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23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

24 **FOR THE COUNTY OF SAN BERNARDINO**

25 ANGEL ARMENTA and JAKKOB ROMERO,
26 individually, on behalf of all others similarly
27 situated, and on behalf of the State of California
28 and other aggrieved persons,

Plaintiffs,

v.

BLUE BEACON INTERNATIONAL,
INCORPORATED, a corporation; BLUE
BEACON U.S.A., L.P., a limited partnership;
BLUE BEACON U.S.A. II, L.P., a limited
partnership; and DOES 1 through 10, inclusive,

Defendants.

Case No.: CIVSB2206415

**DECLARATION OF MARKUS
BULTHUIS REGARDING NOTICE
AND SETTLEMENT
ADMINISTRATION**

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DECLARATION OF MARKUS BULTHUIS

I, Markus Bulthuis, declare the following facts to be true and correct and if called as a witness would testify competently to the same:

1. I am employed as a Senior Project Manager by Simpluris, Inc. (“Simpluris”) the settlement administrator in the above-entitled action. My business address is 3194-C Airport Loop Drive, Costa Mesa, California 92626. My telephone number is (714) 415-2691. I am over twenty-one years of age and authorized to make this declaration on behalf of Simpluris and myself.

2. Simpluris, Inc. is a Class Action Settlement Administration company located in Costa Mesa, California. It is founded by individuals who have each managed thousands of settlements, along with professionals in the areas of Software Development, Third-Party Claims Administration, Mail-House Operations, and Call Center Support Management.

3. Simpluris was appointed by the Court as Settlement Administrator to administer the Settlement in accordance with the terms of the Class Action and PAGA Settlement Agreement and Class Notice (the “Agreement”). Simpluris has been, and if the Court grants final approval of the Settlement, will be responsible for, among other things: (a) printing and mailing in the Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval (“Notice”) in English and Spanish; (b) receiving undeliverable Notices; (c) receiving and validating requests for exclusion and objections; (d) calculating individual settlement payments, distributing funds, and tax-reporting following final approval; (e) mailing settlement checks; (f) answering questions from Class Members; and (g) performing such other tasks necessary to effectuate the terms of the Settlement or as the Parties mutually agree or the Court orders Simpluris to perform.

4. A toll-free telephone number was included in the Notice for the purpose of allowing the Class Members to call Simpluris and to make inquiries regarding the

1 Settlement. The system is accessible 24 hours a day, seven (7) days a week, and will
2 remain in operation throughout the settlement process. Callers have the option to speak
3 with a live call center representative during normal business hours or to leave a message
4 and receive a return call during non-business hours. The toll-free telephone number
5 included in the Notice was 1-833-608-4657.

6 5. On June 1, 2023, Simpluris received the Court-approved Notice. The
7 Notice advised Class Members of their right to opt out from the Settlement, object to the
8 Settlement, or do nothing, and the implications of each such action. The Notice advised
9 Class Members of applicable deadlines and other events, including the Final Approval
10 Hearing, and how Class Members could obtain additional information. The Notice was
11 pre-printed with the name and address of the Class Members and their estimated
12 payment.
13

14 6. On June 19, 2023, Counsel for Defendants provided Simpluris with a list
15 containing the name, last known address, Social Security number, and pertinent
16 employment information for the Class Members during the Class Period (“Database”).
17 The Database contained data for one thousand six hundred thirty-five (1,635) employees.
18 Simpluris worked with Counsel for Defendants to identify employees who needed to be
19 removed based on the dates of employment or duplication. The updated total number of
20 Class Members after this process was one thousand four hundred ninety-seven (1,497)
21 Class Members who worked approximately fifty-nine thousand six hundred seventy-four
22 (59,674) workweeks during the Class Period. There are 890 Aggrieved Employees who
23 worked twelve thousand fifty (12,050) pay periods during the PAGA Period.

24 7. The mailing addresses contained in the Database were processed and
25 updated utilizing the National Change of Address Database (“NCOA”) maintained by the
26 U.S. Postal Service. The NCOA contains changes of address filed with the U.S. Postal
27 Service. In the event that any individual had filed a U.S. Postal Service change of
28 address request, the address listed with the NCOA was utilized in connection with the

mailing of the Notices.

8. On August 4, 2023, after updating the mailing addresses through the NCOA, Notices were mailed via First-Class Mail to the one thousand four hundred ninety-seven (1,497) Class Members contained in Database. A sample Notice is attached hereto as Exhibit A.

9. As of the date of this declaration, one hundred twenty-seven (127) Notices were returned by the post office. For Class Members without forwarding addresses, Simpluris attempted to find a forwarding address using Accurint, a reputable research tool owned by Lexis-Nexis. Simpluris used the Class Member's name and previous address to locate a current address. Altogether, Simpluris re-mailed one hundred seven (107) Notices to a new forwarding address provided by the post office, a newfound address using Accurint, or a forwarding address provided by the Class Member. Ultimately, twenty (20) Notices were undeliverable.

10. As of the date of this declaration, the estimated Net Settlement Amount available to the Settlement Class Members is as follows:

Gross Settlement Amount	\$1,600,000.00
Less Class Counsel Fees Payment (Requested)	-533,333.33
Less Class Counsel Expenses Payment (Requested)	-\$15,000.00
Less Service Payments to Class Representatives (Requested)	-\$20,000.00
Less PAGA Penalties	-\$50,000.00
Less Administrator Expenses Payment	-\$15,000.00
Remaining Net Settlement Amount	\$966,666.67

11. The average payment to the Participating Class Members will be \$646.17. The highest class award will be \$4,017.58 and the lowest award will be \$2.27. For the Aggrieved Employees, the average PAGA award will be \$14.04, the highest PAGA award will be \$48.76 and the lowest PAGA award will be \$1.04.

12. Class Members who wish to be excluded from the Settlement were directed to submit their request for exclusion to the Settlement Administrator by no later than September 18, 2023. As of the date of this declaration, Simpluris has received one (1) request for exclusion from the Settlement, from Tim Le.

13. Class Members who wish to object in writing were directed to submit their written objection to the Settlement Administrator by no later than September 18, 2023. As of the date of this declaration, Simpluris has not received any written objections.

14. Class Members who wish to dispute the number of workweeks or pay periods provided by the Defendant were directed to submit their written dispute by no later than September 18, 2023. As of the date of this declaration, Simpluris has received two (2) written disputes. The disputes from Atiur Rehman and Eleazar Chavez are being reviewed to determine if they will be accepted.

15. Simpluris will charge a total of \$15,000.00 for services rendered and to be rendered in administering this matter. A true and correct copy of Simpluris's invoice is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed this 11th day of September, 2023, in Seattle, Washington.


Markus Bulthuis