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10 *Attorneys for Plaintiffs,*

11 **Mark Hinkle and Daniel Rossi**

12
13 **SUPERIOR COURT OF CALIFORNIA**
14 **COUNTY OF SAN DIEGO**
15 **NORTH COUNTY DIVISION**

16 MARK HINKLE and DANIEL ROSSI,
17 Individually and On Behalf of All
18 Others Similarly Situated,

19 Plaintiffs,

20 v.

21 SPORTS RESEARCH CORPORATION,

22 Defendant.

Case No: 37-2020-00001422-CU-NPNC

Assigned for All Purposes to:

Honorable Timothy M. Casserly

Courtroom: N-31

23 **DECLARATION OF STEPHANIE**
24 **MOLINA OF ILYM GROUP, INC. IN**
25 **SUPPORT OF MOTION FOR FINAL**
26 **APPROVAL OF CLASS ACTION**
27 **SETTLEMENT**

Date: March 26, 2021

Time: 1:30 p.m.

Courtroom: N-31

1 I, Stephanie Molina, declare as follows:

2 1. I am the Operations Manager for ILYM Group, Inc. (herein after referred to as “ILYM
3 Group”), the professional settlement services provider who has been retained by the Parties’ Counsel
4 and subsequently appointed by the Court to serve as the claims administrator for the above captioned
5 *Hinkle, et al. v. Sports Research Corporation* matter. I am authorized to make this declaration on behalf
6 of ILYM Group. The following statements are based on my own personal knowledge and information
7 provided by other ILYM Group employees working under my supervision and, if called upon to testify,
8 I could and would testify competently to such facts.

9 2. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and
10 appointed by the Court to provide notification services and claims administration, pursuant to the terms
11 of the Settlement, in the above referenced Action. Duties performed to-date, and to be performed if and
12 after final approval of the Settlement is granted include: (a) e-mailing the Class Notice to the
13 Settlement Class Members; (b) mailing the Class Notice to those Settlement Class Members for whom
14 their e-mail address was unknown or deemed invalid; (c) publishing online banner ads; (d) creating and
15 hosting a dedicated website to provide Settlement Class Members with easy and immediate access to
16 information regarding the proposed Settlement and to allow Settlement Class Members to file a claim
17 electronically; (e) receiving and processing claims, requests for exclusion and objections to the
18 Settlement; (f) preparing a declaration in support of Plaintiff’s Motion for Final Approval of the
19 Settlement; (g) processing and mailing settlement award checks; (h) preparing, issuing and filing tax
20 returns and other applicable tax forms; (i) handling the distribution of any unclaimed funds pursuant to
21 the terms of the Settlement; and (j) other tasks as the Parties mutually agree to and/or the Court orders
22 ILYM Group to perform.

23 3. On June 29, 2020, ILYM Group received a class data file from Vitamin Shoppe, which
24 contained the Class Member’s name, last known mailing address and e-mail address, to the extent it
25 was made available. The data file originally contained 11,983 records. However, accounting for and
26 removing duplicate records and those records with no (or invalid) e-mail address, or no mailing
27 address, the final Class List from Vitamin Shoppe contained approximately 11,843 individuals.

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1 4. On November 25, 2020, ILYM Group established the dedicated Settlement website,
2 www.SRSettlement.com to provide easy and immediate access to information regarding the proposed
3 Settlement and to allow Settlement Class Members to file a claim electronically. A copy of the
4 *Settlement Agreement and General Release; Order (1) Conditionally Certifying Settlement Class, (2)*
5 *Preliminary Approving Class Action Settlement, (3) Approving Notice Program and (4) Setting Final*
6 *Approval Hearing; Notice of Proposed Class Action Settlement; List of Covered Products; Claim*
7 *Form; and Complaint* were posted on said website. On February 9, 2021, a copy of the Motion for
8 Attorneys' Fees, Costs and Services Awards was posted to the Settlement Website. The website
9 received a total of 55,015 unique visits.

10 5. On November 25, 2020, the Class Notice was e-mailed to a total of 10,727 Settlement
11 Class Members. Attached hereto, as **Exhibit A**, is a true and correct copy of the e-mailed Notice.

12 6. On November 25, 2020, the Class Notice was mailed to a total of 1,116 Settlement Class
13 for whom their e-mail address was unknown or deemed invalid. Attached hereto, as **Exhibit B**, is a true
14 and correct copy of the mailed Notice.

15 7. On November 25, 2020, ILYM Group implemented the online banner ads on Google
16 and various social media outlets. Attached hereto, as **Exhibit C**, are true and correct copies of the
17 banner ads.

18 8. Based on ILYM Group's noticing efforts and information that ILYM Group received
19 from Amazon's noticing efforts, the estimated class reach was 99.95%.

20 9. As of the date of this declaration, ILYM Group has received 2 requests for exclusion
21 from the Settlement, which were both timely. The deadline to request exclusion from the Settlement
22 was February 23, 2021. The individuals who have requested exclusion from the settlement include
23 Monica Martinez of Texas and Jan Toomer of New Mexico.

24 10. As of the date of this declaration, ILYM Group has not received any objections to the
25 Settlement. The deadline to submit an objection to the Settlement was February 23, 2021.

26 11. As of the date of this declaration, ILYM Group has not received any late or invalid
27 claims.

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1 12. As of the date of this declaration, ILYM Group has received a total 1,215 duplicate
2 claims. Pursuant to the terms of the Settlement Agreement, the duplicate claims were not accepted
3 since Settlement Class Members were only allowed to only submit one Claim Form to participate in the
4 Settlement, regardless of the number of bottles of the Covered Products purchased during the Class
5 Period.

6 13. As of the date of this declaration, ILYM Group has received a total of 14,862 valid and
7 timely claims. A total of 14,481 were submitted online and 381 were submitted by mail. The deadline
8 to submit a claim to the Settlement was February 23, 2021.

9 14. Pursuant to the terms of the *Settlement Agreement and General Release*, those
10 Settlement Class Members who submit a valid claim shall be entitled to receive from Defendant: (1) a
11 voucher of \$7.00 towards any product manufactured or sold by Defendant, valid for one year and freely
12 transferrable; and (2) a payment of \$3.00 cash. Currently, the total Cash Award payable to the 14,862
13 valid claims is \$44,586.00.

14 15. ILYM Group will incur a total of \$104,192.50 in costs, associated with the
15 administration of this settlement. This will include all costs incurred to date, as well as estimated costs
16 involved in completing the settlement administration.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 true and correct. Executed on this 5th day of March 2021 at Tustin, California.

19
20
21 

22 _____
STEPHANIE MOLINA

EXHIBIT “A”

**A court ordered distribution of notice regarding proposed
settlement of a class action. This is not a solicitation.**

**ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH CORPORATION'S
PREMIUM MCT OIL OR TURMERIC CURCUMIN C3 PRODUCTS IN THE UNITED STATES**

WHAT IS THIS CASE ABOUT? A proposed Settlement has been reached in a class action lawsuit. The lawsuit alleges that *Sports Research Corporation* (“Defendant”) violated California state law by making false, deceptive, and/or misleading claims on the labeling and packaging of their Premium MCT Oil and Turmeric Curcumin C3 Complex products with particular labels (the “Covered Products”). Defendant denies the Plaintiffs’ allegations and any wrongdoing. The Court has not decided which side is right. Instead, the parties have decided to settle the case.

ARE YOU A SETTLEMENT CLASS MEMBER? You are deemed a “Settlement Class Member” who is eligible to receive a settlement award if you purchased one or more of the Covered Products, for personal use, and not resale or distribution, in the United States between January 9, 2016 and January 9, 2020.

WHAT DOES THIS SETTLEMENT PROVIDE? Subject to Court approval, the parties have agreed to a settlement (the “Settlement”) that Settlement Class Members who submit a valid Claim Form will receive (1) a voucher of \$7.00 towards any product manufactured or sold by Defendant, valid for one year and freely transferrable; and (2) a payment of \$3.00 cash. Defendant has also agreed to pay combined attorneys’ fees and litigation costs up to \$325,000, a service award to the two Named Plaintiffs of up to \$2,500 each, as well as reasonable notice and claims administration costs. Further, Defendant has agreed to making certain changes to the manner in which it labels and advertises the Covered Products. The complete Settlement Agreement is found at www.SRSettlement.com.

WHAT HAPPENS NOW? The Court will hold a hearing on this case on March 26, 2021 at 1:30 p.m, at 325 S. Melrose Drive, Department 31, Vista, CA 92081, to consider the final approval of the Settlement, payment of attorneys’ fees and litigation costs and expenses, a service award to the two Named Plaintiffs, settlement administration expenses, and other related issues. The motion(s) by Class Counsel for attorneys’ fees and costs and service awards will be available on www.SRSettlement.com after it is filed with the Court.

WHAT ARE YOUR OPTIONS?

SUBMIT A CLAIM FORM	If you are a Settlement Class Member and wish to receive a settlement award, you must fill out and submit a valid Claim Form no later than February 23, 2021. Claim Forms can be obtained or <i>filled-out online</i> at: www.SRSettlement.com . Claim Forms can also be mailed to: Hinkle, et al. v. Sports Research Corporation Class Action, c/o ILYM Group, Inc., P.O. Box 2031, Tustin, CA 92781.
EXCLUDE YOURSELF	Get out of the lawsuit and the Settlement. Get no settlement award. If you do not want to be bound by the Settlement, you must send a signed statement to the Claims Administrator requesting to be excluded by February 23, 2021. If you exclude yourself, you cannot receive a cash award from this Settlement, but your right to bring a lawsuit against Defendant for the claims alleged in this lawsuit will not be affected by the Settlement. Please refer to the full Settlement Notice located at www.SRSettlement.com for complete instructions on how to exclude yourself from the Settlement.
OBJECT OR COMMENT	Write to the Court about why you do not like the Settlement. If you want to object to the Settlement you must file a written statement with the Court and mail it to the parties by February 23, 2021. Please refer to the full Settlement Notice located at www.SRSettlement.com for complete instructions on how to object to the Settlement.
DO NOTHING	You will get no settlement award and you give up your rights to bring a lawsuit regarding the released claims. If you do not exclude yourself from the Settlement, you will be bound by the Court’s decisions.

For more information, visit www.SRSettlement.com, call (855) 868-1194, e-mail claims@ilymgroupclassaction.com, or write to: Hinkle, et al. v. Sports Research Corporation Class Action, c/o ILYM Group, Inc., P.O. Box 2031, Tustin, CA 92781.

PLEASE DO NOT CONTACT THE COURT WITH ANY QUESTIONS

EXHIBIT “B”

WHAT DOES THIS SETTLEMENT PROVIDE? Subject to Court approval, the parties have agreed to a settlement (the "Settlement") under which Sports Research Corporation ("Defendant") will provide to Settlement Class Members who submit the enclosed Claim Form the following: (1) a voucher of \$7.00 towards any product manufactured or sold by Defendant, valid for one year and freely transferrable; and (2) a payment of \$3.00 cash. Additionally, Defendant will pay: (i) notice and claims administration costs, (ii) attorneys' fees, (iii) litigation costs and expenses, and (iv) a service award to the two Named Plaintiffs. Defendant is also agreeing to make certain changes to the manner in which it labels and advertises its Covered Products. The complete Settlement Agreement is found at www.SRSettlement.com.

WHAT IS THE SETTLEMENT ABOUT? Defendant was sued in a Court in California for allegedly making false, deceptive, and/or misleading claims on the labeling and packaging of the Premium MCT Oil and Turmeric Curcumin C3 products with particular labels indicated in Exhibit F to the Settlement Agreement (the "Covered Products"). Defendant denies the Plaintiffs' allegations and any wrongdoing. The Court has not decided which side is right. Instead, the parties have decided to settle the case.

WHAT HAPPENS NOW? The Court will hold a hearing on this case on March 26, 2021 at 1:30 p.m., at 325 S. Melrose Drive, Department 31, Vista, CA 92081, where Judge Casserly will consider granting final approval of the settlement and awarding payment of attorneys' fees and litigation costs and expenses (not to exceed \$325,000.00 combined), a service award to the two Named Plaintiffs (not to exceed \$2,500.00 each), settlement administration expenses (not to exceed \$110,000.00), and other related issues. The motion(s) by Class Counsel for attorneys' fees and costs and service awards will be available at www.SRSettlement.com after it is filed with the Court.

WHAT ARE YOUR OPTIONS?

SUBMIT A CLAIM FORM: If you are a Settlement Class Member and wish to receive a cash award, you must fill out and submit the enclosed Claim Form, either by mailing it to: Hinkle, et al. v. Sports Research Corporation Class Action, c/o ILYM Group, Inc., P.O. Box 2031, Tustin, CA 92781, or submitting a claim electronically at www.SRSettlement.com, by no later than February 23, 2021.

EXCLUDE YOURSELF: Get out of the lawsuit and the Settlement. Receive no settlement payment. If you do not want to be bound by the Settlement, you must send a signed statement to the Claims Administrator requesting to be excluded by February 23, 2021. If you exclude yourself, you cannot receive a cash award from this Settlement, but your right to bring a lawsuit against Defendant for the claims alleged in this lawsuit will not be affected by the Settlement. Please refer to the full Settlement Notice located at www.SRSettlement.com for complete instructions on how to exclude yourself from the Settlement.

OBJECT OR COMMENT: Write to the Court about why you do not like the Settlement. If you want to object to the Settlement you must file a written statement with the Court and mail it to the parties by February 23, 2021. Please refer to the full Settlement Notice located at www.SRSettlement.com for complete instructions on how to object to the Settlement.

DO NOTHING: You will receive no settlement payment and you give up your rights to bring a lawsuit regarding the released claims. If you do not exclude yourself from the Settlement, you will be bound by the Court's decisions.

For more information, visit www.SRSettlement.com, call (888) 250-6810, e-mail claims@ilymgroupclassaction.com, or write to: Hinkle, et al. v. Sports Research Corporation Class Action, c/o ILYM Group, Inc., P.O. Box 2031, Tustin, CA 92781.

RETURN ADDRESS INFORMATION HERE

**POSTAGE
REQUIRED
FOR
MAILING**

Hinkle, et al. v. Sports Research Corporation
c/o ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781

EXHIBIT “C”

Example of your image ad at 160x600

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

SPORTS RESEARCH® PRODUCTS

YOU MAY BE ELIGIBLE FOR MONETARY COMPENSATION IF YOU FILE A CLAIM



Hinkle v. Sports Research

Example of your native ad at 480x120

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

HAVE YOU PURCHASED PREMIUM MCT OIL AND TURMERIC CURCUMIN PRODUCTS FROM...

Ad Hinkle v. Sports Research

Open

Example of your image ad at 300x250

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

SPORTS RESEARCH® PRODUCTS

YOU MAY BE ELIGIBLE FOR MONETARY COMPENSATION IF YOU FILE A CLAIM

Hinkle v. Sports Research



Example of your text ad at 300x250

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

SPORTS RESEARCH® PRODUCTS

Hinkle v. Sports Research

YOU MAY BE ELIGIBLE FOR MONETARY COMPENSATION IF YOU FILE A CLAIM

OPEN

Example of your image ad at 728x90

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

ATTENTION ALL PERSONS WHO PURCHASED SPORTS RESEARCH® PREMIUM MCT OIL OR TURMERIC CURCUMIN BETWEEN JANUARY 9, 2016 THROUGH JANUARY 9, 2020

SPORTS RESEARCH® PRODUCTS

YOU MAY BE ELIGIBLE FOR MONETARY COMPENSATION IF YOU FILE A CLAIM

