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11 Attorneys for Petitioner and Plaintiff

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF SAN BERNARDINO

14 CHRISTINA LOPEZ-BURTON, an  
15 individual, on behalf of herself and all others  
similarly situated,

16 Petitioner and Plaintiff,

17 v.

18 TOWN OF APPLE VALLEY, a general law  
19 city; and DOES 1-10,

20 Respondents and Defendants.

Case No.: CIVDS1725027

Assigned to Hon. David S. Cohn

**DECLARATION OF MICHAEL E.  
MOORE OF PHOENIX SETTLEMENT  
ADMINISTRATORS IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
SETTLEMENT**

Petition/Complaint Filed: December 20, 2017

Date: July 23, 2019

Time: 8:30 a.m.

Dept: S26

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

JUN 28 2019

BY Amber M. Gear  
AMBER M. GEAR, DEPUTY

24  
25  
26  
27 I, the undersigned, hereby state and declare:  
28

1           1.       I am the President and Managing Partner at Phoenix Settlement Administrators  
2 (“PSA”). I have personal knowledge of the facts stated herein and, if called upon to testify, I  
3 could and would testify competently to such facts.

4           2.       I personally have over eight years of experience in claims management and  
5 administration of class and collective action matters. To date, PSA has administered over 500 cases  
6 and an additional 500 Pre and Post Certification Privacy Notices and Survey Mailings.

7           3.       PSA has extensive experience administering class action matters. PSA has  
8 administered complex wage and hour, labor and employment, consumer/ product liability,  
9 Telephone Consumer Protection Act, Fair Labor Standards Act, Fair and Accurate Credit  
10 Transactions Act, Employment Retirement Income Security Act and Private Attorneys General Act  
11 class action matters, through final approval and distribution. PSA has developed a system of quality  
12 assurance measures, to ensure the highest quality service is provided in our cases and to class  
13 members.

14          4.       PSA’s Claims Management Group has extensive experiences in all aspects of  
15 Notification and Identification of Class Members, Claims Processing, Formulation and Calculation  
16 Methodologies, Award Distribution and Taxation, Accounting and Reconciliation.

17          5.       PSA is committed to Class Member security. We have developed Phoenix Server  
18 Security Protocols (“PSSP”). PSSP allows PSA’s Proprietary Database to store Class Member  
19 private information in a double password protected section that only Case Managers and  
20 Programmers can access. Redundant to this measure, this section times out every minute if data is  
21 being downloaded outside the Database, unless a daily specific passcode is entered. All Class Data  
22 is digitally backed up daily and tracked for changed to a CM Identifier.

23          6.       PSA has extensive experience in and are experts at all aspects of complex class  
24 action matters including; (i) preparing, printing, mailing and tracking privacy notices; (ii) operation  
25 of a 24/7/365 multi-lingual call center; (iii) establishing settlement websites; (iv) claims  
26 management; (v) USPS processes and systems, third party tracing, including the use of reverse  
27 telephone directory services; (v) database management, programming and security protocols;  
28 which included Class Member Privacy and National Change of Address Security of personal

1 information and Social Security Numbers. PSA has a proprietary Database that allows us to run  
2 NCOA and Skip Tracing Searches behind our secure servers and network secure IP; (vii)  
3 calculating and issuing settlement payments; (viii) tax management, filings, and account  
4 reconciliation; and (ix) final approval. At no time is there access to this information outside of our  
5 proprietary servers.

6  
7 7. PSA has been appointed as a Claims Administrator in both State and Federal Courts  
8 in over 300 Class Action Settlements.

9 8. PSA demonstrates industry leading value on every case. We offer the highest level  
10 of customer care and service in regards to our cost or value, on every case we work on. In this case  
11 specifically, we were able to give back more money to the class, because we have lower hourly  
12 rates and preform all production in house. PSA also has discounted rates on Notice Postage that we  
13 pass on to our clients.

14 9. A true and correct copy of PSA's Curriculum Vitae is attached hereto as Exhibit  
15 "A".

16 10. I have reviewed the scope of the work to be performed by the Claims Administrator  
17 in this matter. I estimate that PSA can complete the work for \$7,873. Attached as Exhibit "B" is  
18 PSA's bid for the matter.

19  
20 I declare under the penalty of perjury and under the laws of the State of California that the  
21 forgoing is true and correct, and that if called upon to testify, I could verify the accuracy of the  
22 same. This document was executed on June 26, 2019 in the County of Orange.

23  
24 

25 Michael E. Moore  
26  
27  
28

# **Exhibit A**



**PHOENIX**  
SETTLEMENT ADMINISTRATORS

CLASS ACTION SETTLEMENT SOLUTIONS

**1411 N. Batavia St. Suite 105, Orange, Ca. 92867**

**800.523.5773**

[www.phoenixclassaction.com](http://www.phoenixclassaction.com)

## CURRICULUM VITAE

### Phoenix Settlement Administrators, PSA Overview

Phoenix Settlement Administrators, PSA, is an emerging, National, Class Action Notification and Claims Administration firm, located in San Diego and Newport Beach California. PSA's core competencies ensure delivery of the highest quality and accuracy to its Clients and Class members. With a combined 18 years of expert experience, PSA's Managing Partners, Case Supervisors, Managers and Associates, Data Programming, and Certified Secure Strategic Partners, possess all the qualities that our Clients expect throughout the Noticing and Administration process, to Final Approval. It is our Value Pricing, Efficiency, Experience, Consultative Expertise and Delivery, that has perpetuated PSA, as an emerging leader in Class Action Settlement Administration. Expert PSA staff members are currently managing, Consumer and Product Liability, TCPA, Complex Labor & Employment, FLSA, ERISA and PAGA cases.

PSA has over 100 Attorney & Law Firm Clients, which have entrusted us with the management of their claims administration, because of the "Boutique" attention every case receives. PSA is value driven on all size cases. large or small, cases receive expert management, secure data custody, neutral communication and a dedicated team. This seamless process maintains superior case continuity to ensure our clients receive timely final approval and conclusion to their actions. Phoenix Settlement Administrators implements its successful C.A.S.E. solutions on all our class action matters.

With 10 of Millions of dollars in award distributions currently under management since our inception, PSA has the ability and strengths to manage all levels of Complex Cases. PSA's Staff "Synergy" is our greatest attribute. It allows our people to work closely together and solve our client's case issues. PSA prides itself as a true "Third Party Administrator" and holds Neutrality as a mantra. Because of this approach, both Defense and Plaintiff Clients, experience fairness, trust and confidence in us, and allows for continued business from both parties. PSA has been appointed Third Party Administrator in State and Federal Courts.

We look forward to working with you on your next Class Action Noticing Campaign or Claims Administration. Let us design a C.A.S.E. solution, which will allow us to showcase the difference you'll experience. Superior Service, Class Savings Value Pricing and Timely Outcomes is why our clients come back to PSA.



**PHOENIX**  
SETTLEMENT ADMINISTRATORS

CLASS ACTION SETTLEMENT SOLUTIONS

## Expert Core Services

Initial Planning and Consultative Service on Class Action Cases and Noticing Plans.

State/Nationwide Noticing Expertise: Privacy, Media, Publication, Internet & Email Campaigns.

Attorney General(s) CAFA Notification

Claims Programming, Administration, Processing and Reporting.

24/7/365 Multi-Lingual Call Center Support and Claims Processing

Secure Data Management Environment, Individual Firewalls, Encrypted Data and Storage

Settlement Fund Calculations, Solutions, Award Distribution, Award Reconciliation

Tax Filings: State, Federal, EDD, ETT, FUTA, PAGA Payments

## Partial PSA Client List, Defense and Plaintiff

Fisher & Phillips  
Gordon & Rees  
Paul Plevin Sullivan & Connaughton  
Call & Jensen  
Sutton Hague  
Moss Bollinger  
Greenberg Traurig  
Kearney Littlefield, LLP  
Littler Mendelson  
Kring & Chung  
Orrick Herrington & Sutcliffe  
Ogletree Deakins Nash Smoak  
Chandler Law  
Arns Law Firm  
Winston & Strawn  
Sheppard Mullins  
Lewis Brisbois Bisgaard & Smith  
Morgan Lewis & Bockius  
Paul Hastings  
Park & Zheng  
Fitzpatrick Spini & Swanston  
Higgs Fletcher & Mack  
Jackson Lewis  
Norton Rose Fulbright

Jones Law Firm  
Law Offices of Jonathan Ricasa  
Yoon Law, APC  
Mahoney Law Group  
Law Office of Thomas Rutledge Law  
Office of Briana Kim  
Dychter Law Firm  
Verum Law Firm  
Olsen Law Offices  
Gould & Associates  
Cohelan, Khoury & Singer  
Troutman Sanders  
Landegger Baron Law Group  
Carothers DiSante & Freudenberger  
Crosner Legal  
Rastegar Law Group  
Zeldes, Haeggquist & Eck Markham  
Law Firm  
Diversity Law Group, APC  
David Yeremian & Associates  
Rukin Hyland Doria & Tindall  
Holland & Knight  
Spiro Law Corp  
Levine Law Group, APC

Phoenix Settlement Administrators 1411 N. Batavia St. Suite 105, Orange, Ca. 92867

Phone: 800.523.5773 Fax: 949.209.2503

[www.phoenixclassaction.com](http://www.phoenixclassaction.com)

## **Exhibit B**



# PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

### CASE ASSUMPTIONS

Class Members	50
Claims Rate	40%
Claims Received	20
Reminder Postcard Class	30
Total Claims Processed	27
Subtotal Admin Only	<b>\$7,872.73</b>

**Inclusive Valued Pricing** **\$4,300.00**  
**For 50 Class Members**

**June 20, 2019**

## Case: Apple Valley Case, Claims Made Administration

**Phoenix Contact: Michael E. Moore**  
**Contact Number: 949.331.0131**  
**Email: mike@phoenixclassaction.com**

**Requesting Attorney: Prescott Littlefield**  
**Firm: KearneyLittlefield, LLP**  
**Contact Number: (213) 473-1900**  
**Email: pwl@kearneylittlefield.com**

Assumptions and Estimate are based on information provided by counsel. If class size changes, PSA will need to adjust this Estimate accordingly. Estimate is based on **50** Class Members. PSA assumes class data will be sent in Microsoft Excel or other usable format with no or reasonable additional formatting needed. A rate of \$150 per hour will be charged for any additional analysis or programming.

### Case & Database Setup / Toll Free Setup & Call Center / NCOA (USPS)

Administrative Tasks:	Rate	Hours/Units	Line Item Estimate
Programming Manager	\$100.00	2	\$200.00
Programming Database & Setup	\$100.00	2	\$200.00
Toll Free Setup*	\$150.00	1	\$150.00
Call Center & Long Distance	\$2.50	9	\$22.50
NCOA (USPS)	\$75.00	1	\$75.00
<b>Total</b>			<b>\$647.50</b>

\* Up to 120 days after disbursement

### Data Merger & Scrub / Reporting / Website

Project Action	Rate	Hours/Units	Line Item Estimate
Notice Packet Formatting	\$100.00	2	\$200.00
Data Merge & Duplication Scrub	\$0.15	50	\$7.50
Static Website With Security	\$500.00	1	\$500.00
<b>Total</b>			<b>\$707.50</b>

\* Prices good for 90 days. Subject to change with the USPS Rate or change in Notice pages or Translation, if any.





# PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

<b>Skip Tracing &amp; Remailing Notice Packets / Tracking &amp; Programming Undeliverables</b>			
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item Estimate</b>
Case Associate	\$55.00	6	\$330.00
Skip Tracing Undeliverables	\$0.85	10	\$8.84
Remail Notice Packets	\$1.15	10	\$11.96
Estimated Postage	\$0.50	10	\$5.20
Programming Undeliverables	\$50.00	1	\$50.00
		<b>Total</b>	<b>\$406.00</b>

<b>Database Programming / Processing Opt-Outs, Deficiencies or Disputes</b>			
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item Estimate</b>
Programming Claims Database	\$150.00	2	\$300.00
Claims Processing	\$200.00	1	\$200.00
Case Associate	\$55.00	6	\$330.00
Opt-Outs/Deficiency/Dispute Letters	\$10.00	8	\$75.00
Case Manager	\$85.00	5	\$425.00
		<b>Total</b>	<b>\$1,330.00</b>

<b>Calculation &amp; Disbursement Programming/ Create &amp; Manage QSF/ Mail Checks</b>			
<b>Administrative Tasks:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item Estimate</b>
Programming Calculations	\$135.00	2	\$270.00
Disbursement Review	\$135.00	2	\$270.00
Programming Manager	\$95.00	2	\$190.00
QSF Bank Account & EIN	\$135.00	2	\$270.00
Check Run Setup & Printing	\$135.00	2	\$270.00
Mail Class Checks *	\$1.05	27	\$28.35
Estimated Postage	\$0.50	27	\$13.50
		<b>Total</b>	<b>\$1,311.85</b>

\* Checks are printed on 8.5 x 11 in. sheets with W2/1099 Tax Filing



# PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

<b>Tax Reporting &amp; Reconciliation / Re-Issuance of Checks / Conclusion Reports and Declarations</b>			
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item Estimate</b>
Case Supervisor	\$115.00	5	\$575.00
Remail Undeliverable Checks (Postage Included)	\$1.99	10	\$19.88
Case Associate	\$55.00	5	\$275.00
Reconcile Uncashed Checks	\$85.00	4	\$340.00
Conclusion Reports	\$115.00	4	\$460.00
Case Manager Conclusion	\$85.00	4	\$340.00
Final Reporting & Declarations	\$115.00	4	\$460.00
IRS & QSF Annual Tax Reporting * (State Tax Reporting Included)	\$1,000.00	1	\$1,000.00
		<b>Total</b>	<b>\$3,469.88</b>

\* All applicable California State & Federal taxes, which include SUI, ETT, and SDI, and FUTA filings. Additional taxes are Defendant's responsibility.

**Estimate Total: \$7,872.73**



# PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

## **TERMS AND CONDITIONS**

**Provisions:** The case estimate is in good faith and does not cover any applicable taxes and fees. The estimate does not make any provision for any services or class size not delineated in the request for proposal or stipulations. Proposal rates and amounts are subject to change upon further review, with Counsel/Client, of the Settlement Agreement. Only pre-approved changes will be charged when applicable. No modifications may be made to this estimate without the approval of PSA (Phoenix Settlement Administrators). All notifications are mailed in English language only unless otherwise specified. Additional costs will apply if translation into other language(s) is required. Rates to prepare and file taxes are for Federal and California State taxes only. Additional charges will apply if multiple state tax filing(s) is required. **Pricing is good for ninety (90) days.**

**Data Conversion and Mailing:** The proposal assumes that data provided will be in ready-to-use condition and that all data is provided in a single, comprehensive Excel spreadsheet. PSA cannot be liable for any errors or omissions arising due to additional work required for analyzing and processing the original database. A minimum of two (2) business days is required for processing prior to the anticipated mailing date with an additional two (2) business days for a National Change of Address (NCOA) update. Additional time may be required depending on the class size, necessary translation of the documents, or other factors. PSA will keep counsel apprised of the estimated mailing date.

**Claims:** PSA's general policy is to not accept claims via facsimile. However, in the event that facsimile filing of claims must be accepted, PSA will not be held responsible for any issues and/or errors arising out of said filing. Furthermore, PSA will require disclaimer language regarding facsimile transmissions. PSA will not be responsible for any acts or omissions caused by the USPS. PSA shall not make payments to any claimants without verified, valid Social Security Numbers. All responses and class member information are held in strict confidentiality. Additional class members are at \$10.00 per claim.

**Payment Terms:** All postage charges and 50% of the final administration charges are due at the commencement of the case and will be billed immediately upon receipt of the data and/or notice documents. PSA bills are due upon receipt unless otherwise negotiated and agreed to with PSA by Counsel/Client. In the event the settlement terms provide that PSA is to be paid out of the settlement fund, PSA will request that Counsel/Client endeavor to make alternate payment arrangements for PSA charges that are due at the onset of the case. The entire remaining balance is due and payable at the time the settlement account is funded by Defendant, or no later than the time of disbursement. Amounts not paid within thirty (30) days are subject to a service charge of 1.5% per month or the highest rate permitted by law.

### **Tax Reporting Requirements**

PSA will file the necessary tax returns under the EIN of the QSF, including federal and state returns. Payroll tax returns will be filed if necessary. Under the California Employment Development Department, all taxes are to be reported under the EIN of the QSF with the exception of the following taxes: Unemployment Insurance (UI) and Employment Training Tax (ETT), employer-side taxes, and State Disability Insurance (SDI), an employee-side tax. These are reported under Defendant's EIN. Therefore, to comply with the EDD payroll tax filing requirements we will need the following information:

1. Defendant's California State ID and Federal EIN.
2. Defendant's current State Unemployment Insurance (UI) rate and Employment Training Tax (ETT) rate. This information can be found in the current year DE 2088, Notice of Contribution Rates, issued by the EDD.
3. Termination dates of the class members, or identification of current employee class members, so we can account for the periods that the wages relate to for each class member.
4. An executed Power of Attorney (Form DE 48) from Defendant. This form is needed so that we may report the UI, SDI, and ETT taxes under Defendant's EIN on their behalf. If this form is not provided we will work with the EDD auditors to transfer the tax payments to Defendant's EIN.
5. Defendant is responsible for reporting the SDI portion of the settlement payments on the class member's W-2. PSA will file these forms on Defendant's behalf for an additional fee and will issue an additional W-2 for each class member under Defendant's EIN, as SDI is reported under Defendant's EIN rather than the EIN of the QSF. The Power of Attorney (Form DE 48) will be needed in order for PSA to report SDI payments.