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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

MIREYA ARTEAGA, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the California
Private Attorneys General Act;

Plaintiff,

vs.

ARCH HEALTH PARTNERS, an unknown
business entity; PACIFIC ACCOUNTABLE
MANAGEMENT, LLC, a California limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 37-2019-00041863-CU-OE-CTL

Honorable Timothy Taylor
Department C-72

CLASS ACTION

**DECLARATION OF MARY BUTLER
REGARDING NOTICE AND
SETTLEMENT ADMINISTRATION**

Date: April 21, 2023
Time: 1:00 p.m.
Department: C-72

Complaint Filed: August 9, 2019
FAC Filed: November 17, 2022
Trial Date: None Set

DECLARATION OF MARY BUTLER

I, MARY BUTLER, 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 Case Manager by Simpluris, Inc. (“Simpluris”), the claims administrator in the above-entitled action. My business address is 3194-C Airport Loop Drive, Costa Mesa, CA 92626. My telephone number is (714) 640-5607. I am over 21 years of age and authorized to make this declaration on behalf of Simpluris and myself.

2. Simpluris is a class action Settlement Administration Company headquartered in Costa Mesa, California. It was founded by individuals who have each managed hundreds 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 Joint Stipulation of Class and PAGA Settlement, (the “Settlement”). Simpluris has been responsible, among other things, for: (a) printing and mailing the Notice of Class Action Settlement (“Notice”); (b) receiving undeliverable Notices; (c) receiving any requests for exclusion; (d) and answering questions from Class Members. If the Court grants final approval of the Settlement, Simpluris will be responsible, among other things, for: (e) calculating individual Settlement payments, distributing funds, and tax-reporting following final approval; (f) mailing Settlement checks; (g) and for such other tasks as the Parties mutually agree or the Court orders Simpluris to perform.

TOLL FREE TELEPHONE HELPLINE

4. A toll-free telephone number was included in the Class Notice for the purpose of allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement. The system is accessible 24 hours a day, 7 days a week, and will remain in operation throughout the settlement process. Callers have the option to speak with a live call center representative during normal business hours or to leave a message and receive a return call during non-business hours. The toll-free telephone number included in the Class Notice was 1-866-608-7382.

NOTIFICATION TO THE CLASS

5. On November 29, 2022, Simpluris received the Court-approved Notice from Plaintiffs' Counsel. The Notice advised Class Members of their right to opt out from the Settlement, object to the Settlement, or do nothing, and the implications of each such action. The Notice advised Class Members of applicable deadlines and other events, including the Final Approval Hearing, and how Class Members could obtain additional information. A true and correct copy of an exemplar Notice is attached hereto as "**Exhibit A**".

6. On December 28, 2022, Counsel for Defendant provided Simpluris with a mailing list containing the name, last known address, Social Security Number, and pertinent employment information during the Class Period for the Class Members. The Class List contained data for 1,360 unique Class Members.

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

8. On February 14, 2023, after updating the mailing addresses through the NCOA, Notices were mailed via First Class Mail to 1,360 Class Members contained in the Class List. As of this date, 97 Notices were returned by the post office. For those without a forwarding address, Simpluris performed an advanced address search (i.e. skip trace) on all of these addresses by using Accurant, a reputable research tool owned by Lexis-Nexis. Simpluris used the Class Member's name, previous address and Social Security number to locate a more current address. Eighty-four (84) Notices were re-mailed to either a newfound address, with forwarding addresses provided by the United States Postal Service or at the request of the Class Member. Ultimately, after additional searches, 13 Notices were undeliverable because Simpluris was unable to find a better address.

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15. Additionally, \$250,000.00 of the Gross Settlement Amount has been allocated toward penalties under the Private Attorneys General Act (“PAGA Payment”), of which 75%, or \$187,500.00, shall be paid to the Labor and Workforce Development Agency (“LWDA”), and 25%, or \$62,500.00, shall be paid to PAGA Aggrieved Employees. As of this date, the *highest* Individual PAGA Payment to be paid is approximately \$155.63 and the *average* Individual PAGA Payment to be paid is approximately \$60.15.

ADMINISTRATION COSTS

16. Simpluris' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$13,000.00. Simpluris' work in connection with this matter will continue with the calculation of the Settlement checks, issuance and mailing of those Settlement checks, etc., and to do the necessary tax reporting on such payments. A breakdown of Simpluris' fees as attached hereto as **Exhibit B**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of April, 2023, at Frisco, TX.

Mary C Butler
Mary Butler