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Attorneys for Defendant
AMETHOD PUBLIC SCHOOLS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA (HAYWARD)

ZOHRA JAYARAMAN, on behalf of herself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

vs.

AMETHOD PUBLIC SCHOOLS, , a
California Corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO. RG21105927
*[Assigned to the Hon. Brad Seligman,
Dept. 23]*

**DECLARATION OF MARIE ARCE
IN SUPPORT OF PLAINTIFF’S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

DECLARATION OF MARIE ARCE

I, Marie Arce, declare as follows:

1. I am over the age of eighteen (18) years and a competent adult. I have personal knowledge of the following facts, and if called upon to testify, I could and would competently testify to their truth and accuracy.

2. I am the Director of Finance of Defendant Amethod Public Schools, Inc. (“Defendant”), a position which I have held since March 2022. As the Director of Finance, my general job duties include managing all financial functions of the organization, and the six school campuses, which the organization operates.

3. Defendant is funded almost entirely by funds received from the State of California Department of Education. In the last two years, Defendant has received approximately \$40,000 in funding from sources other than the Department of Education. Defendant’s funding from the Department of Education is based on student enrollment and average daily attendance. Defendant’s annual funding is based on a combination of enrollment and average daily attendance from the prior year and current year. As such, nearly all of Defendant’s funding are public funds, which are ear marked for specific use related to students. In turn, Defendant’s public funds cannot be used for purposes other than those identified by the Department of Education. In this sense, the funds are restricted by the Department of Education.

4. Defendant is required to reserve at least three percent of the funding in a reserve account. Unlike public school districts, Defendant as a charter school cannot run a deficit. Therefore, at the end of each fiscal year, any unused funds add to the local education agencies (LEA/school) fund balance and similarly all negative balances reduce the local education agencies fund balance. Similarly, all grants that are not spent in accordance with the grant funds usage or are not expended by the fund expiration are returned to the Department of Education.

5. Defendant is funded on a delayed basis. The flow in which Defendant receives revenue from the State of California varies based on the grant funding. For example, funds are received on a rolling basis throughout the year, at about a rate of a quarter of funds per quarter

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1 of the school year. The Department of Education portion of the local control funding (LCFF)
2 is distributed monthly at a rate that varies from five (5) percent to nine (9) percent. Additional
3 federal grants are reimbursement based; the local education agencies expend the funds and are
4 reimbursed by the Department of Education. The timeline in which the Defendant is
5 reimbursed varies and can take several months to a several years. Due to the irregular funding
6 schedules, Defendant must cover funding gaps for several years.

7 6. For 2022/23 second interim reports (six month mandated financial reporting),
8 the average of the fund balance of Defendant is about four (4) percent of funding. In contrast,
9 however, estimated monthly payroll is about three (3) percent of funding. As such, Defendant
10 operates on minimal cash reserves at any time.

11 Executed on May 18, 2023, at Oakland, California.

12 I declare under penalty of perjury in accordance with the laws of the State of California
13 that the foregoing is true and correct.

14 DocuSigned by:
15 Marie Arce
16 E59EE205603C453...
17 MARIE ARCE
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1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the
3 action. My business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 18, 2023, I served the foregoing documents described as **(1) JOINT SUPPLEMENTAL BRIEFING**
6 **FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, (2) SUPPLEMENTAL**
7 **DECLARATION OF DANIEL F. GAINES IN SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY**
8 **APPROVAL OF CLASS ACTION SETTLEMENT, and (3) DECLARATION OF MARIE ARCE IN SUPPORT**
9 **OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the
10 interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

11 **Peter Choi, Esq.**
12 **Fernando A. Vicente, Esq.**
13 **GORDON REES SCULLY MANSUKHANI, LLP**
14 **633 West Fifth Street, 52nd floor**
15 **Los Angeles, CA 90071**

16 On the above date:

17 X (BY ~~X~~ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
18 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
19 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
20 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
21 meter date is more than one day after date of deposit for mailing in affidavit.

22 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
23 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
24 carrier or driver authorized by the express carrier to receive documents.

25 _____ (BY FACSIMILE TRANSMISSION) On May 18, 2023, at _____ a.m./p.m., at Westlake Village, California,
26 I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008
27 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the
28 telephone number(s) of the receiving facsimile machine was () ____-____. A transmission report was properly
issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of
the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

_____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission
via email on the counsel of record listed above.

21 X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
22 Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the
LWDA.

23 I certify that the above document was printed on recycled paper.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on May 18, 2023, at Westlake Village, California.

26 Amelia Booth
27 AMELIA BOOTH
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