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Attorneys for Plaintiff and all aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

GERALD WHILTON OLIVAS, an individual,
on behalf of the State of California, as a private
attorney general,

PLAINTIFF,

v.

THE UNIVERSITY OF PHOENIX, INC.; and
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. RG21091953

[Case Assigned for All Purposes to Hon. Frank
Roesch in Dept. 17]

**SUPPLEMENTAL DECLARATION OF
GERALD WHILTON OLIVAS IN
SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF
REPRESENTATIVE ACTION
SETTLEMENT**

Date: May 30, 2024

Time: 3:30 P.M.

Dept.: 17

Complaint Filed: February 19, 2021

FAC Filed: April 26, 2021

Trial Date: None Set

1 **SUPPLEMENTAL DECLARATION OF GERALD WHILTON OLIVAS**

2 I, Gerald Whilton Olivas, state and declare as follows:

3 1. I am a competent adult, over the age of eighteen, and the named Plaintiff in the
4 matter of GERALD WHILTON OLIVAS an individual, on behalf of the State of California, as a
5 private attorney general, v. THE UNIVERSITY OF PHOENIX, INC., and DOES 1 thru 50,
6 inclusive, Alameda County Superior Court, Case No. RG21091953. The foregoing is based upon
7 my personal knowledge and, if called as a witness, I could and would competently testify and
8 present certifiable and cross-checked documentation thereto. I am making this sworn declaration
9 in support of my claim and the claims of my co-workers, and in support of my qualifications as the
10 named Plaintiff. If called as a witness, I could and would competently, with the support of
11 verifiable evidence, testify as to the truth of the matters set forth herein.

12 2. I have read the Court's Tentative Ruling of May 15, 2024. I will not repeat the
13 information in my original Declaration in Support of the Motion for Approval of Representative
14 Action Settlement, but do want to highlight how unique I think my work in connection with this
15 matter is for the Court's consideration.

16 3. During this entire case I have spent an extensive amount of time and effort trying to
17 make sense of and determine the sources and accuracy of information and data that the Defendant's
18 counsel has provided to my legal counsel. This information and data from the Defendant's counsel
19 came almost entirely as statements verbally or in written e-mails, which were then shared with me
20 by my counsel. I believe that my thorough and detailed work helped my Counsel truly evaluate the
21 strengths of our case and the risks in this matter. I was not sure that the Defendant's counsel had a
22 clear grasp of the many responsibilities and vast scope of online instructional required duties of
23 mine and the other Aggrieved Employees. For example, the Defendant asserted the argument that
24 online faculty could physically drive to some satellite campus near where they lived and use those
25 facilities to teach online classes. I searched thoroughly, and numerous times, documents, website
26 instructional materials, required online faculty training materials, directed memos, and e-mails
27 available to me as an online instructor to find information online about faculty using satellite
28

1 campus to teach all their courses and students. This satellite campus argument by the Defendant is
2 only one of many, many other issues that I spent a great deal of time and effort attempting to
3 research and verify. I then further spent a good deal of time with my counsel through numerous e-
4 mails, phone conversations, and primary source documents evaluating the strengths of our case and
5 the risks. I have very much been involved with my counsel in trying to get them to understand the
6 facts of this case from my perspective and how I believe it affects all other Aggrieved Employees.

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

9 Executed this 22 day of May, 2024 at Carlsbad, California.

DocuSigned by:

Gerald Whilton Olivas

5B5925A72BD340A
Gerald Whilton Olivas

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On May 23, 2024, I served all interested parties in this action the following documents described as: **SUPPLEMENTAL DECLARATION OF GERALD WHILTON OLIVAS IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

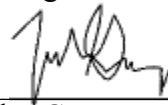
R. Brian Dixon
bdixon@littler.com
Kurt R. Bockes
kbockes@littler.com
Littler Mendelson, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 23, 2024, at Los Angeles, California.



Taylor Gregg