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3 **COTCHETT, PITRE & McCARTHY, LLP**
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Superior Court of California,
County of Los Angeles
1/17/2025 2:06 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Gnade, Deputy Clerk

6 *Attorneys for Plaintiffs on behalf of themselves*
7 *and others similarly situated*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10 **TAMARA MARGOLIS**, an individual;
11 **AIMEE TULLY**, an individual; on behalf of
themselves and all others similarly situated,

12 Plaintiffs,

13 v.

14 **HEALTHY SPOT LLC**, a Limited Liability
Company; and **DOES 1-20**, inclusive,

15 Defendants.
16

Case No. 21STCV25347

**SUPPLEMENTAL DECLARATION OF
GARY A. PRAGLIN IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: February 10, 2025
Time: 9:00 a.m.
Judge: Hon. David S. Cunningham
Dept.: 11

1 SUPPLEMENTAL DECLARATION OF GARY A. PRAGLIN

2 I, Gary A. Praglin, declare as follows:

3 1. I am a partner of the law firm of Cotchett, Pitre & McCarthy, LLP, counsel of record
4 for Plaintiffs. I have personal, firsthand knowledge of the facts set forth herein, and if called upon to
5 testify, could and would testify competently thereto. I submit this supplemental declaration in support
6 of Plaintiffs' Motion for Final Approval of Class Action Settlement.

7 2. A true and correct copy of the Litigation expenses incurred by Class Counsel are
8 attached as **Exhibit A**.

9 3. In the Litigation Expenses submitted with Plaintiffs' Motion for Final Approval, certain
10 expenses incurred for Mediation and post-mediation negotiations, for the payment of Mediator Jeffrey
11 Kichaven and Settlement Services, Inc., were incorrectly logged as expert expenses.

12 4. Plaintiffs did not discover this error until after the Hearing on Plaintiffs' Motion for
13 Final Approval which took place on January 9, 2025.

14 5. The true and correct copy attached hereto as Exhibit A correctly lists these expenses as
15 incurred for mediation, and not by an expert.

16 6. The total requested costs are fair compensation for undertaking complex, risky,
17 expensive, and time-consuming litigation on a purely contingent fee basis.

18 7. To date, *no objections* have been raised regarding the reimbursement costs detailed
19 above to Class Counsel.

20 8. To date, *zero* members of the proposed settlement class have objected to any of the
21 terms of the proposed attorneys' costs.

22 I declare under penalty of perjury of the laws of the State of California that the foregoing is true
23 and correct. Executed this 17th day of January, 2025, at Santa Monica, California.

24
25 
26 _____
27 GARY A. PRAGLIN
28

EXHIBIT A

Cotchett, Pitre & McCarthy, LLP

Case Cost Summary

Healthy Spot

Dates between: DATE'2000-01-01',DATE'2024-12-09'

AP Category Group	AP Expense Category	Amount
AP Expense Category	Class Expenses	\$2,826.70
	Court Costs	\$2,581.67
	Depositions	\$3,227.86
	Document Depository	\$1,850.40
	Document Production	\$198.07
	In-house Photocopies	\$1,439.40
	Lexis/Nexis	\$11,316.11
	Postage	\$7.53
	Service of Process	\$897.68
	Sp Master/Arbitration	\$5,491.78
	Telephone/Fax	\$6.48
	Travel	\$1,288.92
	AP Expense Category Total	
Grand Total		\$31,132.60

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PROOF OF SERVICE

I am employed in the County of Los Angeles. I am over the age of 18 years and not a party to this action. My business address is the Law Offices of Cotchett, Pitre & McCarthy, LLP, 2716 Ocean Park Boulevard, Suite 3088, Santa Monica, CA 90405. On this day, I served the following document(s) in the manner described below:

SUPPLEMENTAL DECLARATION OF GARY A. PRAGLIN IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

✓ **VIA E-MAIL:** My e-mail address is mbressick@cpmlegal.com. I am readily familiar with this firm’s practice for causing documents to be served by e-mail. Following that practice, I caused the aforementioned document(s) to be emailed to the addressee(s) specified in the Service List.

Edward S. Zusman Kevin Eng Markun Zusman & Compton LLP 465 California St., Suite 500 San Francisco, CA 94104 ezusman@mzclaw.com keng@mzclaw.com	COUNSEL FOR DEFENDANT HEALTHY SPOT, LLC
---	---

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Santa Monica, CA, on January 17, 2025.



MELISSA BRESSICK

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gpraglin@cpmlegal.com
2 THERESA E. VITALE (SBN 333993)
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themselves and all others similarly situated,

12 Plaintiffs,

13 v.

14 **HEALTHY SPOT LLC**, a Limited Liability
Company; and **DOES 1-20**, inclusive,

15 Defendants.
16

Case No. 21STCV25347

**SUPPLEMENTAL DECLARATION OF
EDWARD ZUSMAN IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: February 10, 2025
Time: 9:00 a.m.
Judge: Hon. David S. Cunningham
Dept.: 11

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DECLARATION OF EDWARD ZUSMAN


I, Edward Zusman, declare as follows:

1. I am a partner of the law firm of Markun Zusman & Compton LLP, counsel of record for Defendant. I have personal, firsthand knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto. I submit this supplemental declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement.

2. My firm has acted as counsel to Defendant Healthy Spot, LLC (hereafter “Defendant”) in this matter since February 21, 2023.

3. As previously discussed, Defendant maintained a spreadsheet of customer incidents during the class period, from July 2018 to July 2021. That spreadsheet included any contact information that Defendant maintained for each customer. That contact information was the best contemporaneous data Defendant had for the relevant time frame. Unfortunately, some of that contact information is apparently no longer current. For some of the customers, Defendant was missing contact information. Unfortunately, Defendant is unable to provide any information other than what it has already given, because it is no longer conducting any business. As previously disclosed to the Court, Defendant, including all assets, was sold in a UCC Article 9 Public Auction, effective February 1, 2023. Defendant had ceased business operations by that point, and the sale of assets was the final step of the winding down of the company. Other than the documents it has produced, it did not keep or maintain any records with customer contact information.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed this 17th day of January, 2025, at San Francisco, California.


EDWARD ZUSMAN

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PROOF OF SERVICE

I am employed in the County of Los Angeles. I am over the age of 18 years and not a party to this action. My business address is the Law Offices of Cotchett, Pitre & McCarthy, LLP, 2716 Ocean Park Boulevard, Suite 3088, Santa Monica, CA 90405. On this day, I served the following document(s) in the manner described below:

SUPPLEMENTAL DECLARATION OF EDWARD ZUSMAN IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

✓ **VIA E-MAIL:** My e-mail address is mbressick@cpmlegal.com. I am readily familiar with this firm’s practice for causing documents to be served by e-mail. Following that practice, I caused the aforementioned document(s) to be emailed to the addressee(s) specified in the Service List.

Edward S. Zusman Kevin Eng Markun Zusman & Compton LLP 465 California St., Suite 500 San Francisco, CA 94104 ezusman@mzclaw.com keng@mzclaw.com	COUNSEL FOR DEFENDANT HEALTHY SPOT, LLC
---	---

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Santa Monica, CA, on January 17, 2025.



MELISSA BRESSICK

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7 *and others similarly situated*

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13 v.

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15 Defendants.
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Case No. 21STCV25347

**SUPPLEMENTAL DECLARATION OF
ELENA MACFARLAND REGARDING THE
STATUS OF SETTLEMENT
ADMINISTRATION**

Date: February 10, 2025
Time: 9:00 a.m.
Judge: Hon. David S. Cunningham
Dept.: 11

1 **SUPPLEMENTAL DECLARATION OF ELENA MACFARLAND**

2 I, Elena MacFarland, declare and state as follows:

3 **INTRODUCTION**

4 1. I am a Project Manager for the Court-appointed Settlement Administrator, Postlethwaite
5 & Netterville, APAC (“P&N”)¹, a full-service administration firm providing legal administration
6 services, including the design, development, and implementation of unbiased complex legal
7 notification programs. As the Project Manager, I am personally familiar with the facts set forth in this
8 Declaration.

9 2. I am over the age of 21. Except as otherwise noted, the matters set forth in this
10 Declaration are based upon my personal knowledge as well as the information provided by other
11 experienced employees working under my supervision.

12 3. The *Declaration of Elena MacFarland Regarding the Status of Notice and Settlement*
13 *Administration* (the “Status Declaration”), submitted to the Court on December 16, 2024, detailed the
14 status of the Notice Plan and provided an update on exclusions, objections, and category challenges
15 received by P&N as of December 13, 2024.

16 4. This Declaration describes direct payments that will be distributed to Participating Class
17 Members and should be read in conjunction with the Status Declaration.

18 **DIRECT PAYMENTS**

19 5. The Settlement Agreement directs that Participating Class Members receive an
20 Individual Class Payment without a requirement to submit any claim as a condition of payment (“Class
21 Payment”). The Settlement Agreement also directs that a Class Payment be calculated as Participating
22 Class Member’s share of the Net Settlement Amount according to the category of injury suffered by
23 Class Member’s dog during the Class Period.

24 6. The Status Declaration detailed the notice efforts taken by P&N and provided notice
25 reach results as of December 13, 2024. (Status Declaration, ¶ 7-11.) As of the date of the Status
26 Declaration, the Notice Program reached 622 Class Members via mail and/or email.

27 _____
28 ¹ As of May 21, 2023, the Directors & employees of Postlethwaite & Netterville, APAC (P&N) joined EisnerAmper as
EAG Gulf Coast, LLC. Where P&N is named as an entity, EAG Gulf Coast, LLC employees will service work contracted
with P&N.

1 7. P&N anticipates to send a Class Payment to each Participating Class Member for whom
2 P&N has a deliverable email and/or mailing address. The remainder of the Settlement Class consists
3 of 120 individuals for whom (1) P&N has no contact information, or (2) the Email and/or Mailed Notice
4 was returned as undeliverable and for whom no alternative mailing address was obtained through skip
5 trace search procedures outlined in the Status Declaration. (Status Declaration, ¶ 11.)

6 8. In addition to the Court-approved Notice Program detailed in the Status Declaration,
7 P&N initiated a supplemental email campaign to Class Members with a deliverable email address. The
8 supplemental email campaign commenced on January 10, 2025. The campaign is designed to provide
9 Class Members with an option to elect to receive their Class Payment via a digital payment method
10 (i.e. PayPal, Venmo, Zelle, ACH, Digital Mastercard).

11 9. Within 30 days after the Effective Date, P&N will send a digital payment to those Class
12 Members who elected to receive their Class Payment via a digital method. In the event Class Members
13 do not exercise the option to receive a digital payment, or a deliverable email address is not available,
14 P&N will send a physical check to such Class Members by U.S. Mail.

15 10. Assuming Class Counsel are awarded their requested fees and costs and Plaintiffs are
16 awarded Service Awards as outlined in *Plaintiffs' Notice of Motion and Motion for Final Approval of*
17 *Class Action Settlement*, filed with the Court on December 16, 2024, and with consideration to the costs
18 of notice and settlement administration, Class Counsel determined that the Net Settlement Amount will
19 be distributed to the 622 Class Members with a deliverable email and/or mailing address as detailed in
20 Table 1 below, subject to Court approval. (Declaration of Gary A. Praglin, ¶ 22.)

21

22 **Table 1: Summary of Class Payments**

Injury Category	Number of Class Members	Payment to each Class Member	Total Payments per Category
Death	8	\$10,000.00	\$80,000.00
Severe Injury	96	\$3,200.00	\$307,200.00
Minor Injury	518	\$140.00	\$72,520.00
Total	622		\$459,720.00

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CERTIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 17th day of January, 2025 at Baton Rouge, Louisiana



Elena MacFarland

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Edward S. Zusman Kevin Eng Markun Zusman & Compton LLP 465 California St., Suite 401 San Francisco, CA 94104 ezusman@mzclaw.com keng@mzclaw.com	COUNSEL FOR DEFENDANT HEALTHY SPOT, LLC
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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Santa Monica, CA, on January 17, 2025.



MELISSA BRESSICK