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Attorneys for Plaintiff Gail Wilkerson, on behalf of herself, and all other similarly-situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

GAIL WILKERSON, on behalf of herself
and all other similarly-situated employees,

Plaintiff,

v.

INTUIT, INC., a Delaware Corporation; and
DOES 1 through 100, Inclusive,

Defendants.

Case No. 37-2020-00030371-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Gregory W. Pollack
Department C-71

CLASS ACTION

**DECLARATION OF DECLARATION OF
GAIL WILKERSON IN SUPPORT OF
MOTION FOR ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT AND
ENTERING JUDGMENT AND CLASS
REPRESENTATIVE SERVICE PAYMENT**

Hearing Set By Court Order ROA # 59

Date: February 3, 2023

Time: 9:30 a.m.

Dept: C-71

Judge: Honorable Gregory W. Pollack

[IMAGED FILE]

Complaint filed: August 28, 2020

Trial date: Not set

1 I, Gail Wilkerson, declare as follows:

2 1. I am a person over the age of eighteen years and am competent to complete this
3 declaration. All facts stated in this declaration are based on my own personal knowledge,
4 observations and experiences in relation to the claims made in the above-entitled matter. If
5 called to testify, I would and could testify to each of the following facts under oath and in open
6 court. I submit this declaration in support of the Motion for Final Approval of Class Action
7 Settlement and to support my requested Class Representative Service Payment.

8 2. I am the sole named Plaintiff and Class Representative in this case. I am not
9 related to any attorney working on the case, I am not aware of any interests I have that are
10 averse to the interests of any class member, and I do not have any conflicts that would keep me
11 from continuing to adequately represent the class. I have been and remain committed to
12 prosecuting this case vigorously on behalf of the class. I agreed to become a representative and
13 named plaintiff in this case to represent other employees who experienced similar violations as I
14 did.

15 3. I formerly worked for Intuit as a Tax Support employee from January 2020
16 through March 2020. After leaving Intuit, I spoke with and retained the law firms of Cohelan
17 Khoury & Singer and Davtyan Law Firm, Inc. to pursue this case as a proposed class action.
18 The case challenges some things Intuit did, including failing to provide me with meal and rest
19 breaks, which also meant not being paid all my owed wages when I stopped working for the
20 Company. I was also required to use my personal cell phone and personal home computer and
21 wi-fi for business purposed without reimbursement.

22 4. With the assistance of my attorneys, I filed this lawsuit on August 28, 2020 in
23 San Diego County Superior Court, and later amended the lawsuit on November 2, 2020 to allow
24 me to pursue PAGA civil penalties on behalf of the state of California.

25 5. Since this case started in August 2020, I have spoken at length with my
26 attorneys, provided documents and records in my possession, and signed authorizations so that
27 my attorneys could request additional employment and payroll records. We exchanged many
28 emails and had numerous telephone calls about the case from the beginning all the way through

1 to this final request of settlement.

2 6. I was advised that filing my case as a class action came with certain duties and
3 risks. As a representative for the Class, I understood it could take longer to prosecute and settle
4 this case as a class action, rather than as an individual case for myself alone. As a named
5 Plaintiff, my name could be found by a simple Google search, and that when applying for a job
6 in the future, the fact that I was involved in this case might negatively impact those job
7 opportunities. Knowing the risks, I moved forward because I believed many of Intuit's policies
8 were unfair.

9 7. I was informed that Intuit noticed my deposition to be taken. My attorney told
10 me the preparation and deposition itself could take multiple days. To familiarize me with the
11 process, my attorneys started my preparation early so I would be prepared for and comfortable
12 when the date and time were set. Although my deposition was ultimately not taken, I feel I
13 would have been adequately prepared and comfortable to give testimony on my experiences.

14 8. To help prepare for mediation, I spoke with my attorneys and provided
15 information and answers to their questions. Although I was unable to attend the mediation, I
16 made myself available by telephone to answer any questions my attorneys had of me.

17 9. After an agreement reached, I consented to the settlement and reviewed and
18 signed the Memorandum of Understanding, and later the longer Settlement Agreement.

19 10. Since this case was filed as class action, as the sole representative for the other
20 Intuit employees, I have put the interests of the Class above my own at all times. I understand
21 around 100 other employees will receive money from this settlement, they would not have had
22 otherwise. I believe that my contributions in filing this case, and moving it forward were vital to
23 the prosecution, and ultimately the resolution, of this matter.

24 11. I understand that I may be entitled to a payment for my role as a class
25 representative and my work related to the case. I further understand that this additional payment
26 is not guaranteed and is subject to Court approval. My decisions to pursue this case, as well as
27 my opinion about the fairness and adequacy of the settlement in the case is not based on this
28 potential payment.

1 12. My involvement in this case includes: (1) searching for and finding an attorney
2 to handle this case; (2) initiating my case and being an active participant throughout; (3)
3 numerous conferences and emails with my attorneys; (4) searching for and providing
4 information and documents to my attorneys; (5) facing the stigma and potential loss of job
5 opportunities for having filed a class action lawsuit against a former employer on behalf of the
6 Class; (6) preparation for my deposition, although not taken; (7) making myself available by
7 telephone the day of mediation; (8) consenting to the Settlement, and then reviewing and
8 signing the Memorandum of Understanding and later the Settlement Agreement; and (9) the
9 substantial time I spent on this case, both before and after it was filed is time lost from pursuing
10 other interests, and being with friends and family.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed on 1/6/2023 in E PALO ALTO,
13 California.

Gail Wilkerson

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Gail Wilkerson