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10 *Attorneys for Plaintiffs*

11 UNITED STATES DISTRICT COURT  
12  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 CHRISTIAN DECENA, an Individual,  
16 HAIRON MARTINEZ, an Individual;  
17 MIGUEL RIOS, an Individual; RIGOBERTO  
18 GODOY, an Individual; Individually, and on  
19 Behalf of all Similarly Situated Individuals

20 Plaintiffs,

21 vs.

22 ALLEGIANT FINAL MILE INC., a Florida  
23 Corporation; DIVERSE LOGISTICS &  
24 DISTRIBUTION, INC., a Florida Corporation;  
25 MATTRESS FIRM, INC., a Delaware  
26 Corporation; and DOES 1 through 25, Inclusive,

27 Defendants.  
28

Case No.: 23-cv-03633-YGR

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

1  
2 I, **MARKUS BULTHUIS**, declare the following facts to be true and correct and if called  
3 as a witness would testify competently to the same:

4       1. I am employed as a Senior Project Manager by Simpluris, Inc. (“Simpluris”)  
5 the settlement administrator in the above-entitled action. My business address is 3194-C  
6 Airport Loop Drive, Costa Mesa, CA 92626. My telephone number is (714) 415-2691. I  
7 am over twenty-one years of age and authorized to make this declaration on behalf of  
8 Simpluris and myself.  
9

10       2. Simpluris, Inc. is a Class Action Settlement Administration company located  
11 in Costa Mesa, CA. It is founded by individuals who have each managed thousands of  
12 settlements, along with professionals in the areas of Software Development, Third-Party  
13 Claims Administration, Mail-House Operations, and Call Center Support Management.  
14

15       3. Simpluris was appointed by the Court as Settlement Administrator to  
16 administer the Settlement in accordance with the terms of the Class and Representative  
17 PAGA Action Settlement Agreement (the “Agreement”). Simpluris has been, and if the  
18 Court grants final approval of the Settlement, will be responsible for, among other  
19 things: (a) printing and mailing in English and Spanish the Notice of Class and  
20 Representative PAGA Action Settlement and Payment Information Form (“Notice  
21 Packet”); (b) receiving undeliverable Notice Packets; (c) receiving and validating  
22 requests for exclusion, payment information forms, and objections; (d) calculating  
23 individual settlement payments, distributing funds, and tax-reporting following final  
24 approval; (e) mailing settlement checks; (f) answering questions from Class Members;  
25 (g) performing such other tasks necessary to effectuate the terms of the Settlement or as  
26  
27  
28

1 the Parties mutually agree or the Court orders Simpluris to perform; and (h) CAFA  
2 Notices..

3 4. A toll-free telephone number was included in the Notice for the purpose of  
4 allowing the Class Members to call Simpluris and to make inquiries regarding the  
5 Settlement. The system is accessible 24 hours a day, 7 days a week, and will remain in  
6 operation throughout the settlement process. Callers have the option to speak with a live  
7 call center representative during normal business hours or to leave a message and receive  
8 a return call during non-business hours. The toll-free telephone number included in the  
9 Notice was 1-888-369-3780.  
10

11 5. On October 22, 2024, Simpluris received the Court-approved Notice and  
12 Payment Information Form. The Notice advised Class Members of their right to opt out  
13 from the Settlement, dispute employment information, object to the Settlement, or do  
14 nothing, and the implications of each such action. The Notice advised Class Members of  
15 applicable deadlines and other events, including the Final Approval Hearing, and how  
16 Class Members could obtain additional information. The Payment Information Form was  
17 pre-printed with the name and address of the Class Member and their estimated payment.  
18

19 6. On October 28, 2024, Counsel for Defendant provided Simpluris with a  
20 Settlement Data mailing list (“Class List”) containing the name, last known address,  
21 social security number, qualification date, and if applicable, service end date during the  
22 Class Period and PAGA Period for the Class Members. The Class List contained data  
23 for six hundred eighteen (618) Class Members. Simpluris identified that four hundred  
24 sixty-seven (467) of these Class Members were also PAGA Group Members.  
25  
26  
27  
28

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

8           8.       On November 22, 2024, after updating the mailing addresses through the  
9 NCOA, Notices were mailed via First Class Mail to six hundred eighteen (618) Class  
10 Members contained in the Class List. A sample Notice Packet is attached hereto as  
11 **Exhibit A.**

12  
13           9.       As of this date, six (6) self-identified individuals, who were not on the initial  
14 Class List, have reached out to Simpluris indicating that they should be part of the Class.  
15 Information on these six (6) individuals were sent to Counsel for the Defendants to  
16 determine the individual’s status as a Class Member and/or PAGA Group Member and  
17 review for inclusion. Counsel for the Defendants confirmed that these six (6) individuals  
18 were inadvertently excluded from the initial Class List and should be part of the Class.  
19 Simpluris added these individuals to the Class List and will promptly send a Notice.  
20 Simpluris shall include a brief letter stating that the recipient of the Notice has until the  
21 original deadline set forth on the Notice, or ten days after the date of re-mailing of the  
22 Notice (whichever is later) to object or submit a request for exclusion.  
23  
24

25           10.      As of this date, one hundred (100) Notices were returned by the post  
26 office. For those without forwarding addresses, Simpluris attempted to find a forwarding  
27 address using Accurint, a reputable research tool owned by Lexis-Nexis. Simpluris used  
28

1 the Class Member's name and previous address to locate a current address. Altogether,  
2 Simpluris re-mailed forty-seven (47) Notices to either; a new forwarding address  
3 provided by the Post Office, a newfound address using Accurant, or a forwarding address  
4 provided by the Class Member. Ultimately, fifty-three (53) Notices are undeliverable.

5 11. As of today, Simpluris has not received any request for exclusion from the  
6 Settlement. The deadline for Class Members to submit a request for exclusion is  
7 February 21, 2025.

8 12. Class Members who wished to object were directed to submit their objection  
9 to the Settlement Administrator. As of this date, Simpluris has not received any  
10 objections. The deadline for Class Members to submit an objection is February 21, 2025.

11 13. Class Members were given the opportunity to return the Payment  
12 Information Form to the Settlement Administrator used to submit their tax identification  
13 number. As of this date, Simpluris has received three (3) Payment Information Forms  
14 with the tax identification numbers of those Class Members. The deadline for Class  
15 Members to submit a Payment Information Form is February 21, 2025.

16 14. Settlement Class Members will receive a proportional share of the Net  
17 Class Settlement Amount through Individual Settlement Payments, based on the number  
18 of Qualifying Class Workweeks during the Class Period. The Net Class Settlement  
19 Amount is the amount remaining from the Gross Settlement Amount after deduction of  
20 the Court-approved Class/PAGA Counsel's Attorney's Fees and Costs, Service and  
21 Release Award(s) to the Representative Plaintiffs, Settlement Administration Costs, and  
22 the deduction of the PAGA Fund for the payment to the LWDA and PAGA Group  
23 Members.

|                                            |                     |
|--------------------------------------------|---------------------|
| <b>Gross Settlement Amount:</b>            | <b>\$918,000.00</b> |
| Less Attorneys' Fees (Requested)           | -\$229,500.00       |
| Less Litigation Costs (Requested)          | -\$19,468.90        |
| Less Plaintiff Service Payment (Requested) | -\$40,000.00        |
| Less PAGA Settlement Amount to LWDA        | -\$22,500.00        |
| Less Net PAGA Settlement Amount            | -\$7,500.00         |
| <u>Less Settlement Administration:</u>     | <u>-\$17,270.00</u> |
| <b>Net Class Settlement Amount</b>         | <b>\$581,761.10</b> |

Based on these calculations, the Settlement Class Members will receive an estimated average gross payment of \$941.36, with the estimated highest gross payment being \$6,458.44. Based on these calculations, the PAGA Group Members will receive an estimated average gross payment of \$16.06, with the estimated highest gross payment being \$68.51.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed this 24<sup>th</sup> day of January, 2025, in Port Orchard, Washington.

Markus Bulthuis