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

HECTOR MENDOZA PAZ, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

BORREGO SOLAR SYSTEMS, INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

Case No.: 37-2022-00030081-CU-0E-CTL

*[Assigned for all purposes to Hon. Gregory W.
Pollack, Dept. C-71]*

**DECLARATION OF CHRISTINA
FOWLER OF ILYM GROUP, INC. IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Date: March 22, 2024
Time: 9:30 a.m.
Dept.: C-71

1 I, Christina Fowler, 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. (hereinafter 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 *Paz v. Borrego Solar Systems, Inc., et al.* matter. I am authorized to make this declaration
7 on behalf of ILYM Group and myself. I have personal knowledge of the facts herein, and, if called
8 upon to testify, I 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 claims administration, pursuant to the
15 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 Class Action and PAGA Settlement and Release* (referred to as “Notice”); (b) receiving
18 and processing requests for exclusion; (c) resolving Settlement Class Members’ disputes over the
19 number of work weeks Defendants have record of them working during the Class Period; (d)
20 calculating individual settlement award amounts; (e) processing and mailing settlement award
21 checks; (f) handling tax withholdings as required by the Settlement and the law; (g) preparing,
22 issuing and filing tax returns and other applicable tax forms; (h) handling the distribution of any
23 unclaimed funds pursuant to the terms of the Settlement; and (i) performing other tasks as the
24 Parties mutually agree to and/or the Court orders ILYM Group to perform.

25 4. On November 10, 2023, ILYM Group received the Court-approved text for the
26 Notice. ILYM Group prepared a draft of the formatted Notice, which was approved by the Parties’
27 counsel prior to mailing.
28

1 5. On November 17, 2023, ILYM Group received the Class Data file from Defense
2 Counsel, which contained the name, social security number, last known mailing address, job title,
3 dates of employment, and the total number of Eligible Workweeks worked for each Settlement
4 Class Member. The data file was uploaded to our database and checked for duplicates and other
5 possible discrepancies. The Class Data contained 52 individuals and 5,813 total class work weeks.
6 Pursuant to the Escalator Clause on page 7 of the Joint Stipulation of Class Action and PAGA
7 Settlement, ILYM calculated an overage of 901 work weeks equating to an 18.30% overage. This
8 resulted in an additional \$26,535.00 being added to the original \$145,000 figure. The new and
9 final Gross Settlement Amount is \$171,535.00.

10 6. As part of the preparation for mailing, all 52 names and addresses contained in the
11 Class Data were then processed against the National Change of Address (“NCOA”) database,
12 maintained by the United States Postal Service (“USPS”), for purposes of updating and confirming
13 the mailing addresses of the Settlement Class Members before mailing of the Notice Packet. The
14 NCOA contains requested change of addresses filed with the USPS. To the extent that an updated
15 address was found in the NCOA database, the updated address was used for the mailing of the
16 Notice Packet. To the extent that no updated address was found in the NCOA database, the original
17 address provided by Defense Counsel was used for the mailing of the Notice Packet.

18 7. On December 1, 2023, the Notice Packet was mailed, via U.S. First Class Mail, to
19 all 52 individuals contained in the Class Data. Attached hereto, as **Exhibit A**, is a true and correct
20 copy of the mailed Notice Packet.

21 8. As of the date of this declaration, 1 Notice has been returned to our office. The
22 Notice did not have a forwarding address to re-mail them to. ILYM Group performed a
23 computerized skip trace in an effort to obtain an updated address for the purpose of re-mailing the
24 Notice Packet. As a result of this skip trace, ILYM Group was able to locate an updated address.
25 The Notice was promptly re-mailed to the Settlement Class Member, via U.S. First Class Mail.

26 9. As of the date of this declaration, a total of 1 Notice has been re-mailed.
27 Specifically, the 1 re-mail was a result of ILYM Group’s skip tracing efforts.

28 10. As of the date of this declaration, no Notices have been deemed undeliverable.

11. As of the date of this declaration, ILYM Group has not received any Requests for Exclusion. The deadline to request exclusion from the Settlement was January 30, 2024.

12. As of the date of this declaration, ILYM Group has not received any Disputes to the Settlement. The deadline to file a dispute n to the Settlement was January 30, 2024.

13. As of the date of this declaration, ILYM Group has not received any Objections to the Settlement. The deadline to file an Objection to the Settlement was January 30, 2024.

14. As of the date of this declaration, ILYM Group will report a total of 52 Participating Class Members, representing 100% of the 52 Settlement Class Members.

15. Participating Class Members will receive a proportional share of the Net Settlement Amount through Individual Class Payments, based on the number of Eligible Work Weeks worked by Participating Class Members during the Class Period. The Net Settlement Amount is the amount remaining after deduction of the Court-approved payments from the Gross Settlement Amount for the Class Counsel Fees Payment and Class Counsel Litigation Expenses Payment, the two Class Representative Service Payments, Settlement Administration Costs to ILYM Group, and the PAGA Payment, i.e.:

New Gross Settlement Amount	\$ 171,535.00
Class Counsel Fees Payment	\$ 57,178.33
Class Counsel Litigation Expenses Payment	\$ 15,000.00
Class Representative Service Payment	\$ 5,000.00
Settlement Administration Costs	\$ 5,350.00
PAGA Payment to the LWDA	\$ 7,750.00
PAGA Payment to the PAGA Employees	\$ 2,500.00
Net Settlement Amount (estimated)	\$ 79,006.67

16. The estimated employer taxes are \$3,104.96.

17. To determine a Participating Class Member's Individual Class Payment, the Net Settlement Amount shall be divided among all Participating Class Members on a pro rata basis, based on the ratio of the Eligible Workweeks worked by each Participating Class Member during the Class Period to the total number of Eligible Workweeks worked by all Participating Class

1 Members during the Class Period. There are 52 Participating Class Members who worked 5,813
2 Eligible Workweeks during the Class Period. Based on these calculations, the Participating Class
3 Members will receive an estimated *average* Individual Class Payment of \$1,519.36, with the
4 estimated *highest* Individual Class Payment being \$4,091.00, and the estimated *lowest* Individual
5 Class Payment being \$67.96.

6 18. Pursuant to the Settlement Agreement, 25% of the PAGA Payment (i.e., \$2,250.00)
7 will be allocated to Aggrieved Employees regardless of whether they opt out of the Settlement.
8 Aggrieved Employees cannot opt out of the PAGA portion of the Settlement. The Individual PAGA
9 Payments are allocated on a *pro rata* basis using the number of PAGA Pay Periods during the
10 PAGA Period. There are 40 Aggrieved Employees who worked 1,284 PAGA Pay Periods during
11 the PAGA Period. The *highest* Individual PAGA Payment to an Aggrieved Employee is currently
12 estimated to be approximately \$105.14, the *average* Individual PAGA Payment is currently
13 estimated to be approximately \$56.25 and the *lowest* Individual PAGA Payment is currently
14 estimated to be approximately \$5.26.

15 19. ILYM Group's total fees and costs for services in connection with the administration
16 of this Settlement, which includes fees and costs incurred to-date, as well as anticipated fees and
17 costs for completion of the settlement administration, are \$5,350.00. ILYM Group's work in
18 connection with this matter will continue with the calculation of the settlement award payments,
19 issuance and mailing of the settlement award checks, the necessary tax filing and reporting on such
20 payments, and any other tasks that the Parties mutually agree to and/or the Court orders ILYM
21 Group to perform.

22
23 I declare under penalty of perjury under the laws of the State of California and the United
24 States that the foregoing is true and correct to the best of my knowledge and that this Declaration
25 was executed this 28th day of February 2024, at Tustin, California.

26
27 
28 CHRISTINA FOWLER

Hector Mendoza Paz v. Borrego Solar Systems, Inc., et al.
37-2022-00030081-CU-OE-CTL

[illegible]

I, Sandy Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On February 29, 2024, I served the foregoing **DECLARATION OF CHRISTINA FOWLER OF ILYM GROUP, INC. IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS AND PAGA ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Marlene M. Moffitt (SBN 223658)
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Attorneys for Defendants

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

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

Executed on February 29, 2024, at Los Angeles, California.


Sandy Sespene