

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

POLARIS LAW GROUP
William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

JORDAN MCDONALD, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiffs,

vs.

HCL AMERICA, INC., a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV371353

[Hon. Sunil R. Kulkarni, Department 1]

**DECLARATION OF JORDAN MCDONALD
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: September 21, 2023
Time: 1:30 p.m.
Department: 1

Complaint Filed: October 7, 2020

1 I, Jordan McDonald, declare as follows:

2 1. I am an individual over the age of 18. I am the named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. In around October of 2018, I began working for HCL America, Inc. I was employed as an
7 IT Analyst as a non-exempt employee. Throughout my employment, I was provided with wage
8 statements that showed "86.67" hours, regardless of how many hours I actually worked. The wage
9 statements also showed my gross wages earned, without any hourly rates or corresponding number of
10 hours worked at the rates. Moreover, when my employment was terminated on September 24, 2020, the
11 company did not pay me my final wages immediately upon, or within three days of, the termination of
12 my employment. Instead, the company purported to pay me my final wages on September 29, 2020.

13 3. During the pendency of this lawsuit, I have done my best to represent the interests of the
14 employees that are part of the class. I have actively contributed to the litigation of this case. My
15 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
16 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
17 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
18 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
19 written notice to the Labor and Workforce Development Agency and the complaint and other papers
20 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
21 the settlement agreement, and (vii) reviewing and signing the declarations submitted to this Court in
22 support of the settlement. During the almost three years that this lawsuit has been pending, I have easily
23 spent approximately 40.0 hours in progressing the litigation on behalf of the Class.

24 4. I understand that the class claims alleged in this action were brought on behalf of other
25 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an
26 individual case would have resolved much faster than a class action and involved much less financial
27 risk than a class action.

1 5. Throughout the lawsuit, I have been kept apprised of the status of this case. As the class
2 representative, I understand that it is my responsibility to act in the Class's best interest and not my own.
3 I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any
4 conflicts that exist between my interest and the interests of the Class that would impair or affect my
5 ability to serve as representative for the Class.

6 6. I have and continue to be willing to assist in the investigation of this matter as well as
7 make myself available for trial or any further proceeding in this matter as required to represent the
8 interests of the Class. I also understand my duties and responsibilities to the proposed class and will
9 carry out those duties as necessary.

10 7. I have discussed the terms of the settlement agreement with my attorneys, and based on
11 my understanding of the case, I am of the opinion that settlement for the consideration and on the terms
12 set forth in the settlement agreement are fair, reasonable, and adequate, and in the best interests of the
13 Class.

14 8. I understood that filing this lawsuit is a public record and I accepted that burden. This
15 lawsuit is something that potential employers can look into, and which may cause a negative impact of
16 my employment prospects. I also understood that there were risks due to my involvement as a named
17 plaintiff in a representative lawsuit against a large employer. For instance, if I lost, I might have to face a
18 judgment for some of Defendant's legal costs. Even understanding all these risks, I was willing to move
19 forward and bring this case on behalf of the other employees.

20 9. As part of the settlement, I also agreed to sign a general release of claims and a waiver of
21 Civil Code section 1542. I understand the proposed settlement does not require similar releases of any
22 other employees.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct. Executed this 23rd day of August 2023, at Menifee, California.

25 DocuSigned by:

26 *Jordan McDonald*

27 6DEDAA1D572C484.Jordan McDonald