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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

GLORIA NAZARENO, an individual, and
ELOISE IYAR, and individual, acting on behalf
of themselves and a class of similarly situated
employees,

Plaintiffs,

vs.

ANAND, INC. d/b/a JACK IN THE BOX, a
California Corporation, and DOES 1 through
100, inclusive,

Defendants.

Case No. 34-2020-00278363

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

Date: February 9, 2024

Time: 9:00 a.m.

Dept.: 22

Judge: Hon. Lauri A. Damrell

Reservation #: A-278363-002

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 *Nazareno et al. v Anand Inc. dba Jack in the Box* matter. I am authorized to make this
7 declaration on behalf of ILYM Group and myself. I have personal knowledge of the facts herein,
8 and, if called 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. This declaration is in supplement to my signed Declaration in Support of Motion
14 for Final Approval and of Class Action Settlement on January 17, 2024.

15 4. As of the date of this declaration, ILYM Group has not received any Requests for
16 Exclusion. The deadline to request exclusion from the Settlement was January 16, 2024.

17 5. As of the date of this declaration, ILYM Group has not received any disputes to the
18 Settlement. The deadline to file a dispute to the Settlement was January 16, 2024.

19 6. As of the date of this declaration, ILYM Group has not received any Objections to
20 the Settlement. The deadline to file an Objection to the Settlement was January 16, 2024.

21 7. As of the date of this declaration, ILYM Group will report a total of 166
22 Participating Class Members, representing 7.49% of the 2,217 Settlement Class Members.

23 8. As of this date, there are 164 Class Members who submitted a timely and valid Claim Form.
24 It is ILYM’s understanding that the two Lead Plaintiffs are not required to submit a valid Claim form to
25 receive their class member award. Therefore, there are 166 valid claimants deemed to be Settlement Class
26 Members. The Individual Settlement Award is allocated on a *pro rata* basis using their Qualifying
27 Workweeks worked.

28 9. Claimants have claimed approximately \$12,731.77 or 10.97% of the Net Settlement

1 Proceeds. Pursuant to the Agreement, The Net Settlement Amount is reversionary, meaning that a
2 minimum amount of 40% of the Net Settlement amount must be paid to the Class Members who
3 submitted a valid claim, or \$46,428.55. The additional amount to be re-allocated to meet the 40%
4 floor requirement is \$33,696.78. Based on this, the *highest* Individual Settlement Share to a
5 Settlement Class Member is currently estimated to be approximately \$854.24, the *average*
6 Individual Settlement Share is currently estimated to be approximately \$279.69 and, the *lowest*
7 Individual Settlement Share is currently estimated to be approximately \$1.24. These amounts are
8 subject to employee-side tax and withholdings.

9 10. Pursuant to the Agreement, any unclaimed residue remaining in the Net Settlement
10 Amount after the 40% floor is applied will be returned to the Defendant. As of the date of this
11 declaration, the estimated unclaimed amount is \$69,642.82.

12 11. Pursuant to the Settlement Agreement, 25% of the PAGA Payment (i.e., \$2,500)
13 will be allocated to Aggrieved Employees regardless of whether they opt out of the Settlement.
14 Aggrieved Employees cannot opt out of the PAGA portion of the Settlement. The Individual PAGA
15 Payments are allocated on a *pro rata* basis using the number of Qualifying Workweeks during the
16 PAGA Period. There are 1,550 Aggrieved Employees who worked 147,271 Qualifying Workweeks
17 during the PAGA Period. The *highest* Individual PAGA Payment to an Aggrieved Employee is
18 currently estimated to be approximately \$6.71, the *average* Individual PAGA Payment is currently
19 estimated to be approximately \$1.61, and the *lowest* Individual PAGA Payment is currently
20 estimated to be approximately \$0.02.

21
22 I declare under penalty of perjury under the laws of the State of California and the United
23 States that the foregoing is true and correct to the best of my knowledge and that this Declaration
24 was executed this 26th day of January 2024, at Tustin, California.

25
26 
27 CHRISTINA FOWLER
28