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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

ISHAN BASU-KESSELMAN and TAI TRAN, on
behalf of the State of California, as private attorneys
general,

Plaintiffs,

vs.

GARUDA LABS, INC. d/b/a INSTAWORK;
ADVANTAGE WORKFORCE SERVICES,
LLC; and DOES 1 through 50, inclusive,

Defendants.

Case No. **CGC-20-586542**

**DECLARATION OF ISHAN BASU-
KESSELMAN IN SUPPORT OF
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT ("PAGA")
SETTLEMENT**

Date: November 30, 2023

Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer

Dept.: 302

Complaint Filed: July 9, 2020

Trial Date: Not Set

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Attorneys for Plaintiffs

1 I, Ishan Basu-Kesselman, declare as follows:

2 1. I am one of the named Plaintiffs in the above-referenced action filed on behalf of
3 the State of California and PAGA Settlement Group Members against Garuda Labs, Inc. d/b/a
4 Instawork (“Instawork”) and Advantage Workforce Services, LLC (“AWS”)(collectively,
5 “Defendants”), seeking civil penalties for violation of certain labor code violations. I have
6 personal knowledge of all matters stated herein and could competently testify as to these matters
7 if called as a witness, except as to the matters stated upon information and belief, and as to those
8 matters, I believe them to be true.
9

10 2. I have reviewed and signed the proposed settlement agreement entitled “Private Attorneys
11 General Act Settlement.” Based on my involvement and the issues and risks involved in this case,
12 I believe the proposed settlement obtained on behalf of the PAGA Settlement Group Members is
13 a good result.
14

15 3. I am not aware of any interests I have adverse to the interests of the other PAGA Settlement
16 Group Members, and I do not have any conflicts that would keep me from adequately representing
17 the PAGA Settlement Group Members.

18 4. I am not related to anyone associated with Blumenthal Nordrehaug Bhowmik De Blouw
19 LLP, Cohelan Khoury & Singer, or Lebe Law, APLC. My attorneys explained to me the contingency
20 fee rate.
21

22 5. I worked for Instawork as an independent contractor performing “gigs” working manual
23 labor from August of 2018 to January of 2020 and also worked for Instawork from January of 2020
24 to March of 2020 performing the same “gigs” and I was reclassified as an employee during this time
25 period.

26 6. I retained my attorneys at the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP
27 who are experienced in PAGA representative action litigation and claims against employers for
28

1 violations of the California Labor Code. I retained my attorneys to pursue this case as a PAGA
2 Representative action for Instawork's misclassification of its workers as independent contractors,
3 resulting in the failure to: pay all my wages, provide meal and rest periods, reimburse my business-
4 related expenses, pay sick pay, and provide accurate wage statements.

5 7. In bringing this case for myself, the State of California, and the other employees, I
6 understood a lot of work would be required and I was willing to, and did, do the work to keep the
7 case moving forward. For instance, my attorneys asked me to provide documents and provide
8 detailed factual information to support the claims in this case and to remain available as necessary
9 to move the case forward.
10

11 8. I understood that being a part of this lawsuit involved risks. For example, my attorneys
12 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
13 or part of the attorney fees and costs paid by the Defendants to defend this lawsuit. Also, I knew
14 there was a risk that future employers, if they ever found out about this lawsuit, could hold it against
15 me or downgrade me as a potential hire. As one of the two named Plaintiffs in this case it would
16 not be difficult for a future employer to become aware that I sued a former employer for labor law
17 violations. Ultimately I decided these risks were worth it and decided to fight for my rights and the
18 rights of others regardless of the risks, time and effort I spent on this case.
19

20 9. I was informed that the Defendants had the right to take my deposition, and that the
21 preparation and deposition itself could take multiple days. Although my deposition was not
22 taken, I feel I would have been adequately prepared and comfortable to give testimony on my
23 experiences.
24

25 10. Multiple mediations took place in this case. The last one occurred on January 19, 2023 with
26 Tripper Ortman, a well-respected and experienced mediator of wage and hour actions. After the
27 mediation the parties were able to reach an agreement to settle the action. I consented to the
28

1 settlement, signed the memorandum of understanding memorializing the settlement, and later,
2 reviewed and signed the settlement agreement.

3 11. I have been actively involved with this lawsuit performing the duties described above.
4 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
5 filings, searched for and provided requested documents, and spent a significant amount of time on
6 the issues presented during the lawsuit and in the settlement process. I estimate that I spent
7 approximately 40-50 hours working on this case up until this point.
8

9 12. I believe I did the right thing by filing this case on behalf of the PAGA Settlement Group
10 Members who, subject to court approval, are in line to receive monetary payments as a result of this
11 case and settlement. This is money they may never have ever gotten if I did not pursue this action
12 on their behalf. I feel significant personal satisfaction to know that I played a role in the PAGA
13 Settlement Group Members being entitled to monetary payments as a result of the filing of this
14 lawsuit.
15

16 13. Separate and apart from Individual PAGA Payment for civil penalties, I am
17 requesting an Enhancement Award of \$10,000.00. Considering the risks I took, the money other
18 employees will receive as part of this settlement, and the fact that I gave a general release of any
19 and all claims relating to my employment, I believe the requested award of \$10,000 is fair
20 and reasonable.
21

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

24 Executed on Aug 19, 2023, at Santa Ana, CA
25 (city, state)

26
27 
28 Ishan Basu-Kesselman
Ishan Basu-Kesselman (Aug 19, 2023 01:00 GMT+2)