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individually and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MADERA**

LI FAN, an individual, and KENNETH
CHIARITO, an individual, and on behalf of
all others similarly situated,

Plaintiffs,

v.

HOME DEPOT U.S.A. INC., a Delaware
Corporation; and DOES 1-50, inclusive,

Defendant.

Case No. MCV084871

Assigned to The Honorable James E. Oakley,
Dept. 45

**DECLARATION OF PLAINTIFF LI FAN
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA SETTLEMENT**

DECLARATION OF LI FAN

I, LI FAN hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. 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 Defendant HOME DEPOT U.S.A., INC. ("Defendant") in July 2016 as a Non-Exempt Employee with the title of retail associate and worked during the liability period for Defendant until my separation from Defendant's employ in approximately October 2020.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not paid timely during my employment, not provided suitable seating, and not timely paid wages upon my separation from Defendant's employ 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 Defendant and suffered similar harms due to Defendant's 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 one of the representative Plaintiffs.

6. My attorneys provided me with a draft of the complaint for my review and approval. I closely reviewed the complaint to ensure accuracy and completeness. As a

1
2 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
3 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
4 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
5 contacted my attorneys to stay current on the status of the litigation, and to discuss my
6 attorneys' progress in prosecuting the claims.

7 7. Since I believe I was not being paid all my wages, not provided accurate wage
8 statements, not paid timely during my employment, not provided suitable seating and not timely
9 paid wages upon my separation from Defendant's employ, I believe that I have been similarly
10 injured as to all other class members in the settlement who worked for Defendant during the
11 class period. I believe the claims asserted in the Complaint are also shared by the other Class
12 Members. I worked with various other non-exempt employees, and I believe we were all treated
13 the same and subject to the same unlawful policies.

14 8. On March 29, 2021, I, through my attorneys, submitted a notice with the Labor
15 & Workforce Development Agency ("LWDA") alleging that Defendant violated Labor Code
16 sections 201-203, 510, 558, 226, 226.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1, 1198, pursuant
17 to Labor Code section 2699.

18 9. On March 30, 2021, I, through my attorneys, filed the action entitled *LI FAN v.*
19 *HOME DEPOT U.S.A. INC.*, Madera County Superior Court Case No. MCV084871 against
20 Defendant for Defendant's alleged: failure to pay minimum and overtime wages, failure to pay
21 all wages earned and owed upon separation from Defendant's employ, failure to pay wages
22 timely during employment, failure to provide accurate itemized wage statements, and violation
23 of Business & Professions Code section 17200, et seq.

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

1
2 inception of the case.

3 11. As a Class Representative, I have spent numerous hours consulting with my
4 attorneys, providing documentation, consulting with other Class Members, responding to
5 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
6 review documents received, helping my attorneys in preparing for the mediation and attending
7 the mediation via telephone. I was consulted about the status of the case and provided constant
8 feedback about the case from my attorneys including the mediation, settlement negotiations and
9 eventual settlement. I estimate I have spent approximately 41 hours working on this case.

10 12. From the beginning of this case, I have freely chosen to accept the risks of
11 being a Class Representative in this class action lawsuit. I chose to assume these risks and
12 pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe
13 we have achieved that result with the settlement and the individual payments to the Class
14 Members. I believe the settlement is fair reasonable and adequate based on the numerous
15 defenses asserted by Defendant. I believe the efforts and work I put forth helped to achieve the
16 fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the
17 Class Representative Service Award is reasonable, and I respectfully request the Court approve
18 the amount of \$25,000.00 to each Plaintiff as fair and reasonable.

19 I declare under penalty of perjury under the laws of the state of California that the
20 foregoing is true and correct. Executed on October 16, 2024, at Madera, California.

21 DocuSigned by:

22 

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24 LI FAN