

1 Haig B. Kazandjian, Esq. (SBN 278622)
Cathy Gonzalez, Esq. (SBN 310625)
2 Melissa R. Robinson, Esq. (SBN 336951)
3 HAIG B. KAZANDJIAN LAWYERS APC
801 N. Brand Boulevard, Suite 970
4 Glendale, CA 91203
Telephone Number: (818) 696-2306
5 Facsimile Number: (818) 696-2307
haig@hbklawyers.com
6 cathy@hbklawyers.com
7 melissa@hbklawyers.com

8 Attorneys for Plaintiff Elijah Westcott
on behalf of himself and all other Aggrieved Employees

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**

12 EMILY FERRER, ELIJAH WESTCOTT,
13 MANUEAL BANUELOS MACIAS and on
behalf of themselves and other aggrieved
14 employees,

15 Plaintiffs,

16 v.

17 FITNESS INTERNATIONAL, LLC, a
18 California Limited Liability Company; and
19 DOES 1 through 100, inclusive,

20 Defendants.

CASE NO. 37-2020-00044088-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Joel R. Wohlfeil
Department C-73

REPRESENTATIVE ACTION

**DECLARATION OF ELIJAH WESTCOTT
IN SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT ("PAGA")
SETTLEMENT**

Date: July 21, 2023
Time: 9:00 a.m.
Dept: C-73
Judge: Honorable Joel R. Wohlfeil
Reservation: 2974855

Complaint filed: December 2, 2020
Trial date: Not set

1 **DECLARATION OF ELIJAH WESTCOTT IN SUPPORT OF PLAINTIFF'S MOTION**
2 **FOR APPROVAL OF PRIVATE ATTORNEYS GENERAL ACT ("PAGA")**
3 **SETTLEMENT**

4 I, ELIJAH WESTCOTT, declare:

5 1. I am an adult over the age of eighteen (18) years old. I am a named Representative
6 Plaintiff who filed this lawsuit on behalf of myself and other aggrieved employees, which is the
7 subject of this action. This declaration is based on my personal knowledge, and if called as a
8 witness, I would and could competently testify to these facts.

9 2. I worked for Fitness International, LLC, a California Limited Liability Company,
10 (herein "Defendant" and/or the "Company") as a non-exempt hourly employee, in the position of
11 of a Sales Agent in California, from on or about December 23, 2019 until on or about March 10,
12 2020.

13 3. I am familiar with the work involved in prosecuting this Representative Private
14 Attorneys General Act ("PAGA") Action against my former employer. I have had numerous
15 meetings with my attorneys. I am familiar with the client meetings, informal discovery conducted,
16 and settlement discussions.

17 4. I participated actively in this litigation including informal discovery meetings,
18 witness information discussions, and have participated in all other stages of the litigation up to and
19 including preparation for mediation, and preliminary approval of the PAGA settlement on behalf
20 myself and all other aggrieved employees.

21 5. I believe that the Settlement obtained on behalf of the aggrieved employees and
22 myself is excellent in view of the issues and risks involved with the case.

23 7. I estimate that I have spent approximately 15 to 20 hours dealing with these issues
24 on my own and in consultation with my attorneys regarding the issues raised in the action. I have
25 remained in contact with my attorneys throughout the litigation and the settlement process. I
26 provided all of the documents in my possession, reviewed numerous pages of documents produced
27 by Defendant.
28

8. I believe I have been diligent and acted above and beyond that which is expected of a PAGA Representative throughout all stages of the litigation, up to and including approval of the representative settlement.

9. Furthermore, I accepted the potential risk of being liable for the opposing party's costs if we were unsuccessful in this lawsuit. I realized being a named Plaintiff in a lawsuit against an employer could affect my future employment opportunities. I understand the costs associated with this Action could have been thousands of dollars based on likely lengthy and expensive litigation ensuing for several years. Nonetheless, I believed in this case and was willing to risk this to be a Representative Plaintiff and pursue this PAGA action litigation because I believed Defendant's employment policies took advantage of employees.

10. Separate and apart from this PAGA case for civil penalties, I believe that I had independent claims for violations of the labor code. I have agreed to resolve all of my Non-PAGA claims of any nature and sign a Section 1542 release in exchange for an individual settlement and signed a Confidential Individual Settlement Agreement and General Release.

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

Executed May 11 2023, at Glendale , California.

Elijah Westcott

ELIJAH WESTCOTT