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Attorneys for Plaintiffs VIVIAN LY, WENDY
MACIEL, and RENE PALACIOS, on behalf of
themselves and others similarly Aggrieved Employees

Plaintiffs' Counsel continued on next page

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO**

VIVIAN LY, on behalf of herself and others
similarly situated,

Plaintiff,

v.

PRIME COMMS RETAIL, LLC, a
Delaware limited liability company; and
DOES 1 through 50, inclusive,
Defendants.

Case No. 34-2020-00281668

**DECLARATION OF RENÉ PALACIOS IN
SUPPORT OF PLAINTIFFS' MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Date: November 16, 2021
Time: 9:00 a.m.
Place: Dept. 54

Reservation No. 2591498

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Attorneys for Plaintiffs VIVIAN LY, WENDY
MACIEL, and RENÉ PALACIOS, on behalf of
themselves and others similarly Aggrieved Employees

1 I, René Palacios, hereby declare under penalty of perjury as follows:

- 2 1. I am over 18 years old and am a named plaintiff and representative in this action. I have
3 personal knowledge of the matters stated herein, and if called as a witness I could and
4 would competently testify under oath thereto. I submit this declaration in support of
5 Plaintiffs' Motion for Approval of PAGA Settlement.
- 6 2. I was employed by Spring Communications Holding, Inc., dba SC Spring
7 Communications Holding, Inc., ("Spring"), a predecessor entity to defendant Prime
8 Comms Retail, LLC, as an hourly, non-exempt employee in California during the PAGA
9 Period.
- 10 3. I understand that this is a PAGA representative lawsuit where I am representing the
11 interests of the State of California and all 2,281 aggrieved employees (identified by
12 Defendants) who worked for any of the defendant entities during the PAGA period as non-
13 exempt hourly paid persons.
- 14 4. I am familiar with the work involved in prosecuting this representative action. I have had
15 numerous in-person and telephonic meetings with my attorneys. I am familiar with the
16 client meetings, discovery conducted, settlement meetings, and have participated in all
17 stages of the litigation up to and including preparation for approval of the PAGA
18 settlement. I had multiple meetings and discussions with my attorneys about the duties
19 and responsibilities of being a representative, the work that is required, the fact that it
20 could take years for the case to resolve but would require my services throughout that
21 time, the potential risk to future employment for being the public face of a class action,
22 and the risks of having a judgment entered against me for Spring's costs if we lost the
23 case.
- 24 5. Even with knowledge of these risks, I accepted the duties and responsibilities required of
25 a representative and to act on behalf of all aggrieved employees because I felt the
26 company's actions took advantage of its workers, were unjust, and were wrong. I was
27 willing to stand up for what I believe was right but was nervous about the potential of
28

1 losing and having a judgment filed against me for costs if we lost the case, and about
2 potentially losing job opportunities in the future.

3 6. When I worked for Spring, I was subjected to the same policies and practices as all other
4 aggrieved employees.

5 7. I always have considered the interests of the other aggrieved employees just as I have my
6 own interests and understand that I must put the interests of the State and of the other
7 aggrieved employees before my own interests. I have participated, and will continue to
8 participate, in this lawsuit up to and through the time of judgment. I volunteered to
9 represent the State and the other aggrieved employees because I was interested in pursuing
10 justice, because of the importance of the case, and so that other aggrieved employees could
11 benefit from the enforcement of the law and the savings of time, money and effort that
12 now should result in the settlement of this case.

13 8. My attorneys asked me to look for and provide all documents in my possession that related
14 to my employment with Spring. After an extensive search, I located various documents,
15 which I turned over to my attorneys for use in this case. I also reviewed the documents
16 with my attorneys. Further, even though I did not sit for deposition, I met with my
17 attorneys to prepare for my deposition in the event it would be taken.

18 9. I have taken my role as class representative seriously and have stayed in constant contact
19 with my attorneys by phone. I have been fully aware of all significant developments in the
20 case, and I participated in the negotiated settlement with Spring, which took months and
21 which I approved on behalf of all aggrieved employees. In preparation for those
22 negotiations and throughout the negotiations, I communicated with my attorneys about
23 this case, its strengths and weaknesses, and the possibilities of settlement. I believe that
24 my discussions contributed to achieving the proposed settlement.

25 10. Based on my involvement in the case, on and my knowledge of the company's policies
26 and practices, I believe the settlement obtained is fair and reasonable given the issues in
27 the case, the risks involved with the case, and the benefits to the State and to the aggrieved
28 employees.

11. As part of the settlement agreement, I agreed to a general release of all claims against the company. Therefore, not only am I giving up my potential individual wage and hour claims, I also am giving up *any* legal claims I may have had against the company. I believe the requested \$10,000 for my agreeing to this release, which is broader than the claims being released by the other aggrieved employees who can still bring their own claims against the company, is fair and reasonable.

12. I also believe the requested individual settlement amount is reasonable because this matter has caused me significant stress and grief. It is often in the back of my mind. I risk the potential stigma of being a named representative in a wage dispute which could affect my future employability in this industry; my experience has been that employers tend to have a negative view towards hiring someone who has filed a lawsuit against a prior employer.

13. Further, I believe the requested individual settlement amount is justified by the fact that this litigation has resulted in a valuable benefit to the State and to the other aggrieved employees, who will participate in the monetary payout of this settlement because of my involvement in this case, despite the personal risks to me that I willingly took on.

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

Dated: 10/21/2021

DocuSigned by:

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By: _____
RENÉ PALACIOS