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Attorneys for Plaintiff EMI BRUEMMER
on behalf of himself and in his representative capacity as private attorney general

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PEDRO AYALA and EMI BRUEMMER, on
behalf of themselves and in their representative
capacity as private attorneys general,

Plaintiffs,

v.

MACY'S WEST STORES, INC., an Ohio
Corporation, DOING BUSINESS AS
MACY'S, and DOES 1-50, inclusive,

Defendants.

Case No. 20STCV34182

Assigned For All Purposes to:
Hon. Elihu M. Berle

**DECLARATION OF PLAINTIFF EMI
BRUEMMER IN SUPPORT OF MOTION
FOR APPROVAL OF PAGA SETTLEMENT
AGREEMENT**

Complaint Filed: September 3, 2020
FAC Filed: February 11, 2021
SAC Filed: June 14, 2021
Trial: Not Set

DECLARATION OF EMI BRUEMMER

I, Emi Bruemmer, declare as follows:

1. I am the named Plaintiff in this action and commenced this action against my former employer. I have personal knowledge of all the facts in this declaration and, if asked, I would testify to these facts under oath in court.

2. I worked as a non-exempt employee for Defendant Macy's West Stores, Inc. DBA Macy's ("Defendant") at its store in Corte Madera, California from approximately November 2020 to December 2021. Throughout the entirety of my employment, Defendant paid me on an hourly basis.

3. I decided to file this lawsuit because I had a number of grievances against Defendant stemming from their labor policies. These grievances are set forth in detail in the operative Complaint and my letter to California Labor and Workforce Development Agency ("LWDA").

4. Prior to filing the action, my attorneys and their staff and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. Without waiving any privilege, during those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff. After meeting with my attorneys about these issues, I decided to proceed with a lawsuit against my former employer.

5. I understand that I filed this lawsuit against my former employer on behalf of the state of California to obtain penalties for Defendant's violations.

6. I searched for and provided documents relating to my employment to my counsel and provided information regarding my experiences while working for Defendant. I also worked with my counsel to identify witnesses and plan the investigation of the claims as the case moved forward.

7. I am not disclosing the specifics of my communications with my attorneys to avoid waiving any attorney-client privilege.

8. My attorneys provided me with a draft of the Complaint and letter to the State for my review. I closely reviewed the Complaint to ensure accuracy and completeness and discussed the contents with my attorneys.

9. Following the filing of the Complaint initially, I collaborated with my attorneys on the

1 prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the
2 litigation, and to discuss my attorneys' progress in prosecuting the claims.

3 10. I have worked to the best of my ability to prosecute this action on behalf of the State
4 (LWDA), always considering the interests of the LWDA just as I would consider my own interests. I
5 believe these types of actions are an important tool to ensure compliance with the Labor Codes and protect
6 the rights of workers.

7 11. When I agreed to represent the State (LWDA), I understood it was my duty to be readily
8 available and to participate actively in the case. I knew that I needed to keep aware of the status and
9 progress of the lawsuit and assist my attorneys in litigating the case on behalf of the State and the
10 Aggrieved Group. I knew that I would be required to review documents, search for documents and
11 produce them to my attorneys, answer written questions, potentially answer oral questions and testify
12 truthfully under oath, and be available to appear in court, if necessary. At all times, I have worked to
13 fulfill these duties.

14 12. I also understood the risks I could face due to my involvement as a named plaintiff. I
15 understood that I could be held responsible for the payment of Defendant's court-awarded litigation costs
16 and potentially attorneys' fees if I did not prevail in litigation. Therefore, I realized that I was taking a
17 significant amount of risk in filing the representative action.

18 13. I also knew my name could easily be located on a search of court records and that any
19 prospective employer may find out that I had sued my former employer. I understand that my
20 participating in this lawsuit could inhibit my ability to seek gainful employment in the future.

21 14. Even though I knew I was taking risks, I knew I had to do what I believed was right and
22 pursue claims on behalf of other employees to vindicate their rights and attempt to recover penalties for
23 Defendant's violations.

24 15. I spent a substantial amount of time and effort pursuing my claims and the claims of the
25 other similarly situated employees from the time I retained my attorneys to this date. I have kept aware
26 of the status of the lawsuit and provided my attorneys with documents and information used by them in
27 the litigation.

28 16. During the litigation I spent considerable time on telephone calls discussing the facts of

1 my case with the attorneys and staff of James Hawkins APLC. I spent hours discussing the facts related
2 to my employment with Defendants, including discussing my job duties and responsibilities as a non-
3 exempt employee, my experiences, my observations, Defendant's policies and practices, the hours and
4 days I worked, and how I and the other employees were compensated. I have also worked to assist my
5 attorneys in moving the case forward. I have also reviewed certain documents produced during the
6 information exchange process in this case to assist my attorneys in prosecuting this case. I remained
7 available to my attorneys in order to assist with any questions that arose throughout the litigation process.

8 17. I also spent hours searching for and examining documents related to my employment with
9 Defendant and sending them to my attorneys, which included wage statements, personnel documents,
10 emails, text messages, and separation paperwork. I further spent several hours on telephone calls
11 discussing documents I provided to my attorneys.

12 18. I also assisted my attorneys in preparing for mediation and in ultimately achieving the
13 Settlement Agreement which I ask the Court to approve now. I remained available during the mediation
14 and answered my counsel's questions that arose during the course of the mediation.

15 19. My attorneys provided me with a copy of the proposed Settlement Agreement which I
16 reviewed carefully before signing. I have discussed the terms and any questions I had with my counsel.

17 20. I accepted the settlement only after I had spent time evaluating the proposed outcome to
18 assure that it was fair. Based on my attorneys' evaluation and recommendation, and my own review, I
19 believe the settlement is fair and reasonable in light of PAGA's policies and purposes.

20 21. The time and service I provided to the State and the Group resulted in the parties agreeing
21 to settle the case and a positive outcome.

22 22. In summary, over the course of this litigation I have spent a significant amount of time
23 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
24 and related documents. I have committed an extensive amount of time and effort towards this action. I
25 estimate that I have spent in excess of 100 hours over nearly four years assisting in the prosecution of
26 this lawsuit and achieving this outcome for the Aggrieved Employees.

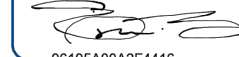
27 23. I believe that I have fulfilled my responsibilities and I will continue to fulfill those
28 responsibilities to the best of my ability until the conclusion of the case.

24. I am requesting the Court approve a \$5,000 Service Award. I believe this amount is reasonable for my services on behalf of the LWDA and the risks I assumed.

25. As I have been since I began the action, I am committed to this case and intend to continue to participate as needed until the conclusion of this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 6, 2024 in San Rafael, California.

DocuSigned by:



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EMI BRUEMMER