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Attorneys for Plaintiff CAMISHA PASCASCIO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CAMISHA PASCASCIO, individually and on
behalf of other persons similarly situated,

Plaintiff,

vs.

**EPIC CONTRACT AND PERMANENT
PLACEMENT STAFFING, INC.**, a California
corporation; **MEK LONG BEACH, LLC**, a
California limited liability company; **NORWALK
SKILLED NURSING & WELLNESS CENTRE,
LLC**, a California limited liability company;
COUNTRY VILLA NURSING CENTER, INC.,
a California corporation; **PC CARE LLC**, a
California limited liability company; and **DOES 1-
50**,

Defendants.

Case No.: 21STCV26367

[Assigned for all purposes to the Honorable
David S. Cunningham, Dept. SS11]

CLASS ACTION

**FOURTH STIPULATION RE
MODIFICATION OF CLASS ACTION AND
PAGA SETTLEMENT AND CLASS
NOTICE**

**SECOND STIPULATION RE MODIFICATION OF CLASS ACTION AND PAGA
SETTLEMENT AND CLASS NOTICE**

Pursuant to Section 10.10 of the Class Action and PAGA Settlement and Class Notice (“Settlement Agreement”), Plaintiff Camisha Pascascio (“Plaintiff”), on behalf of herself and the “Settlement Class” defined in the Settlement Agreement, and Defendants MEK Long Beach, LLC and PC Care LLC (collectively “Defendants”), (Plaintiff and Defendants are referred to herein as the “Parties”), by and through their attorneys of record, hereby stipulate to the following modifications of the Settlement Agreement:

WHEREAS, the Court issued a tentative ruling re Plaintiff’s Motion for Final Approval of Class Action and PAGA Settlement on March 13, 2024, in which the Court posed the following questions:

- “There are 92 Class Members, 52 of whom received notice, and only 6 of which submitted W-9s. (Id. at ¶¶12-13.) Phoenix will not be able to issue the full settlement payments to any Settlement Class Members without a valid Social Security Number. (Id. at ¶13.) Instead, Phoenix can issue settlement payments for up to \$600 of a Class Member's non-wage portion of their settlement payment to Class Members for whom Phoenix does not have a Social Security Number (the settlement's tax allocation is 15% to wages and 85% to non-wages (interest and penalties)). (Ibid.) Only the six (6) Class Members to provide their Social Security Numbers will receive the wage portion of their settlement payment (i.e., 15%). There is \$34,997.72 that Phoenix will be unable to disburse to those Class Members for whom Phoenix does not have a Social Security Number. (Ibid.) The Net Settlement Amount of \$55,657.13 available to pay Settlement Class Members, yet only \$20,659.41 (less than half) is being paid out to class members. Is the settlement still fair adequate and reasonable in light of this?”
- “What are some possible solutions to the lack of notice and pay out to class members? I.e. would agreeing to designate the tax allocation 100% interest and penalties solve at least the lack of W-9 issue?”

1 WHEREAS, the Parties agree that modifying the tax allocation in Paragraph 3.2.4.1 of the
2 Parties' Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement") will
3 address the Court's concerns over the lack of notice and pay out to the vast majority class members
4 posed by the lack of tax identification numbers of class members.

5 WHEREAS, the Parties wish to modify Paragraph 3.2.4.1 of the Settlement Agreement to
6 allocate the 100% of each Participating Class Members's Individual Class Payment to non-wages as
7 follows:

8 Tax Allocation of Individual Class Payments. Zero percent (0%) of each
9 Participating Class Member's Individual Class Payment will be allocated to
10 settlement of wage claims (the "Wage Portion"). The Wage Portions are subject to
11 tax withholding and will be reported on an IRS W-2 Form. One Hundred Percent
12 (100%) of each Participating Class Member's Individual Class Payment will be
13 allocated to settlement of claims for interest and penalties (the "Non-Wage
14 Portion"). The Non-Wage Portions are not subject to wage withholdings and will
15 be reported on IRS 1099 Forms. Participating Class Members assume full
16 responsibility and liability for any employee taxes owed on their Individual Class
17 Payment.

18 WHEREAS, the modification of Paragraph 3.2.4.1 of the Settlement Agreement will not remedy
19 the Court's concerns as to 14 Participating Class Members, the Parties wish to modify the Settlement
20 Agreement to provide for the Settlement Administrator to include a W-9 Form with the check for
21 \$599.99 of the Participating Class Member's Individual Class Payment. The W-9 Form, attached hereto
22 as **Exhibit A**, will include a notice stating the following:

23 You previously received a Notice of Settlement in the above-referenced case. The
24 settlement was granted final approval on TBD. Defendants were unable to
25 determine your Social Security Number for the purpose of issuing the entirety of
26 your Individual Settlement Award check. As a result, Phoenix has included a Form
27 W-9 below for you to fill out and mail back to Phoenix at the following address:
28 Phoenix Class Action Administration Solutions, P.O. Box 7208, Orange, CA
92863, by Fax to (949) 209-2503, or by email to notice@phoenixclassaction.com.

Enclosed with this Form W-9 is a check for the 1099 portion of your settlement
payment (up to \$599.99). Your full payment cannot be issued to you without a valid
Social Security Number.

Please mail back this completed form to Phoenix by TBD, otherwise Phoenix will
be unable to issue you the remainder of your Individual Settlement Payment and
the remainder of your settlement payment will be deposited with the non-profit Bet

1 Tzedek Free Legal Services for the benefit of the Bet Tzedek Employment Rights
2 Clinic.

3 **THEREFORE, THE PARTIES STIPULATE AND AGREE** that:

- 4 1. Paragraph 3.2.4.1 of the Settlement Agreement to allocate the 100% of each Participating
5 Class Members's Individual Class Payment to non-wages as follows:

6 Tax Allocation of Individual Class Payments. Zero percent (0%) of each
7 Participating Class Member's Individual Class Payment will be allocated to
8 settlement of wage claims (the "Wage Portion"). The Wage Portions are
9 subject to tax withholding and will be reported on an IRS W-2 Form. One
10 Hundred Percent (100%) of each Participating Class Member's Individual
11 Class Payment will be allocated to settlement of claims for interest and
penalties (the "Non-Wage Portion"). The Non-Wage Portions are not
subject to wage withholdings and will be reported on IRS 1099 Forms.
Participating Class Members assume full responsibility and liability for any
employee taxes owed on their Individual Class Payment.

- 12 2. The Settlement Agreement is hereby modified to provide for the Settlement Administrator to
13 include the W-9 Form attached hereto as **Exhibit A** with the check for \$599.99 to the 14
14 Participating Class Member's Individual Class Payment whose total Individual Class
15 Payment equals or is greater than \$600. The W-9 Form shall include a notice stating the
16 following:

17 You previously received a Notice of Settlement in the above-referenced
18 case. The settlement was granted final approval on TBD. Defendants were
19 unable to determine your Social Security Number for the purpose of issuing
20 the entirety of your Individual Settlement Award check. As a result, Phoenix
21 has included a Form W-9 below for you to fill out and mail back to Phoenix
at the following address: Phoenix Class Action Administration Solutions,
P.O. Box 7208, Orange, CA 92863, by Fax to (949) 209-2503, or by email
to notice@phoenixclassaction.com.

22 Enclosed with this Form W-9 is a check for the 1099 portion of your
23 settlement payment (up to \$599.99). Your full payment cannot be issued to
24 you without a valid Social Security Number.

25 Please mail back this completed form to Phoenix by TBD, otherwise
26 Phoenix will be unable to issue you the remainder of your Individual
27 Settlement Payment and the remainder of your settlement payment will be
28 deposited with the non-profit Bet Tzedek Free Legal Services for the benefit
of the Bet Tzedek Employment Rights Clinic.;

1 **IT IS SO STIPULATED.**

2 DATED: March 21, 2024

3 Respectfully submitted,

4 O'HAGAN MEYER LLP

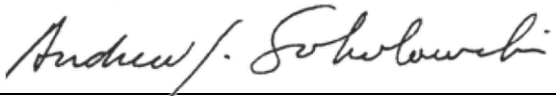
5 By: 

6 Anthony C. Ocegueda
7 Ellaine M. McCormick
8 Attorneys for Defendant MEK Long Beach
9 LLC

10 DATED: March 21, 2024

11 Respectfully submitted,

12 O'HAGAN MEYER LLP

13 By: 

14 Melissa T. Daugherty
15 Andrew J. Sokolowski
16 Attorneys for Defendant PC Care, LLC

17 DATED: March 21, 2024

18 Respectfully submitted,

19 MOSS BOLLINGER LLP

20 By: 

21 Jeremy F. Bollinger
22 Dennis F. Moss
23 Ari E. Moss
24 Attorneys for Plaintiff Camisha Pascascio

EXHIBIT A

W-9 FORM

**Camisha Pascascio v. Epic Contract and Permanent Placement et al.
Los Angeles County Superior Court Case No. 21STCV26367**

You previously received a Notice of Settlement in the above-referenced case. The settlement was granted final approval on **TBD**. Defendants were unable to determine your Social Security Number for the purpose of issuing the entirety of your Individual Settlement Award check. As a result, Phoenix has included a Form W-9 below for you to fill out and mail back to Phoenix at the following address: Phoenix Class Action Administration Solutions, P.O. Box 7208, Orange, CA 92863, by Fax to (949) 209-2503, or by email to notice@phoenixclassaction.com.

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Phoenix Class Action Administration Solutions
P.O. Box 7208
Orange, CA 92863
Phone: (800) 523-5773
Fax: (949) 209-2503
notice@phoenixclassaction.com

Taxpayer Identification Number Certification - Substitute IRS Form W-9

Enter your Social Security Number (SSN) or Employer Identification Number (EIN):

SSN: _ _ _ -- _ _ -- _ _ _ _ _ OR EIN: _ _ -- _ _ _ _ _

Check Appropriate box: ☐ Individual/Sole Prop. ☐ Other

Print name as shown on your income tax return if different from
Payee: _____

Signature: _____