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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

DFT, INC. WAGE AND HOUR CASES

Coordinated Actions:

ERIC BETANCES vs. DFT, INC. D/B/A
CANNON MANAGEMENT

ROXANA VALDEZ vs. DFT, INC.
D/B/A CANNON MANAGEMENT

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO.: 4882

Honorable Yvette M. Palazuelos
Department SSC9

Superior Court of California, County of Los
Angeles: BC559751

Complaint Filed: October 6, 2014

Superior Court of California, County of San
Bernardino: CIVDS1605358

Complaint Filed: April 12, 2016

**SUPPLEMENTAL DECLARATION OF
ELIZABETH KRUCKENBERG ON
BEHALF OF SETTLEMENT
ADMINISTRATOR WITH RESPECT TO
SETTLEMENT NOTICE
ADMINISTRATION**

Date: March 12, 2019
Time: 10:00 a.m.
Department: SSC9

1 **SUPPLEMENTAL DECLARATION OF ELIZABETH KRUCKENBERG**

2 I, Elizabeth Kruckenberg, declare as follows:

3 1. I am the Director of Case Management at Phoenix Settlement Administrators (PSA), the
4 Court-appointed Settlement Administrator in the case entitled *DFT, Inc. Wage and Hour Cases*. I have
5 personal knowledge of the facts stated herein and, if called upon to testify, I could and would testify
6 competently to such facts.

7 2. The deadline for Class Members to fax or postmark a Request for Exclusion, Notice of
8 Objection, and/or Workweek Dispute to the Settlement Administrator was October 4, 2018 ("Response
9 Deadline").

10 3. PSA received four (4) Requests for Exclusion from the following Class Members: Andrew
11 Olague, Hector Alexander Aquino, John Michael Gibson, and Shantel Del Rasario.

12 4. The Net Settlement Amount of \$280,929.01 available to pay Settlement Class Members
13 was determined by subtracting the requested attorneys' fees (\$192,500.00), requested amount for
14 reimbursement of litigation costs and expenses (\$24,570.99), requested Class Representative
15 Enhancement Payments (\$12,500.00), the PAGA Settlement Amount (\$30,000.00), and the requested
16 Settlement Administration Costs (\$9,500.00) from the Maximum Settlement Amount (\$550,000.00).

17 5. Based on the highest tax rates, the amount due for employer's share of payroll taxes and
18 withholdings with respect to the wage portion of the Settlement Shares is estimated to be \$13,518.08
19 ("Employer Taxes"). Since the tax rates are currently not known by PSA, PSA calculated the amount due
20 off the highest tax rate. This amount may decrease based on Defendant's 2019 Unemployment Insurance
21 and Employment Training Tax rates.

22 6. After deducting the Employer Taxes from the Net Settlement Amount of \$280,929.01, the
23 total net amount to be distributed to Settlement Class Members is estimated to be \$267,410.93.

24 7. Based on the Net Settlement Amount of \$280,929.01 and deducting the employee's share
25 of taxes and withholdings with respect to the wage portion of the Settlement Shares and Employer Taxes,
26 the highest Individual Settlement Payment to a Settlement Class Member is approximately \$941.63 and
27 the average Individual Settlement Payment is approximately \$254.45.

8. Twenty-five percent (25%) of the PAGA Settlement Amount, or \$7,500, will be paid out to PAGA Class Members on a *pro rata* basis, based on PAGA Workweeks. The amounts PAGA Class Members will receive for their Individual PAGA Payments is considered 100% penalties, and therefore, these amounts will be paid out without reduction for any taxes or withholdings. The highest Individual PAGA Payment to a PAGA Class Member is estimated to be \$27.65 and the average Individual PAGA Payment is estimated to be \$10.43.

9. Based on the Net Settlement Amount of \$280,929.01, deducting the employee's share of taxes and withholdings and Employer Taxes, and including the Individual PAGA Payments, the highest payment to a Settlement Class Member is approximately \$969.28 and the average payment is approximately \$262.95.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 21st day of February 2019, at Orange, California.


ELIZABETH KRUCKENBERG