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7 **UNITED STATES DISTRICT COURT**

8 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ISMAEL ORTEGA, KRISINDA )  
11 WOLFE, DORIS WILLIAMS-JENKINS, )  
12 and LILIA SILVA, individuals, on behalf )  
13 of themselves and on behalf of all persons )  
14 similarly situated, )

15 Plaintiff,

16 vs.

17 LOYAL SOURCE GOVERNMENT )  
18 SERVICES, LLC, a Limited Liability )  
19 Company; and Does 1 through 50, )  
20 Inclusive, )

21 Defendants.

Case No. **3:20-cv-0879-LAB-NLS**

**DECLARATION OF KRISINDA  
WOLFE IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

Hearing Date: July 26, 2021

Hearing Time: 11:30 a.m.

District Judge: Hon. Larry A. Burns  
James M. Carter and Judith N. Keep  
United States Courthouse  
Courtroom 14A

1 I, Krisinda Wolfe, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the  
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of  
4 Class Action Settlement and in support of my application for a service award. I have personal  
5 knowledge of all the facts stated herein. I could and would competently testify under oath to  
6 these facts in court if requested to do so.

7 2. I have worked for Defendant Loyal Source Government Services, LLC ("Loyal Source")  
8 in California since July of 2019 as a Family Nurse Practitioner and I have been classified by  
9 Loyal Source as a non-exempt employee during that time period.

10 3. I retained the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP, who are  
11 experienced in both class action litigation and claims against employers for violations of the  
12 California Labor Code and Fair Credit Reporting Act.

13 4. I have no personal relationship or family ties to my attorneys or any officer of the Court. I  
14 am not involved in any litigation against another member of the class in this case and my  
15 attorneys are not working on my behalf in another capacity other than representing me in this  
16 lawsuit.

17 5. I decided to file this class action lawsuit for the benefit of myself and other current  
18 and former non-exempt employees who worked for Loyal Source and be a class representative  
19 because I felt that my legal rights as an employee and others like me were violated. For example,  
20 Loyal Source underpaid my overtime wages because they failed to include non-discretionary  
21 compensation into my regular rate of pay in order to determine my correct overtime rate. I was  
22 also not paid for off the clock work such as when my supervisors texted me and called me on a  
23 regular basis during non-work hours regarding work-related issues. Loyal Source also failed to  
24 include all necessary information on my pay stubs and did not reimburse me for using my  
25 personal cell phone for work related issues. Loyal Source also performed a background check on  
26 me that did not comply with the law.

1       6. This class action case was filed on February 14, 2020 in San Diego County Superior  
2 Court and later was removed to this Court by Loyal Source. I was not a plaintiff in the case at  
3 that time. I became a plaintiff as part of the First Amended Complaint filed in federal court on  
4 September 4, 2020. Before the amended complaint was filed and before I became a plaintiff I  
5 spoke to my attorneys several times and discussed how Loyal Source implemented its company  
6 policies and procedures. I also assisted my attorneys in their investigation into my claims by  
7 providing them documents and answering their questions. I reviewed the amended complaint  
8 before it was filed and I was given access to an electronic file sharing program that alerted me  
9 via email when important documents were filed so that I could review them and keep up with the  
10 developments in the case which I understood was one of my duties as a class representative. I  
11 would also call my attorneys from time to time if I had any questions about the case. My  
12 attorneys were regularly available when I contacted them.

13       7. Even though this action is in the process of settling, I was and remain prepared to  
14 perform all the duties of a class representative. I understand that as a class representative I have  
15 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent non-  
16 exempt employees who worked for Loyal Source during the class period. I have understood that  
17 as a fiduciary, I have a duty to prosecute this action for the benefit of the members of the class  
18 and surrender any right to compromise the group action for an individual gain.

19       8. I understood that being a plaintiff/class representative in this case meant that I  
20 was seeking damages not only for myself but also other current and/or former non-exempt  
21 employees working for Loyal Source in California and also actual employees or prospective  
22 employees of Loyal Source who got a background check as part of the hiring process. I felt that  
23 this group of people were not aware of their rights and even if they were they would probably be  
24 apprehensive about speaking up or even simply because of the time, effort and risk involved in  
25 filing a class action lawsuit.

26       9. I understood that being a part of this lawsuit involved risks. For example, my  
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1 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to  
2 pay for all or part of the attorney fees and costs paid by Loyal Source to defend this lawsuit.  
3 Also, I knew there was a risk that future employers, if they ever found out about this lawsuit,  
4 could hold it against me or downgrade me as a potential hire. As one of the named plaintiffs in  
5 this action it would not be difficult for a future employer to figure out I sued a former employer  
6 for labor law violations. I also knew that being a current employee of Loyal Source could also  
7 result in some type of negative treatment due to the lawsuit. For example, I have noticed that  
8 Loyal Source has not approved locations for me to work at and/or travel to that are nearest to my  
9 residence and instead has approved locations that are significantly farther and much less  
10 convenient for me. I suspect that this lawsuit may have something to do with my inability to get  
11 approved for work locations that are more convenient for me to travel to. Ultimately I decided  
12 these risks were worth it and decided to fight for my rights and the rights of others regardless of  
13 the risks, time and effort I spent on this case.

14 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also  
15 kept up to date on important developments by reviewing court filings that were made available to  
16 me electronically as I described above.

17 11. A mediation took place on September 29, 2020 with David Rotman, Esq., an  
18 experienced mediator of wage and hour class actions. Following the all-day mediation session,  
19 the parties agreed to settle the action after a mediator's proposal was presented. I spoke with my  
20 attorneys regarding the terms of the settlement which was reached between the parties and  
21 understood that I was representing absent class members and therefore wanted the best possible  
22 result to be obtained for the class and I believe a very positive result was in fact achieved via  
23 settlement. I reviewed and signed the Memorandum of Understanding on October 5, 2020 and  
24 when the final settlement papers were ready, I again spoke with my attorneys to review the  
25 Settlement Agreement which I signed on January 11, 2021.

26 12. I have been actively involved with this class action lawsuit performing the duties  
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1 described above. Although I did not keep time records, I was in regular contact with my  
2 attorneys, reviewed important court filings and spent a significant amount of time on the issues  
3 presented during the lawsuit and in the settlement process. I estimate that I spent approximately  
4 50 hours working on this case.

5 13. My attorneys explained to me that the settlement process involves a two-step  
6 review by the Court to determine whether the settlement is fair before approving the settlement.  
7 I know this process also involves notifying all class members of the settlement terms and of their  
8 rights to make a claim for their settlement share, to opt out of the settlement or to object to the  
9 settlement.

10 14. I believe I did the right thing by filing this case on behalf of the class who are in  
11 line to receive monetary payments as a result of this case and settlement. I also believe that the  
12 requested enhancement of \$10,000 from the settlement is fair compensation for the work I  
13 performed and the risks I undertook. I am aware the Court may reduce my service award request  
14 to \$5,000 and will accept whatever amount the Court approves.

15 15. As part of the settlement it was necessary for me to sign a general release of all  
16 claims I may have against the Loyal Source. I believe the service award I have requested  
17 provides me with some compensation for this agreed release.

18 16. I have not entered into any undisclosed agreements nor have I received any  
19 undisclosed compensation in this case. The only compensation I will receive is whatever  
20 amount the Court awards as a service award, as well as my share as a class member of the  
21 settlement fund.

22 17. In light of all the time and effort I have spent on this case, the risk I undertook by  
23 suing a current employer, the exposure to being responsible for paying Loyal Source's costs in  
24 the event we did not win the case, the reputational risk that future employers may hold this  
25 lawsuit against me, the risk that my current employer could treat me differently and/or hold this  
26 lawsuit against me, the general release, and in light of the size of the settlement, I believe the

1 request for \$10,000 as a service award is fair and reasonable.

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct.

4 Executed on Jun 25, 2021, at San Marcos, California.  
5 (city, state)

6   
7 Krisinda Wolfe (Jun 25, 2021 10:27 PDT)  
8 Krisinda Wolfe