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4 Attorneys for Plaintiff Vanessa Bulcao,
5 on behalf of herself, the proposed class(es),
all others similarly situated, and on behalf
6 of the general public

7
8 THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO
10

11 VANESSA BULCAO, an individual, on behalf of
herself, the proposed class(es), all others similarly
12 situated, and on behalf of the general public

13 Plaintiff,

14 v.

15 TAYLOR MADE GOLF COMPANY, INC.
(d/b/a TaylorMade-adidas Golf Company), a
16 Delaware corporation; and DOES 1 through 10,
inclusive,

17 Defendants.
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Case No. 37-2015-00028124-CU-OE-CTL

**DECLARATION OF MELISSA A.
MEADE OF PHOENIX SETTLEMENT
ADMINISTRATORS IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

[IMAGED FILE]

[CCP § 382 & CRC Rule 3.769]

Date: March 24, 2017
Time: 1:30 p.m.
Judge: Hon. Timothy Taylor
Dept: 72

Unlimited Civil Case

Complaint Filed: August 19, 2015
Amended Complaint Filed: March 7, 2016

23 I, Melissa A. Meade, declare:

24 1. I am the Vice President of Operations and a Shareholder of Phoenix Settlement
25 Administrators ("PSA"). I know the matters stated herein of my own personal knowledge and, if
26 called upon to testify, would competently testify as set forth herein.

27 2. On behalf of PSA, I submit this declaration in support of Plaintiffs' Motion for
28 Final Approval of Class Action Settlement, including authorization of payment to PSA for the

1 services we rendered and which were preliminarily approved by the Court, as reflected in the
2 Preliminary Approval Order (“PAO”) issued on December 16, 2016.

3 3. According to the PAO, the Court appointed and approved of PSA as Claims
4 Administrator, for the purpose of issuing class notice and administering the proposed class
5 settlement. As required by the PAO, PSA received from Defendant Taylor Made Golf Company,
6 Inc. (d/b/a TaylorMade-adidas Golf Company) (“TMaG”) all of the pertinent Class Member
7 contact information and related data in order to carry out its duties. In accordance with the
8 proposed plan of allocation as described in the Settlement Stipulation (“Stipulation”) and as
9 preliminarily approved by the Court on December 16, 2016, PSA also prepared preliminary
10 calculations based on the allocation formula as reflected in the Stipulation. Such calculations were
11 reflected in an Excel spreadsheet that was provided to all counsel and estimated the gross amount
12 of money (before any tax withholdings) that each Class Member would be entitled to receive
13 under the terms of the proposed settlement (*i.e.*, based on the net settlement amount, the total
14 number of workweeks in the Class period, the number of workweeks worked by each Class
15 Members, the primary employment position held by each Class Member at TMaG, whether the
16 Class Member had signed a release, whether the release referenced the *Bulcao* matter, etc.) if each
17 Class Member submitted a valid claim. According to the data that PSA received from TMaG, the
18 Class worked an aggregate of 110,927.43 eligible workweeks for TMaG during the period August
19 11, 2011 through December 16, 2016 (the “Class Period”).

20 4. On or about January 13, 2017, PSA mailed 693 Court-approved Notices and Claim
21 Forms (“Notice Packets”) by first class mail at the last known address for each Class Member,
22 using the procedures set forth in the Stipulation. Such was accomplished within thirty (30) days
23 after the entry of the PAO. Forty-nine (49) Notice Packets were initially returned as
24 undeliverable, at which point PSA performed a skip-trace in order to obtain additional and/or
25 better information about the location of such Class Members. As a result of the skip-traces
26 performed by PSA, forty-eight (48) Notice Packets were re-mailed, and none of the re-mailed
27 Notice Packets was returned as undeliverable. Consequently, only one (1) Notice Packet of out
28 693 was not deliverable.

1 5. PSA also set up and administered a website (www.TMaGsettlement.com), which
2 informed Class Members of all applicable deadlines and also gave Class Members (and anyone
3 else having internet access) the ability to download PDFs of all settlement-related documents,
4 including the Class Notice, Claim Form, Settlement Agreement, Motion for Preliminary Approval,
5 Proof of Service for Motion for Preliminary Approval, Declarations in Support of Preliminary
6 Approval, Non Opposition to Motion for Preliminary Approval, and Order Granting Preliminary
7 Approval. PSA will also post the final approval papers to the website, including the Motion for
8 Final Approval, Proof of Service for Motion for Final Approval, Declarations in Support of Final
9 Approval, Non Opposition to Motion for Final Approval (if filed), and (if granted) Order Granting
10 Final Approval. In the event that Class Members had any questions about the process, PSA also
11 provided Class Members with a phone number (800-784-2174) and email address
12 (classmember@phoenixclassaction.com) that could be used to contact PSA.

13 6. Class Members who wished to participate in the settlement provided for by the
14 Stipulation (“Participating Class Members”) were requested to complete and return the Claim
15 Form pursuant to the instructions contained therein by first class mail or equivalent, postage paid,
16 within forty-five (45) days of the Notice Date. Under the terms of the PAO, Claims Forms and/or
17 Opt-Outs had to be post-marked not later than February 27, 2017 in order to be considered timely.
18 Ultimately, PSA received 255 Claim Forms from Class Members, only three of which were
19 determined to be invalid, because they were untimely and not post-marked by the February 27,
20 2017 deadline. Thus, PSA received and processed 253 valid Claim Forms from Class Members.
21 The 253 valid claims represent an aggregate total of 51,388.41 eligible workweeks out of
22 110,927.43 weeks worked for TMaG, which accounts for 46.33% of all workweeks covered by the
23 Settlement. However, if the Settlement receives final approval, those Class Members who
24 submitted valid and timely Claim Forms will receive the entire Net Settlement Amount
25 (\$578,446.43) on a pro-rata basis according to the allocation plan set forth in the Stipulation.
26 Thus, the 253 claimants will receive all of the net Settlement funds associated with the aggregate
27 total of 110,927.43 workweeks.

1 7. As provided for by the PAO, and as indicated in the Notice Packets, Class
2 Members were also given the right to opt out of and be excluded from the Class. PSA received
3 one (1) opt-out, but the parties stipulated to the rescission of that opt-out, as it was apparently
4 submitted in error. Therefore, there are no opt-outs.

5 8. As provided for by the PAO, and as indicated in the Notice Packets, Class
6 Members were also given the right to object to the Settlement. PSA did not receive any objections
7 to the Settlement.

8 9. Attached hereto as **Exhibit A** is a true and correct copy of the final weekly report
9 issued by PSA to all counsel, which accurately summarizes and reflects the pertinent information
10 related to, among other things, the size of the proposed Class; the Class period; the Claim and opt-
11 out deadlines; the date of mailing of the Notice Packets; the number of Notice Packets mailed,
12 returned, re-mailed and undeliverable; the number of valid/timely and untimely Claims received;
13 the number of opt-outs; the total number of workweeks covered by the Settlement; and the total
14 number of workweeks claimed. As noted above, the one opt-out we received was rescinded.

15 10. If the Settlement receives final approval, including the proposed plan of allocation,
16 PSA will distribute the entire Net Settlement Amount of \$578,446.43 to the 253 Class Members
17 who submitted valid and timely Claims. The average payment per Class Member will be
18 \$2,286.34. However, the final calculations will be done on a Class Member-by-Class Member
19 basis and will be based on the approved plan of allocation (*i.e.*, according to the number of weeks
20 each such Class Member worked, the position(s) held, whether the Class Member had previously
21 signed a release, the type of release signed, etc.). Consequently, some Class Members will
22 received significantly more than the \$2,286.34 average payment (*e.g.*, if such hypothetical Class
23 Member worked at TMaG during the entire Class Period in a position entitling such person to an
24 enhanced payment and never signed a release), and some Class Members will receive significantly
25 less (*e.g.*, if such hypothetical Class Member only worked at TMaG for a few months during the
26 Class Period, did not work in a position entitling such person to an enhanced payment, and signed
27 a general release referencing this action).


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1 11. For performing the above-referenced work, PSA submitted a “will not exceed”
2 quote of \$9,250. A true and correct copy of such quote is attached hereto as **Exhibit B**. As
3 summarized herein, PSA has performed the agreed work, as preliminarily approved by the Court
4 in the PAO. Accordingly, PSA respectfully requests that the Court approve and authorize
5 payment to PSA in the amount of \$9,250.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed this 17th day of March, 2017, at Orange, California.

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Melissa A. Meade

Exhibit A



Class Size: 693
Class Period: 8/11/2011 - 12/16/2016
Claims Deadline: 2/27/2017
Opt-Out Deadline: 2/27/2017
Final Approval Hearing: 3/24/2017

Report Date:
Friday, March 10, 2017

Weekly Report
For
Bulcao v. Taylor Made

MAILINGS

Notice Mailing Date:	<u>1/13/2017</u>	Total Notices Mailed:	<u>693</u>
Notices Returned:	<u>49</u>	Notices Requested:	<u>0</u>
Notices Traced:	<u>49</u>	Notices Rемаiled:	<u>48</u>
Notices Forwarded:	<u>0</u>	Notices Returned 2nd Time:	<u>0</u>
		Notices Undeliverable:	<u>1</u>

CLAIMS

Responses Received:	<u>255</u>	Opt-Outs Received:	<u>0</u>
Disputed Claims:	<u>0</u>	Invalid Claims:	<u>0</u>
Deficient Claims:	<u>0</u>	Late Claims:	<u>2</u>
Total Valid Claims:	<u>253</u>		

* Includes deficient and disputed claims

CLAIMED AMOUNTS

% of Class Submitted Claim:	<u>36.8 %</u>	Class Net Settlement Amt:	<u>\$577,500.00</u>
% of Class Submitted Opt-Out:	<u>0.14 %</u>	NSA Claimed:	<u>\$167.00</u>
Total Class Weeks:	<u>110,927.43</u>	% of NSA Claimed:	<u>0.03 %</u>
Total Class Weeks Claimed:	<u>51,388.41</u>		

Thank you for choosing Phoenix Settlement Administrators (PSA) to work with you on this matter.
Please feel free to contact Melissa at 949-331-0865 with any questions.

*Phoenix Settlement Administrators
P.O. Box 7208, Orange, CA 92863
Phone: 800-784-2174 Fax: 714-628-9865
www.phoenixclassaction.com*

Exhibit B



PHOENIX
SETTLEMENT ADMINISTRATORS

CLASS ACTION SETTLEMENT SOLUTIONS

CASE ASSUMPTIONS	
Class Members	685
Total Claims Processed	685
Subtotal Admin Only	\$12,554.01
Will Not Exceed	\$9,250.00

November 8, 2016

Case: Bulcao v. Taylormade Opt Out

Phoenix Contact: Jodey Lawrence
 Contact Number: 949.566.1455
 Email: Jodey@phoenixclassaction.com

Requesting Attorney: Paul M. Huston
 Firm: Solomon Ward Seidenwurm & Smith, LLP,
 Contact Number: 619.238.4814
 Email: phuston@swsslaw.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 685 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 / Website/ NCOA (USPS)			
Administrative Tasks:	Rate	Hours/Units	Line Item Estimate
Programming Manager	\$100.00	3	\$300.00
Programming Database & Setup	\$100.00	2	\$200.00
Toll Free Setup*	\$150.00	1	\$150.00
Call Center & Long Distance	\$2.50	50	\$125.00
NCOA (USPS)	\$150.00	1	\$150.00
Static Website	\$500.00	1	\$500.00
		Total	\$1,425.00

* Up to 120 days after disbursement

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Data Merger & Scrub / Notice, Claim Form, Opt-Out Form & Postage			
Project Action	Rate	Hours/Units	Line Item Estimate
Notice Packet Formatting	\$100.00	2	\$200.00
Data Merge & Duplication Scrub	\$0.15	685	\$102.75
Notice, and Opt Out	\$1.50	685	\$1,027.50
Estimated Postage (up to 2 oz.)*	\$0.68	685	\$465.80
		Total	\$1,796.05

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



Skip Tracing & Remailing Notice Packets / Tracking & Programming Undeliverables			
Project Action:	Rate	Hours/Units	Line Item Estimate
Case Associate	\$55.00	2	\$110.00
Skip Tracing Undeliverables	\$0.50	137	\$68.50
Remail Notice Packets	\$1.50	137	\$205.50
Estimated Postage	\$0.68	137	\$93.16
Programming Undeliverables	\$100.00	1	\$100.00
		Total	\$577.16

Database Programming / Processing Opt-Outs, Deficiencies or Disputes			
Project Action:	Rate	Hours/Units	Line Item Estimate
Programming Claims Database	\$150.00	3	\$450.00
Case Associate	\$55.00	5	\$275.00
Opt-Outs/Deficiency/Dispute Letters	\$8.00	4	\$32.00
Case Manager	\$85.00	5	\$425.00
		Total	\$1,182.00

Calculation & Disbursement Programming/ Create & Manage QSF/ Mail Checks			
Administrative Tasks:	Rate	Hours/Units	Line Item Estimate
Programming Calculations	\$135.00	6	\$810.00
Disbursement Review	\$135.00	6	\$810.00
Programming Manager	\$95.00	5	\$475.00
QSF Bank Account & EIN	\$135.00	3	\$405.00
Check Run Setup & Printing	\$135.00	2	\$270.00
Mail Class Checks *	\$1.00	685	\$685.00
Estimated Postage	\$0.48	685	\$328.80
		Total	\$3,783.80

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



PHOENIX
SETTLEMENT ADMINISTRATORS

CLASS ACTION SETTLEMENT SOLUTIONS

Tax Reporting & Reconciliation / Re-Issuance of Checks / Conclusion Reports and Declarations			
Project Action:	Rate	Hours/Units	Line Item Estimate
Case Supervisor	\$115.00	6	\$690.00
Case Associate	\$55.00	6	\$330.00
Reconcile Uncashed Checks	\$85.00	3	\$255.00
Conclusion Reports	\$115.00	4	\$460.00
Case Manager Conclusion	\$85.00	5	\$425.00
Final Reporting & Declarations	\$115.00	2	\$230.00
IRS & QSF Annual Tax Reporting * (State Tax Reporting Included)	\$1,400.00	1	\$1,400.00
		Total	\$3,790.00

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

Estimate Total: \$12,554.01



PHOENIX
SETTLEMENT ADMINISTRATORS

CLASS ACTION SETTLEMENT 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.