet,
28 which was approved by the Parties’ Counsel prior to mailing.

1 5. On May 29, 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 the total number of applicable workshifts worked for each Settlement Class Member. The data file
4 was uploaded to our database and checked for duplicates and other possible discrepancies. The
5 Class List contained 1,315 individuals.

6 6. As part of the preparation for mailing, all 1,315 names and addresses contained in
7 the 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 June 15, 2023, the Notice Packet was mailed, via U.S First Class Mail, to all
15 1,315 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, 137 Notice Packets have been returned to our
18 office as undeliverable. Of the 137 returned Notice Packets, none were returned with a forwarding
19 address. ILYM Group performed a computerized skip trace on the 137 returned Notice Packets that
20 did not have a forwarding address, in an effort to obtain an updated address for purpose of re-
21 mailing the Notice Packet. As a result of this skip trace, 77 updated addresses were obtained and
22 the Notice Packet was promptly re-mailed to those Settlement Class Members, via U.S First Class
23 Mail.

24 9. As of the date of this declaration, a total of 77 Notice Packets have been re-mailed.
25 Specifically, 77 have been re-mailed as a result of ILYM Group’s skip tracing efforts.

26 10. As of the date of this declaration, a total of 60 Notice Packets have been deemed
27 undeliverable. Specifically, 60 have been deemed undeliverable as no updated address was found
28 notwithstanding the skip tracing.

1 11. As of the date of this declaration, ILYM Group has received 4 requests for
2 exclusion. The deadline to request exclusion from the Settlement was August 14, 2023.

3 12. As of the date of this declaration, ILYM Group has not received any objections to
4 the Settlement. The deadline to file an objection to the Settlement was August 14, 2023.

5 13. As of the date of this declaration, ILYM Group will report a total of 1,311
6 Participating Claimants, representing 99.69% of the 1,315 Settlement Class Members.

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

13	Gross Settlement Amount	\$ 725,000.00
14	Class Counsel Fees	\$ 241,666.67
15	Class Counsel Expenses	\$ 30,000.00
16	Enhancement/ Specific Release Payment	\$ 7,500.00
17	Enhancement/ Specific Release Payment	\$ 7,500.00
18	ILYM Group Fees	\$ 17,000.00
19	LWDA	\$ 18,750.00
20	PAGA Allocation to Aggrieved Employees	\$ 6,250.00
21	Net Settlement Amount	\$ 396,333.33

22 To determine a Participating Claimant's individual settlement award payment, the distribution shall
23 be divided among all Class Members on a pro rata basis, based on the ratio of the Applicable
24 workshifts worked by each Class Member during the Class Period, to the total number of
25 Applicable workshifts worked by all Class Members during the Class Period. Based on these
26 calculations, the Participating Claimants will receive an estimated average gross payment of
27 \$301.39, with the estimated highest gross payment being \$1,817.15, and the estimated lowest gross
28 payment being \$3.23.

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 \$17,000.00. 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 31st day of August 2023, at Tustin, California.

Nick Castro
NICK CASTRO

(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 August 31, 2023, I served all interested parties in this action the following documents described as: **DECLARATION OF NICK CASTRO OF ILYM GROUP, INC., IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

CAMILO ECHAVARRIA
camiloechavarria@dwt.com
EVELYN WANG
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CHRISTOPHER IM
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Attorneys for Defendants
Attorneys for Plaintiff KALKIDAN SILER

[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 THROUGH CASE ANYWHERE): On interested parties set forth on the attached service list.

[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 August 31, 2023, at Los Angeles, California.



Taylor Gregg