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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

JOHN COOK, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

APPLE, INC., a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 34-2021-00311177-CU-OE-GDS

**DECLARATION OF NATHALIE
HERNANDEZ OF ILYM GROUP, INC.,
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 29, 2024

Time: 9:00 a.m.

Judge: Hon. Lauri A. Damrell

Dept.: 22

1 I, Nathalie Hernandez, declare as follows:

2 1. I am a resident of the United States of America and am over the age of 18. I am the
3 Operations Manager for ILYM Group, Inc., (herein after referred to as “ILYM Group”), the
4 professional settlement services provider who has been retained by the Parties’ Counsel and
5 subsequently appointed by the Court to serve as the Settlement Administrator for the above
6 captioned *Cook v. Apple, Inc.* matter. I am authorized to make this declaration on behalf of ILYM
7 Group and myself. I have personal knowledge of the facts herein, and, if called upon to testify, I
8 could and would testify competently to such facts.

9 2. ILYM Group has extensive experience in administering Class Action Settlements,
10 including direct mail services, database management, claims processing and settlement fund
11 distribution services for Class Actions ranging in size from 26 to 4.5 million Settlement Class
12 Members.

13 3. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and
14 appointed by the Court to provide notification services and settlement administration, pursuant to
15 the terms of the Settlement, in the above referenced Action. Duties performed to-date and to be
16 performed after Final Approval of the Settlement is granted, include: (a) printing and mailing the
17 *Notice of Proposed Class Action Settlement* (referred to as “Notice Packet”); (b) receiving and
18 processing requests for exclusion; (c) resolving Settlement Class Members’ disputes over the
19 number of pay periods Defendant has record of them working during the Class Period, which was
20 pre-printed on their individualized Class Notice; (d) calculating individual settlement award
21 amounts; (e) processing and mailing settlement award checks; (f) handling tax withholdings as
22 required by the Settlement and the law; (g) preparing, issuing and filing tax returns and other
23 applicable tax forms; (h) handling the distribution of any unclaimed funds pursuant to the terms of
24 the Settlement; and (i) performing other tasks as the Parties mutually agree to and/or the Court
25 orders ILYM Group to perform.

26 4. On September 15, 2023, ILYM Group received the Court approved text for the
27 Notice Packet from Counsel for Plaintiff. ILYM Group prepared a draft of the formatted Notice
28 Packet, which was approved by the Parties’ Counsel prior to mailing.

1 5. On October 6, 2023, ILYM Group received the class data file from Counsel for
2 Defendant, which contained the name, social security number, last known mailing address, last
3 known telephone number and pay periods for each Settlement Class Member. The data file was
4 uploaded to our database and checked for duplicates and other possible discrepancies. The Class
5 List contained 759 individuals.

6 6. As part of the preparation for mailing, all 759 names and addresses contained in the
7 Class List were then processed against the National Change of Address (“NCOA”) database,
8 maintained by the United States Postal Service (“USPS”), for purposes of updating and confirming
9 the mailing addresses of the Settlement Class Members before mailing of the Notice Packet. The
10 NCOA contains requested change of addresses filed with the USPS. To the extent that an updated
11 address was found in the NCOA database, the updated address was used for the mailing of the
12 Notice Packet. To the extent that no updated address was found in the NCOA database, the original
13 address provided by Counsel for Defendants was used for the mailing of the Notice Packet.

14 7. On October 19, 2023, the Notice Packet was mailed, via U.S First Class Mail, to
15 all 759 individuals contained in the Class List. Attached hereto, as **Exhibit A**, is a true and correct
16 copy of the mailed Notice Packet.

17 8. As of the date of this declaration, 17 Notice Packets have been returned to our office
18 as undeliverable. ILYM Group performed a computerized skip trace on the 17 returned Notice
19 Packets that did not have a forwarding address, in an effort to obtain an updated address for purpose
20 of re-mailing the Notice Packet. As a result of this skip trace, 11 updated addresses were obtained
21 and the Notice Packets were promptly re-mailed to those Settlement Class Members, via U.S First
22 Class Mail.

23 9. As of the date of this declaration, a total of 11 Notice Packets have been re-mailed.
24 Specifically, 11 have been re-mailed as a result of ILYM Group’s skip tracing efforts.

25 10. As of the date of this declaration, a total of 6 Notice Packets have been deemed
26 undeliverable. Specifically, 6 have been deemed undeliverable as no updated address was found
27 notwithstanding the skip tracing.

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1 11. As of the date of this declaration, ILYM Group has not received any requests for
2 exclusion. The deadline to request exclusion from the Settlement was December 3, 2023.

3 12. As of the date of this declaration, ILYM Group has not received any objections to
4 the Settlement. The deadline to file an objection to the Settlement was December 3, 2023

5 13. As of the date of this declaration, ILYM Group will report a total of 759
6 Participating Class Members, representing 100% of the 759 Settlement Class Members.

7 14. Participating Class Members will receive a proportional share of the Net Settlement
8 Fund through individual settlement payments, based on the number of pay periods worked by Class
9 Members during the Class Period. The Net Settlement Fund is the amount remaining after
10 deduction of the Court-approved payments from the Gross Settlement Fund for Class Counsel Fees
11 and Litigation Costs, the Class Representative Enhancement Award, Settlement Administration
12 Fees to ILYM Group, LWDA and the Aggrieved Employees allocation, e.g.,

13	Gross Settlement Fund	\$ 495,000.00
14	Class Counsel Fees	\$ 173,250.00
15	Class Counsel Litigation Costs	\$ 17,840.76
16	Enhancement Award	\$ 10,000.00
17	Administration Fees	\$ 14,000.00
18	LWDA	\$ 15,000.00
19	Aggrieved Employees Allocation	\$ 5,000.00
20	Net Settlement Fund (estimated)	\$ 259,909.24

21 To determine a Participating Class Member's individual settlement award payment, the Net
22 Settlement Fund will be divided by the total number of pay periods worked by all Settlement Class
23 Members during the Class Period, multiplied by the number of pay periods worked by that
24 Participating Class Member. Based on these calculations, the Participating Class Members will
25 receive an estimated average gross payment of \$342.44, with the estimated highest gross payment
26 being \$558.06.

27 ///

28 ///

15. ILYM Group's total fees and costs for services in connection with the administration of this Settlement, which includes fees and costs incurred to-date, as well as anticipated fees and costs for completion of the settlement administration, are \$14,000.00. ILYM Group's work in connection with this matter will continue with the calculation of the settlement award payments, issuance and mailing of the settlement award checks, the necessary tax filing and reporting on such payments, and any other tasks that the Parties mutually agree to and/or the Court orders ILYM Group to perform.

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 26th day of February 2024, at Tustin, California.

Nathalie Hernandez
Nathalie Hernandez

EXHIBIT “A”

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

John Cook v. Apple Inc.

Case No. 34-2021-00311177-CU-OE-GDS

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

ATTN: «Contact»
«Address_1»
«City», «State» «Zip»

YOU ARE ESTIMATED TO RECEIVE
APPROXIMATELY
\$«Class_Estimated_Settlement_Amount»
THROUGH THIS CLASS ACTION SETTLEMENT
BASED UPON «Class_Pay_Periods» ELIGIBLE PAY
PERIODS (as explained in Section 5 below) AND
APPROXIMATELY
\$«PAGA_Estimated_Settlement_Amount»
THROUGH THIS PAGA ACTION BASED ON
«PAGA_Pay_Periods» ELIGIBLE PAY PERIODS

To: All current and former California employees of Defendant, who worked at Defendant's call center, which is located at Apple's Sacramento Campus, who were paid overtime and/or double-time wages at any time from November 12, 2020, through January 1, 2022 ("Class Members").

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.
YOU MAY BE ENTITLED TO RECEIVE MONEY FROM THIS PROPOSED SETTLEMENT.

TO BE ELIGIBLE TO RECEIVE YOUR SHARE, YOU DO NOT NEED TO DO ANYTHING.

This Notice is Court approved. This is not a solicitation from an attorney.

1. WHY DID I GET THIS NOTICE?

You received this Notice because a proposed settlement (the "Settlement") has been reached of class and representative action lawsuits entitled *John Cook v. Apple Inc.*, currently pending in the Superior Court of the State of California for the County of Sacramento, Case No. 34-2021-00311177-CU-OE-GDS (the "Lawsuit"). Records show that you are a member of the proposed Settlement Class ("Class Member"). Because the proposed Settlement would affect your legal rights as a Class Member, the Court ordered that this Notice be sent to you.

The Notice provides you with a brief description of the Lawsuit, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement, see Section 16, below.

2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff John Cook ("Class Representative") filed a lawsuit against Apple Inc. ("Apple") on November 17, 2021, alleging that Class Members received wage statements that did not accurately identify the total hours worked whenever overtime wages were paid. The Lawsuit does not allege that Class Members were paid incorrectly. For this alleged violation, the Class Representative sought monetary relief and statutory and civil penalties under the Labor Code. Plaintiff filed a separate representative action lawsuit on January 13, 2022, for violation of the Private Attorneys General Act of 2004 ("PAGA"). The PAGA lawsuit was subsequently incorporated into the class action lawsuit.

Apple denies the allegations in the Lawsuit and is prepared to defend the action vigorously. By entering into this proposed Settlement, Apple is not admitting any violation or liability in any way to the Class Representative or to Class Members. The Court has not made any rulings on the merits of the Lawsuit.

3. WHAT IS A CLASS ACTION?

In a class action lawsuit, one or more persons sue on behalf of other people who may have similar claims. The person suing and those he/she seeks to represent, together are called the class or class members. A certified class action allows the Court to resolve the claims of all the class members who choose not to exclude themselves from the class. A class member is bound by the determination or judgment entered in the case, whether the class wins or loses, and may not file his or her own lawsuit on the same claims that were decided in the class action. A class member is also covered by any settlement reached in the case. A class action allows one court to resolve all of the issues in a lawsuit for all the class members who choose not to exclude themselves from the class.

In this Lawsuit, John Cook, an employee of Apple, is the Class Representative or Named Plaintiff, and asserts claims on behalf of himself and the putative class. Apple is the Defendant. The Class Representative has reached a proposed class-wide Settlement with Apple, including a settlement of the PAGA claim. The Court has not made any rulings on whether the Lawsuit may proceed as a class action aside from the proposed class action Settlement.

4. WHO IS INCLUDED IN THE SETTLEMENT CLASS?

All current and former California employees of Defendant, who worked at Defendant's call center, which is located at Apple's Sacramento Campus, who were paid overtime and/or double-time wages at any time from November 12, 2020, through January 1, 2022, and who do not opt out of the Lawsuit, are included in the proposed Settlement.

5. WHAT ARE THE TERMS OF THE SETTLEMENT?

The proposed Settlement will resolve all claims for issuing improperly itemized wage statements pursuant to California Labor Code section 226 and PAGA.

The proposed Settlement represents a compromise of highly disputed claims. Nothing in the proposed Settlement is intended to or will be construed as an admission by Apple that the claims in the Lawsuit have merit or that Apple has any liability to the Class Representative or to the Class Members on those claims. The Court has made no ruling on the merits of the Lawsuit.

The Parties have agreed to settle the case for a maximum of \$495,000.00 ("Gross Settlement Amount"). Under the terms of the proposed Settlement, the following payments have been agreed to: (1) attorneys' fees not to exceed \$173,250.00; (2) all documented litigation costs to Class Counsel, in amounts set by the Court, not to exceed \$25,000.00; (3) a service payment to the Class Representative John Cook for services in the Lawsuit, in an amount not to exceed \$10,000.00; (4) settlement administration costs not to exceed \$14,000.00; and (5) \$15,000.00 will be paid to the California Labor and Workforce Development Agency ("LWDA") and \$5,000 to the Aggrieved Employees representing the portion of the Gross Settlement Amount that is allocated as payment for civil penalties in connection with Plaintiff's PAGA claims alleged in this matter. The amount of money remaining after these payments, which is approximately \$252,750, is the amount that will be distributed to Class Members who do not opt-out of the proposed Settlement. The amount will be distributed based on the number of pay periods during which each Class Member worked overtime or double-time in California from November 12, 2020, through January 1, 2022. This amount is known as the "Net Settlement Amount."

If the proposed Settlement is finally approved, the Settlement Administrator will determine each eligible Class Member's settlement payment by dividing the Net Settlement Amount by the total number of pay periods during which Class Members worked overtime or double-time in California from November 12, 2020, through January 1, 2022, resulting in a dollar value per eligible pay period, and then multiplying this value to the number of pay periods each Class Member worked overtime or double-time in California during the same period. Class Members will be paid from the Net Settlement Amount. If you want to dispute the number of eligible pay periods identified on the first page of this Notice, you must inform the Settlement Administrator in writing and provide supporting documents postmarked on or before December 3, 2023. The Settlement Administrator will make a final, non-appealable decision on the dispute as to the number of eligible wage statements after seeking input from counsel for the Parties.

6. HOW DOES THE SETTLEMENT AFFECT MY RIGHTS?

If the proposed Settlement is finally approved, the Court will enter a Final Order and Judgment.

Upon such Final Order and Judgment, you will release the following claims, and will be barred from prosecuting any and all such claims against Apple:

All claims that were pled in the Class Action Complaint or the First Amended Complaint for violation of Labor Code section 226(a)(2), based on Defendant's alleged failure to accurately display the total hours worked on wage statements that reflect the payment of overtime and/or double overtime wages, and that accrued during the Class Release Period (the "Released Class Claims"). The Released Class Claims include a release of statutory penalties, attorneys' fees, and costs.

Further, if you meet the criteria of an Aggrieved Employee, you will also release all claims for civil penalties or other remedies recoverable under Labor Code section 2698, *et seq.* (PAGA), which were pled in the PAGA Action Complaint, the First Amended Complaint and/or the LWDA Letter sent by Plaintiff, dated November 8, 2021, for violation of Labor Code section 226(a)(2), based on Defendant's alleged failure to accurately display the total hours worked on wage statements that reflect the payment of overtime and/or double overtime wages, and that accrued during the Class Release Period (the "Released PAGA Claims"). The Released PAGA Claims include a release of civil penalties, attorneys' fees, and costs.

"Aggrieved Employees" are defined as all current and former California employees of Defendant, who worked at Defendant's call center, which is located at Apple's Sacramento Campus, who were paid overtime and/or double-time wages at any time from November 8, 2020, through January 1, 2022.

The Judgment will resolve the claims to the extent provided in the Settlement Agreement and will permanently bar all Class Members who do not opt out from prosecuting any and all such claims against Apple. You will remain bound by the Settlement, and you cannot sue, continue to sue or be a part of any other lawsuit about the Released Claims. It also means that all of the Court's orders will apply to you and legally bind you.

The precise definitions of the capitalized terms in this Notice can be found in the Joint Stipulation of Class and Representative Action Settlement, which can be viewed at the Courthouse (Superior Court of California, County of Sacramento, located at 720 9th Street, Sacramento, California 95814) during normal business hours.

7. WHAT DO I NEED TO DO TO RECEIVE A SETTLEMENT PAYMENT?

You do not need to do anything to participate in the proposed Settlement. If the proposed Settlement is finally approved, the Settlement Administrator will mail out settlement payments pursuant to the schedule provided in the Settlement Agreement. Class Counsel has been appointed and approved by the Court to represent you for settlement purposes only.

NOTE: It is your responsibility to keep a current address on file with the Settlement Administrator to ensure that your settlement payment will be sent to the correct address. If you fail to keep your address current, you may not receive your settlement payment.

8. WHAT IF I DON'T WANT TO PARTICIPATE IN THIS SETTLEMENT?

You have the right to request exclusion or opt out from the proposed Settlement. To do so, you must submit a written Request for Exclusion to the Settlement Administrator at the following address: *John Cook v. Apple Inc.*, c/o ILYM Group, Inc., P.O. Box 2031 Tustin CA 92781. Requests for Exclusion must: (1) contain your name, signature, address, telephone number, and the last four digits of your Social Security number; (2) clearly state that you do not wish to be included in the proposed Settlement; (3) be returned to the Settlement Administrator at the specified address; and (4) be postmarked on or before December 3, 2023.

If you timely request to be excluded from the proposed Settlement, you will not receive any payment under the Settlement and will not be bound by the Released Class Claims. Unless you timely request to be excluded from the proposed Settlement, you will be sent a settlement payment and you will be bound by the Judgment upon final approval of the Settlement, including the Released Class Claims described in this Notice. Aggrieved Employees may not opt out of the Released PAGA Claims. Class Counsel will not represent your interests if you request to be excluded.

9. WHAT IF I WANT TO OBJECT TO THIS SETTLEMENT?

If you do not request to be excluded, you may object to any of the terms of the proposed Settlement before the Final Approval Hearing in writing and/or in person at the Final Approval Hearing. If the Court rejects your objection and approves the proposed Settlement, you will still be bound by the terms of the Settlement, and you will also be sent a settlement payment. To object in writing, you must mail a written objection stating the grounds for your objection with the Settlement Administrator at the address in Paragraph 17.

Your written objection should be mailed on or before December 3, 2023. All objections should state the case number and title. Additionally, all objections should identify that this matter is being heard in Department 28 of the Superior Court of California, County of Sacramento, and should provide the date and time of the final approval hearing: March 29, 2024, at 9:00 a.m. However, even if you do not file an objection, you may still appear at the Final Approval Hearing to comment on the proposed Settlement if you do not submit a timely Request for Exclusion.

10. WHAT IF I DO NOT EXCLUDE MYSELF FROM THIS SETTLEMENT?

The proposed Settlement, if finally approved by the Court, will bind all Class Members who do not request to be excluded from the Settlement whether or not they cash their settlement payment checks. Final approval of the proposed Settlement will bar any Class Member who does not request to be excluded from the Settlement from hereafter initiating a lawsuit or proceeding regarding the Released Class Claims and Released PAGA Claims against the Releasees during the period of November 12, 2020, through January 4, 2023.

11. WILL THE CLASS REPRESENTATIVE BE COMPENSATED FOR BRINGING THIS LAWSUIT?

John Cook will request a service award of up to \$10,000.00 for his service as Class Representative and for his efforts in bringing the Lawsuit. The Court will make the final decision as to the amount to be paid to the Class Representative.

12. DO I HAVE A LAWYER IN THIS CASE?

The Court has ordered that the interests of the Class Representative and the Class Members for settlement purposes are represented by:

Larry W. Lee
Kristen Agnew
Nicholas Rosenthal
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

William L. Marder
POLARIS LAW GROUP
501 San Benito Street, Suite 200
Hollister, CA 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

(collectively, "Class Counsel"). Class Members will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

13. HOW WILL THE LAWYERS BE PAID?

Class Counsel will be requesting from the Court an amount not to exceed \$173,250.00 for their attorneys' fees and litigation costs not exceeding \$25,000.00. The actual amount awarded to Class Counsel will be determined by the Court.

14. WHAT IS THE FINAL APPROVAL HEARING?

The Court has preliminarily approved the proposed Settlement and will hold a hearing to decide whether to give final approval to the proposed Settlement. The purpose of the Final Approval Hearing will be for the Court to determine whether the proposed Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class Members; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for a service award to the Class Representative.

15. WHEN AND WHERE IS THE FINAL APPROVAL HEARING?

The Court will hold the Final Approval Hearing on March 29, 2024 at 9:00 a.m., in Department 28 of the Superior Court for the State of California, County of Sacramento, which is located at 720 9th Street, Sacramento, California 95814 ("Final Approval Hearing"). The Final Approval Hearing may be continued without further notice to the Class Members. If the

Settlement is not approved by the Court or does not become final for some reason, the Lawsuit may continue, and no settlement payments will be made.

You may attend the Final Approval Hearing, but it is not necessary for you to appear in order to receive your share of the Settlement. You have the right to attend the Final Approval Hearing without counsel or to be represented by your own counsel at your own expense. At the hearing, the Court will be available to hear any objections and arguments concerning the proposed Settlement. However, if you have requested exclusion from the proposed Settlement, you may not object or speak at the Final Approval Hearing. If you plan to attend the Final Approval Hearing, you may contact Class Counsel to confirm the date and time.

16. WILL I BE TAXED ON THE SETTLEMENT PAYMENT?

For tax purposes, 100% of all settlement payments made to Class Members under the proposed Settlement shall be treated as non-economic damages, penalties, and interest that will not be subject to payroll taxes or tax withholdings. An IRS Form 1099 will be issued for each settlement payment, as necessary. Neither of the Parties nor their respective counsel make any representations as to the taxability to any Class Members of any portions of the settlement payments or other consideration. Class Members who receive any settlement payment should consult their tax advisors concerning the tax consequences of the settlement payments they receive pursuant to the proposed Settlement.

17. HOW DO I GET MORE INFORMATION?

To obtain a copy of the Joint Stipulation of Class and Representative Action Settlement (which defines the capitalized terms used in this Notice and provides a brief summary of what has happened in the Lawsuit), the operative Complaint filed in the Lawsuit, and other filed documents related to the Lawsuit and this proposed Settlement, go to www.ilymgroup.com. You may also contact the Clerk's Office at the Superior Court for the State of California, County of Sacramento during normal business hours. The Courthouse is located at 720 9th Street, Sacramento, California 95814.

IF YOU NEED MORE INFORMATION OR HAVE ANY QUESTIONS, you may contact the Settlement Administrator at the address and telephone number listed below, toll free. Please refer to the *Cook/Apple* Settlement.

Cook v. Apple Inc.
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781
(888) 250-6810

You may also contact the attorneys for the Class, whose names and contact information is listed above in Section 12.

18. WHAT IF MY INFORMATION CHANGES?

If this Notice was sent to the wrong address or if, after you receive this Notice, you change your postal address or telephone number, it is your responsibility to inform the Settlement Administrator of your updated information.

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE
CLERK OF THE COURT OR THE JUDGE**