

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

cand.uscourts.gov

Post-Distribution Accounting Form

For guidance and instruction, please see

<https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>

Case Number (YY-xx-#####)	3:19-cv-04029
Case Name	DiMercurio, et al. v. Equilon Enterprises LLC, et al.
Attorney Name	Jannah Manansala, Caitlin Gray, Alex Nazarov, Winnie Vien
Nature of Action	wage and hour class action
Attorney Email	jmanansala / cgray / anazarov / wvien@unioncounsel.net <small>courtnotices@unioncounsel.net</small>
Party Represented	Plaintiffs DiMercurio/Gaeth/Langlitz/Synigal
This is:	<input type="radio"/> An interim post-distribution accounting. Not all settlement funds have been distributed. <input checked="" type="radio"/> A final post-distribution accounting. All settlement funds have been distributed.

1. Total settlement fund	\$	3,721,509.52	
2. Number of class members	#	341	
3. Number of class members to whom notice was sent and not returned as undeliverable	#	341	
4. Number of claim forms submitted	#		N/A <input checked="" type="checkbox"/>
5. Percentage of claim forms submitted [=Q4/Q3]	%		N/A <input checked="" type="checkbox"/>
6. Number of opt-outs	#	0	
7. Percentage of opt-outs [=Q6/Q3]	%	0.0	
8. Number of objections	#	0	
9. Percentage of objections [=Q8/Q3]	%	0.0	
10. Average recovery per claimant	\$	5,420.59	
11. Median recovery per claimant	\$	5,161.43	
12. Maximum recovery per claimant	\$	15,694.93	

13. Minimum recovery per claimant		\$ 105.35	
14. Methods of notice to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.			
<input checked="" type="checkbox"/>	100.00%	Mail	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Advertisement	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Email	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Website	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Text	<input type="checkbox"/> 0.00%
15. Methods of payment to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.			
<input type="checkbox"/>	0.00%	Direct Deposit	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Gift Card	<input checked="" type="checkbox"/> 100.00%
<input type="checkbox"/>	0.00%	Wire	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Payment App	<input type="checkbox"/> 0.00%
<input type="checkbox"/>	0.00%	Paper Check	<input type="checkbox"/> 0.00%
16. Number of checks not cashed		# 93	
17. Total value of checks not cashed		\$ 466,761.63	
18. Amount of settlement funds claimed by class member		\$	N/A <input checked="" type="checkbox"/>
19. Amount of settlement funds distributed to class members		\$ 1,855,729.62	
20. Amounts distributed to each cy pres recipient		Name	Amount
	1.	East Bay Community Law Center	\$ 0.00
	2.		\$
	3.		\$
	4.		\$
	5.		\$
	6.		\$
	7.		\$
	8.		\$
	9.		\$
10.		\$	
21. Administrative costs		\$ 11,500.00	
22. Attorneys' fees		\$ 1,200,508.47	
23. Attorneys' costs excluding expert costs		\$ 44,636.89	
24. Expert costs		\$ 0.00	

25. Attorneys' fees in terms of percentage of the settlement fund	% 32
26. Plaintiffs' counsel's final lodestar total	\$ 1,809,105.00
27. Lodestar multiplier [# x.y]	# x.y 0.34
28. Describe any potential fraud issues encountered, the likely causes, and how they were addressed	
N/A	
29. Number of class members availing themselves of nonmonetary relief	# 0
30. Aggregate value redeemed	\$ 0.00

Continued on next page.

31. Where injunctive and or other non-monetary relief has been obtained, discuss the benefit conferred on the class.

N/A

32. Other notes and issues required to be addressed by judge's standing order.

The Post-Distribution Accounting set forth above follows the initial distribution of the settlement funds on August 23, 2024 by the settlement administrator CPT Group, Inc., as further detailed in the accompanying Declaration of Emilio Cofinco, attached hereto as Exhibit A.

The numbers reported in the Post-Distribution Accounting above are actual amounts as of September 13, 2024. The amount of settlement funds distributed to class members listed in #19 above is the total amount after tax withholdings. The number and value of uncashed checks in #16 and 17 above is expected to decline substantially, given that the check-cashing period has only recently begun, and Class Members have until December 21, 2024 to cash received checks. The amount of settlement funds to be distributed to cy pres will be determined after the end of the check-cashing period.

The Post-Distribution Accounting will be posted to the Settlement website, <https://www.cptgroupcaseinfo.com/equilonenterprisesettlement/>, immediately after its filing with the Court.

End of form.

EXHIBIT A

1 KRISTINA L. HILLMAN, Bar No. 208599
 2 JANNAH V. MANANSALA, Bar No. 249376
 3 ROBERTA D. PERKINS, Bar No. 153074
 4 CAITLIN GRAY, Bar No. 305118
 5 ALEXANDER S. NAZAROV, Bar No. 304922
 6 WINNIE VIEN, Bar No. 347796
 7 WEINBERG, ROGER & ROSENFELD
 8 1375 55th Street
 9 Emeryville, CA 94608
 10 Telephone: (510) 337-1001
courtnotices@unioncounsel.net
khillman@unioncounsel.net
jmanansala@unioncounsel.net
rperkins@unioncounsel.net
cgray@unioncounsel.net
anazarov@unioncounsel.net
wvien@unioncounsel.net

11 AMANDA EATON, Bar No. 341987
 12 LEONARD CARDER, LLP
 13 1999 Harrison Street, Suite 2700
 14 Oakland, CA 94612
 Telephone: (510) 272-0169
aeaton@leonardcarder.com

15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 MARCO DIMERCURIO, et al.,

19 Plaintiffs,

20 v.

21 EQUILON ENTERPRISES LLC,

22 Defendant.
 23
 24
 25
 26
 27
 28

Case No.: 19-cv-04029-JSC

**DECLARATION OF EMILIO
 COFINCO OF CPT GROUP, INC.
 REGARDING FINAL ACCOUNTING
 AND DISBURSEMENT OF CLASS
 ACTION SETTLEMENT**

1 I, Emilio Cofinco declare as follows:

2 1. I am the Case Manager for CPT Group, Inc., the class action settlement
3 administrator for the *DiMercurio, et al., v. Equilon Enterprises LLC* settlement. I have personal
4 knowledge of the facts set forth in this Declaration and, if called as a witness, could and would
5 testify competently thereto.

6 2. CPT Group, Inc. (“CPT”) has extensive experience in providing notice of class
7 actions and administering class action settlements. In the past 30 years, we have provided
8 notification and/or settlement administration services in thousands of class action cases.

9 3. CPT provided notice of the settlement and disbursed the funds in this action.
10 During the Notice process, a total number of 341 Class Members were sent a notice and not
11 returned as undeliverable. CPT did not receive any Opt-Outs or Objections.

12 4. On March 6, 2024, CPT obtained an EIN from the IRS and opened an account
13 through Enterprise Bank and Trust. This account was titled *DiMercurio v. Equilon Enterprise*
14 *Fund*, also known as the Qualified Settlement Fund (“QSF”).

15 5. On May 9, 2024, the Court granted final approval of the settlement in this matter.
16 A total of 341 Class Members were deemed to be participants in the settlement. The total amount
17 paid to Settlement Class Members was \$2,272,661.96, the Court approved attorneys’ fees totaling
18 \$1,200,508.47, litigation costs totaling \$44,636.89, the Class Representative Service Awards for
19 \$30,000.00, PAGA Penalties Payment to the California Labor and Workforce Development
20 Agency (“LWDA”) for \$42,205.38, and Administration fees in the amount of \$11,500.00 was
21 approved for payment to CPT.

22 6. On June 13, 2024, the settlement account was funded a total amount of
23 \$3,721,509.52. This payment was sufficient in paying the Settlement Class Members, attorneys’
24 fees and costs, the Class Representative Service Award, the LWDA payment, administration fees,
25 the employer’s share of payroll taxes, and employee-sided state and federal taxes. Additionally,
26 the QSF account earned \$1,525.40 in interest between June 2024 through August 2024.

27 7. On August 19, 2024, a check was issued from the QSF payable to Weinberg Roger
28 & Rosenfeld, representing their portion of attorneys’ fees and costs in the amount of \$944,132.23.

1 8. On August 19, 2024, a check was issued from the QSF payable to Leonard Carder
2 LLP, representing their portion of attorneys' fees and costs in the amount of \$301,013.13.

3 9. On August 23, 2024, a check was issued from the QSF payable to Plaintiff Marco
4 Dimercurio, representing his Class Representative Service Award in the amount of \$7,500.00.

5 10. On August 23, 2024, a check was issued from the QSF payable to Plaintiff John
6 Langlitz, representing his Class Representative Service Award in the amount of \$7,500.00.

7 11. On August 23, 2024, a check was issued from the QSF payable to Plaintiff Charles
8 Gaeth, representing his Class Representative Service Award in the amount of \$7,500.00.

9 12. On August 23, 2024, a check was issued from the QSF payable to Plaintiff Malcolm
10 Synigal, representing his Class Representative Service Award in the amount of \$7,500.00.

11 13. On August 23, 2024, a check was issued from the QSF payable to CPT Group, Inc.,
12 representing administration fees in the amount of \$11,500.00.

13 14. On August 23, 2024, a check was issued from the QSF payable to the LWDA,
14 representing PAGA Penalties payment in the amount of \$42,205.38.

15 15. On August 23, 2024, CPT issued and mailed 341 checks from the QSF representing
16 Settlement Class Member payments. None of the checks were returned as undeliverable. The
17 checks were payable to each of the 341 Settlement Class Members for their respective settlement
18 amounts, totaling an amount of \$1,855,729.62, after tax withholdings. The average payment is
19 \$5,420.59, the median payment is \$5,161.43, the maximum payment is \$15,694.93, and the
20 minimum payment is \$105.35.

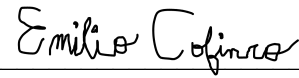
21 16. In addition, CPT was responsible for causing payment of applicable State and
22 Federal taxes. Therefore, on August 23, 2024, CPT mailed checks to the California Employment
23 Development Department ("EDD") for applicable State taxes of \$73,961.99, representing the QSF
24 taxes, and checks to the EDD for \$29,955.58, representing the Defendant's portion of employment
25 taxes. Additionally, from the QSF, CPT administered two wire transfers from the QSF
26 representing the 940 and 941 Federal tax payments to the IRS, totaling an amount of \$434,524.31.

27 17. Pursuant to the terms of the Settlement Agreement, all checks were valid and
28 negotiable for 120 calendar days from the date the check was issued. The check cashing deadline

1 is on December 21, 2024. As of the date of this declaration, there are 93 uncashed checks with a
2 total value of \$466,761.63. CPT will provide a supplemental declaration with an updated number
3 of uncashed checks and total unclaimed funds once the check cashing period has passed.

4 18. Disbursements to the Participating Settlement Class Members and Plaintiff were
5 completed in compliance with the Order and Settlement Agreement.

6
7 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
8 September 10, 2024 at Irvine, California.

9
10 

11 Emilio Cofinco