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16 Attorneys for Plaintiff MAICHEL BENTTON,

17 individually and on behalf of all others similarly situated

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES**

20 MAICHEL BENTTON individually and on
21 behalf of all others similarly situated,

22 Plaintiff,

23 vs.

24 SEVITA HEALTH, formerly known as
25 Mentor Network, Inc.; MENTOR
26 MANAGEMENT, INC., a business form
27 unknown; THE MENTOR NETWORK, INC.,
28 a business form unknown; FIRST STEP
INDEPENDENT LIVING PROGRAM, INC,
a California Corporation; and DOES 1-50,
inclusive,

Defendants.

Case Nos. 22STCV06236

ASSIGNED FOR ALL PURPOSES TO:

Hon. Elihu M. Berle

Dept. 6

**DECLARATION OF MAICHEL BENTTON
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: August 1, 2023

Time: 9:00 a.m.

Dept.: 6

DECLARATION OF MAICHEL BENTTON

I, MAICHEL BENTTON hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the motion for preliminary approval of the settlement and fees, costs and enhancement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendants First Step Independent Living Program, Inc. ("First Step") and Mentor Management, Inc. ("MMI") (collectively "Defendants") in approximately July 2018 as a Non-Exempt Employee working as a Direct Support Professional and worked during the liability period for Defendants until my separation from Defendants' employ in approximately June 2021. I typically worked 5 days a week and 40 or more hours per week.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being not accurately paid all my wages, not provided meal periods or permitted rest periods, not provided accurate wage statements, not reimbursed for business expenses incurred, not paid timely during my employment, not timely paid wages upon my separation from Defendants' employ, as well as violations under the UCL all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendants and suffered similar harms due to Defendants' common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as

1 the representative Plaintiff.

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3 6. My attorneys provided me with a draft of the complaint for my review and
4 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
5 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
6 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
7 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
8 contacted my attorneys to stay current on the status of the litigation, and to discuss my
9 attorneys' progress in prosecuting the claims.

10 7. Since I believe I was not accurately paid all my wages, not provided meal periods
11 or permitted rest periods, not provided accurate wage statements, not reimbursed for business
12 expenses incurred, not paid timely during my employment, not timely paid wages upon my
13 separation from Defendants' employ, as well as violations under the UCL I believe that I have
14 been similarly injured as to all other class members in the settlement who worked for
15 Defendants during the class period. I believe the claims asserted in the Complaint is also
16 shared by the other Class Members. I worked with various other non-exempt employees and I
17 believe we were all treated the same and subject to the same unlawful policies.

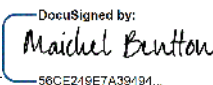
18 8. Since I agreed to become a Class Representative, I have worked every step
19 of the way with my attorneys. During the course of the litigation I have always kept the best
20 interest of the Class Members on equal footing as mine. I have been, and I am willing to
21 continue to pursue the Class Members' claims vigorously on our collective behalf if the
22 Settlement is not finally approved. As a result, I firmly believe that I do not have any interests
23 adverse to the interests of the Class Members. I have maintained the Class Members best
24 interest from the inception of the case.

25 9. As one of the Class Representatives, I have spent numerous hours consulting
26 with my attorneys, providing documentation, consulting with other Class Members, responding
27 to questions by my attorneys, providing documents to my attorneys, working with my attorneys
28 to review documents received, helping my attorneys in preparing for the mediation and
attending the mediation via telephone. I was consulted about the status of the case and provided

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2 constant feedback about the case from my attorneys including the mediation, settlement
3 negotiations and eventual settlement. I estimate I have spent approximately 45 hours working
4 on this case.

5 10. From the beginning of this case, I have freely chosen to accept the risks of
6 being one of the Class Representatives in this class action lawsuit. I chose to assume these risks
7 and pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I
8 believe we have achieved that result with the settlement and the individual payments to the
9 Class Members. I believe the settlement is fair reasonable and adequate based on the numerous
10 defenses asserted by Defendants. I believe the efforts and work I put forth helped to achieve the
11 fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the
12 Class Representative Incentive Award is reasonable, and I respectfully request the Court
13 approve the amount of \$7,500.00 as fair and reasonable.

14 I declare under penalty of perjury under the laws of the state of California
15 that the foregoing is true and correct. Executed on June 13, 2023, at Victorville,
16 California

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18 MAICHEL BENTTON
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