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21 Attorneys for Plaintiffs GRANT CAIN and DEBORAH CAIN,
22 on behalf of themselves and all others similarly situated

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

24 **COUNTY OF ORANGE**

25 MADLEN DYE, an individual; GRANT
26 CAIN, an individual; DEBORAH CAIN, an
27 individual, on behalf of themselves and all
28 others similarly situated,

Plaintiffs,

vs.

RICHMOND AMERICAN HOMES OF
CALIFORNIA, INC., a Corporation; M.D.C.
HOLDINGS, INC., a Corporation;
PLUMBING CONCEPTS, INC., a
Corporation; MUELLER INDUSTRIES,
INC., a Corporation; and DOES 1-100,

Defendants.

AND RELATED CROSS-CLAIMS.

Case No. 30-2013-00649460-CU-CD-CXC
Assigned for all purposes to:
Judge: Hon. Peter Wilson
Dept.: CX-101

**DECLARATION OF MAKENNA SNOW
OF ILYM GROUP, INC., IN SUPPORT
OF MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Hearing Date: February 23, 2023

Time: 2:00 p.m.

Dept.: CX-101

Complaint Filed: 05/09/2013

[Memoranda of Points and Authorities,
Declarations of Richard Kellner, Michael
Artinian, Patrick McNicholas, Grant Cain, and
Deborah Cain filed concurrently herewith.]

1 I, Makenna Snow declare as follows:

2 1. I am a resident of the United States of America and am over the age of 18. I am a
3 Case Manager for ILYM Group, Inc., (herein after referred to as “ILYM Group”), the professional
4 settlement services provider who has been retained by the Parties’ Counsel and subsequently
5 appointed by the Court to serve as the Claims Administrator for the above captioned *Dye, et al v.*
6 *Richmond American Homes of California, Inc., et al.* matter. I am authorized to make this
7 declaration on behalf of ILYM Group and myself. I have personal knowledge of the facts herein,
8 and, if called upon to testify, I could and would testify competently to such facts.

9 2. ILYM Group has extensive experience in administering Class Action Settlements,
10 including direct mail services, database management, claims processing and settlement fund
11 distribution services for Class Actions ranging in size from 26 to 4.5 million Settlement Class
12 Members.

13 3. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and
14 appointed by the Court to provide notification services and claims administration, pursuant to the
15 terms of the Settlement, in the above referenced Action. Duties performed to-date and to be
16 performed after Final Approval of the Settlement is granted, include: (a) performing a title search
17 on the 184 properties applicable to this settlement (b) printing and mailing the *Notice of Proposed*
18 *Class Action Settlement and Final Hearing, Prior Owner Verification Form, and Opt- Out Form.*
19 (referred to as “Notice Packet”); (c) receiving and processing requests for exclusion; (d) receiving
20 and processing Prior Owner Verification Forms, and mailing a letter to the current owner; (e)
21 calculating individual settlement award amounts; (f) processing and mailing settlement award
22 checks; (g) handling tax withholdings as required by the Settlement and the law; (h) preparing,
23 issuing and filing tax returns and other applicable tax forms; (i) handling the distribution of any
24 unclaimed funds pursuant to the terms of the Settlement; and (j) performing other tasks as the
25 Parties mutually agree to and/or the Court orders ILYM Group to perform.

26 4. On September 1, 2022, ILYM Group received the Court approved text for the
27 Notice Packet from Counsel for Plaintiff. ILYM Group prepared a draft of the formatted Notice
28 Packet, which was approved by the Parties’ Counsel prior to mailing.

1 5. On September 8, 202, ILYM Group received the list of 184 properties from Counsel
2 for Plaintiffs. A prior title search and chain of title information was provided by and through the
3 prior Class Administrator (JND Legal), who provided that information to ILYM. We then verified
4 the accuracy of the chain of title information and subsequently updated the information to
5 determine the existence of 596 present and prior owners of the 184 properties.

6 6. As part of the preparation for mailing, all 596 names obtained from the title search
7 were then processed against the National Change of Address (“NCOA”) database, maintained by
8 the United States Postal Service (“USPS”), for purposes of updating and confirming the mailing
9 addresses of the individual before mailing of the Notice Packet. The NCOA contains requested
10 change of addresses filed with the USPS. To the extent that an updated address was found in the
11 NCOA database, the updated address was used for the mailing of the Notice Packet. To the extent
12 that no updated address was found in the NCOA database, the original property address provided
13 was used for the mailing of the Notice Packet. The data was then scrubbed for individuals with the
14 same last name and current mailing address, and they were mailed one Notice Packet for a total of
15 406 Notice Packets Mailed

16 7. On September 30, 2022, the first wave of Notice Packets was mailed, via U.S First
17 Class Mail, to all 596 addresses.

18 8. Subsequently, during our due diligence, it was determined that the chain of title
19 information was incomplete for the Notice of Class Settlement mailed to 27 individuals in the chain
20 of title for the class homes. After Class Counsel was advised of this situation, it is our
21 understanding that the Court issued a November 21, 2022 Order re-setting the hearing date on this
22 Motion for Final Approval to February 22, 2023 so that there would be adequate time for this
23 additional group of potential class members to receive the Notice and have a full opportunity to
24 respond.

25 9. The Settlement Notice packets for those homeowners were mailed on November 18,
26 2022.

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1 10. The time for all potential class members to file objections and opt-outs has expired
2 – and there are no objections or opt-outs filed with respect to these homeowners who are potentially
3 class members. (Kellner Decl., ¶ 36.)

4 11. With respect to the actual statistics in connection with the Notice packets, as of the
5 date of this declaration, 53 Notice Packets have been returned to our office. Of the 53 returned
6 Notice Packets, 6 were returned with a forwarding address and promptly re-mailed to the
7 forwarding address provided. ILYM Group performed a computerized skip trace on the 47 returned
8 Notice Packets that did not have a forwarding address, in an effort to obtain an updated address for
9 purpose of re-mailing the Notice Packet. As a result of this skip trace, 1 updated address was
10 obtained and the Notice Packet was promptly re-mailed to the Settlement Class Member, via U.S
11 First Class Mail.

12 12. As of the date of this declaration, a total of 7 Notice Packets have been re-mailed.
13 Specifically, 6 were re-mailed as a result of a forwarding address provided by the USPS, 1 has been
14 re-mailed as a result of ILYM Group’s skip tracing efforts.

15 13. As of the date of this declaration, a total of 46 Notice Packets have been deemed
16 undeliverable as no updated address was found notwithstanding the skip tracing.

17 14. The time for submitting an Opt-Out form has expired. One homeowner household
18 submitted an Opt-Out Notice, but they do not qualify as class members because: (1) they are not
19 present owners of the subject homes; and (2) there is no proof of indication that they paid for the
20 replacement of copper pipes. It is our understanding that Class Counsel sent them a letter (the
21 Hoffmans) stating that they do not fit within the class definition even though they submitted an
22 Opt-Out Notice for the above reasons. Thus, there are no class members who have opted-out of
23 this settlement.

24 15. As of the date of this declaration, ILYM Group has not received any objections to
25 the Settlement. The deadline to file an objection to the Settlement has expired.

26 16. As of the date of this declaration, ILYM Group has received 13 Prior Verification
27 Forms. The Deadline to submit a form was November 29, 2022. ILYM promptly mailed the
28 present owners of the property that a prior owner submitted a Prior Owner Verification Form a

1 notice.

2 17. There are presently two homes that potentially require Mr. Feinberg’s adjudication
3 of disputes – with respect to the homes located at 1 Duffield Lane and 4 Earthen Court. The present
4 homeowner for both of those homes – in response to notice of submission of the Prior Owner
5 Verification Form – have submitted documentation that they have re-piped their homes with PEX.
6 The prior owners have been provided with a copy of this documentation, and the parties await the
7 Prior Owners determination to submit documentation of their claim and submission to Ross
8 Feinberg for final arbitration.

9 18. Eligible Settlement Class Members will receive an equal share of the Net Settlement
10 Fund through individual settlement payments. The Net Settlement Fund is the amount remaining
11 after deduction of the Court-approved payments from the Settlement Fund for Class Counsel Fees
12 and Litigation Costs, the Class Representative Incentive Awards, and Claims Administration Fees
13 to ILYM Group – with a minimum to the class members of \$6,594.73 calculated as follows,

14	Settlement Fund	\$1,932,000.00
15	Class Counsel Fees	\$644,000.00
16	Class Counsel Litigation Costs	\$54,569.04
17	Incentive Award	\$5,000.00
18	Administration Fees	\$15,000.00
19	Net Settlement Fund (estimated)	\$1,213,430.96

20 19. To determine an Eligible Settlement Class Members individual settlement award
21 payment, the Net Settlement Fund shall be divided among all Eligible Settlement Class Members.
22 Based on these calculations, the Eligible Settlement Class Members will receive an estimated
23 payment of \$6,594.73.

24 15. ILYM Group’s total fees and costs for services in connection with the administration
25 of this Settlement, which includes fees and costs incurred to-date, as well as anticipated fees and
26 costs for completion of the settlement administration, are \$15,000.00. ILYM Group’s work in
27 connection with this matter will continue with the calculation of the settlement award payments,
28 issuance and mailing of the settlement award checks, the necessary tax filing and reporting on such

1 payments, and any other tasks that the Parties mutually agree to and/or the Court orders ILYM
2 Group to perform. A true and correct copy of the invoice for our services is attached hereto as
3 Exhibit A.

4 I declare under penalty of perjury under the laws of the State of California and the United
5 States that the foregoing is true and correct to the best of my knowledge and that this Declaration
6 was executed this 27th day of January 2023, at Tustin, California.

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/s Makenna Snow
Makenna Snow

EXHIBIT A

ILYM | GROUP, Inc.

CLASS ACTION ADMINISTRATORS

888.250.6810

WWW.ILYMGROUPCLASSACTION.COM

BILL TO

Dye, et al. v. Richmond American Homes of California, Inc., et al.

Case No. 30-2013-00649460-CU-CD-CXC

INVOICE

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Initial Set Up- Import and Formatting of Data		4	150.00	600.00
Programming of Class Database		4	175.00	700.00
Project Manager (Case notification and maintenance)		5	120.00	600.00
Staff Hours for Processing Claims		2	70.00	140.00
Staff Hours for Processing Returned Mail		2	70.00	140.00
Report Processing		3	70.00	210.00
NCOA		1	350.00	350.00
Validating Claims of Repair		1	2,750.00	2,750.00
Toll-Free Customer Support		1	500.00	500.00
Interactive Website with Online Submission		1	2,300.00	2,300.00
Weekly Updated Reports		1	300.00	300.00
Fulfillment of Notices		614	1.50	921.00
USPS First Class Postage		614	0.55	337.70
Remails (Forward/Skip Trace Undeliverables)		7	2.00	14.00
Storage, Photocopies, Deliveries		1	449.40	449.40
Distribution Setup & Management		5	150.00	750.00
Account Reconciliation & Distribution Reporting		5	125.00	625.00
Skip Tracing Prior to Disbursement		184	2.50	460.00

ILYM Group, Inc.
14751 Plaza Dr., Ste J
Tustin, CA 92780

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Check, Stub, & Release- Print & Mail (All Applicable Tax Forms)		184	1.25	230.00
Check Mailing Postage		184	0.55	101.20
Remails (Forward/Skip Trace Undeliverables)		7	2.00	14.00
Preparation of Taxes		7	120.00	840.00
Annual Filing of Tax Return		1	1,500.00	1,500.00
Data Manager Final Reporting		2	100.00	200.00
Project Manager Final Reporting		2	120.00	240.00
TOTAL NOT TO EXCEED \$15,000.00		1	-272.30	-272.30

TOTAL DUE \$15,000.00

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PROOF OF SERVICE
Dye v. Richmond American Homes, et al.
Orange County Superior Court Case No.: 30-2013-00649460

I, the undersigned, declare that:

I am over the age of 18 years and not a party to the within action. I am employed in the County where the Proof of Service was prepared and my business address is Law Offices of BRIDGFORD, GLEASON & ARTINIAN, 26 Corporate Plaza, Suite 250, Newport Beach, CA 92660.

On the date set forth below, I served the following document(s): **DECLARATION OF MAKENNA SNOW OF ILYM GROUP, INC., IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on the interested party(s):

SEE ATTACHED SERVICE LIST

by the following means:

- () **BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid. I am readily familiar with the business practice for collecting and processing correspondence for mailing. On the same day that correspondence is processed for collection and mailing it is deposited in the ordinary course of business with the United States Postal Service in Newport Beach, California to the address(es) shown herein.
- () **BY PERSONAL SERVICE:** By placing a true copy thereof, enclosed in a sealed envelope, I caused such envelope to be delivered by hand to the recipients herein shown (as set forth on the service list).
- () **BY OVERNIGHT DELIVERY:** I served the foregoing document by Overnight Delivery as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to recipients shown herein (as set forth on the service list), with fees for overnight delivery paid or provided for.
- (X) **BY ELECTRONIC MAIL (EMAIL):** I caused a true copy thereof sent via email to the address(s) shown herein.

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

Dated: January 30, 2023 _____
/s/Debbie Knipe
Debbie Knipe

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SERVICE LIST
Dye v. Richmond American Homes, et al.
Orange County Superior Court Case No.: 30-2013-00649460

Keith E. Smith, Esq. Courtney Jakofsky, Esq. Jonathan J. Grisham, Esq. WOOD SMITH, ET AL. 21804 Cactus Avenue, Suite 200 Riverside, CA 92518	Counsel for Defendants RICHMOND AMERICAN HOMES and M.D.C. HOLDINGS, INC. Telephone: (951) 779-5000 Facsimile: (951) 755-1650 kesmith@wshblaw.com cjakofsky@wshblaw.com jgrisham@wshblaw.com jcarlin@wshblaw.com aphelpscharles@wshblaw.com twhitaker@wshblaw.com
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