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Attorneys for Defendant

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

VICKI FLORES an individual, on behalf of
herself and others similarly situated.

PLAINTIFF,

v.

HERITAGE BAG COMPANY; and DOES 1
thru 50, inclusive,

DEFENDANTS.

Case No. CIVDS2023373

Assigned for All Purposes to:
Honorable David Cohn
Department S-26

**DECLARATION OF NICOLE BENCH
OF ILYM GROUP, INC., REGARDING
DISBURSEMENT OF SETTLEMENT
FUNDS**

1 I, Nicole Bench, 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. (hereinafter referred to as “ILYM Group”), the professional
4 settlement services provider who has been retained by the Parties and subsequently appointed by
5 the Court to serve as the settlement administrator for the above-captioned *Flores v. Heritage Bag*
6 *Company* matter. I am authorized to make this declaration on behalf of ILYM Group. The following
7 statements are based on my own personal knowledge and information provided by other ILYM
8 Group employees working under my supervision and, if called upon to testify, I could and would
9 testify competently to such facts.

10 2. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and
11 appointed by the Court to provide notification services and settlement administration, pursuant to
12 the terms of the Settlement, in the above-referenced Action. In this capacity, ILYM Group was
13 charged with: (a) printing and mailing the Notice Packet; (b) performing address updates and
14 verifications as necessary; (c) receiving and processing requests for exclusion from and objections
15 to the Settlement; (d) taking receipt of and safeguarding the settlement amount and establishing a
16 qualified settlement fund (e) calculating the individual settlement award payments; (f) processing
17 and mailing settlement award checks; (g) handling tax withholdings as required by the Settlement
18 and the law; (h) preparing, issuing and filing tax returns and other applicable tax forms; (i) handling
19 the distribution of any unclaimed funds pursuant to the terms of the Settlement; and (j) other tasks
20 as the Parties mutually agreed to and/or the Court ordered ILYM Group to perform.

21 3. The total amount received under the Settlement was \$483,265.77, which included
22 the Gross Settlement Fund of \$475,000.00, plus the employer’s share of the applicable payroll taxes
23 in the amount of \$8,265.77. The breakdown is as follows:

- 24 a. \$263,406.33 for the gross payment of the individual settlement awards to the 565
25 Participating Settlement Class Members and 236 PAGA Employees.
- 26 b. \$158,333.33 for payment of Class Counsel’s attorney fees.
- 27 c. \$10,760.34 for payment of Class Counsel’s attorney expenses.
- 28 d. \$5,000.00 for an Enhancement Award to Vicki Flores.

- 1 e. \$15,000.00 for payment of administration fees to ILYM Group.
- 2 f. \$22,500.00 for the payment to the LWDA, for its 75% share of the \$30,000.00
- 3 allocated to the settlement of PAGA claims.
- 4 g. \$8,265.77 for the payment of the employer's portion of applicable payroll taxes
- 5 on the "wages" portion of the individual settlement awards.
- 6 4. On September 9, 2022, the payment of Class Counsel's attorney fees, in the amount
- 7 of \$158,333.33, was completed.
- 8 5. On September 9, 2022, the payment of Class Counsel's attorney expenses, in the
- 9 amount of \$10,760.34, was completed.
- 10 6. On September 12, 2022, ILYM Group issued and mailed an Enhancement Award to
- 11 Vicki Flores, in the amount of \$5,000.00.
- 12 7. On September 12, 2022, payment of the settlement administration fees to ILYM
- 13 Group, in the amount of \$15,000.00, was completed.
- 14 8. On September 12, 2022, ILYM Group issued and mailed the PAGA payment to the
- 15 LWDA, in the amount of \$22,500.00.
- 16 9. On September 12, 2022, ILYM Group issued and mailed the settlement award checks
- 17 to the 565 Participating Settlement Class Members. The total net amount sent to the Participating
- 18 Settlement Class Members was \$244,290.13, as \$19,116.20 was withheld for all applicable
- 19 employee payroll taxes.
- 20 10. On September 12, 2022, payment to the Internal Revenue Service, for all applicable
- 21 Federal payroll taxes, in the amount of \$22,161.48, was completed.
- 22 11. On September 12, 2022, payment to the Employment Development Department, for
- 23 all applicable State payroll taxes in the amount of \$5,220.49, was completed.
- 24 12. The deadline for the Participating Settlement Class Members to cash their settlement
- 25 award check was March 11, 2023; 180 days after its issuance.
- 26 13. As of the date of this declaration, a total amount of \$13,043.49, remains uncashed after
- 27 the March 11, 2023, check cashing deadline date.
- 28

14. On April 12, 2023 (approximately 30 days after the check void date), in accordance with the terms of the Parties' Settlement Agreement, the unclaimed funds will be sent to Bet Tzedek Legal Services.

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 30th day of March 2023, at Tustin, California.

Nicole Bench
NICOLE BENCH

(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 April 4, 2023, I served all interested parties in this action the following documents described as: **DECLARATION OF NICOLE BENCH OF ILYM GROUP, INC., REGARDING DISBURSEMENT OF SETTLEMENT FUNDS** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Lonnie D. Giamela

Anet Drapalski

lgiamela@fisherphillips.com

adrapalski@fisherphillips.com

FISHER & PHILLIPS LLP

444 South Flower Street, Suite 1500

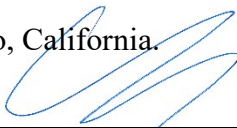
Los Angeles, California 90071

[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 TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[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 April 4, 2023, at Encino, California.



Michelle Tanzer