

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo Johnson (State Bar #343881)
Monnett De La Torre (State Bar #272884)
5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

NICOLAS NEUTALL, an individual, on behalf
of himself and on behalf of all persons similarly
situated,

Plaintiff,

vs.

URBAN ALCHEMY, a California
Corporation; and DOES 1-50, Inclusive,

Defendants.

Case No. CGC-20-588622

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

Date:

Time:

Dept.: 302

1 I, NICOLAS NEUTALL, 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 action filed against URBAN ALCHEMY (hereinafter “Defendant”).

5 2. This declaration is being submitted in support of Plaintiff’s Motion for Preliminary
6 Approval of Class Action and PAGA Settlement.

7 3. I believe that I am, have been and will continue to represent the interests of the class
8 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
9 to represent.

10 4. I worked for Defendant as a non-exempt COVID-19 pit-stop manager in California
11 between May of 2020 to July 2020. At all times during my employment, I earned an hourly wage and
12 was entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime wages
13 for all hours worked. Throughout my employment, I was subject to Defendant’s written policies and
14 procedures.

15 5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, failed to
16 provide compliant meal and rest periods, failed to reimburse employees for required expenses, failed
17 to furnish accurate itemized wage statements, and failed to pay all wages when due.

18 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
19 to represent because I was subject to the same alleged unlawful employment policies and practices at
20 issue in this action, including but not limited to, Defendant’s failure to provide complaint meal and
21 rest periods, failure to pay for all hours worked, and failure to pay all wages when due. Factually,
22 Defendant’s policies and practices apply class wide, and Defendant’s liability can be determined by
23 facts common to all members of the Class.

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

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 and evaluating the proposed settlement to assure that it is fair.

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

12 9. I believe that the proposed settlement before the Court is fair, reasonable and adequate,
13 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
14 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

15 I declare under the penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed Feb 6, 2023, at Hayward, California.

17
18 By: 
19 NICOLAS NEUTALL
20
21
22
23
24
25
26
27
28