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Attorney for Plaintiff, Lizbeth Garcia

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION

LIZBETH GARCIA

Plaintiff,

v.

THE BAY CLUBS COMPANY, LLC;
and DOES 1 through 50, inclusive,

Defendant(s).

) CASE NO.: 37-2018-00029247- CU-OE-CTL
)
) **DECLARATION OF ALLYSON KLIPA IN**
) **SUPPORT OF AGGRIEVED PARTIES’**
) **UNOPPOSED MOTION FOR PAGA**
) **SETTLEMENT APPROVAL**
)
) Date: February 8, 2022
) Time: 8:30 a.m.
) Dept.: C-71
) Judge: Hon. Gregory W. Pollack
)
) Action Filed: June 13, 2018
) Trial Date: January 14, 2022

DECLARATION OF ALLYSON KLIPA ISO AGGRIEVED PARTIES’ UNOPPOSED
MOTION FOR PAGA SETTLEMENT APPROVAL

1 I, Allyson Klipa, declare as follows:

2 1. Except as otherwise indicated, I have personal knowledge of the facts set forth in
3 this Declaration and if called to testify under oath, could and would testify competently thereto.

4 2. This Declaration is submitted in support of approval of the representative
5 enhancement and PAGA action settlement in this matter.

6 3. I am a PAGA representatives in the wage and hour PAGA Action I brought in
7 the San Francisco Superior Court entitled *Klipa v. The Bay Clubs Company, LLC*.

8 4. I worked for The Bay Clubs Company, LLC (hereinafter "Defendant") as a group
9 fitness instructor. During that time, I was always an hourly employee (a non-exempt employee).
10 As my case alleged, Defendant did not pay fitness instructors for the time spent preparing to teach;
11 it required instructors to arrive before class to prepare the room, and stay after class to clean up
12 without compensation. Defendant also failed to reimburse business expenses, failed to provide
13 accurate wage statements, and failed to pay all wages due on ending employment. Since these
14 violations were being inflicted upon myself and many of my colleagues, I brought my lawsuit.

15 5. I understand there are risks in any lawsuit, and as an hourly employee, it took all
16 of my courage to stand up against Defendant – a large corporation who has vastly more resources
17 at their disposal than I. Despite my reasonable fears about prosecuting this case against such
18 formidable adversaries, I did not let this prevent me from bringing a lawsuit because I saw how
19 Defendant was treating its employees. Defendant's labor practices were treating the fitness
20 instructors very unfairly. It was refusing to pay instructors for prep time, or for the time spent
21 before and after the actual teaching time, and refusing to reimburse for charges associated with
22 teaching fitness classes. So, I proceeded with this action, to try to obtain recovery not just for
23 myself but for other employees as well.

24 6. In fulfillment of my responsibilities as a PAGA representative, I estimate I spent
25 about 50-75 hours working on this case in order to get my attorney all documents that I had in my
26 possession regarding my employment, review documents turned over by Defendants, and answer
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1 my attorney's many questions about the practices, procedures, lingo, and hierarchy of Defendant,
2 among other things.

3 7. I provided my attorney with substantial documents and information about
4 Defendant's policies, practices, and deficiencies, including, without limitation, detailed
5 information on how Defendant required fitness instructors to arrive early before teaching a class to
6 set the room, then clean up after, all without any compensation. I also provided my attorneys with
7 information about the how Defendant requires its fitness instructors to purchase their own music
8 and choreography for group fitness classes, without providing any reimbursement. Prior to
9 informing my attorney, they did not know much, if anything, about Defendant or about my job as
10 a fitness instructor. Without my involvement, my attorney would not have known nearly enough
11 to effectively prosecute this case to a productive resolution.

12 8. My assistance helped my attorney further evaluate the merits of the case. I had
13 meetings, phone calls, emails and exchanged countless texts with my attorney in order to promptly
14 provide information about Defendant's practices that I felt were unlawful. I also searched for and
15 gave my attorney whatever documents or emails I could find related off the clock work and unpaid
16 reimbursements. Then, I spent more time meeting with my attorney to discuss these records to
17 make sure he understood them and their context.

18 9. I also reviewed a ton of documents that Defendants produced in this case, as well
19 as in the Garcia Action, in order to assist my attorney in understanding the context of those
20 documents. During these meetings and conversations, my attorney always had a bunch of
21 additional questions, which I was able to answer and it provided them what I believe was crucial
22 insight into the context and use of the documents. All of this required me to take substantial time
23 away from my current work and my family.

24 10. This case has really opened up my eyes into the realities of how the legal system works.
25 Never in my wildest dreams did I believe that a case could take so long to resolve. My attorney
26 kept me informed along the way, and never did I believe that the legal system was subject to
27 certain abuses. For instance, when I realized that Defendant requested an extension to respond to
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1 the Complaint, but then still failed to file a response, I could not believe it. I kept asking my
2 attorney for updates with the case, and I was asking if there was anything that could be done or if I
3 could help with anything to move the case forward. It was really frustrating that it was taking so
4 long. It seemed like Defendant was really dragging this out.

5 11. At times, I thought this would never end. This whole lawsuit was emotional for me, and,
6 at times, I felt like just giving up. But, I didn't. I kept reminding myself that I owed a duty to all
7 Defendant's employees to fight for them, which I did.

8 12. I filed this lawsuit in the November of 2020. Now, more than a year later, we are still
9 not done. That being said, I am pleased that my lawsuit has brought attention to how Defendant
10 mistreated its fitness instructors.

11 13. I understand now that my name is in the public record as having filed a civil lawsuit
12 against my former employer as well as sending a letter to the Labor Workforce and Development
13 Agency about Defendant's labor practices. A lot of employers are using background checks
14 before they hire someone. Background checks are becoming more and more sophisticated and
15 will certainly pick up one or both of my filings. It is a concern of mine that a future employer
16 might choose not to hire me based on this information, but I still feel that I made the right decision
17 to stand up for my rights and those of my fellow employees.

18 14. Thousands of employees of Defendant who have never filed a lawsuit and have never
19 had to put their name and energy into a public lawsuit will receive a payment from Defendant, as
20 will the State of California because of my efforts and my decision to hold Defendant accountable.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed this 14 day of February 2022

23 DocuSigned by:

24 Allyson Klipa

25 Allyson Klipa



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