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Attorneys for Plaintiffs

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

DEVIN TERRELL, NESHA SHEDD AND
SUSAN BUSTOS, individuals, on behalf of
themselves, and on behalf of all persons similarly
situated,

Plaintiffs,

vs.

KAISERAIR, INC., a California corporation; and
DOES 1 through 50, Inclusive.

Defendants.

Case No. RG21113701

**DECLARATION OF SUSAN BUSTOS IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT**

Hearing Date: March 29, 2023

Hearing Time: 10:00 a.m.

Department: 21

Trial Date:

Action Filed: September 23, 2021

Reservation ID: 621236664904

1 I, SUSAN BUSTOS, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above wage and hour class and PAGA action filed against KaiserAir, Inc. (Hereinafter, "Defendant")

5 2. I am submitting this declaration in support of Plaintiff's Motion for Preliminary Approval
6 of Class and PAGA Action Settlement.

7 3. I believe that I am, have been and will continue to represent the interests of the class fairly
8 adequately. I have claims that are typical of the claims the Class Members that I am seeking to represent.
9 Specifically, I worked for Defendant as a non-exempt flight attendant from August 2009 to March 3,
10 2022. Defendant is an Oakland, California based full-service aviation company operating charter flights
11 from Oakland and Santa Rosa Airports. As a non-exempt employee compensated on an hourly basis, I
12 was entitled to legally mandated meal and rest periods, minimum wage and overtime compensation and
13 reimbursement for necessary business expenses. During my employment, Defendant failed to provide
14 compliant meal and rest periods, furnished inaccurate itemized wage statements, miscalculated the
15 regular rate of pay for purposes of paying overtime compensation, and failed to reimburse employees
16 for mandatory business expenses. Throughout my employment, I was subject to Defendant's written
17 policies and procedures, including Defendant's Employee Handbook.

18 4. My claims are typical of the claims of the Class Members that I am seeking to represent
19 because I was subject to the same alleged unlawful employment policies and practices at issue in this
20 action, including but not limited to, Defendant's failure to provide compliant meal and rest periods,
21 furnish accurate itemized wage statements, miscalculation of the regular rate of pay for purposes of
22 paying overtime compensation, premiums and sick pay, and failure to reimburse employees, including
23 myself for mandatory business expenses. Factually, Defendant's policies and practices apply class wide,
24 and Defendant's liability can be determined by facts common to all members of the Class.

25 5. Further, there is no conflict between my interests and the interests of the class that I am
26 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
27 I was injured by the same company-wide policies and practices to which the proposed Class was
28

1 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
2 of the Class by initiating this litigation, communicating with class counsel about the claims as they apply
3 to myself and others, undertaking extensive class document evaluation and evaluating the proposed
4 settlement to assure that it is fair.

5 6. I understood at the time that I filed this action, that as a Class Representative, I owed a duty to
6 the putative class members to faithfully prosecute this action with their best interests at the forefront of every
7 decision. I understood that I could not make any decision in this action for the sole benefit of my personal
8 interest. I understood that in executing this duty, I might have been asked to sacrifice my personal best
9 interests for the benefit of the interests of the putative class members. Nevertheless, I knowingly and
10 voluntarily undertook this duty in order to provide the broadest possible relief for my former co-workers for
11 what I perceived to be Defendant's unlawful wage and hour practices. I believe that I faithfully executed the
12 duties of a Class Representative throughout this litigation and will continue to do until this litigation is fully
13 and finally resolve.

14 7. I believe that the proposed settlement before the court is Fair, reasonable and adequate, and
15 made in the best interest of the Settlement Class Members. Consequently, I respectfully, and humbly,
16 ask the Court to Grant preliminary approval of the Settlement and all of its terms.

17 I declare under the penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct. Executed SB, 2023, at SN (location/City), California.

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20 By: 
21 SUSAN BUSTOS
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