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and aggrieved employees  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ORANGE**

10 DAVID LAWSON, individually and on behalf  
of all similarly situated and/or aggrieved  
11 employees of Defendants in the State of  
California,

12 Plaintiff,

13 v.

14 EXECUTIVE MAINTENANCE, INC.; DAVID  
15 MOLTZ; PATRICIA MAY; WILLIAM MAY  
16 and DOES 1 THROUGH 50, inclusive,

17 Defendants.  
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Case No.: 30-2019-01107756-CU-OE-CXC

**CLASS ACTION**

**PLAINTIFF DAVID LAWSON'S  
STATEMENT REGARDING CLASS NOTICE**

Dept: CX-104

Judge: Hon. Melissa R. McCormick

Complaint Filed: October 25, 2019

FAC Filed: January 3, 2020

Trial Date: January 27, 2025

On September 26, 2024, this Court granted Plaintiff David Lawson's ("Plaintiff") Motion for Class Certification. Pursuant to the Court's Order and California Rule of Court rule 3.766(b), Plaintiff submits this Statement Regarding Class Notice.

**Class Members Are Entitled to Notice and an Opportunity to Opt-Out**

Absent class members are entitled to due process protection that includes notice of the class action proceedings, explanation of their legal rights in connection therewith, and the opportunity to exclude themselves from the class. *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 811-812 (1985).

**Dissemination of Class Notice**

The proposed Notice of Class Action ("Class Notice") is attached as **Exhibit 1**. Plaintiff believes the Class Notice meets the requirements of California Rule of Court, rule 3.766(d).

The Class Notice will be disseminated pursuant to the following procedure:

1. **Production of Class Members' Data.** Within thirty (30) days of the Court's Order approving the content and dissemination of class notice, Defendant Executive Maintenance, Inc. ("Defendant") shall provide to Class Counsel the Class Members' Data subject to the provisions of the Protective Order. The Class Members' Data shall consist of the following:
  - a. The name, employee ID, phone numbers, and all known addresses for all non-exempt employees that worked for Executive Maintenance, Inc. as a day porter, cleaning carpets, cleaning buildings, as a janitor or similar title in California ("Class Members") at any time between **October 25, 2015** and **September 26, 2024** (the "Class Period").
  - b. All the time records showing all the shifts worked by the Class Members during the Class Period.
  - c. All the pay records for the Class Members during the Class Period.
  - d. A list, in Excel, Word, or other similar format, identifying the start and end dates of employment for all Class Members during the Class Period.
2. **Compilation of the Class List.** Class Counsel will review the Class Members' Data and will identify the members of each of the Classes certified by this Court.
  - a. Within forty-five (45) days from receiving all the Class Data from Defendants, Class

Counsel will send the proposed Class List identifying all the members of the Classes to Defendants' counsel.

b. Defendants' counsel will have ten (10) business days to review and give notice to Class Counsel of any dispute or objection to the proposed Class List. If there is any objection, the parties will meet and confer and attempt to resolve any disputes before seeking the intervention of the Court.

c. Class Counsel will submit the final approved Class List, along with the Class Members' Data, to the Third-Party Administrator within five (5) calendar days from the day of Defendants' approval of the Class List or the resolution of any dispute.

3. **Third Party Administrator** - Plaintiffs proposes this Court approves **APEX** as the third-party administrator responsible for the dissemination of the Class Notice to the Class Members. A copy of APEX's resume is attached herein as **Exhibit 2**.

4. **Mailing of the Class Notice.**

a. Within seven (7) calendar days of receiving the Class List and the Class Data, the Administrator will attempt to obtain the best mailing address for each of the Class Members. The Administrator will update all addresses through customary means, including the National Change of Address database.

b. Within fourteen (14) days of receiving the Class List and Class Data, the Administrator will mail the Class Notice to all Class Members. The Administrator will send the parties confirmation of the date the mailing of the class notice was completed ("Publication Date") and the date the Class Members must submit any Request for Exclusion ("Response Deadline").

5. **Re-Mailing of Undeliverable Notices.** Upon receipt of any undeliverable Class Notices, the Administrator shall, within three (3) business days of receipt, mail the Class Notice for all undeliverable Class Notices that include a forwarding address and for the remainder perform a skip trace search and remail the Class Notices to all new addresses found.

6. **Response Deadline.** The Class Members will have forty-five (45) calendar days from the Publication Date to sign and return the included Request for Exclusion to the Administrator.

7. **Weekly Reports and Final Class List.** The Administrator must submit weekly reports to the parties stating the number of undeliverable notices, re-mailed notices, and Request for Exclusions received. Within seven (7) calendar days after the Response Deadline, the Administrator shall remove the names of all the Class Members who returned a Request for Exclusion from the Class List and produce the updated Class List to Class Counsel.

**Costs of Notice**

The parties will split the costs of administering the Class Notice 50-50. The Class Notice is estimated to cost \$700.

Dated: October 7, 2024

GRAHAMHOLLIS APC

By:



VILMARIE CORDERO

ALLISON SCHUBERT

Attorneys for Plaintiff DAVID LAWSON

# **EXHIBIT 1**

*David Lawson v. Executive Maintenance, Inc., et al.*  
**Superior Court of California for the County of Orange**  
**Case No. 30-2019-01107756-CU-OE-CXC**

**NOTICE OF CLASS CERTIFICATION (“NOTICE”)**  
**PLEASE READ THIS NOTICE CAREFULLY – IT AFFECTS YOUR RIGHTS**

**TO: ALL CURRENT AND FORMER NON-EXEMPT EMPLOYEES OF EXECUTIVE MAINTENANCE, INC. WHO WORKED AS A DAY PORTER, CLEANING CARPETS, CLEANING BUILDINGS, AS A JANITOR OR SIMILAR TITLE IN CALIFORNIA FROM OCTOBER 25, 2015 TO [SEPTEMBER 26, 2024].**

*The Superior Court of California for the County of Orange authorized this Notice to be sent.  
This is not junk mail or an advertisement. This is not a solicitation from a lawyer.*

YOU ARE NOT BEING SUED.

**1. WHY SHOULD I READ THIS NOTICE?**

The records of Executive Maintenance, Inc. (referred to as “Executive Maintenance”) show that you currently work or previously worked for Executive Maintenance as a day porter, janitor, or similar title, or cleaned carpets or buildings for Executive Maintenance in California sometime between October 25, 2015 and September 26, 2024. The purpose of this Notice is to inform you that your rights may be affected by the proceedings in a class action lawsuit pending before Judge Melissa R. McCormick of the Superior Court of California for the County of Orange (“the Court”).

The Court has ordered that this Notice be sent to you so that you can be fully informed about the lawsuit and your rights and options in connection with it.

On September 26, 2024, the Court entered an order certifying this case as a class action. Graham Hollis APC has been appointed as counsel for the Class. Former Executive Maintenance employee David Lawson (the “Plaintiff”) has been appointed as the Class Representative. In certifying this case as a class action, the Court did not express any opinion as to the merits of the claims. In other words, the Court has not yet decided whether Executive Maintenance broke any laws or owes any money. The Court has decided, however, that the case may proceed as a class action.

**2. WHAT IS A CLASS ACTION?**

In a class action lawsuit, one or more people called “Class Representatives” (in this case David Lawson) sue on behalf of other people with similar claims. The people with similar claims are called “Class Members.” In a class action lawsuit, one court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

**3. WHAT IS THE LITIGATION ABOUT?**

This case is proceeding on behalf of two classes and two sub-classes of employees. If you are receiving this Notice is because you are a member of one or both of the Classes, and a Class Member.

Mr. Lawson, or the Plaintiff in this case, alleges that Executive Maintenance did not provide meal periods or rest breaks to you and other Class Members in accordance with the requirements of the law. Mr. Lawson also alleges that Executive Maintenance did not timely pay Class Members all premium wages owed following termination of their employment. Finally, Mr. Lawson alleges that Executive Maintenance did not provide Class Members with paystubs that accurately reflect the information required by California law.

For more information, and to read the Complaint filed by Mr. Lawson, please visit: [\[ADMINISTRATOR'S WEBSITE\]](#).

**The Meal Period Class:**

All current and former non-exempt employees of defendant Executive Maintenance, Inc. who worked as a day porter, cleaning carpets, cleaning buildings, as a janitor or similar title in California from October 25, 2015 to the present, and who worked one or more shifts over six hours.

**Rest Period Class:**

All current and former non-exempt employees of defendant Executive Maintenance, Inc. who worked as a day porter, cleaning carpets, cleaning buildings, as a janitor or similar title in California from October 25, 2015 to the present, and who worked one or more shifts over 3.5 hours.

**Wage Statement Subclass:**

All members of the Meal Period Class and Rest Period Class who were employed in California by defendant Executive Maintenance, Inc. from October 25, 2018 to the present.

**Waiting Time Penalties Subclass:**

All members of the Meal Period Class and Rest Period Class whose employment with defendant Executive Maintenance, Inc. ended at any time between October 25, 2016 to the present.

**Based on the records kept by Executive Maintenance, you are a member of the following Class or Classes:**

**[\[insert here\]](#).**

**4. WHAT RECOVERY DOES THE ACTION SEEK?**

Mr. Lawson seeks to recover on behalf of himself and other Class Members: (1) meal period premium wages and rest period premium wages under California Labor Code section 226.7, including interest, and (2) statutory and civil penalties under California Labor Code sections 201, 202, 203, and 226(a), based on Executive Maintenance's alleged labor practices as described in Section 3 above. Plaintiff also seeks attorneys' fees and costs, as described below.

**5. WHO REPRESENTS THE CLASS?**

Plaintiff David Lawson has been approved by the Court to act as the Class Representative. He is a former employee of Executive Maintenance. The following attorneys have been approved by the Court to act as the Class Counsel:

GRAHAMHOLLIS APC  
Vilmarie Cordero  
Allison E. Schubert  
3555 Fifth Avenue, Suite 200  
San Diego, California 92103

Telephone: (619) 546-4373  
Telephone: (619) 906-4025 (Español)  
Facsimile: (619) 692-0822  
Email: aschubert@grahamhollis.com

As a member of the Class, you also have the option of entering an appearance through an attorney of your choice. If you choose to be represented by an attorney other than Class Counsel, you will be responsible for retaining your own attorney.

**6. WHAT FEES AND COSTS ARE INVOLVED?**

As a member of the Class, you do not have to personally pay any attorneys' fees. Class Counsel are representing the Class on a contingency fee basis. Class Members may participate in any ultimate recovery without incurring any out-of-pocket fees or costs. Class Counsel will only be paid their fees and costs if Plaintiff, on behalf of the Class, prevails at trial or a settlement is reached. In that event, Class Counsel will make a request to the Court for attorneys' fees and costs, to be paid from any judgment or settlement. Applications for attorneys' fees and expenses are subject to Court approval.

**7. WHAT ARE MY RIGHTS AND OPTIONS IN THIS LAWSUIT?**

<b>Option 1:</b>	<b><i>Do Nothing and Remain in the Class</i></b>	<p>If you wish to remain in the Class, you do not need to do anything right now. You will automatically be included as a member of the certified Class and you will receive further notices as the case progresses.</p> <p>If the Class obtains a favorable judgment or a settlement, you may receive a portion of any monetary recovery. Whether the judgment is favorable or unfavorable to the Class, you will be bound by the result, and you will give up the right to separately sue Executive Maintenance for the claims that are alleged in this lawsuit. You may also be called to testify at trial and/or to provide sworn deposition testimony in this matter.</p>
<b>Option 2:</b>	<b><i>Remain in the Class But Retain Your Own Attorney</i></b>	<p>If you wish to remain in the Class, but want to hire your own attorney at your own expense, you and your attorney must notify Class Counsel and the Court that you have retained your own attorney.</p> <p>If the Class obtains a favorable judgment or a settlement, you may receive a portion of any monetary recovery. Whether the judgment is favorable or unfavorable to the Class, you will be bound by the</p>



		result, and you will give up the right to separately sue Executive Maintenance for the claims alleged in this lawsuit. You may also be called to testify at trial and/or to provide sworn deposition testimony in this matter.
<b>Option 3:</b>	<b><i>Exclude Yourself from the Class</i></b>	<p>If you do not wish to participate in this matter, you have the right to exclude yourself from the Class. If you do not want to participate, you must request to be excluded by completing and returning the enclosed Request for Exclusion Form to the Court appointed administrator at the address listed below no later than [DATE].</p> <p>If you request to be excluded, you will retain the right to pursue your own claims against Executive Maintenance with an attorney of your choosing, but the statute of limitations on your claim will continue to run. You will not give up any rights or claims you may have by excluding yourself from this action. You will not be bound by any judgment or settlement reached in the class action.</p>

## **8. HOW DO I ASK TO BE EXCLUDED FROM THE CLASS?**

If you do not want to participate in this lawsuit, you must submit a Request for Exclusion no later than [DATE]. You may submit a Request for Exclusion in any of the following ways:

- By email to [EMAIL ADDRESS]; or
- By U.S. Mail using the enclosed Request for Exclusion Form

If you choose to request exclusion by U.S. Mail, the enclosed Request for Exclusion Form must be postmarked by no later than [DATE].

[ADMINISTRATOR'S NAME  
ADDRESS  
PHONE NUMBER  
EMAIL ADDRESS  
CASE WEBSITE]

## **9. THE TRIAL**

If the case does not settle or is otherwise resolved by other means, Class Counsel will have to prove the claims asserted in the lawsuit at trial. Trial is scheduled to begin on January 27, 2025 at 10:30 a.m. During trial, Class Counsel will present the case for Plaintiff and the Classes and Defendants will present their defenses. A judge will hear all of the evidence and reach a decision as to the merits of the claims and defenses, as well as any awards.

You may or may not need to appear in court or otherwise participate in the trial to be a part of the Class(es) or to be eligible for any money or benefits should the case result in settlement or Plaintiff is successful at trial. If you are not subpoenaed to appear at trial, then you will not need to participate in trial directly.

However, the Court or the parties might ask you or other members of the Class(es) for additional information about your experience to assist in reaching a decision about merits, defenses and damages.

You are welcome to come to court to watch the proceedings at your own expense.

If Plaintiff obtains money or other benefits as a result of settlement or trial, you may be entitled to receive a portion of the money. The Court, however, must approve any settlement or awards. If you remain in the Class(es) you will be notified about how to receive any share you are entitled to.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK OF THE COURT REGARDING THIS ACTION. THE COURT AND THE CLERK OF THE COURT WILL NOT DISCUSS THE CASE WITH YOU.**

*David Lawson v. Executive Maintenance, Inc., et al.*  
Superior Court of California for the County of Orange  
Case No. 30-2019-01107756-CU-OE-CXC

**REQUEST FOR EXCLUSION FORM**

YOU MUST COMPLETE THIS FORM IF YOU DO NOT WISH TO BE PART OF THE  
CLASS IN THE ABOVE CAPTIONED MATTER.

By signing and returning this form, I confirm that I wish to be excluded from the certified Class.

I understand that by excluding myself from the Class, I will not be entitled to a portion of any monetary recovery received in this matter.

By excluding myself from the Class, I understand that I retain the right to file my own individual lawsuit against Executive Maintenance, Inc.

By providing the following information, I affirm that I want to exclude myself from the Class:

Name: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Last 4 Digits of Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED: \_\_\_\_\_

MAIL OR EMAIL TO: [ADMINISTRATOR'S ADDRESS]

IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS, YOU MUST SIGN,  
POSTMARK, AND RETURN THIS FORM TO THE ADMINISTRATOR ON OR BEFORE  
[DATE]

# **EXHIBIT 2**



## CASE TYPES

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- Consumer
- Data Breach
- Mass Tort Disbursement
- Wage & Hour
- Private Attorneys  
General Act (PAGA)
- Belaire West
- Class Certification
- Fair Labor Standards  
Act (FLSA)
- Telephone Consumer  
Protection Act (TCPA)
- Employee Retirement  
Income Security Act  
(ERISA)
- Product Liability

## SUMMARY

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Apex Class Action brings together a seasoned team of professionals adept at navigating the intricate landscape of legal processes and settlement administration. Armed with extensive expertise, we offer a comprehensive understanding of the nuances inherent in settlement procedures. Our organization excels in communication and organization, leveraging cutting-edge technology to streamline project management and adhere to rigorous timelines with precision and efficiency.

From initial pre-settlement consultation to the final stages of disbursement and tax reporting, our technology platform and stringent data security protocols revolve around integration, automation, and observability. This ensures swift and precise payment for class members, bolstering efficiency and accuracy throughout the process.

## PRELIMINARY CONSULTATION

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Our complimentary preliminary consultation serves as the cornerstone for establishing a comprehensive framework. This framework ensures that all stakeholders grasp the project's scope, timeline, and budget parameters effectively. Following the alignment of objectives and expectations between plaintiff and defense counsel, our team diligently explores additional avenues to identify potential class members. We go the extra mile by offering detailed interactive banner ad campaigns and print media options, maximizing outreach and engagement to achieve optimal results.

## CASE MANAGEMENT

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At Apex Class Action, our expert Case Managers and Data Managers take charge of overseeing all aspects of the settlement administration process. Their role is pivotal in ensuring strict adherence to court orders, settlement agreements, and industry benchmarks. Working hand in hand with both plaintiff and defense counsel, we meticulously manage every aspect of the settlement administration process.

Our comprehensive mailing and notification services commence with meticulous data scrubbing and the establishment of a class database, guaranteeing the accuracy of contact information. Subsequently, the database undergoes validation using the USPS National Change of Address (NCOA) database to ensure precision and reliability. Additionally, we provide court-certified translation services covering over 65 languages, facilitating effective communication across diverse demographics. In instances where mail is returned as undeliverable, we undertake skip tracing to obtain updated addresses for class members, ensuring that all notices reach their intended recipients without delay.



To ensure transparency throughout the entire process, a steady cadence of reports, as defined during the preliminary consultation, is generated throughout the administration process for both the plaintiff and defense counsel.

Our capability to provide cost-effective pricing is rooted in our adept utilization of cutting-edge technology, a team of highly skilled professionals, and an optimized process. Should the courts approve the utilization of modern electronic notification methods like email and banner ads, we ensure both certainty and cost-effectiveness. Through electronic disbursement, we offer a highly efficient strategy wherein settlement awards are directly delivered to class members, mitigating potential drawbacks associated with traditional mail delivery and enhancing overall efficiency.

## **TAX COMPLIANCE & CASE RESOLUTION**

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Apex leverages its proprietary technology to efficiently manage all necessary state and federal tax reporting requirements. This includes establishing a Settlement Federal Tax Identification Number (FIEN) with the IRS and Qualified Settlement Fund (QSF) EDD accounts where applicable. We handle taxes associated with settlements involving multiple state tax filings, as well as manage all payroll tax filings such as Form 940, 941, and state filings. Additionally, our services encompass the preparation of information returns (Forms W-2, 1099, and 1042-S) for reportable payments and the preparation of the annual Federal income tax return (Form 1120-SF). Moreover, we provide comprehensive management of qualified settlement funds (QSF), ensuring that all accounts are FDIC-insured bank accounts. Our full suite of comprehensive tax management services includes:

- Prepare and fill all applicable returns (Forms W-2, 1099, and 1042-S)
- Payroll tax filings, including Form 940, 941, and state filings
- FID-Insured QSF Bank Accounts
- State and Federal Tax Reporting
- IRS Federal Tax Identification Number
- QSF Audit Reports
- Prepare And File 1120-SF Tax Returns with Quarterly Tax Obligations

## **CONTACT**

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**Address**  
18 Technology Dr. Ste. 164  
Irvine, CA 92618

**Email**  
[Info@apexclassaction.com](mailto:Info@apexclassaction.com)

**Phone**  
1.800.355.0700

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE

DAVID LAWSON, individually and on behalf  
of all similarly situated and/or aggrieved  
employees of Defendants in the State of  
California,

Plaintiff,

v.

EXECUTIVE MAINTENANCE, INC.; DAVID  
MOLTZ; PATRICIA MAY; WILLIAM MAY  
and DOES 1 THROUGH 50, inclusive,

Defendants.

Case No.: 30-2019-01107756-CU-OE-CXC

**CLASS ACTION**

**[PROPOSED] ORDER APPROVING CLASS  
NOTICE AND ADMINISTRATOR**

Dept: CX-104

Judge: Hon. Melissa R. McCormick

Complaint Filed: October 25, 2019

FAC Filed: January 3, 2020

Trial Date: January 27, 2025

**[PROPOSED] ORDER**

Upon review of Plaintiff David Lawson's Statement Regarding Class Notice, IT IS HEREBY ORDERED that:

1. Notice to the class is necessary.
2. Class Members shall have the opportunity to exclude themselves from the class action.
2. The content of the notice shall be substantially similar to the proposed notice attached as Exhibit 1 to Plaintiff's Statement Regarding Class Notice.
3. Notice shall be given in substantially the same manner as that proposed in Plaintiff's Statement Regarding Class Notice.
4. The Court appoints APEX as the Administrator, based on its qualifications and experience.
5. The parties shall split the costs of the administration of the Class Notice 50-50.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Melissa R. McCormick  
Orange County Superior Court



<b>SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ORANGE, CIVIL COMPLEX CENTER</b>		<b>FOR COURT USE ONLY</b>
<b>TITLE OF CASE (ABBREVIATED):</b> <i>David Lawson v. Executive Maintenance, Inc.</i>		
<b>ATTORNEY(S) NAME AND ADDRESS:</b> Graham S.P. Hollis, Esq. (SBN: 120577) Vilmarie Cordero, Esq. (SBN: 268860) Allison Schubert, Esq. (SBN: 339991) GrahamHollis APC 3555 Fifth Avenue Suite 200 San Diego, California 92103	<b>TELEPHONE</b> 619.692.0800  <b>FACSIMILE</b> 619.692.0822	
<b>ATTORNEYS FOR:</b> Plaintiff David Lawson	<b>HEARING: DATE-TIME-DEPT</b>	<b>CASE NUMBER</b> 30-2019-01107756-CU-OE-CXC

**PROOF OF SERVICE**

I, Carrie Rogers, declare: that I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, within which county the subject service occurred. My business address is 3555 Fifth Avenue Suite 200, San Diego, California 92103. On October 7, 2024, I served the following document(s):

- **PLAINTIFF DAVID LAWSON'S STATEMENT REGARDING CLASS NOTICE; and**
- **[PROPOSED] ORDER APPROVING CLASS NOTICE AND ADMINISTRATOR.**

Upon:

John V. Gaule, Esq. Law Office of John V. Gaule 150 N. Santa Anita Avenue, Suite 300 Arcadia, CA 91006 Ph: 626-821-1845 <a href="mailto:john@gaulelaw.us">john@gaulelaw.us</a> <a href="mailto:linn@gaulelaw.us">linn@gaulelaw.us</a>	Attorneys for Defendants Executive Maintenance, Inc., David Moltz, Patricia May, and William May
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- ☒ (**ELECTRONIC TRANSMISSION**) By e-mailing the document(s) to the persons at the e-mail address(es) listed above based on an agreement of the parties to accept service of the documents listed above by e-mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.  
Executed on October 7, 2024, in San Diego, California.

\_\_\_\_\_  
Carrie Rogers



Case Title:

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**Documents Electronically Filed/Received**

Proof of Service

**Status**

Accepted

**Comments**

**Submitter's Comments:**

**Clerk's Comments:**

**Electronic Filing Service Provider Information**

Service Provider OneLegal

Email: finance@infotrack.com

Contact Person: InfoTrack USA LLC Support

Phone: 8443403096