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 JAMES S. EVANS

12
 13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA
 15 WESTERN DIVISION
 16

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17 JAMES S. EVANS, on behalf of himself,
 18 all others similarly situated,

19 *Plaintiff,*

20 vs.

21
 22 WAL-MART STORES, INC., a
 Delaware corporation; and DOES 1
 23 through 50, inclusive,

24 *Defendants.*
 25

Case No. 2:17-cv-07641-AB-KK

Assigned For All Purposes to the
 Hon. Andre Birotté, Jr., Courtroom 7B

**DECLARATION OF KEVIN LEE
 REGARDING SETTLEMENT
 NOTICE ADMINISTRATION**

Date: December 2, 2022
 Time: 11:00 a.m.
 Place: Courtroom 7B

DECLARATION OF KEVIN LEE

I, Kevin Lee, declare as follows:

1. I am a Case Manager at Phoenix Settlement Administrators (“Phoenix”), the Court-appointed Class Action Settlement Administrator for *James S. Evans v. Wal-Mart Stores, Inc.* (the “Action”). 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. Phoenix was selected by the Parties to provide notice of the Settlement and perform class administration duties in this Action. Pursuant to the Amended Settlement Agreement¹ (“Settlement Agreement” or “Settlement”) for this matter, Phoenix was responsible for: (i) preparing, translating, printing, and mailing the *Notice of Class Action Settlement* (“Notice”); (ii) responding to inquiries from Class Members; (iii) calculating the number of weeks each Class Member worked during the period from September 13, 2016 to June 30, 2022 (“Class Period”); (iv) determining the validity of letters indicating a request to be excluded from the Class Settlement (“Requests for Exclusion”) or written objections to the Class Settlement (“Objections”); (v) calculating the Net Settlement Amount and the Individual Settlement Shares to Class Members; (vi) calculating and issuing the Individual Settlement Payments and distributing them to Settlement Class Members; (vii) issuing the payment to Class Counsel for attorneys’ fees and costs, and the Enhancement Payment to Plaintiff; and (viii) such other tasks as set forth in the Settlement Agreement or as the Parties mutually agree or as the Court orders.

3. On August 8 , 2022, Phoenix received the Court-approved Notice of Class Action Settlement (hereafter “Notice Packet”) consisting of a Postcard Notice to be mailed by First-Class Mail to Settlement Class Members and a Long Form Class Notice to be posted on the Settlement Website.

¹ Unless otherwise defined, capitalized terms used herein shall have the same meaning as used in the Settlement.

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1 4. On August 8, 2022, Phoenix received a data file from Defense Counsel that
2 contained names and last known mailing addresses for each Class Member (“Class List”)
3 during the Class Period. The final mailing list contained two hundred sixty-four thousand
4 six hundred thirty-eight (264,638) individuals identified as Class Members, excluding
5 those individuals who had previously opted out when the class certification notice was
6 sent.

7 5. A toll-free telephone number was included in the Class Notice for the
8 purpose of allowing the Class Members to call Phoenix and to make inquiries regarding
9 the Settlement. The system is accessible 24 hours a day, 7 days a week, and will remain
10 in operation throughout the settlement process. Callers have the option to speak with a
11 live call center representative during normal business hours or to leave a message and
12 receive a return call during non-business hours. The toll-free telephone number included
13 in the Notice of Proposed Class Action Settlement was (888) 510-9728 and was live on
14 August 29, 2022.

15 6. On August 12, 2022, Phoenix created a website from which Class Members
16 could access the mailed Notice (in English and Spanish), the Long-Form Notice (in
17 English and Spanish), as well as other relevant documentation. The website is available
18 for review at: www.evanswalmartwageandhour.com.

19 7. On August 23, 2022, Phoenix conducted a National Change of Address
20 (“NCOA”) search in an attempt to update the class list of addresses as accurately as
21 possible. A search of this database provides updated addresses for any individual who
22 has moved in the previous four (4) years and notified the U.S. Postal Service of their
23 change of address.

24 8. On August 29, 2022, Phoenix mailed the Postcard Notice via First-Class
25 Mail, in English, to all two hundred sixty-four thousand six hundred thirty-eight
26 (264,638) Class Members on the Class List. A true and correct copy of the mailed Notice
27 is attached hereto as **Exhibit A**.

28

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1 9. As of the date of this declaration, Phoenix received no returned Notice
2 Packet *with* forwarding addresses.

3 10. As of the date of this declaration, seven thousand thirty-five (7,035) Notices
4 have been returned to Phoenix *without* a forwarding address. For the seven thousand
5 thirty-five (7,035) Notices returned from the Post Office without a forwarding address,
6 Phoenix attempted to locate a current mailing address using TransUnion TLOxp, one of
7 the most comprehensive address databases available for skip tracing. Of the seven
8 thousand thirty-five (7,035) Notices that were skip traced, five thousand seven hundred
9 fifty-nine (5,759) updated addresses were obtained and the Notice was promptly re-
10 mailed to those Class Members via first class mail.

11 11. As of the date of this declaration, one thousand two hundred seventy-six
12 (1,276) Notices remain undeliverable since an updated address could not be obtained via
13 skip trace.

14 12. As of the date of this declaration, Phoenix has received (73) Requests for
15 Exclusion from Class Members. The deadline to request exclusion from the Class
16 Settlement was October 13, 2022.

17 13. As of the date of this declaration, Phoenix has received zero (0) Notices of
18 Objection from Class Members. The deadline for objecting to the Class Settlement was
19 October 13, 2022.

20 14. As of the date of this declaration, Phoenix has received zero (0) Workweek
21 disputes from Class Members. The deadline for submitting a dispute was October 13,
22 2022.

23 15. There was one (1) Class Member who did not submit timely and valid
24 Requests for Exclusion and are therefore deemed Settlement Class Members,
25 representing 0.00037% of the Class.

26 16. The Net Settlement Amount of **\$22,152,858.34** available to pay Settlement
27 Class Members was determined by subtracting the requested Class Counsel Attorneys'
28 Fees (**\$11,666,666.66**), and Litigation Costs (**\$250,000.00**), requested Settlement Class

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1 Representative Payment to Plaintiff Evans (**\$20,000.00**), the PAGA Payment Amount
2 (**\$500,000.00** of which **\$375,000.00** representing 75% of the PAGA Payment Amount
3 shall be paid to the LWDA, and the remaining **\$125,000.00** representing 25% of the
4 PAGA Payment Amount shall be paid to the Aggrieved Employees), and the requested
5 Settlement Administration Costs (**\$535,475.00**) from the Gross Settlement Amount
6 (**\$35,000,000.00**). Any amounts not approved by the Court shall be paid to Settlement
7 Class Members.

8 17. As of this date, it is estimated the average *gross* Individual Settlement
9 Payment will be approximately **\$161.15**, the *net* Individual Settlement will be
10 approximately **\$102.00**, and the highest *gross* Individual Settlement Payment will be
11 **\$528.00** and the highest *net* Individual Settlement Payment will be **\$334.19**. No tax
12 deductions will be made, since the payments will be classified as 100% Interest &
13 Penalties, to be reported on IRS Form 1099. The average *gross* wage statement damages
14 is **\$1,844.65**.

15 18. Phoenix’s costs associated with the administration of this matter are capped
16 at **\$535,475.00** based on the original scope of work. This includes all costs incurred to
17 date, as well as estimated costs involved in completing the settlement distribution. A true
18 and correct copy of the invoice from Phoenix is attached hereto as **Exhibit B**. Defendant
19 has already transferred these funds to the QSF in accordance with the terms of the
20 Amended Settlement Agreement.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this 28th day of October 2022, at Orange, California.

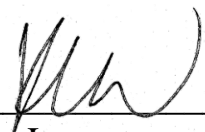
23
24
25 
26 _____
Kevin Lee

Exhibit A

P.O. Box 7208
Orange, CA 92863

Return Service Requested

COURT APPROVED

SETTLEMENT NOTICE

Evans v. Wal-Mart Stores, Inc., et al.

United States District Court for the

Central District of California

Class Action

<PSA ID>

<Name>

<Address>

<City>, <State> <ZipCode>

Summary of the Settlement. A Settlement has been reached in a class action lawsuit filed against Wal-Mart Stores, Inc. k/a Walmart Inc. ("Walmart") for violations of the California Labor Code section 226 and for civil penalties under the Labor Code Private Attorneys General Act of 2005 (Lab. Code §§ 2698 *et seq.*) The lawsuit alleges, among other things, that Walmart failed to provide wage statements in the form of a detachable part of a paper check. Walmart denies the allegations in the lawsuit and any liability. However, the parties have decided to settle the case to avoid the risks and costs of litigation. The Court has preliminarily approved a **\$35,000,000** Gross Settlement Amount (which includes all payments under the Settlement, including settlement administration costs, Settlement Class Counsel's court-approved attorneys' fees and costs, and a court-approved service payment to the Class Representative). As part of the Settlement, each Settlement Class Member who does not opt out of the Settlement will receive a payment and will be releasing all Released Claims.

Am I a Class Member? You are part of this Settlement as a Settlement Class Member if, from September 13, 2016 through July 26, 2021, you worked as an hourly associate at a Walmart store, supercenter or neighborhood market in California. If you were sent this Notice, it is because Walmart's records indicate you are a Settlement Class Member. In all cases, the question of membership in the Settlement Class will be determined based on Walmart's records.

Who Represents Me? The Court has appointed Shaun Setareh and William M. Pao of the Setareh Law Group as Settlement Class Counsel to represent the interests of you and other Settlement Class Members.

What Should I do? You should get more information from the Settlement Administrator by calling the phone number provided or by visiting the website provided and make a decision about what your legal rights are. As a Settlement Class Member, you have three options: (1) Do nothing. Each Settlement Class member will receive a share of the Net Settlement Amount unless they exclude themselves from the class by timely submitting an Opt-Out Request. If you do not exclude yourself from the Settlement and do not object to the Settlement, then you are not required to take any action. You may wait until the Court grants the final approval of the Settlement at the Final Approval Hearing, and you will be mailed your settlement check thereafter. (2) You can submit an Opt-Out Request and be excluded from the Settlement. If you choose to be excluded from the Settlement, you will not receive any Settlement payment and you will keep any rights you may have to sue Walmart over the legal issues involved in this lawsuit. Your Opt-Out Request must say that you wish to be excluded from the Settlement class in James Evans v. Walmart (or similar language), be postmarked on or before **October 13, 2022** and sent to the Settlement Administrator at P.O. Box 7208, Orange, CA 92863. (3) You may object to the proposed Settlement. To do so, you may submit a written objection to the Settlement Administrator at P.O. Box 7208, Orange, CA 92863 or to the Court. All objections must be postmarked on or before **October 13, 2022**. Even if you submit an objection, you will be bound by the terms of the Settlement unless the Settlement is not finally approved by the Court.

When will the Court Consider The Proposed Settlement? The Court will conduct a final fairness hearing on whether to approve the Settlement on December 2, 2022 at 10:00 a.m. at the United States District Court for the Central District of California, Courtroom 7B, at 350 West First Street, Los Angeles, California 90012.

How Do Get More Information? For more information please contact the Settlement Administrator at (888) 510-9728 or write to P.O. Box 7208, Orange, CA 92863 or visit <https://www.evanswalmartwageandhour.com/>.
Para ver este documento en español, visite: <https://www.evanswalmartwageandhour.com/>

Exhibit B



PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

CASE ASSUMPTIONS

Class Members	265000
Opt Out Rate	1%
Opt Outs Received	2650
Total Class Claimants	262350
Subtotal Admin Only	\$535,475.00
Fixed Fee:	\$535,475.00

October 28, 2022

Case: Walmart Evans Settlement Opt-Out Administration

Case & Database Setup / Toll Free Setup & Call Center / NCOA (USPS)				
Administrative Tasks:	Rate	Hours/Units	Line Item Estimate	
Programming Manager	\$125.00	5		\$625.00
Programming Database & Setup	\$125.00	5		\$625.00
Toll Free Setup*	\$188.50	1		\$188.50
Call Center & Long Distance	\$0.35	13,250		\$4,637.50
NCOA (USPS)	\$1,500.00	1		\$1,500.00
Websites Setup	\$500.00	1		\$500.00
Language Translation	\$1,000.00	1		\$1,000.00
			Total	\$9,076.00

* Up to 120 days after disbursement

Data Merger & Scrub / Notice Packet, Opt-Out Form & Postage / Translation / Website				
Project Action	Rate	Hours/Units	Line Item Estimate	
Notice Packet Formatting	\$100.00	2		\$200.00
Data Merge & Duplication Scrub	\$0.020	265,000		\$5,300.00
Notice Postcard	\$0.16	265,000		\$42,400.00
Estimated Postage (up to 2 oz.)*	\$0.36	265,000		\$95,400.00
			Total	\$143,300.00

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



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CLASS ACTION ADMINISTRATION SOLUTIONS

Skip Tracing & Remailing Notice Packets / Tracking & Programming Undeliverables			
Project Action:	Rate	Hours/Units	Line Item Estimate
Case Associate	\$55.00	15	\$825.00
Skip Tracing Undeliverables	\$0.50	26,500	\$13,250.00
Remail Notice Packets	\$0.16	26,500	\$4,240.00
Estimated Postage	\$0.36	26,500	\$9,434.00
Programming Undeliverables	\$75.00	12	\$900.00
		Total	\$28,649.00

Database Programming / Processing Opt-Outs, Deficiencies or Disputes			
Project Action:	Rate	Hours/Units	Line Item Estimate
Programming Claims Database	\$100.00	6	\$600.00
Non Opt-Out Processing	\$100.00	8	\$800.00
Case Associate	\$55.00	12	\$660.00
Opt-Outs/Deficiency/Dispute Letters	\$1.00	2,650	\$2,650.00
Case Manager	\$85.00	10	\$850.00
		Total	\$5,560.00

Calculation & Disbursement Programming/ Create & Manage QSF/ Mail Checks			
Project Action:	Rate	Hours/Units	Line Item Estimate
Programming Calculations	\$100.00	6	\$600.00
Disbursement Review	\$100.00	6	\$600.00
Programming Manager	\$100.00	6	\$600.00
QSF Fees, Bank Account & EIN	\$150.00	3	\$450.00
Check Run Setup & Printing	\$125.00	15	\$1,875.00
Mail Class Checks, W2 and 1099 *	\$0.60	265,000	\$159,000.00
Estimated Postage Checks, W2 and 1099	\$0.56	265,000	\$148,400.00
		Total	\$311,525.00

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



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CLASS ACTION ADMINISTRATION SOLUTIONS

Tax Reporting & Reconciliation / Re-Issuance of Checks / Conclusion Reports and Declarations			
Project Action:	Rate	Hours/Units	Line Item Estimate
Case Supervisor	\$100.00	7	\$700.00
Remail Undeliverable Checks (Postage Included)	\$1.10	26,500	\$29,150.00
Case Associate	\$55.00	9	\$495.00
Reconcile Uncashed Checks	\$85.00	12	\$1,020.00
Conclusion Reports	\$100.00	4	\$400.00
Case Manager Conclusion	\$80.00	3	\$240.00
Final Reporting & Declarations	\$120.00	3	\$360.00
IRS & QSF Annual Tax Reporting * (State Tax Reporting Included)	\$5,000.00	1	\$5,000.00
		Total	\$37,365.00

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

Invoice Total: \$535,475.00