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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 IA BROWN, an individual, on behalf of
16 herself, all others similarly situated, and
17 the general public,

18 Plaintiff,

19 v.

20 AUDIOLOGY DISTRIBUTION, LLC, a
21 Delaware limited liability company;
22 CRAIG CAMERON, an individual;
23 HEARX WEST, INC., A California
24 corporation; STEVE MAHON, an
25 individual; TINO SCHWEIGHOEFER, an
26 individual; HEARX WEST LLC, a
27 Delaware limited liability company; WS
AUDIOLOGY (CALIFORNIA), PC, A
California professional corporation;
SIVANTOS, INC., a Delaware
corporation; and DOES 1 to 100,
inclusive,

Defendants.

Case No. 2:22-cv-04271-DMG-MRW

**DECLARATION OF PAUL T.
CULLEN IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
AND COLLECTIVE ACTION
SETTLEMENT**

DATE: December 6, 2024
TIME: 10:00 AM
LOCATION: Courtroom 8C, 8th Floor

Case Filed: June 22, 2022
Trial Date: January 7, 2025

DECLARATION OF PAUL T CULLEN

I, Paul T. Cullen, hereby declare,

1. Except for such matters that are stated upon information and belief, I have personal knowledge of the facts set forth in this declaration, and if called upon to testify thereto, I could and would do so both competently and truthfully. As for such matters that are stated upon information and belief, I believe them to be true based upon my handling of this matter and my own personal investigation.

2. I am Class Counsel for the Plaintiff Class and FLSA Collective Class, which were certified by this Court for purposes of settlement only.

3. To the best of my knowledge, all the factual statement set forth in the concurrently filed Memorandum of Points and Authorities in support of the motion for final approval are true and accurate.

4. As mentioned in that Memorandum, I recommend inclusion of the three (3) late claimants in the settlement, as the impact of their participation on the awards of other participants will be practically imperceptible. Moreover, my impression in communicating with these late claimants is that they were sincerely unaware of the existence of the settlement until after the deadline had passed and only learned of it through word-of-mouth. I believe it is in the spirit of the settlement generally that anybody who wishes to participate, and who is a member of the classes and/or subclasses affected by this settlement, should be given the opportunity to participate, so long as they have submitted their claims prior to final approval.

I declare under penalty of perjury of the laws of the United States of America and the State of California that the foregoing is true and accurate and that this declaration was executed on November 1, 2024.

By: /s/ Paul T. Cullen
Paul T. Cullen
Declarant and Class Counsel

CERTIFICATE OF SERVICE

I, Paul T. Cullen, certify and declare as follow:

1. I am over the age of 18 and not a party to this action.

2. My business address is 9800 Topanga Canyon Boulevard; Suite D, PMB 325; Chatsworth, CA 91311-4057.

3. On November 1, 2024, I caused a copy of **DECLARATION OF PAUL T. CULLEN IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS AND COLLECTIVE ACTION SETTLEMENT** to be served upon the following counsel via the Court’s CM/ECF system:

YURI MIKULKA (State Bar No. 185926)
MARTHA S. DOTY (State Bar No. 143287)
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Attorneys for DEFENDANTS AUDIOLOGY DISTRIBUTION, LLC;
HEARX WEST, INC.; and HEARX WEST LLC

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct. Executed on November 1, 2024, at Los Angeles, California.

/s/ Paul T. Cullen
Attorneys for Plaintiff IA BROWN