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Attorneys for Plaintiff MONSERRAT LOPEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA**IN AND FOR THE COUNTY OF VENTURA**

MONSERRAT LOPEZ, an individual, on
behalf of herself, on behalf of all persons
similarly situated, and in her representative
capacity on behalf of the State of California and
fellow Aggrieved Employees,

Plaintiffs,

vs.

ADIDAS AMERICA, INC., an Oregon
corporation; and DOES 1 through 50, Inclusive;

Defendants.

Case No. 56-2021-00549844-CU-OE-VTA

**DECLARATION OF MONSERRAT LOPEZ
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT**

Date: April 4, 2022

Time: 8:20 a.m.

Judge: Hon. Mark Borrell

Dept.: 40

1 I, MONSERRAT LOPEZ, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Settlement and in support of Plaintiff's Motion for Attorneys' Fees and
5 Service Award. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in September 2020 and filed the lawsuit in December 2020. I
8 filed the case on behalf of myself and a class of current and former non-exempt retail store employees
9 who worked for ADIDAS AMERICA, INC. (hereinafter "Defendant") in California between September
10 16, 2017 and October 1, 2021.

11 3. I worked for Defendant as a non- exempt retail store employee in Ventura County, City
12 of Camarillo between August 2019 and August 2020.

13 4. I filed the case because I believed my rights as an employee were violated by Defendant
14 and also the rights of other employees that worked for Defendant. Among other claims, I believe
15 Defendants failed to pay me for all hours worked, failed to provide legally compliant meal and rest
16 periods, failed to pay me all wages when due and failed to provide accurate itemized wage statements.

17 5. Before I was initiated the case as a plaintiff and Class Representative, I spoke at length
18 with my attorneys. We discussed my work experience and how company policies were applied to me
19 and other employees. I provided the attorneys with documents they requested. We reviewed the
20 documents together and asked and answered many questions regarding my experience working for
21 Defendant, the litigation process and about class actions generally.

22 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
23 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
24 than merely seeking my individual claims substantially increased the risk to me. Those risks included
25 the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class action if
26 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by
27 the attorneys and the Court because I needed to prove that I was an adequate class representative.
28 Further, I understood that I would lose some autonomy over my individual claims that I could not make

1 decisions for my sole benefit and that I needed to make every litigation decision with the best interests
2 of the Settlement Class in mind.

3 7. I also understood that the pursuing this litigation created a very public record of my
4 grievances with Defendant which produced the risk that a future employer could hold it against me that
5 I sued a former employer.

6 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on
7 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to
8 receive from this settlement. My attorneys explained to me that the net settlement value of my individual
9 claims may be greater than my ultimate recovery from the net class settlement amount.

10 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because
11 I believed violations occurred and most employees would not know what their rights are and even if
12 they did they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

13 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status
14 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,
15 because I wanted to keep up with developments in the case which I understood was one of my duties as
16 a class representative.

17 11. **Review and Approval of Settlement:** A mediation was held on July 1, 2020. Even
18 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
19 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
20 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
21 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
22 reviewed and signed the Memorandum of Understanding on July 13, 2021, and when the settlement
23 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
24 signed on August 12, 2021.

25 12. **Broad Release:** Unlike all the other Class Members, as part of the Settlement Agreement,
26 I executed a broad general release of all claims arising out of my employment with Defendants including,
27 but not limited to, claims for harassment, wrongful termination, retaliation, and hostile work
28

1 environment. I understand that the Class Service Award is intended, in part, to compensate me for this
2 broad release.

3 13. **Deposition:** Additionally, unlike the Class Members, on I sat for a video recorded oral
4 deposition that lasted approximately 5 and one-half hours. On the day of the deposition, I was required
5 to take an unpaid day off from my work. Further, I spent approximately 8 hours with my attorneys
6 before and after the depositions preparing for and debriefing from the deposition experience. I also
7 spent an additional 3-4 hours reviewing the deposition transcript to ensure it accurately reflected by
8 testimony.

9 14. **Written Discovery:** During the litigation, I responded to two (2) sets of special
10 interrogatories consisting of a total of forty-nine (49) interrogatories. I also responded to two (2) sets of
11 requests for production of documents consisting of one hundred sixty-five (165) production requests.
12 In total I produced approximately three hundred (300) pages of documents in response to those requests.
13 In sum, I estimate that I spent approximately twenty (20) hours reading, responding, and reviewing
14 discovery requests and locating and producing documents.

15 15. **Additional Participation:** Since I retained Class Counsel approximately sixteen months
16 ago, I have been actively involved with this class action lawsuit performing the duties described above.
17 While I did not keep formal time records, I was in regular contact with my attorneys, attended hearings,
18 reviewed important court filings and spent considerable time on the issues presented during the litigation
19 and in the settlement process. I estimate that I spent approximately 50 hours working on this case.

20 16. Also, my attorneys explained to me that the settlement process involved a two-step review
21 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
22 and paid. I knew this process also involved notifying all class members of the settlement terms and of
23 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
24 settlement.

25 17. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
26 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
27 that the requested enhancement of \$10,000 from the settlement is fair compensation for the (1) the broad
28

1 general release I executed, (2) the work I performed, the sacrifices made not pursuing this case
2 individually, and (3) the risks I undertook.

3 18. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
4 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants'
5 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
6 for \$10,000 as a service award is fair and reasonable.

7 19. Further, I support my attorneys' application for a Class Counsel Award in the Amount of
8 \$525,000.00.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct. Executed on 3/9/2022, at Oxnard, California

12
13 By: Monserat Lopez
14 DocuSigned by:
08D2253454DB42E
15 MONSERRAT LOPEZ

