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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

SANTOS ORELLANA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

SMARTE CARTE, INC., a Minnesota
corporation; and DOES 1 through 100,

Defendants.

Case No. 20STCV08890

*[Assigned for all purposes to the Hon.
Yvette M. Palazuelos, Dept. SSC-9]*

**DECLARATION OF SANTOS
ORELLANA IN SUPPORT OF
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: September 14, 2021
Time: 10:00 a.m.
Dept.: SSC-9

Action Filed: March 5, 2020
Trial Date: None Set

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I, SANTOS ORELLANA, declare as follows:

1. I am an individual over the age of 18 and the named plaintiff in this matter. This motion is submitted in support of approval of the proposed class action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this motion and could testify competently to them if called upon to do so. Because I do not speak English fluently, I was interviewed in Spanish for this declaration with the assistance of an interpreter, who reviewed it with me and translated its contents between English and Spanish.

2. I was hired by Smarte Carte, Inc. ("Smarte Carte") as a Service Associate within X airport on approximately November 2004. I took a temporary leave of absence due to a lace injury from approximately March 6, 2019 until approximately February 17, 2020. I osequently furloughed during and as a result of the COVID-19 pandemic, and on December I received a notice of termination stating that I was being terminated effective December 0.

3. Throughout my employment with Smarte Carte, I have clocked in and out using a timeclock scanner or tablet that records my time punches to the minute. However, my time punches are rounded in 15-minute increments after I clock in or out, and I am only paid based on my rounded times. This rounding practice also applied to my meal period timeclock punches. With respect to meal periods, I was regularly forced to take my meal periods after the completion of my fifth hour of work due to Smarte Carte's policies and meal period schedule, and I would regularly be required to return to work to complete a work task even though my meal period was rounded to last a full 30-minutes. On occasions when I worked more than 10.0 hours, I was never compensated with a second meal period. I was also required to always carry a company radio on me and respond to calls regardless of whether it was during my meal or rest periods.

4. I brought this lawsuit because I felt that I was not paid correctly for all of the work performed for Smarte Carte, and I want Smarte Carte to comply with the law and treat their employees fairly. I feel that I have taken on a greater burden than any of the other class members because I have been actively involved in the litigation, and because it is my name that is attached

1 to the lawsuit. Although I was aware of the risks of filing a lawsuit against my current employer,
2 I chose to move forward with the case anyway. Through my efforts, Smarte Carte has agreed to
3 a settlement that will benefit current and former employees of Smarte Carte, and I believe that I
4 should be compensated for carrying the burden of this litigation for the benefit of the other
5 employees.

6 5. I have been actively involved in this case since it was filed. Among other things, I
7 gathered relevant documents for use in the lawsuit and provided factual information to my
8 attorneys, had various phone calls with my attorneys to discuss the claims in the lawsuit and
9 Smarte Carte's practices, and had conversations with my attorneys prior to mediation to help them
10 prepare. I estimate that I have spent approximately 10 to 15 hours in total on these activities.

11 I declare under penalty of perjury under the laws of the state of California and the United
12 States that the foregoing is true and correct. Executed on Jun 15, 2021, 2021 at
13 6/15/21, California.

14 *Santos Orellana*
15 Santos Orellana (Jun 15, 2021 17:10 PDT)

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