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

CINTHIA MENDOZA and DELISHIA
HYDE, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

PRIME NOW LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: RG20068286

(Assigned to the Hon. Evelio Grillo, Dept. 21)

**DECLARATION OF DELISHIA HYDE IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: August 8, 2023

Time: 10:00 A.M.

Dept.: 21

Reservation No.: 138916486157

Complaint Filed: July 21, 2020

FAC Filed: April 5, 2022

SAC Filed: November 4, 2022

Trial Date: None Set

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

07/17/2023 at 04:50:14 PM

By: Miya Williams,
Deputy Clerk

1 I, Delishia Hyde, hereby declare and state as follows:

2 1. I am an individual over the age of 18. I am a plaintiff in the above-referenced
3 action. I have personal knowledge of the facts set forth below and if called to testify I could and
4 would do so competently.

5 2. I was employed by Defendant Prime Now LLC ("Defendant") as a non-exempt
6 employee from about August 2019, until about February 21, 2020, and on and off thereafter. I
7 worked as an Amazon Whole Foods Shopper.

8 3. During my employment with Defendant, I regularly earned non-discretionary
9 incentive wages such as Surge Premiums. During periods when I earned incentive wages and
10 received meal period premiums during the same workweek, the meal period premiums were paid
11 at my base hourly rate. As a result, I was underpaid meal period premiums.

12 4. The underpaid meal period premiums were not paid to me upon separation of
13 employment, and I have yet to receive them.

14 5. Throughout my employment, I received wage statements when I got my
15 paychecks. As a result of the underpayment of meal period premiums, the corresponding wage
16 statements I received did not list accurate rates of pay for such wages and gross and net wages
17 earned.

18 6. I do not have any interests adverse to the Class, nor have any such issues been
19 raised or presented. I have taken all necessary steps to represent the interests of the Class,
20 including providing information and documents to my counsel and reviewing pleadings in this
21 case.

22 7. For example, at the outset of the case, I provided information and documents to my
23 attorneys to assist in evaluating the case and claims. Around that time, my attorneys interviewed
24 me at length by phone, and I searched for and provided information and documents to my
25 attorneys, including my offer letter, pay stubs, and employment manuals. We also corresponded
26 via email. Around the same time, I reviewed the written retainer agreement with my attorneys
27 and carefully considered whether to take on the responsibility of serving as a class representative
28 and putting my name on public documents as a named plaintiff. I also reviewed the notice letter

1 to the California Labor and Workforce Development Agency that included my name on it as well
2 as the lawsuit that would be filed in Court.

3 8. I also assisted my attorneys in responding to written discovery questions and
4 collecting documents to produce in this case. The Company requested that we provide further
5 responses to certain questions, so I reviewed and discussed the additional information requested
6 with my attorneys verified those responses.

7 9. On February 23, 2022, I provided testimony in this case during my deposition. To
8 prepare for the deposition, I met with my attorneys, reviewed documents, and discussed the
9 theories of the case. After my deposition, I reviewed my deposition transcript to determine if any
10 changes were necessary to my deposition transcript and determined that a few clarifications were
11 appropriate. I discussed this process with my attorneys also.

12 10. In advance of the mediation, I met with my attorneys to prepare and to discuss
13 what to expect. After the mediation, I met with my attorneys to discuss the results and to
14 understand the process moving forward. In the months following, I had phone calls with my
15 attorneys about the status of the settlement negotiations.

16 11. In the years between when the complaint was filed and the mediation, I stayed in
17 regular contact with my attorneys by phone and email to discuss the status of the case and the
18 strategy for the case. I made myself available to answer questions about Defendant's policies and
19 my experiences working for Defendant.

20 12. I have also carefully reviewed the memorandum of understanding, settlement
21 agreement, amendment to the settlement agreement, and the declarations in support of the
22 motions to approve the settlement.

23 13. In total, I estimate I have spent approximately fifty-five to sixty-five hours on this
24 case.

25 14. I took significant risks, both professionally and monetarily, in acting as Class
26 Representative, seeking benefits on behalf of the Class. Because the claims alleged by me and
27 other Class Representatives involved the payment of costs to the prevailing party, I could have
28 possibly faced paying the costs of Defendant, had we not prevailed in this action. Moreover, I

1 understood that an individual case would have resolved much faster than a class action and
2 involved much less financial risk than a class action. Despite this, however, I agreed to pursue this
3 case on behalf of the Class.

4 15. Also, given that future employers may be less likely to hire individuals who have
5 filed employment-related lawsuits, particularly cases of this nature, the I also faced potential risk
6 in not being able to find suitable employment, all as a result of the filing of this case against
7 Defendant. I took these risks upon myself to the benefit of the Class.

8 16. I understand that the class claims alleged in this action were brought on behalf of
9 other similarly situated employees, and that I am acting as a representative for the Settlement
10 Class. As a class representative, I understand that it is my responsibility to act in the best interest
11 of the Settlement Class and not my own. I am not aware of any conflicts that exist between my
12 interest and the interests of the Settlement Class that would impair or affect my ability to serve as
13 a representative for the Settlement Class.

14 17. I have and continue to be willing to assist in the investigation of this matter,
15 including meeting and/or discussing the case with my attorneys, providing necessary information
16 and documents, making myself available for trial or any further proceedings in this matter as
17 required to represent the interests of the Settlement Class. I also understand my duties and
18 responsibilities to the proposed Settlement Class and will carry out those duties as necessary.

19 18. I am proud of the result and accomplishment of this lawsuit. I feel that it is a
20 positive accomplishment and understand that other people will benefit because of the actions that
21 I have taken. I have reviewed the terms of the Settlement Agreement with my attorneys, and I
22 believe that the class settlement is fair, adequate, and reasonable.

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

6 Executed on July 12, 2023, at St. Louis, Missouri.

DocuSigned by:

 Delishia Hyde