

1 HAMMONDLAW, P.C.
Julian Hammond (SBN 268489)
2 jhmond@hammondlawpc.com
Polina Brandler (SBN 269086)
3 pbrandler@hammondlawpc.com
Ari Cherniak (SBN 290071)
4 acherniak@hammondlawpc.com
1201 Pacific Avenue, Suite 600
5 Tacoma, WA 98402
(310) 601-6766
6 (310) 295-2385 (Fax)

7 *Attorneys for Plaintiffs and the Putative Classes*

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CHARLES CASTILLO and DEIDRE BEAN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

HOLY NAMES UNIVERSITY, a California
Non-Profit Corporation,

Defendant.

Case No.: HG21097245

Assigned to the Hon. Brad Seligman

**DECLARATION OF LAURA SINGH ON
BEHALF OF CPT GROUP, INC., THE
SETTLEMENT ADMINISTRATOR**

Date: May 2, 2023
Time: 3:00 p.m.
Place: Department 23

1 **DECLARATION OF LAURA SINGH**

2 I, Laura Singh, hereby declare:

3 1. I am employed as a case manager by CPT Group, Inc. (“CPT”), the Court-appointed
4 settlement administrator. I am authorized to make this declaration on behalf of CPT. As the case
5 manager for this settlement, I have personal knowledge of the information provided herein, and if called
6 as a witness, I could and would accurately testify thereto.

7 2. CPT was selected by the parties to administer the settlement in this action. CPT has
8 been, and if the Court grants final approval of the Settlement, will be responsible for: (a) printing and
9 mailing the Notice of Class Action Settlement (“Notice Packet”) to all Class Members; (b) calculating
10 and distributing the Individual Settlement Payments; (c) tax reporting; (d) providing necessary reports
11 and declarations; and (e) performing such other tasks as set forth in the Settlement Agreement or as the
12 Parties mutually agree or that the Court orders.

13 3. On October 4, 2022, CPT received from Class Counsel the Notice Packet prepared by
14 the Parties and approved by the Court. Between December 15, 2022, and February 2, 2023, counsel for
15 Defendant provided CPT with a complete mailing list (“Class List”) which included each Class
16 Member’s full name, most recent mailing addresses, Social Security Numbers, and other relevant
17 information needed to calculate settlement payments.

18 4. The mailing addresses contained in the Class List were processed and updated utilizing
19 the National Change of Address Database (“NCOA”) maintained by the U.S. Postal Service. On
20 February 7, 2023, Notice Packets were mailed to 1,201 individuals.

21 5. As of this date, 147 Notice Packets have been returned by the post office. For those
22 without forwarding addresses, CPT performed skip traces to locate new mailing addresses. A total of 140
23 Notice Packets were re-mailed because a better mailing address was found. Altogether, 9 Notice Packets
24 were unable to be delivered because a better mailing address could not be found.

25 6. CPT has not received any Disputes or Objections to the settlement.

26 7. CPT has received 4 Opt-outs from Carol Sellman, Elizabeth Dominguez, Dr. Mary
27 Alice Muellerleile, and Anna Zinoveva.

28 8. A total of 1,197 Class Members will be paid their portion of the Net Settlement Amount.

Each Class Member's share of the Net Settlement Amount will be proportional to the number of Pay Periods he or she worked during either the Part-time Adjunct Faculty Class Period, the Expense Reimbursement Class Period, the General Class Period, and the PAGA Period.

9. Pursuant to the Settlement Agreement, should the number of Part-time Class Members exceed 377 by more than 7.5%, then the portion of the GSA attributed to Part-time Class Members (i.e., \$398,331.25) shall be increased proportionally for each additional Reimbursement Settlement Class Member above the 7.5% threshold. The Part-time Faculty Class increased by 20.4%, which increased the portion of the GSA attributed to Reimbursement Class Members by 13.4%, or \$95,701.38 and increased the Gross Settlement Amount from \$875,000.00. As of the date of this declaration, the estimated Net Settlement Amount available to the Class Members is as follows:

Gross Settlement Amount	\$970,701.38
Less Attorney's Fees (Requested)	\$339,745.48
Less Litigation Costs/Expenses	\$ 19,181.19
Less Service Awards (Requested)	\$10,000.00
Less PAGA Payment to the LWDA	\$22,500.00
Less Settlement Administration Costs	\$15,500.00
Remaining Net Settlement Amount	\$556,274.70

10. According to Defendant's records, there were 682 General Class Members with an aggregate total of 24,517 Pay Periods. CPT received 3 Opt-Outs from class members belonging to this class. As a result, there are now 679 Participating General Class Members with an aggregate total 24,372 Pay Periods. 2.7% of the NSA, or \$15,019.42, is allocated to the General Class. The value of each Pay Period allocated to the General Class is accordingly valued at \$0.62. The average estimated payment is \$12.51 and the highest is \$40.06.

11. According to Defendant's records, there are 454 Part-time Adjunct Faculty Class Members with an aggregate total of 30,631 Pay Periods. CPT received 1 Opt-Out from a class member belonging to this class. As a result, there are now 453 Participating Part-time Adjunct Faculty Class

1 Members with an aggregate total of 30,488 Pay Periods. 83.6 % of the NSA, or \$465,045.65, is allocated
2 to the Part-Time Class. The value of each Pay Period allocated to the Part-time Adjunct Faculty Class is
3 \$15.25. The average estimated payment is \$387.22 and the highest is \$2,181.24.

4 12. According to Defendant's records, there were 563 Expense Class Members with an
5 aggregate total of 13,541 Pay Periods. CPT received 2 Opt-Outs from class members belonging to this
6 class. As a result, there are now 561 Participating Expense Class Members with an aggregate total of
7 13,469 Pay Periods. 13.7% of the NSA, or \$76,209.63, is allocated to the Expense Class. The value of
8 each Pay Period allocated to the Expense Class is \$5.66. The average estimated payment is \$63.45 and
9 the highest is \$203.69.

10 13. Plaintiff Castillo's settlement share is \$305.07. Plaintiff Bean's share is \$2,181.24.

11 14. There are 924 Aggrieved Employees who will receive a portion of the 90% of the
12 PAGA penalties allocated to the Adjunct and Reimbursement class claims. The value of each payment
13 allocated to the PAGA Adjunct and Reimbursement Aggrieved Employees is \$7.31. There are 682
14 Aggrieved Employees who will receive a portion of the 10% of the PAGA penalties allocated to the
15 General class claims. The value of each payment allocated to the PAGA General claims is \$1.10.

16 15. CPT's costs in connection with the administration of this Settlement are \$15,500.00.

17 16. Attached as Exhibit A is a true and correct copy of the Notice of Class Action Settlement
18 template that CPT mailed to all Class Members.

19
20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed this 10th day of April, 2023, at Irvine, California.

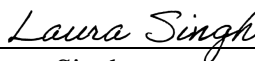
22 
23 _____
24 Laura Singh

EXHIBIT A

NOTICE OF CLASS ACTION SETTLEMENT

Castillo and Bean v. Holy Names University
(Alameda County Superior Court, Case No. HG21097245)

Please read this Notice carefully. This Notice relates to a proposed settlement of class action litigation. If you are a Class Member, it contains important information about your right to receive a payment from the Settlement fund.

You have received this Notice of Class Action Settlement because Holy Names University (“Defendant” or “HNU”) records show you are a “Part-time Faculty Class Member”, an “Expense Reimbursement Class Member” or a “General Class Member” and therefore entitled to a payment from this class action Settlement. “Part-time Faculty Class Member” refers to all non-exempt part-time faculty employed by Defendant in California from April 16, 2017 through October 4, 2022 (the “Adjunct Class Period”). “Expense Reimbursement Class Member” refers to all individuals, except Part-time Faculty Class Members, who were required to work from home during the COVID-19 pandemic and related declared state of emergency and allegedly did not receive proper expense reimbursement between March 16, 2020 and October 4, 2022 (“Expense Reimbursement Class Period”). “General Class” refers to all individuals, except Part-time Faculty Class Members, employed by Defendant in California between April 16, 2020 and October 4, 2022 who received wage statements that allegedly did not include the beginning date of each pay period (“General Class Period”).

- The settlement resolves a class-action lawsuit, *Castillo and Bean v. Holy Names University* (the “Lawsuit”), which alleges that Defendant: (1) failed to pay Part-time Faculty Class Members for all hours worked, (2) failed to provide Part-time Faculty Class Members legally-compliant rest breaks under California law, (3) failed to pay Part-time Faculty Class Members all wages owed upon discharge from employment, (4) failed to furnish to Part-time Faculty Class Members accurate itemized wage statements, and (5) failed to reimburse them for business expenses related to working from home during Covid-19 pandemic. The Lawsuit also alleges that Defendant failed to reimburse Expense Reimbursement Class Members for business expenses related to working from home during the Covid-19 pandemic. Finally, the Lawsuit alleges that Defendant failed to furnish General Class Members wage statements that include the date of the beginning of each pay period.
- On October 4, 2022, the Alameda County Superior Court granted preliminary approval of this class action Settlement and ordered that all Class Members be notified of the Settlement. **The Court has not made any determination of the validity of the claims in the Lawsuit. In other words, the Court has not determined whether any laws have been violated, nor has it decided in favor of Plaintiffs or Defendant.** Defendant expressly denies that it did anything wrong or that they violated the law, and Defendant further denies any liability whatsoever to Plaintiffs or to the Class.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE PAYMENT	Get a payment, and give up your legal rights to pursue claims released by the settlement of the Lawsuit.
OPT OUT OF THE SETTLEMENT	Exclude yourself from the Settlement, get no payment other than your share of PAGA civil penalties as described below, and retain your legal rights to pursue claims that would otherwise be released by the settlement of the Lawsuit.
OBJECT TO THE SETTLEMENT	If you do not opt out, you may write to the Settlement Administrator about why you object to the settlement and they will forward your concerns to

Questions? Contact the Settlement Claims Administrator toll free at 1-888-895-1671

	<p>counsel which will then be provided to the Court. If the Court approves the Settlement despite your objection, you will still be bound by the Settlement. You or your attorney may also address the Court during the Final Approval hearing scheduled for May 2, 2023, at 3:00 p.m. in Dept. 23, Administration Building of Alameda County Superior Court, 1221 Oak Street Oakland, CA 94612. You are not required to attend the Hearing, but you are welcome to do so whether or not you have submitted a written objection.</p>
--	--

Why Am I Receiving This Notice?

You were sent this Class Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options before the Court decides whether to finally approve the settlement. If the Court approves the settlement and then any objections and appeals are resolved, a "Settlement Administrator" appointed by the Court will make the payments described in this Notice. This Notice explains the Lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

What Is This Case About?

Charles Castillo and Deidre Bean worked as a part-time faculty for HNU in California. They are the "Plaintiffs" in this case and are suing on behalf of themselves and Part-time Adjunct Class Members for HNU's alleged failure to pay all wages due for all hours worked, failure to provide Part-time Faculty Class Members with legally-compliant rest breaks, failure to pay all wages owed upon separation from employment, failure to furnish accurate wage statements, and failure to reimburse their necessary business expenses in connection with working remotely during the Covid-19 pandemic. They also allege that HNU failed to reimburse Expense Reimbursement Class Members for their necessary business expenses incurred in connection with working remotely during the Covid-19 pandemic. Finally, they allege that between April 16, 2020 and May 10, 2020, HNU failed to furnish wage statements to General Class Members with wage statements containing the date of the beginning of each pay period.

HNU denies all of the allegations made by Plaintiffs and denies that it violated any law. The Court has made no ruling on the merits of Plaintiffs' claims. In other words, the Court has not determined whether any laws have been violated, nor has it decided in favor of Plaintiffs or Defendant. The Court has only preliminarily approved a Class Action Settlement Agreement. The Court will decide whether to give final approval to the Settlement at the Final Fairness and Approval Hearing.

Summary of the Settlement Terms

Plaintiffs and HNU have agreed to settle this case on behalf of the Class for the Gross Settlement Amount of \$970,701.38 ("Gross Settlement Amount"). The Gross Settlement includes: (1) Administration Costs up to \$20,000; (2) a service payment to each Plaintiff of up to \$5,000 (for a total of \$10,000) for their time and efforts in pursuing this case and in exchange for a general release of claims they will enter into as part of this settlement against HNU; (3) fees of up to 35% of the Settlement Amount and up to \$20,000 in litigation costs to Class Counsel; and (4) payment allocated to PAGA penalties in the amount of \$30,000 (with \$22,500 to be paid to the Labor and Workforce Development Agency ("LWDA") and \$7,500 paid as follows: \$6,750 to be paid equally to Part-time Faculty Class Members and Expense Reimbursement Class Members who worked during the PAGA Period (defined as April 15, 2020 to October 4, 2022), and \$750 to be paid equally to General Class Members who worked during the PAGA Period. After deducting these sums, a total of approximately \$550,955.89 will be available for distribution to Class Members ("Net Settlement Amount").

Questions? Contact the Settlement Claims Administrator toll free at 1-888-895-1671

Distribution to Class Members

The Net Settlement Amount will be distributed as follows: \$460,537.14 (approximately 83.6% of the NSA) shall be allocated to the Part-time Class Members and shall be paid *pro-rata* based on the number of pay periods worked by a Part-time Faculty Class Member during the Class Period in proportion to the pay periods worked by all Part-time Faculty Class Members. \$75,756.25 (approximately 13.7% of the NSA) shall be allocated to the Expense Reimbursement Class Member during the Expense Reimbursement Class Period in proportion to the pay periods worked by all Expense Reimbursement Class Members. The remaining \$14,662.50 (approximately 2.7% of the NSA) shall be paid to equally to all General Class Members. In addition, as stated above, the \$6,750 of the PAGA penalties shall be paid equally to those Part-time Faculty Class Members and Expense Reimbursement Class Members who worked during the PAGA Period, and \$750 of the PAGA penalties shall be paid equally to the General Class Members (all of whom worked during the PAGA Period).

Your Estimated Settlement Award

Defendant's records also show that you «FacultyAre_Are_not» a member of the Part-time Faculty Class and worked a total of: «**FacultyPayPeriods**» pay periods during the Class Period. Your share of the Settlement allocated to the Adjunct Class is «FacultyAmount».

Defendant's records show that you «ExpenseAreAre_not» a member of the Expense Reimbursement Class and worked a total of: «**ExpensePayPeriods**» pay periods during the Expense Reimbursement Class Period. Your share of the Settlement allocated to the Reimbursement Class is «ExpenseAmount».

Defendant's records show that you «GenClassAreAre_not» a member of the General Class and worked a total of: «**GenClassPayPeriods**» pay periods during the General Class Period. Your share of the Settlement allocated to the General Class is «GenAmount».

Finally, Defendant's records show that «PAGAAre_Are_not» a member of the PAGA Class. Your share of the PAGA Payment is «PAGAAmount».

If you believe that the number of pay periods listed above is incorrect and wish to dispute it, you must mail a dispute to the Settlement Administrator no later than March 24, 2023. Please include any documentation you have that you contend supports your dispute.

Tax Reporting

For tax reporting purposes, the payments monies paid to the Adjunct Part-time Class will be allotted 25% to wages and 75% to penalties and interest. Payments to the Expense Reimbursement Class will be allocated as non-wages. Payments to the General Class will be allotted 100% to penalties; and PAGA payments will be allotted 100% to penalties.

Please consult a tax advisor regarding the tax consequences of your Settlement Award. This notice is not intended to provide legal or tax advice on your Settlement Share.

Claims That You Are Releasing Under the Settlement

Part-time Faculty Class Released Claims: If finally approved by the Court, each Part-time Faculty Class Member who does not request exclusion from the Settlement will be bound by all of the terms of the Settlement, and will release

Questions? Contact the Settlement Claims Administrator toll free at 1-888-895-1671

HNU from any and all claims that are alleged, or could reasonably have been alleged based on the facts and claims asserted in the First Amended Complaint on their behalf and arising during the Part-time Faculty Class Period, including claims under California Labor Code §§ 201, 202, 203, 226(a) and (e), 226.2, 226.7, 1194, 510, and 2802; IWC Wage Order No. 4-2001, §§ 4, 12, and California Business and Professions Code §§ 17200 set seq. Part-time Faculty Class Members who worked during the PAGA Period will release their claims for PAGA civil penalties based on the Part-time Faculty Class Released Claims and arising during the PAGA Period whether or not they opt out of the Settlement.

Expense Reimbursement Class Released Claims: If finally approved by the Court, each Expense Reimbursement Class Member who does not request exclusion from the Settlement will release all claims that are alleged, or reasonably could have been alleged based on the facts and claims asserted in the First Amended Complaint on their behalf and arising during the Expense Reimbursement Class Period, including claims under Labor Code § 2802 and California Business and Professions Code §§ 17200 set seq. based on the Labor Code § 2802 claim. Expense Reimbursement Class Members who worked during the PAGA Period will release their claims for PAGA civil penalties based on the Expense Reimbursement Class Released Claims and arising during the PAGA Period.

General Class Released Claims: If finally approved by the Court, each General Class Member who does not request exclusion from the Settlement will release all claims that are alleged, or reasonably could have been alleged based on the facts and claims asserted in the First Amended Complaint on their behalf and arising during the General Class Period, including claims under Labor Code § 226(a)(6). General Class Members who worked during the PAGA Period will release their claims for PAGA civil penalties based on the General Class Released Claims and arising during the PAGA Period.

Your Options Under the Settlement

Option 1 – Do Nothing and Receive Your Payment

If you do not opt out, you are automatically entitled to your payment because you are a Class Member. If you do not dispute your pay periods calculation and do not opt out of the settlement, you will be bound by the settlement and receive a settlement payment. **In other words, if you are a Class Member, you do not need to take any action to receive the settlement payment set forth above.**

Option 2 – Opt Out of the Settlement

If you do not wish to participate in the Settlement, you may exclude yourself by submitting a written request to be excluded from the Class. Your written request must expressly and clearly indicate that you do not want to participate in the Settlement, and you desire to be excluded from the Settlement. The written request for exclusion must include your name, address, telephone number, case name and number, and last four digits of your Social Security Number. Sign, date, and mail your written request for exclusion by U.S. First-Class Mail to:

Castillo and Bean v. Holy Names University
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

The written request to be excluded from the Settlement must be postmarked or received by the Administrator not later than March 24, 2023. If you exclude yourself from the Settlement then you will get no payment, other than your share of PAGA penalties, and retain your legal rights to pursue claims that would otherwise be released by the settlement of the Lawsuit, other than your claim for PAGA civil penalties.

Questions? Contact the Settlement Claims Administrator toll free at 1-888-895-1671

Option 3 – *File an Objection to the Settlement*

If you wish to object to the Settlement you may file an objection in writing stating why you object to the Settlement. Your objection must provide your full name, address and telephone number, case name and number, the last four digits of your Social Security Number, the case number and name, and your reasons why you think the Court should not approve the settlement. Your objection must be mailed the Administrator no later than March 24, 2023. Please note that you cannot both object to the Settlement and exclude yourself. If the Court overrules your objection, you will be bound by the settlement and will receive your Settlement Share.

Final Fairness Hearing

You may, if you wish, also appear at the Final Fairness and Approval Hearing set for May 2, 2023 at 3:00 P.M. in Dept 23, Administration Building, located at 1221 Oak Street Oakland, CA 94612, and discuss your objections with the Court and the Parties at your own expense. You may also retain an attorney to represent you at the Hearing at your own expense. You may appear and object to the Settlement whether or not you have filed a written objection.

Additional Information

This Notice of Class Action Settlement is only a summary of this case and the Settlement. For a more detailed statement of the matters involved in this case and the Settlement, you may visit www.cptgroupcaseinfo.com/HolyNamesSettlement or call the Settlement Administrator at 1-888-895-1671.

The pleadings and other records in this Lawsuit may be examined online on the Alameda County Superior Court’s website at <https://portal.alameda.courts.ca.gov/?q=Home>. After arriving at the website, create a free account, login to your account, select “Document Downloads,” and enter the case number (HG21097245). Images of every document filed in the case may be purchased at a minimal charge.

All inquiries by Class Members regarding this Notice of Class Action Settlement and/or the Settlement should be directed to the Settlement Administrator or Class Counsel.

PLEASE DO NOT CONTACT THE COURT OR CLERK OF THE COURT FOR INFORMATION ABOUT THIS SETTLEMENT.

Questions? Contact the Settlement Claims Administrator toll free at 1-888-895-1671