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KRYSTAL THOMAS
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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN BERNARDINO**
(UNLIMITED JURISDICTION)

16 KRYSTAL THOMAS, on behalf of herself,
17 and as an "aggrieved employee" on behalf of
18 other similarly situated "PAGA Members"
under the Labor Code Private Attorney
19 General Act of 2004,

20 *Plaintiff(s),*

21 vs.

22 CHOICE PHYSICIANS NETWORK, INC.,
23 a California corporation; DESERT
24 PHYSICIANS MANAGEMENT, LLC, a
California corporation, and DOES 1 through
25 50, inclusive,

26 *Defendant(s).*
27
28

Case No.: CIVDS2013964

**DECLARATION OF KRYSTAL THOMAS
IN SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

Action filed: June 25, 2020

Hearing Date: October 20, 2021

Hearing Time: 10:00 a.m.

Dept.: S-26, Hon. David Cohn



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DECLARATION OF KRSTAL THOMAS

I, KRYSTAL THOMAS, declare as follows:

1. I am a resident of Victorville in the State of California and am over 18 years of age. I am the named Plaintiff in this action and am represented by David Spivak of The Spivak Law Firm and Walter Haines of United Employees Law Group in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. My employment with Desert Physicians Management, LLC ("DPM") began on or about April 8, 2019 and ended on or about July 3, 2019. I worked at DPM as a Licensed Vocational Nurse ("LVN") case manager at its office located in Apple Valley, California.

3. I understand that this lawsuit is a Private Attorney General action, otherwise known as a PAGA lawsuit. I understand that I am the Plaintiff and that DPM and Choice Physicians Network, Inc. are the Defendants.

4. My counsel provided me with information regarding representative actions, how they work, and what my duties would be as a named Plaintiff in a PAGA representative action. I agreed to serve as a named Plaintiff in a PAGA representative action so that I could seek to recover penalties on behalf of myself and other employees like me ("PAGA Members"). I also agree to remain involved as a named Plaintiff in a PAGA representative action even if the Court does not approve the Settlement.

5. I understand that my attorneys have asked the Court to pay me \$15,000.00 as a General Release Payment in addition to my share of the Settlement money that the Court will divide among all the employees whose rights were violated, because I have provided Defendants with a release of any and all claims, known or unknown, I may have against Defendants. I also believe this amount is fair and reasonable compensation for my efforts in this case and the risks I have taken in pursuing a fair recovery for the other PAGA Members.

6. By agreeing to settle the case in the best interest of the other PAGA Members, I have given up the right to pursue individual claims for unpaid wages and penalties and recover substantially more for unpaid wages, interest, waiting time penalties, and pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing to prosecute this matter on behalf of my coworkers. By suing for the other PAGA Members, I have reduced the chances that I will receive payment for all the wages and penalties that Defendants owe me personally and



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1 delayed the payment by several months (at the least).

2 7. As a named Plaintiff in a PAGA representative action, I assumed a fiduciary role
3 to the other PAGA Members. I agreed to (1) consider the interests of the PAGA Members just as
4 I would consider my own interests and, in some cases, to put the interests of the PAGA Members
5 before my own interests; (2) actively participate in the lawsuit, as necessary, by among other
6 things, answering interrogatories, producing documents to defendants and giving depositions and
7 trial testimony if requested; (3) travel to give such testimony; (4) recognize and accept that any
8 resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must be
9 designed in the best interest of the PAGA Members as a whole; (5) follow the progress of the
10 lawsuit and provide all relevant facts to my attorneys; (6) champion many other people with
11 similar claims and injuries because of the importance of the case and the necessity that all PAGA
12 Members benefit from the lawsuit; and (7) fight for a resolution in which the individual recoveries
13 to each PAGA Members, including me, may be relatively small. I agreed to take on all of these
14 responsibilities in exchange for a proportionate share of settlement money that will be paid to the
15 PAGA Members. I had no guarantee of a General Release Payment like the one I request the
16 Court to award. I have spent over 32.11 hours of my time in connection with this case to date.
17 Attached as **Exhibit A** to this declaration is a true and correct copy of an activity log I have
18 prepared showing the estimates of time I spent on various work performed in these cases. The
19 activities I have performed have included, but have not been limited to: obtaining legal counsel,
20 speaking with my legal counsel on numerous occasions, over the phone, informing them of the
21 terms and conditions of my coworkers' employment, assisting them in gathering information,
22 identifying the claims brought in my related case, gathering documents from my employment
23 with Defendants, participating in mediation, and being actively involved in the settlement process
24 to ensure a fair result for the PAGA Members as a whole. I have also spent time carefully
25 reviewing the Settlement, and other case related documents on my own and with my attorneys
26 and their staff to make sure that the Settlement and other work my attorneys performed are in the
27 best interests of the PAGA Members.

28 8. Because I filed this lawsuit, there is a public record at the Court showing that I
brought a representative action for unpaid wages against my former employers. A General
Release Payment to me of \$15,000.00 is not equal to the harm to my future career prospects that
this case may cause me.



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9. Based on the time, risk, stigma, loss of benefits and income and great outcome of this case, I believe that the requested General Release Payment for me is fair and reasonable. As such, I respectfully request that the Court award the requested General Release Payment of \$15,000.

10. I have also provided Defendants with an express waiver of my rights and benefits of California Civil Code section 1542 as to the claims released only pursuant to the terms of the Settlement.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on 09 / 27 / 2021 in Victorville, California.

K. Ba

KRYSTAL THOMAS, Plaintiff



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EXHIBIT A

Client Time Log Exhibit

Approximate Date	Please select one:	Hours
8/18/2019	Calls and/or texts with law firm	0.50
8/1/2019	Contacting witness(es)	1.00
8/18/2019	Calls and/or texts with law firm	0.08
11/1/2019	Gathering information and/or documents	2
11/27/2019	Calls and/or texts with law firm	0.08
11/27/2019	Reviewing documents: Other docs from law firm	0.75
12/23/2019	Reviewing documents: Retainer/FAQ	1.00
3/31/2020	Emails to/from law firm	0.17
5/18/2020	Calls and/or texts with law firm	0.17
5/19/2020	Reviewing documents: Other docs from law firm	0.75
5/19/2020	Calls and/or texts with law firm	0.17
5/20/2020	Calls and/or texts with law firm	0.17
5/22/2020	Calls and/or texts with law firm	0.08
6/4/2020	Calls and/or texts with law firm	0.17
6/5/2020	Reviewing documents: Other docs from law firm	1.00
7/21/2020	Reviewing documents: Other docs from law firm	2.00
10/28/2020	Calls and/or texts with law firm	0.42
11/23/2020	Reviewing documents: Other docs from law firm	0.33
12/1/2020	Contacting witness(es)	1.00
3/16/2021	Emails to/from law firm	0.17
3/23/2021	Calls and/or texts with law firm	0.08
3/24/2021	Calls and/or texts with law firm	0.08
3/24/2021	Calls and/or texts with law firm	0.08
3/26/2021	Calls and/or texts with law firm	0.58
3/26/2021	Calls and/or texts with law firm	0.08
4/14/2021	Calls and/or texts with law firm	0.58
4/14/2021	Calls and/or texts with law firm	0.08
4/14/2021	Emails to/from law firm	0.25
4/14/2021	Reviewing documents: Other docs from law firm	0.67
4/14/2021	Reviewing documents: Other docs from law firm	0.25
4/14/2021	Emails to/from law firm	0.05
4/15/2021	Emails to/from law firm	0.08
4/15/2021	Calls and/or texts with law firm	0.08
4/16/2021	Mediation: participation time	0.25
4/16/2021	Emails to/from law firm	0.08
4/16/2021	Emails to/from law firm	0.17
4/16/2021	Calls and/or texts with law firm	0.25

Client Time Log Exhibit

Approximate Date	Please select one:	Hours
4/16/2021	Reviewing documents: Other docs from law firm	1.00
4/16/2021	Reviewing documents: Other docs from law firm	1.00
4/20/2021	Calls and/or texts with law firm	5.00
4/20/2021	Reviewing documents: Other docs from law firm	0.67
4/20/2021	Mediation: participation time	8.00
4/21/2021	Calls and/or texts with law firm	0.08
5/18/2021	Calls and/or texts with law firm	0.08
5/21/2021	Calls and/or texts with law firm	0.33
6/8/2021	Reviewing documents: Other docs from law firm	0.25
	Total:	32.11