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Attorneys for Plaintiff FRANK NICHOLS, JR.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

FRANK NICHOLS, JR., Individually and on
behalf of all similarly-situated, aggrieved
employees of Defendants in the State of
California,

Plaintiffs,

v.

VUORI, INC., a California Corporation, and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 37-2021-00010367-CU-OE-CTL

PROOF OF SERVICE

Assigned for All Purposes To:
Judge: Eddie C Sturgeon
Dept: C-67

Complaint Filed: March 9, 2021
FAC Filed: May 3, 2021

I, Dorota A. James, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the action; my business address is 350 10th Ave., Suite 1000, San Diego, California 92101. On September 28, 2021, I served the foregoing document(s) described as:

- 1. PLAINTIFF FRANK NICHOLS, JR.'S NOTICE OF UNOPPOSED MOTION AND MOTION FOR AN ORDER 1) PROVISIONALLY CERTIFYING SETTLEMENT CLASS; 2) PRELIMINARILY APPROVING CLASS SETTLEMENT; 3) DIRECTING DISTRIBUTION OF NOTICE OF SETTLEMENT TO THE CLASS; 4) APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE; AND 5) SETTING A HEARING FOR FINAL APPROVAL OF CLASS SETTLEMENT;**

2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF FRANK NICHOLS, JR.'S UNOPPOSED MOTION FOR AN ORDER 1) PROVISIONALLY CERTIFYING SETTLEMENT CLASS; 2) PRELIMINARILY APPROVING CLASS SETTLEMENT; 3) DIRECTING DISTRIBUTION OF NOTICE OF SETTLEMENT TO THE CLASS; 4) APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE; AND 5) SETTING A HEARING FOR FINAL APPROVAL OF CLASS SETTLEMENT;**
3. **DECLARATION OF BRIAN R. SHORT IN SUPPORT OF PLAINTIFF FRANK NICHOLS, JR.'S UNOPPOSED MOTION FOR AN ORDER 1) PROVISIONALLY CERTIFYING SETTLEMENT CLASS; 2) PRELIMINARILY APPROVING CLASS SETTLEMENT; 3) DIRECTING DISTRIBUTION OF NOTICE OF SETTLEMENT TO THE CLASS; 4) APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE; AND 5) SETTING A HEARING FOR FINAL APPROVAL OF CLASS SETTLEMENT; AND**
4. **[PROPOSED] ORDER RE PLAINTIFF FRANK NICHOLS, JR.'S UNOPPOSED MOTION FOR AN ORDER 1) PROVISIONALLY CERTIFYING SETTLEMENT CLASS; 2) PRELIMINARILY APPROVING CLASS SETTLEMENT; 3) DIRECTING DISTRIBUTION OF NOTICE OF SETTLEMENT TO THE CLASS; 4) APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE; AND 5) SETTING A HEARING FOR FINAL APPROVAL OF CLASS SETTLEMENT.**

on the following parties:

Lindsay E. Hutner, Esq.
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Attorneys for Defendant VUORI, INC.

The documents were served by the following means:

☐ **(BY MAIL)** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses above and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Diego, California.

☐ **(BY OVERNIGHT DELIVERY SERVICE)** I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

1 ☐ (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the
addressee(s) at the following facsimile number: _____. No error was reported by the fax machine that
I used.

2
3 ☒ (BY ELECTRONIC SERVICE) The PDF copies of the documents listed above were emailed to the
email addresses listed above. The transmission was reported as complete and I did not receive a
notification of error. This is necessitated during the declared National Emergency due to the Coronavirus
4 (COVID-19) pandemic because this office will be working remotely, not able to send physical mail as
usual, and is therefore using only electronic mail. No electronic message or other indication that the
5 transmission was unsuccessful was received within a reasonable time after the transmission. We will
provide a physical copy, upon request only, when we return to the office at the conclusion of the National
6 Emergency.

7
8 Executed September 28, 2021, at San Diego, California.

9 I declare under penalty of perjury under the laws of the State of California that the above is true
and correct.

10 Dorota A. James
Dorota A. James