1 2 3 4 5 6 7 8 9	<ul> <li>ZELENSKI LAW, PC</li> <li>Abigail A. Zelenski (SBN 228610) abigail@zelenskilaw.com</li> <li>David Zelenski (SBN 231768) david@zelenskilaw.com</li> <li>201 North Brand Boulevard, Suite 200</li> <li>Glendale, California 91203</li> <li>Telephone: (323) 426-9076</li> <li>GREENSTONE LAW APC</li> <li>Mark S. Greenstone (SBN 199606) mgreenstone@greenstonelaw.com</li> <li>1925 Century Park East, Suite 2100</li> <li>Los Angeles, California 90067</li> <li>Telephone: (310) 201-9156</li> <li>Attorneys for Plaintiff Danielle Howell</li> </ul>		
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11	SUPERIOR COURT OF CALIFORNIA		
12	COUNTY	OF SONOMA	
13			
14	DANIELLE HOWELL, individually and on	Case No. SCV-267909	
15	behalf of all others similarly situated,	SUPPLEMENTAL DECLARATION OF	
16	Plaintiff, v.	DAVID ZELENSKI IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTIONS FOR FINAL APPROVAL, FEES, COSTS, AND	
17	JONBEC CARE, INC., a California corporation;	SERVICE AWARD	
18	and DOES 1–10, inclusive,	Assigned to the Hon. Patrick Broderick	
19	Defendants.	Date: November 10, 2021 Time: 3:00 p.m.	
20		Place: Sonoma County Superior Court, Empire Annex, Courtroom 16, 3035 Cleveland	
21 22		Avenue, Santa Rosa, California 95403	
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**David Zelenski** declares, under penalty of perjury of the laws of the United States and the State of California, as follows:

1. I am a member in good standing of the State Bar of California and am one of the attorneys for Plaintiff Danielle Howell in the within action. I aver that all of the documents appended to this Declaration have been maintained in my office during the ordinary course of business under my direction and control, and, if sworn as a witness, I could competently testify to each and every fact set forth herein from my own personal knowledge.

I make this Declaration to provide the Court with updated claims-administration statistics for the class-wide Settlement reached in this action, as well as to provide the Court with an itemization of costs that have been incurred since the filing of Plaintiff's Unopposed Motion for Final Approval of Class-Action Settlement and for Conditional Class Certification.<sup>1</sup> A copy of the Settlement Administrator's Supplemental Declaration in Support of Plaintiff's Unopposed Motions for Final Approval, Fees, Costs, and Service Award is attached hereto as Exhibit 1.

## **Updated Claims-Administration Statistics**

3. As set forth in the Motion for Final Approval, as of September 30, 2021, there are 720 total Class Members. Decl. of Kevin Lee in Supp. of Pl.'s Unopposed Mots. for Final Approval, Fees, Costs, and Service Award ¶ 7. Also as of that date, only one of the 720 Notices distributed to Class Members was returned as undeliverable with no updated address available, whether from the U.S. Post Office or through skip-tracing procedures; only two Class Members requested to be excluded; and no disputes or objections were submitted by any Class Members. <u>Id.</u> ¶¶ 8–12.

4. As of the signing of this Declaration, the Settlement Administrator has not received any further returned Notices, any additional requests for exclusion, or any disputes or objections. Ex. 1 at ¶¶ 4–8. Accounting for the two requests for exclusion, there are 718 total Settlement Class Members.

## Additional Costs

5. As set forth in the Motion for Final Approval, until the filing of that Motion on
September 30, 2021, Class Counsel had incurred a total of \$6,710.06 in costs. Decl. of Mark
Greenstone in Supp. of Pl.'s Unopposed Mots. for Final Approval, Fees, Costs, and Service Award ¶ 17.

<sup>1</sup> Capitalized terms used herein have the meanings set forth in the Settlement Agreement.

6. As of the signing of this Declaration, Class Counsel has incurred an additional \$215.75 in costs. Those costs consist of the Court's filing fees for the Motion for Final Approval and the Motion for Attorneys' Fees, Costs, and Class Representative Service Award; two court-reporter fees for the Motions, which fees the Court Clerk advised were mandatory; and fees assessed by the e-filing service provider (One Legal) for the Motions. Class Counsel has also been informed by One Legal that the anticipated total charge for filing the within Declaration, along with the Proposed Order Granting Final Approval and the Proposed Judgment (both of which are being filed concurrently with this Declaration), and for delivering courtesy copies of those documents to Department 16, will be \$54.67. All additional costs therefore will equal \$270.42, bringing total costs in this action to \$6,980.48.

7. In the Motion for Final Approval, the average Individual Settlement Share was computed to be \$857.18. See Pl.'s Unopposed Mot. for Final Approval of Class-Action Settlement and for Conditional Class Certification at 2:18-3:4. This estimate was based on total costs of \$6,710.06. See id. If \$6,980.48 in total costs is used, then the average Individual Settlement Share equals \$856.81.

I have read the foregoing, and I declare, under penalty of perjury of the laws of the United States and the State of California, that the foregoing is true and correct. Executed on November 5, 2021, in the County of Los Angeles, State of California.

David Zelenski David Zelenski

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## **EXHIBIT 1**

1 2 3 4 5 6 7 8 9		RT OF CALIFORNIA OF SONOMA
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	DANIELLE HOWELL, individually and on behalf of all others similarly situated, Plaintiff, v. JONBEC CARE, INC., a California corporation; and DOES 1–10, inclusive, Defendants.	Case No. SCV-267909 SUPPLEMENTAL DECLARATION OF KEVIN LEE IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTIONS FOR FINAL APPROVAL, FEES, COSTS, AND SERVICE AWARD Assigned to the Hon. Patrick Broderick Date: November 10, 2021 Time: 3:00 p.m. Place: Sonoma County Superior Court, Hall of Justice, Courtroom 16, 600 Administration Drive, Santa Rosa, California 95403

**Kevin Lee** declares, under penalty of perjury of the laws of the United States and the State of California, as follows:

## 1. I am a Case Manager at Phoenix Settlement Administrators ("Phoenix"), the Courtappointed Class Action Settlement Administrator for *Danielle Howell v. JonBec Care, Inc.* I have personal knowledge of the facts stated herein and, if called upon to testify, I could and would testify competently to such facts.

2. I submit this Supplemental Declaration to provide the Parties and the Court further updates regarding Settlement Notice Administration, since submission of my previous Declaration, dated September 30, 2021.

3. As of the date of this declaration, no additional requests to be added have been received. Accounting for the one (1) request to be added previously discussed, there remain seven hundred twenty (720) Class Members.

4.

As of the date of this declaration, no additional Notice Packets have been returned.

5. As of the date of this declaration, only one (1) Notice remains undeliverable, since an updated address could not be obtained via skip trace.

6. As of the date of this declaration, Phoenix has not received any additional <u>requests for</u> <u>exclusion</u>. The deadline to request exclusion was October 15, 2021. Of the two (2) requests for exclusion, one (1) is considered deficient, since the submitter did not include his/her address and last four (4) digits of his/her Social Security Number, or signature, as required by the Settlement. The parties conferred on this issue, and decided to accept the deficient request.

7. As of the date of this declaration, Phoenix has received <u>zero (0) objections</u> to the Settlement. The objection deadline was October 15, 2021.

8. As of the date of this declaration, no Workweek disputes have been received. The deadline to submit Workweek disputes was October 15, 2021.

9. There are seven hundred eighteen (718) Class Members, representing approximately
99.72% of the Class, who, having not properly requested exclusion, are deemed Settlement Class
Members and who have worked a collective total of forty-nine thousand six hundred forty-eight and fiftytwo hundredths (49,648.52) Workweeks during the Settlement Period.

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DECL. OF KEVIN LEE IN SUPP. OF PL.'S MOT. FOR FINAL APPROVAL - Case No. SCV-267909

Tennet	I have read the foregoing, and I declare, under penalty of perjury of the laws of the United States
2	and the State of California, that the foregoing is true and correct. Executed on November 5, 2021, in the
3	County of Orange, State of California.
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DECL. OF KEVIN LEE IN SUPP. OF PL.'S MOT. FOR FINAL APPROVAL - Case No. SCV-267909

1		PROOF OF SERVICE
2 3	I am employed in the County of Los Angeles; I am over the age of eighteen years and am not a party to the within action; and my business address is 201 North Brand Boulevard, Suite 200, Glendale, California 91203.	
4 5 6 7 8 9 10 11 12	OF DA APPR	<ul> <li>vember 5, 2021, I served the document(s) described as SUPPLEMENTAL DECLARATION AVID ZELENSKI IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTIONS FOR FINAL OVAL, FEES, COSTS, AND SERVICE AWARD on the party(ies) in this action by delivering copy(ies) addressed as follows:</li> <li>Colin P. Calvert ccalvert@fisherphillips.com</li> <li>Sarah G. Bennett sbennett@fisherphillips.com</li> <li>FISHER &amp; PHILLIPS LLP 2050 Main Street, Suite 1000 Irvine, California 92614</li> <li>BY U.S. MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, an envelope(s) containing the document(s) would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Los Angeles, California in the ordinary course of business. I am aware that, on mation of the nexts enveloped invelid if the postal and and the processing data and the processing in the ordinary course of business.</li> </ul>
13 14 15 16 17 18		<ul> <li>motion of the party served, service is presumed invalid if the postal-cancellation date or postage-meter date is more than one day after the date of deposit for mailing.</li> <li><b>BY OVERNIGHT DELIVERY OR EXPRESS MAIL:</b> I enclosed the document(s) in an envelope(s) or package(s) allowed by an overnight-delivery carrier and/or by the U.S. Post Office for express mail, and addressed to the person(s) at the address(es) above. I placed the envelope(s) or package(s) for collection and overnight delivery or express mail at an office or a regularly utilized drop-box of the overnight-delivery carrier, or I dropped it off at the U.S. Post Office.</li> <li><b>BY HAND DELIVERY:</b> I caused the document(s) to be delivered by hand to at least one of the individuals listed above.</li> </ul>
19 20	XXX	<b>BY ELECTRONIC SERVICE:</b> I caused the document(s) to be delivered by e-mail to the individuals listed above, and, to my knowledge, the transmission was reported as complete and without error.
21 22	I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed on <b>November 5, 2021</b> , at Los Angeles, California.	
23		David Zelenski David Zelenski
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