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7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 MICHELLE NOURIAN MARTINEZ, on  
11 behalf of herself and all others similarly  
situated,

12 Plaintiff,

13 vs.

14 HELZBERG'S DIAMOND SHOPS,  
15 INC., and DOES 1-25 inclusive,  
16 Defendants.  
17  
18  
19

**Case No. 5:20-cv-01085-PSG-SHK**

**CLASS ACTION**

**DECLARATION OF MEAGAN  
BRUNNER REGARDING NOTICE AND  
SETTLEMENT ADMINISTRATION**

20 **DECLARATION OF MEAGAN BRUNNER**

21 I, **MEAGAN BRUNNER**, declare the following facts to be true and correct and if called  
22 as a witness would testify competently to the same:

23 1. I am employed as a Project Manager by Simpluris, Inc. ("Simpluris"), the  
24 settlement administrator in the above-entitled action. My business address is 3194-C Airport  
25 Loop Drive, Costa Mesa, CA 92626. My telephone number is (714) 640-5617. I am over 21  
26 years of age and authorized to make this declaration on behalf of Simpluris and myself.

27 2. Simpluris is a Class Action Settlement Administration company headquartered in  
28

1 Costa Mesa, California. It was founded by individuals who have each managed hundreds of  
 2 settlements along with professionals in the areas of software development, third-party claims  
 3 administration, mail-house operations and call center support management.

4 3. Simpluris was approved by Counsel for Michelle Martinez (“Plaintiff”), and  
 5 Helzberg’s Diamond Shops, Inc., (“Defendant”), (collectively the “Parties”), to provide  
 6 settlement administration services in the *Michelle Nourian Martinez v. Helzberg’s Diamond*  
 7 *Shops, Inc.*, case (“Settlement”). In this capacity, Simpluris was charged with (a) establishing  
 8 and maintaining a related settlement fund account; (b) printing and mailing the Notice of Class  
 9 and Collective Action Settlement to Class Members; (c) receiving and validating Requests for  
 10 Exclusion, Objections or Disputes of Work Weeks submitted by Class Members; (d) processing  
 11 and mailing payments to the Plaintiffs, Class Counsel and Class Members; (e) calculating  
 12 Employer Payroll Taxes and providing appropriate forms and calculations to Defendant; (f)  
 13 mailing settlement checks, and (g) other tasks as the Parties mutually agree or the Court orders  
 14 Simpluris to perform.

#### 15 **TOLL FREE TELEPHONE HELPLINE**

16 4. A toll-free telephone number was included in the Class Notice for the purpose of  
 17 allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement. The  
 18 system is accessible 24 hours a day, 7 days a week, and will remain in operation throughout the  
 19 settlement process. Callers have the option to speak with a live call center representative during  
 20 normal business hours or to leave a message and receive a return call during non-business hours.  
 21 The toll-free telephone number included in the Notice of Proposed Class Action Settlement (the  
 22 “Notice Packet”) was (888) 369-3780 and was live on or before June 21, 2021.

#### 23 **SETTLEMENT WEBSITE**

24 5. Class Members can visit [www.Simpluris.com/Case-Information](http://www.Simpluris.com/Case-Information) to download copies  
 25 of the Joint Stipulation of Class Action and PAGA Settlement Agreement. The website URL was  
 26 set forth in the Notice Packet. The document was posted on or before June 21, 2021, and is  
 27 accessible 24 hours a day, 7 days a week.  
 28

**NOTIFICATION TO THE CLASS**

6. On April 15, 2021, Simpluris received the Court-approved Notice Packet. The Notice Packet advised Class Members of their right to request exclusion from the Settlement, object to the Settlement, do nothing, and the implications of each such action. The Notice Packet advised Class Members of applicable deadlines and other events, including the Final Approval Hearing, and how Class Members could obtain additional information.

7. On April 16, 2021, Counsel for Defendant provided Simpluris with a mailing list (“Original List”) containing Class Members’ names, most recent mailing address and telephone numbers, social security numbers, and pertinent employment information for each Class Member during the Class Period. On May 6, 2021, Defense Counsel advised Simpluris that the Original List mistakenly contained weeks when several individuals were assistant managers and not store managers, and thus the list needed to be corrected.

8. On June 9, 2021, Counsel for Defendant provided Simpluris with a corrected mailing list (“Class List”) containing Class Members’ names, most recent mailing address and telephone numbers, social security numbers, and pertinent employment information for each Class Member during the Class Period. The Class List contained data for thirty-one (31) Class Members, with a total of 3,578 workweeks for the period of April 6, 2016 through February 5, 2021.

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 Notice Packets.

10. On June 21, 2021, Notice Packets were mailed to thirty-one (31) Class Members with addresses contained in the Class List via First Class mail or updated via the NCOA search. A copy of the Notice Packet is attached hereto as **Exhibit A**.

11. If a Class Member’s Notice Packet was returned by the USPS as undeliverable and without a forwarding address, Simpluris performed an advanced address search (i.e. skip trace) on

1 all of these addresses by using Accurint, a reputable research tool owned by Lexis-Nexis.  
 2 Simpluris used the Class Member's name and previous address to locate a current address.  
 3 Through the advanced address search, Simpluris was able to locate one (1) updated address and  
 4 Simpluris promptly mailed the Notice Packets to those updated addresses. Ultimately, there zero  
 5 (0) undeliverable Notice Packets.

### 6 SETTLEMENT AWARDS

7 12. As of this date, there are thirty-one (31) Class Members who will be paid their  
 8 portion of the Net Settlement Fund.

9 13. The Net Settlement Fund of \$285,416.67 available to pay Class Members was  
 10 determined by subtracting Class Counsel's Fees (\$158,333.33), Class Counsel's Costs Payment  
 11 (\$10,000.00), Named Plaintiffs' Service Awards (\$10,000.00), the PAGA LWDA Payment  
 12 (\$7,500.00), and the Administration Costs (\$3,750.00) from the Maximum Settlement Amount  
 13 (\$475,000.00).

14 14. The *highest estimated payment* is \$18,560.56, the *lowest estimated payment* is  
 15 \$462.09, and the *average estimated payment* is \$9,206.99. The Named Plaintiff's individual  
 16 settlement class payment is: \$9,010.73. Should the Court-awarded fees or costs differ than those  
 17 shown above, or if Simpluris receives a valid Request for Exclusion, the estimated award  
 18 allocation will change accordingly.

### 19 REQUESTS FOR EXCLUSION, OBJECTIONS AND DISPUTES

20 21 15. The deadline to submit a valid Request for Exclusion, Objection, or Dispute was  
 22 August 5, 2021.

23 16. As of this date, Simpluris has not received any Requests for Exclusion from Class  
 24 Members.

25 17. As of this date, Simpluris has not received any Objections to the Settlement from  
 26 Class Members.

27 18. As of this date, Simpluris has not received any Disputes of Work Weeks from Class  
 28 Members.

