

Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
Tara Zabehi (SBN 314706)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN**

KEITH LAY, individually, and on behalf of
other aggrieved employees pursuant to the
California Private Attorneys General Act,

Plaintiff,

vs.

ROBERT HEELY CONSTRUCTION, L.P., a
California limited partnership; and DOES 1
through 100, inclusive,

Defendants.

Case No. BCV-21-100796

Honorable Thomas S. Clark
Department 17

**DECLARATION OF KEITH LAY IN
SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (CAL.
LAB. CODE § 2698, ET SEQ.)
SETTLEMENT AGREEMENT AND
AWARD OF ATTORNEYS' FEES AND
COSTS, GENERAL RELEASE FEE,
AND SETTLEMENT
ADMINISTRATION COSTS**

[Notice of Motion and Motion for Approval
of Private Attorneys General Act (Cal. Lab.
Code § 2698, *Et Seq.*); Settlement
Agreement and Award of Attorneys' Fees
and Costs; General Release Fee, and
Settlement Administration Costs;
Declaration of Plaintiff's Counsel (Tara
Zabehi); and [Proposed] Order and
Judgment filed concurrently herewith]

Date: July 30, 2024
Time: 8:30 a.m.
Department: 17

Complaint Filed: June 8, 2020
Trial Date: None Set

DECLARATION OF KEITH LAY

I, **KEITH LAY**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Robert Heely Construction, L.P. (“Defendant”) in an hourly-paid position as a Forklift Operator and Planner/Scheduler from approximately October 2018 to approximately May 2019. I decided to seek legal advice about my work experience with Defendant. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant was held accountable and stopped its practice of not properly compensating aggrieved employees. After speaking with the attorneys, I investigated representative action lawsuits on my own and did some research into the leading employment law firms in California for approximately **6 hours**. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for **14 hours** discussing my situation, representative actions in general, and what it meant to bring an action under the California Private Attorneys General Act (“PAGA”).

3. I have spent over **11 hours** communicating with my attorneys regarding the case and fulfilling my responsibilities as a PAGA representative, which included gathering documents concerning my employment with Defendant, reviewing and preparing responses to discovery that Defendant sent, reviewing documents with my attorneys and answering their questions, providing information regarding the duties of non-exempt, hourly-paid employees, and helping develop a strategy as to what documents and information to obtain from Defendant. I routinely checked in with my attorneys and their staff to make sure that they had my most current information and any additional information that I had obtained.

4. I was available to answer any questions my attorneys had, and available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many documents as I could. I spent at least **13 additional hours** speaking with my attorneys about the case, identifying

1 potential witnesses, providing my attorneys with documents and information concerning the
2 case, and also describing policies, practices, and procedures of Defendant.

3 5. I spent about **4 hours** reviewing the settlement agreement and about **3 hours**
4 asking questions and discussing the potential settlement with my attorneys before signing the
5 settlement agreement.

6 6. I believe that I have done everything that my attorneys have asked of me and have
7 tried, to the best of my ability, to represent and seek relief for the aggrieved employees and the
8 State of California. I think my efforts helped to get the result obtained in this case.

9 7. I respectfully request that the Court award me a general release fee in the amount
10 of \$10,000.00 for my active participation in this case. Taking into consideration the time that I
11 have dedicated to this case, I believe that this amount is reasonable.

12 8. I am not related to anyone associated with Lawyers *for* Justice, PC.

13 9. I have not entered into any undisclosed agreements, nor have I received any
14 undisclosed compensation in this case. The only compensation I will receive is whatever amount
15 the Court awards as a general release fee, as well as my individual share of the settlement as an
16 aggrieved employee.

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

19 Executed this³⁰ ____ day of June 2024, at San Miguel, California.

20
21 The image shows an electronic signature of Keith Lay. The signature is written in black ink on a white background. Above the signature, the text "Electronically Signed" is visible. To the right of the signature, the date and time "2024-07-01 21:40:34 UTC - 172.56.120.184" are displayed. Below the signature, the text "Nintex AssureSign®" is visible. To the right of the signature, a long alphanumeric string "f7d1d6f7-b847-4972-a64e-b19c012dbd08" is displayed.

22 Keith Lay
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