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ILDIKO O'CONNOR, LAURA RAYA, and DINA
SHASHUA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

ILDIKO O'CONNOR, an individual and on
behalf of all others similarly situated,
LAURA RAYA, an individual and on
behalf of all others similarly situated, and
DINA SHASHUA, an individual and on
behalf of all others similarly situated,

Plaintiffs,

v.

FERGUSON SM, INC., a California
Corporation; SEAN CORREA, an
individual; THOMAS HUMPHREY, an
individual; MICHAEL REYES, an
individual; INFINITI HR WEST, LLC, an
Arizona Limited Liability Company, HR
SERVICE GROUP, LLC, a Maryland
Limited Liability Company, and DOES 3-
50, inclusive,

Defendants.

CASE NO.: 56-2020-00543357-CU-OE-VTA

**DECLARATION OF LAURA RAYA IN
SUPPORT OF MOTION FOR CONDITIONAL
CERTIFICATION OF SETTLEMENT CLASS
AND PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 3, 2023
Time: 8:30 a.m.
Dept.: 40
Hon. Judge: Judge Mark S. Borrell

Complaint Filed: July 17, 2020
SAC Filed: Nov. 24, 2020
Trial Date: None set

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I, Laura Raya, declare as follows:

1. I am a named plaintiff in this lawsuit. I make this declaration in support of our motion
for conditional certification of settlement class and preliminary approval of class action settlement.

1 I have personal knowledge of the facts set forth in this declaration.

2 2. I obtained my California cosmetology license in April 1991.

3 3. Approximately 15 years ago, Ferguson hired me to work as a hair stylist in several
4 of their salons, including Ventura, Calabasas, and Los Angeles. I worked for Ferguson until July
5 202. I worked for both Ferguson and Infiniti HR West in 2018 and 2019.

6 4. Until June 1, 2020, Ferguson paid me on a piece-rate basis, which they called a
7 commission.

8 5. I received a percentage of the cost of the services I was providing to Defendants'
9 customers. But, as a hair stylist, I was not engaged in cutting and styling hair all of the time during
10 my workdays. Often, I was required to wait inside the salon for customer appointments. Elderly
11 customers were often late to their appointments. On some slow days, I was uncompensated for
12 more than half of my work shifts. My wages fluctuate quite a bit from pay period to pay period.

13 6. I also was not paid separately for rest and recovery periods, though I have come to
14 learn that I was entitled to be paid my regular rate of pay for 20 minutes each day I worked more
15 than six hours.

16 7. Throughout my employment with Defendants, I frequently was not permitted to take
17 a meal period before the beginning of my sixth hour of work or I was required to stay inside the
18 salons in case an unscheduled client requested service. Often, I was not able to take a full 30-
19 minute meal break. If I was in the middle of cutting or coloring a customer's hair, for example, or
20 if the salon was very busy, I was required to delay my meal period until I had finished providing
21 service to a customer or customers. Frequently, that meant beginning a meal period after my sixth
22 hour of work had begun.

23 8. Similarly, on those days when the salon was very busy, it was not possible for me to
24 take rest breaks. When I was not provided a meal period (or was provided a late meal period) and
25 was not provided one of more rest periods, Defendants failed to pay me an extra hour of
26 compensation.

27 9. When Defendants implemented their "Performance and Efficiency Model" in June
28 2020, they informed me that I would be paid an hourly rate of \$15.00 per hour, plus a commission

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1 the Defendants referred to as a bonus. In July 2020, Ferguson laid me off and I have not worked
2 for the company since then.

3 10. My paystubs did not include information showing: (1) basis of gross wages earned,
4 (2) total hours worked, (3) the number of piece-rate units earned and applicable piece rates, or (4)
5 all applicable hourly rates in effect during the pay period and the corresponding number of hours
6 worked at each hourly rate.

7 11. Since deciding to file this class action lawsuit, I have spent time talking with other
8 employees, including the other named Plaintiffs, about their experiences while employed at their
9 own salons.

10 12. My conversations with other employees have confirmed that my experiences at
11 Ferguson were very similar to the experiences of others who worked there. We were all paid the
12 same and had similar issues with meal and rest breaks.

13 13. From the beginning of my involvement in this lawsuit, I have been committed to
14 protecting the interests of all other Ferguson employees. I have performed online research to
15 understand the claims we are making and my role as a class representative. I have spoken with
16 many other Ferguson employees and have referred them to my attorneys. I have helped coordinate
17 meetings with class members, Mr. Kitchin, and Ms. Hanker. I have spent many hours meeting, in
18 person and by telephone, with Kelly Hanker and Patrick Kitchin, helping them to understand
19 Ferguson's operations and employment practices. I have reviewed and responded to dozens of
20 emails and text messages to my attorneys about the case. I attended mediation and I was an active
21 participant in the settlement process. I have spent approximately 40 hours on the case through
22 today helping my attorneys and the Class.

23 14. I remain fully committed to this lawsuit, the proposed settlement and the Class.

24 I declare under penalty of perjury under the laws of the state of California that the foregoing
25 is true and correct. This declaration was made in Oxnard, California on 12/5/2023, 2023.

26
27 Respectfully submitted,

28 By:



Laura Raya

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