

Howard L. Magee (State Bar No. 185199)
Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff, the Class, and the Aggrieved Employees

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

SAKHOEUTH "KURT" SAO, individually
and on behalf of all others similarly situated,

Plaintiff,

vs.

AUTOMATED GATE SERVICES, INC., a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. RIC2001904

[Assigned for all purposes to the Hon. Sunshine
S. Sykes, Dept. 6]

**DECLARATION OF SAKHOEUTH
"KURT" SAO IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: October 20, 2021

Time: 8:30 A.M.

Dept.: 6

Complaint Filed: June 1, 2020

Trial Date: None Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. I am an individual over the age of 18 years old and am a resident of California. I am the named Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently. During my employment with Defendant, I worked as a non-exempt employee, and was paid hourly.

3. During periods when I worked overtime and earned non-discretionary incentive, including prevailing wage pay, I was underpaid overtime wages. In this regard, I understand that Defendant did not correctly calculate my overtime wages at the regular rate that included the non-discretionary incentives, including prevailing wage pay. Additionally, I was also issued inaccurate wage statements that displayed incorrect information, including overtime rates of pay, number of hours worked, and gross and net wages earned.

5. I understand that this action was brought on behalf of all other employees in the State of California, and that I am acting as a representative for the Class. As the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class, and that I will not settle out my class and PAGA claims in this lawsuit separately or independently from the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

2

1 including meeting with my attorneys to discuss the case, searching for and providing any
2 necessary information and documents to my attorneys to assist in the investigation and
3 prosecution of the case, responding to questions from my attorneys, reviewing pleadings in the
4 case, making myself available for trial or any further proceedings in this matter as required to
5 represent the interests of the Class. I also understand my duties and responsibilities to the
6 proposed Class and will carry out those duties as necessary.

7 7. I have met with my attorneys to discuss the case (in-person and telephonically)
8 on a number of occasions, provided information and documents to my attorneys to help with the
9 prosecution of the case, and reviewed the pleadings/documents in this case, including my
10 PAGA letter, the complaint, the settlement agreement, and my declaration.

11 8. I have discussed the terms of the class and PAGA settlement with my attorneys,
12 and based on the information provided, I believe the settlement to be fair, adequate, and
13 reasonable for myself and for the entire Class.

14 9. I do not have any relationship with or connection to Legal Aid at Work.
15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17 Executed on this 21 day of September, 2021, at LONG BEACH, California.

18
19 
20 _____
Sakhoeuth "Kurt" Sao