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and the Conditionally Certified Class

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

STEVEN KANE, on behalf of
himself and other similarly-situated
employees,

Plaintiff,

v.

SMITHFIELD DIRECT, LLC, a
Delaware Limited Liability
Company; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 21-CV 04832 PA (JCx)

CLASS ACTION

**DECLARATION OF IRVIN GARCIA
REGARDING NOTICE AND
SETTLEMENT ADMINISTRATION**

Complaint filed: April 12, 2021
Removal date: June 14, 2021
Trial date: June 14, 2022

DECLARATION OF IRVIN GARCIA

I, Irvin Garcia, hereby declare:

1. I am employed as a Case Manager by CPT Group, Inc. (“CPT Group”), the Settlement Administrator in the above-entitled action. The business address is 50 Corporate Park, Irvine, California 92606. My telephone number is (949) 428-1026. I am over twenty-one (21) years of age and authorized to make this declaration on behalf of CPT Group.

2. CPT Group has extensive experience in providing notice of class actions and administering class action settlements. For over thirty (30) years plus, we have provided notification and/or settlement administration services in over one thousand class action cases.

3. CPT Group was approved by the Court as Settlement Administrator on December 10, 2021, to administer the settlement in accordance with the terms of the Class Action Settlement Agreement entered into by Steven Kane (“Plaintiff”), and Smithfield Direct, LLC., (“Defendants”), to provide settlement administration services in the *Kane v. Smithfield Direct, LLC* class action settlement (“Settlement”).

4. CPT Group has been responsible, among other things, for: (a) preparing, printing, and mailing to the Class, the Notice of Class Action Settlement (“Notice”), Change of Address form, and pre-printed return envelope (collectively “Notice Packet”); (b) performing a search of the National Change of Address database to update Class Member addresses prior to the initial mailing the Notice Packet, and performing individual skip-traces on returned Notice Packets due to bad addresses and remailing; (c) establishing and maintaining a static website to hosts the relevant settlement and notice documents, www.cptgroupcaseinfo.com/smithfielddirectsettlement/ ; (d) keeping track of communications from Class Members, i.e., objections, requests for exclusion, and disputes, if any; (e) calculating payroll tax deductions as required by law; and paying such taxes and withholdings to the appropriate taxing authorities; (f) calculating each

1 Class Member's Individual Settlement share; (g) providing weekly status reports which
2 includes updates on objections or requests for exclusion received; (h) providing
3 declarations as need for filing with the Court ; (i) mailing Individual Settlement
4 Payments Participating Class Members and PAGA Members; (j) printing and providing
5 Class Members and Plaintiff with IRS W-2s and 1099 forms as required under the
6 Agreement and applicable law; (k) making all payments as ordered by the Court; (l)
7 handling uncashed checks, and transmittal of funds represented by uncashed checks to
8 the State of California's Controller, Unclaimed Property Division for further handling on
9 behalf of the Participating Class Members whose checks were cancelled, (m) performing
10 such other tasks as the Parties mutually agree.

11 **TOLL FREE TELEPHONE HELPLINE**

12 5. A toll-free telephone number was included in the Notice Packet for the
13 purpose of allowing the Class Members to call CPT Group and to make inquiries
14 regarding the Settlement. The system is accessible twenty-four (24) hours a day, seven
15 (7) days a week, and will remain in operation throughout the settlement process. Callers
16 have the option to speak with a live call center representative during normal business
17 hours or to leave a message and receive a return call during nonbusiness hours. The toll-
18 free telephone number included in the Notice Packet was 1-888-694-2450.

19 **NOTIFICATION TO THE CLASS**

20 6. On January 3, 2022, CPT Group received the Court-approved Notice. The
21 Notice advised Class Members of their right to request exclusion from the Settlement,
22 object to the Settlement, do nothing, and the implications of each such action. The
23 Notice also advised Class Members of the applicable deadlines and other events,
24 including the Final Approval hearing, and how Class Members could obtain additional
25 information. A true and correct copy of the Notice Packet is attached hereto as **Exhibit**
26 **A.**
27
28

1 7. On January 12, 2022, Defendant delivered to CPT Group an electronic
2 database, which listed for each Class Member: (a) first and last name; (b) Social Security
3 Number; (c) current address; (d) phone number and email address; (e) hiring and
4 termination dates; (f) their individual number of work weeks during the Class Period; (g)
5 their individual number of pay periods during the PAGA Period (“Class List and Data”).
6 The Class List and Data contained information for 47 Class Members.

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

13 9. On February 16, 2022, after updating the mailing addresses through the
14 NCOA, Notice Packets were mailed to 47 Class Members. The deadline for Class
15 Members to postmark and return requests for exclusion, written objections, or disputes
16 of the information on which Settlement Payments would be calculated is April 18, 2022.
17 Should a Class Member receive a remailed Notice Packet, the postmark deadline is
18 extended 15 days, through May 3, 2022.

19 10. Of the 47 Notice Packets that were mailed, one (1) was returned without a
20 forwarding address. CPT Group performed an advanced skip trace search using
21 Accurant, a reputable research tool owned by Lexis-Nexis, which resulted in the
22 remailing of this Notice Packet.
23

24 **REQUESTS FOR EXCLUSION, OBJECTIONS AND DISPUTES**

25 11. As of this date, CPT Group has not received any requests for exclusion
26 from Class Members.
27
28

12. As of this date, CPT Group has not received any objections from any Class Members.

13. As of this date, CPT Group has not received any disputes of information on which Settlement Payments will be calculated and paid from any Class Members.

14. As of this date, CPT Group has received three (3) Change of Address requests from Class Members.

BREAKDOWN OF THE SETTLEMENT FUND

15. As of this date, there are 47 Class Members who will be paid a proportionate share of the Net Settlement Amount calculated as follows:

Gross Settlement Fund:	\$ 350,000.00
<i>Less Attorneys' Fees (Requested):</i>	-\$ 116,666.00
<i>Less Litigation Costs (Requested):</i>	-\$ 16,293.78
<i>Less Settlement Administration Costs:</i>	-\$ 6,500.00
<i>Less Named Plaintiff Service Award</i>	-\$ 10,000.00
<i>Less PAGA Payment</i>	-\$ 15,000.00
<i>Less Employer Taxes (estimated):</i>	<u>-\$ 8,936.85</u>
Net Settlement Amount	<u>\$ 176,603.37</u>

16. With an estimated 5,156 Work Weeks worked by all Class Members during the Class Period, Class Members may expect to receive $\$34.25 * (\$176,603.37 / 5,156)$ for each Work Week worked during the Class Period. Based on this rate, Class Members may expect to receive an average payment of \$3,757.52 and highest payment of \$6,473.63.

17. With an estimated 875 Pay Periods worked by the 28 PAGA Members during the PAGA Period, each may expect to receive $\$4.29 * (\$3,750 / 875)$ for each Pay Period worked during the PAGA Period, and will receive an average payment of \$79.79 and highest payment of \$158.57.

18. Based on the Work Week and PAGA Payment pay rates referenced above, Plaintiff Steven Kane is expected to receive an Individual Settlement Payment estimated at \$6,593.66.

19. Following the close of the deadline to return requests for exclusion and disputes, which will happen after this declaration is signed, a supplemental declaration to update the above information will be prepared and presented to Counsel for the Parties and for filing with the Court.

ADMINISTRATION COSTS

20. CPT Group's total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$6,500.00. CPT Group's work in connection with this matter will continue with the calculation of the settlement checks, issuance and mailing of those settlement checks, etc., and to do the necessary tax reporting on such payments. A true and correct copy of CPT Group's up to date fee is attached hereto as **Exhibit B**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 2022, in Irvine, California.

Imma Garcia

Irvin Garcia