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[additional counsel listed on signature page]

*Attorneys for Plaintiffs and the Proposed
California Class, Aggrieved Employees, and FLSA Collective*

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO**

RANDY CURRAN, CIERRA WOOLEN,
LUISA MAZON, ROBERTO RAMIREZ,
LINDA FANG, and ALEXIS BELL,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

ADVANCED CARRIER SERVICES,
LLC, B-Z CONVEYANCE, LLC,
DELIVERY RESPONSE ON-TIME
PARCEL LLC, ONDOT LLC,
AMAZON.COM, INC., and AMAZON
LOGISTICS, INC.,

Defendants.

Civil Action No.: CV2024-0847

**DECLARATION OF SETTLEMENT
ADMINISTRATOR IN SUPPORT OF
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS,
REPRESENTATIVE, AND
COLLECTIVE ACTION
SETTLEMENT AGREEMENT**

Action Filed: March 29, 2024
Trial Date: None set

Hearing Date: November 26, 2024
Time: 9:00 a.m.
Dept.: 11
Judge: Hon. Timothy Fall

1 I, Caroline P. Barazesh, pursuant to 28 U.S.C. § 1748, state as follows:

2 1. I am over the age of twenty-one. I am competent to give this declaration. This declaration
3 is true and correct to the best of my knowledge, information and belief.

4 2. I am currently a Director for Analytics Consulting LLC (hereinafter “Analytics”), located
5 at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. In my capacity as Director, I am responsible
6 for claims administration in the above-captioned litigation.

7 3. Analytics was engaged to provide settlement administration services in the *Curran et al.*
8 *v. Advanced Carrier Services, LLC, et. al.*, case. In this capacity, Analytics was charged with (a)
9 establishing and maintaining a qualified settlement fund (“QSF”) account; (b) establishing and
10 maintaining a calendar of administrative deadlines and responsibilities; (c) calculating the Settlement
11 Award shares and payroll taxes related to the same; (d) printing and mailing the Notices of Class Action
12 Settlement; (e) receiving and validating Requests for Exclusion or Objections submitted by Settlement
13 Class and Collective Members; (f) processing and mailing payments to Eligible Settlement Class
14 Members and Class Counsel; and (g) other tasks as the Parties mutually agree or the Court orders
15 Analytics to perform.

16 **Settlement Administration**

17 4. On August 6, 2024, Analytics received the approved Notice of Class and Collective
18 Action (“Notice”). The Notice advised Settlement Class and Collective Members of their right to request
19 exclusion from the Settlement, object to the Settlement, and the implications of each such action. The
20 Notice advised Settlement Class and Collective Members of applicable deadlines and other events,
21 including the Final Approval Hearing, their estimated Settlement Award and number of eligible work
22 weeks, and how they could obtain additional information.

23 5. Between August 9, 2024 and August 22, 2024, Counsel for Defendants provided Analytics
24 with 3 Excel mailing lists and one PDF file (“Class List”) containing names, last known mailing
25 addresses, work weeks, Employee IDs, Social Security Numbers, phone numbers and email addresses
26 where available for 840 ACDS employees, 266 BCZY employees, 995 DROT employees, and 948
27 ONDT employees, totaling 3,049 employee records.

6. Analytics transcribed the data from the PDF file of BZCY employee records to prepare the data for import into Analytics' database for this matter.

7. The file for DROT did not contain the city, state or zip code. Analytics researched 995 addresses in Experian and found 905 updated addresses, and manually researched the remaining 90 records to ensure that the Settlement Class Members were included in the mailing list.

8. It was noted that the data files received contained salaried worker and non-delivery driver records. Defendants provided Analytics with a list of eligible and ineligible job descriptions. As a result, 75 ineligible records were excluded from the mailing list.

9. 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 requested 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 would be utilized in connection with the mailing of the Notices.

10. Five hundred and eighty-nine (589) individuals had no eligible workweeks within the Class Period, and these were excluded from the mailing list.

11. Seven (7) duplicate records were identified and excluded from the mailing list. Accordingly, there are 2,378 Settlement Class and Collective Members.

12. Analytics performed calculations of the settlement shares per the terms in the Settlement Agreement. Defendants' Counsel and Class Counsel reviewed the calculations. The settlement payment amount, number of workweeks, and estimated PAGA Payments were printed in the Notices.

13. Analytics established a toll-free phone number of (855) 730-3377, a password protected case website at www.ABDOWageSettlement.com and an email box at ABDOWageSettlement@noticeadministrator.com to provide assistance and information to Settlement Class and Collective Members. The phone number, website, password to the website and email address were included in the Notice. The case website allowed Settlement Class and Collective Members to elect an electronic payment option.

1 14. On August 30, 2024, Analytics mailed the approved Notice to the most current mailing
2 address of 2,378 Settlement Class and Collective Members via USPS First Class Mail. A copy of the
3 Notice is attached hereto as Exhibit 1. On the same date, notice was sent to 2,169 email addresses
4 associated with 2,095 Settlement Class and Collective Members. 2,015 emails were delivered to 1,953
5 Settlement Class and Collective Members.

6 15. If a Notice was returned by the USPS as undeliverable and without a forwarding address,
7 Analytics performed an advanced address search on these addresses by using Experian, a reputable
8 research tool. Analytics used the name and previous address to locate a current address. 320 Notices were
9 returned to Analytics as undeliverable by USPS. From the address research, Analytics located 250
10 updated addresses and Notices were mailed to the updated addresses.

11 16. Analytics has calculated that 2,350 Settlement Class and Collective Members (98.82%)
12 received notice by mail and/or email.

13 **Response from Class Members**

14 17. Analytics was responsible for receiving any workweek disputes, requests for exclusion
15 from the settlement, and objections to the settlement.

16 18. Settlement Class and Collective Members could dispute the number of workweeks with
17 which they were credited, by providing Analytics with documents supporting a revised number of work
18 weeks by October 14, 2024. Zero disputes were received by Analytics.

19 19. Settlement Class and Collective Members could opt out of the settlement by mailing a
20 signed statement requesting exclusions from the Class to Analytics by October 14, 2024. Zero requests
21 for exclusion were received by Analytics.

22 20. Settlement Class and Collective Members could object to the proposed settlement by
23 mailing a written statement objecting to the settlement to Class Counsel and Respondents' Counsel by
24 October 14, 2024. Zero objections were received by Analytics.

25 21. As of October 21, 2024, 223 Settlement Class and Collective Members have selected an
26 electronic payment method at the case website.

Initial Settlement Distribution

22. Following final approval of the Settlement, Analytics will handle distribution of the Gross Settlement Amount in accordance with the Settlement Agreement and the Court's order.

23. A Qualified Settlement Fund (QSF) account will be established by Analytics for receipt of the Gross Settlement Amount in this matter. All payments and respective tax reporting will be paid and reported under the QSF.

24. A total of 2,378 Eligible Class Members will receive Settlement Awards in this case in the initial mailing.

25. Analytics performed calculations of the settlement shares per the terms in the Settlement Agreement, which were provided to the Parties for review.

26. For all Eligible Class Members, the average Settlement Award is \$615.01 with a high of \$4,972.44. The average PAGA Payment is \$29.26.

27. Within forty-five (45) days of the Effective Date, Analytics will make its initial Settlement Award mailing and will issue electronic settlement payments to the Eligible Class Members who requested payment in that form during the Notice Period.

28. Initial settlement check payments will remain valid for one hundred eighty (180) days. Analytics will send a reminder letter via U.S. mail and email (to the extent email addresses are available) to those who have not yet cashed their settlement check after sixty (60) days, and Analytics will call those (to the extent phone numbers are available) who have still not cashed their check to remind them to do so within the last sixty (60) days of the check-cashing period.

29. At the conclusion of the check cashing period, Settlement Award checks may thereafter automatically be cancelled if not cashed within that time. The funds remaining and associated with canceled Individual Class Payment and/or Individual PAGA Payment checks will be transmitted to the State Controller's Office, to be held in the name of each expired check payee, pursuant to applicable unclaimed property laws.

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Settlement Administration Fees

31. The total charge for Analytics' settlement administration services in this matter will not exceed \$24,000.00. This figure includes all services provided to date (including but not limited to coordination with counsel, notice via mail and email, printing, postage, and communications with Class Members), and for all services that will be necessary to complete the administration process after final court approval (including but not limited to preparing checks and electronic payments to Eligible Class Members, postage, coordination with counsel, communications with Eligible Class Members, and all banking and accounting activities).

Dated: October 30, 2024

6

DECLARATION OF SETTLEMENT ADMINISTRATOR IN SUPPORT OF UNOPPOSED
MOTION FOR FINAL APPROVAL OF CLASS, REPRESENTATIVE, AND COLLECTIVE
ACTION SETTLEMENT AGREEMENT

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO

**NOTICE OF CLASS ACTION SETTLEMENT, COLLECTIVE,
AND PAGA REPRESENTATION ACTION SETTLEMENT**

ABC1234567890



JOHN Q CLASSMEMBER
123 MAIN ST
ANYTOWN, ST 12345

Claim Number 1111111

PIN: a@b#c\$d%

Settlement Website:

www.ABDOWageSettlement.com

Password:

DeliveryWage24

RANDY CURRAN, CIERRA WOOLEN,
LUISA MAZON, ROBERTO RAMIREZ,
LINDAFANG, and ALEXIS BELL, individually
and on behalf of others similarly situated,

Plaintiffs,

v.

ADVANCED CARRIER SERVICES, LLC,
B-Z CONVEYANCE, LLC, DELIVERY
RESPONSE ON-TIME PARCEL LLC,
ONDOT LLC, AMAZON.COM, INC.,
AMAZON LOGISTICS, INC.,

Defendants.

Civil Action No.: CV-2024-0847

*The Court authorized this Notice of Class and Collective Action Settlement.
This is not a solicitation. This is not a lawsuit against you, and you are not being sued.*

**PLEASE READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS
MAY BE AFFECTED WHETHER YOU ACT OR DO NOT ACT.**

1. Why Should You Read This Notice?

This Notice of Class and Collective Action Settlement (“Notice”) explains your right to share in the monetary proceeds of this Settlement, exclude yourself (“opt-out”) of the Settlement, or object to the Settlement (if applicable). The Superior Court of California, Yolo County has preliminarily approved the Settlement as fair and reasonable. The Court will hold a Final Approval Hearing on November 26, 2024 at 9:00 a.m. before the Honorable Timothy L. Fall in Department 11, Superior Court of the State of California, County of Yolo, 1000 Main Street, Woodland, CA 95695.

You received this Notice either because records available to Advanced Carrier Services, LLC (“ADCS”), B-Z Conveyance, LLC (“BZCY”), Delivery Response On-Time Parcel LLC (“DROT”), or OnDot LLC (“ONDT”) (together, the “DSP Defendants”), and/or records available to Amazon.com, Inc. and Amazon Logistics, Inc. (together, “Amazon”), show you were paid as a non-exempt employee of ADCS, BZCY, DROT, or ONDT and performed work for ADCS, BZCY, DROT, or ONDT as a Delivery Associate and were paid by ADCS, BZCY, DROT, or ONDT to deliver packages to customers of Amazon.com in the United States at any time between September 6, 2018 through February 3, 2023 (“Settlement Class and Collective Members”).

The parties to the lawsuit agreed to a binding settlement of this action, which alleges that Settlement Class and Collective Members should have been paid for all hours worked, including overtime compensation, in addition to their day rate, when they worked over 8 hours per day, and compensation related to the failure to provide meal and rest breaks.

2. What is this Lawsuit About?

This lawsuit alleges that individuals who work or have worked as Delivery Associates and were paid by ADCS, BZCY, DROT, or ONDT to deliver packages to customers of Amazon.com in the United States at any time between September 6, 2018 through February 3, 2023 (“Relevant Time Period”) were not paid for all hours worked, including overtime compensation to which they were entitled under the law. Defendants deny that they failed to pay these individuals the full amount of compensation they were owed, deny any wrongdoing, and deny any and all liability and damages to anyone with respect to the allegations made in the lawsuit. Amazon specifically denies that it is or was the employer or joint employer of Delivery Associates who were paid by ADCS, BZCY, DROT, or ONDT. The court has not made a decision on the merits of the allegations.

3. What Are the Terms of the Settlement?

Under the terms of the Settlement Agreement, ADCS, BZCY, DROT, ONDT, and Amazon (collectively, “Defendants”) have agreed to pay Two Million Three Hundred and Sixty Four Thousand dollars (\$2,364,000.00) (the “Total Settlement Amount”). Of this amount, One Million Four Hundred Forty-Five Thousand dollars (\$1,445,000) (the “Net Settlement Amount”), will be divided into monetary Settlement Awards to the Settlement Class Members.

The Total Settlement Amount includes amounts to cover attorneys’ fees and costs for Class Counsel (see below), payment to the California Labor & Workforce Development Agency, Individual PAGA Payments made to the PAGA Members, and Settlement Administration Costs. After deductions of these amounts, what remains of the Total Settlement Amount, the Net Settlement Amount, shall be divided into monetary Settlement Awards to the Settlement Class and Collective Members calculated under the formula provided below. Under the terms of the proposed settlement, you do not need to do anything to receive a settlement award under the terms of the settlement, and a check will be sent to you if the Court grants final approval to the settlement unless you choose to opt-out of the settlement as described below.

4. How Much Can I Expect to Receive if the Settlement is Approved?

Your Settlement Award is calculated based on the records submitted by Defendants. Specifically, the settlement payments are calculated as follows:

The amount of \$50 is allocated to each Settlement Class and Collective Member, so every person receives at least \$50 in exchange for their release in this Settlement Agreement.

In addition to the \$50 minimum payment, the Settlement Administrator will compute the total number of Eligible Workweeks (i.e., weeks in which the Settlement Class and Collective Member worked during the Relevant Time Period).

In addition to the \$50 payment, each Eligible Class and Collective Member will receive a *pro rata* portion of the applicable Wage Settlement Amount, calculated as follows:

- i. For each Eligible Workweek during which the Eligible Class and Collective Member worked and was paid by a DSP Defendant during the Relevant Time Period, the Eligible Class and Collective Member shall receive one (1) settlement share.
- ii. The total number of settlement shares for all Eligible Class and Collective Members who were paid by each DSP Defendant will be added together, and the resulting sum will be divided into the Net Settlement amount attributable to that DSP Defendant to reach a per share dollar figure.
 - a. For example, all Eligible Workweeks for all Eligible Class Members paid by ADCS during the Class Period will be added together and the Net Settlement Amount attributable to ADCS will be divided by the resulting sum to arrive at a value per settlement share for all Eligible Class Members paid by ADCS during the Class Period. The same calculations will be done for Eligible Class Members paid by BZCY, DROT, and ONDT.
 - b. The Net Settlement attributable to each of the DSP Defendants will be the Gross Settlement Amount for each Defendant DSP less the PAGA Amount and Attorneys’ Fees and Costs. The PAGA Amount shall be deducted from the Gross Settlement Amounts associated with each respective Defendant DSP based on

the number of Workweeks worked during the PAGA Period by PAGA Members paid by the corresponding DSP. The Attorneys' Fees and Costs shall be deducted on a *pro rata* basis from the Gross Settlement Amounts associated with each Defendant DSP. The ADCS Gross Settlement Amount is \$644,653.01. The BZCY Gross Settlement Amount is \$255,449.23. The DROT Gross Settlement Amount is \$980,132.28. The ONDT Gross Settlement Amount is \$459,765.48.

- iii. The corresponding value per settlement share for Eligible Class Members that were paid by each Defendant DSP will then be multiplied by each Eligible Class Member's number of settlement shares during the Class Period to determine that Eligible Class Member's Individual Class Payment

Your total estimated settlement payment will be based on [REDACTED] number of workweeks, as shown in Defendants' records. Based on the formula above, your minimum estimated Settlement Award would be \$ [REDACTED]. **This amount is an estimate, and your final award may be different than this amount.**

If you have questions about the number of eligible workweeks of your Settlement Award, you may contact the Settlement Administrator at the contact information below and must submit any disputes by **October 14, 2024**.

Thirty (30%) of the Settlement Awards to Eligible Class Members will be considered wages subject to the withholding of all applicable local, state, and federal taxes. The Settlement Administrator will make the required withholdings and shall issue an IRS Form W-2 to each Eligible Class Member for these payments. The remaining seventy (70%) of the Settlement Awards will be considered payment for settlement of non-wage claims (e.g., penalties, liquidated damages, and interest under applicable law). The Settlement Administrator will issue an IRS Form 1099-MISC Employer payroll taxes will be paid separately from the Settlement Awards. Neither the Settlement Administrator nor the Plaintiffs or Defendants or their counsel can provide you with any tax advice. You should contact your accountant or tax related advisors for any questions about taxes you may owe on these amounts.

It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your monetary Settlement Award. If you fail to keep your address current, you may not receive your Settlement Award.

5. What are the Releases?

If the Court grants final approval of the Settlement, the lawsuit will be dismissed with prejudice against Defendants, and all Settlement Class Members who have not opted out of the Settlement will release Defendants and all Released Parties from any and all claims that were or could have been asserted in the operative complaint during the Relevant Time Period based on the facts alleged for unpaid wages, overtime compensation, liquidated or other damages, unpaid costs, restitution or other compensation or relief arising under California wage and hour laws or state common law claims (including unjust enrichment or quantum meruit) that accrued between September 6, 2018 through February 3, 2023.

If the Court grants final approval of the Settlement, the lawsuit will be dismissed with prejudice against Defendants, and all Settlement Class and Collective Members who sign, cash, or deposit a Settlement Award Check will release their Fair Labor Standards Act ("FLSA"), California wage and hour laws and/or state common law claims (including unjust enrichment or quantum meruit) that accrued between September 6, 2018 through February 3, 2023.

The full text of the Releases is contained in the Settlement Agreement and may be obtained from

Amazon/ADCS/BZCY/DROT/ONDT Settlement
c/o Analytics Consulting LLC
PO Box 2002
Chanhassen MN 55317-2002
Telephone: 855-730-3377
Email: ABDOWageSettlement@noticeadministrator.com

6. What Are My Rights?

- **Do Nothing:** If you do nothing and the Court grants final approval to the Settlement, you will receive a Settlement Award. If you cash or deposit your Settlement Award, you will opt into the Collective Action claims in the action which alleges FLSA violations, and you will release your FLSA claims. If you do nothing and the Court grants final approval to the Settlement, you also will release California state law claims, as provided for in Section 5 above.

If you wish to participate in the settlement and receive your Settlement Award via PayPal or Venmo instead of check, you may elect to do so by submitting an Election Form on the Settlement Website: www.ABDOWageSettlement.com. If you do nothing and do not elect to receive payment via PayPal or Venmo, a check will be mailed to you following final approval of the Settlement. If you choose to participate in the settlement, you have the right, if you so choose, to make an appearance through counsel in this action.

- **Opt-Out:** If you are a member of the Settlement Class and do not wish to be bound by the Class Settlement, you must submit a written exclusion from the Settlement (“opt-out”), postmarked by **October 14, 2024**. The written request for exclusion must contain your full name, address, telephone number, email address (if applicable), last four digits of your social security number, and must be signed individually by you. No opt-out request may be made on behalf of a group. The opt-out request must be sent by mail to the Settlement Administrator.

Amazon/ADCS/BZCY/DROT/ONDT Settlement
c/o Analytics Consulting LLC
PO Box 2002
Chanhassen MN 55317-2002

Any person who requests exclusion (opts out) of the class settlement will not be entitled to any Settlement Award for the class portion of this settlement and will not be bound by the class portion of the Settlement Agreement or have any right to object, appeal or comment thereon.

- **Object:** If you are a Settlement Class Member and wish to object to the Settlement, you must submit a written statement objecting to the Settlement, postmarked by **October 14, 2024**. The statement must state the factual and legal grounds for your objection to the settlement. Your objection must state your full name, address, telephone number, and email address (if applicable), and must be signed by you. Any objection must be mailed to the Settlement Administrator at the following address:

Amazon/ADCS/BZCY/DROT/ONDT Settlement
c/o Analytics Consulting LLC
PO Box 2002
Chanhassen MN 55317-2002

If you submit a written objection, you may also, if you wish, appear at the Final Approval Hearing on **November 26, 2024 at 9:00 a.m.** to discuss your objection with the Court and the parties to the Lawsuit.. Your written objection must state whether you will attend the Final Approval Hearing, and your written notice of your intention to appear at the Final Approval Hearing must be filed with the Court and served upon Class Counsel and Defendants’ Counsel on or before the Notice Deadline. To be heard at the Final Approval Hearing you must also not have opted out of the Settlement. If you wish to object to the Settlement but fail to return your timely written objection in the manner specified above, you shall be deemed to have waived any objection and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement. The postmark date of mailing to Class Counsel and Defendants’ counsel shall be the exclusive means for determining that an objection is timely mailed to counsel. Objections shall only be considered if the Settlement Class Member has not opted out of the Settlement.

7. Can Defendants Retaliate Against Me for Participating in this Lawsuit?

No. Your decision as to whether or not to participate in this lawsuit will in no way affect your work or employment with Defendants or future work or employment with Defendants. It is unlawful for Defendants to take any adverse action against you as a result of your participation in this lawsuit. In fact, Defendants encourage you to participate in this Settlement.

8. Who Are The Attorneys Representing Plaintiffs And The Settlement Class?

Plaintiffs and the Settlement Class Members are represented by the following attorneys:

Sarah R. Schalman-Bergen
Krysten Connon
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
ssb@llrlaw.com
kconnon@llrlaw.com
(617) 994-5829

Ryan Allen Hancock
**WILLIG, WILLIAMS,
& DAVIDSON**
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103
rhancock@wwdlaw.com
(215) 656-3679

Alexandra K. Piazza
Michaela L. Wallin
BERGER MONTAGUE, P.C.
1818 Market Street, Suite 3600
Philadelphia, PA 19103
mwallin@bm.net
apiazza@bm.net
(215) 875-3033

9. How Will the Attorneys for the Settlement Class Be Paid

You do not have to pay the attorneys who represent the Settlement Class Members. The Settlement Agreement provides that Class Counsel will receive attorneys' fees in the amount of up to one third (1/3) of the Gross Settlement Amount plus their out-of-pocket costs. Class Counsel will file a Motion for Attorneys' Fees and Costs with the Court. The amount of attorneys' fees and costs awarded will be determined by the Court at the Final Approval Hearing.

10. Who May I Contact If I Have Further Questions?

IF YOU NEED MORE INFORMATION OR HAVE ANY QUESTIONS, you may contact the Settlement Administrator at the telephone number or email address listed below or Class Counsel listed above. Please refer to the Amazon/ADCS/BZCY/DROT/ONDT Settlement.

Amazon/ADCS/BZCY/DROT/ONDT Settlement
c/o Analytics Consulting LLC
PO Box 2002
Chanhassen MN 55317-2002
Telephone: 855-730-3377
Email: ABDOWageSettlement@noticeadministrator.com

This Notice only summarizes the lawsuit, the settlement and related matters. For more detailed information, you may review the Settlement Agreement, containing the complete terms of the proposed Settlement, which is available through the Settlement Administrator and publicly accessible and on file with the Court. You may inspect the Court's files at the Office of the Clerk located at the Superior Court of the State of California, County of Yolo, 1000 Main Street, Woodland, CA, 95695 from 8:00 a.m. to 5:00 p.m., Monday through Friday.

PLEASE DO NOT WRITE OR TELEPHONE THE COURT OR TO AMAZON OR THE DSP DEFENDANTS FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS LAWSUIT.