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Attorneys for Plaintiff ANGEL CHAPPARO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

ANGEL CHAPPARO, an individual, on behalf
of herself, and on behalf of all persons similarly
situated,

Plaintiffs,

v.

IMMANUEL BAPTIST CHURCH OF SAN
BERNARDINO AND HIGHLAND,
CALIFORNIA, a California non-profit
corporation; IMMANUEL BAPTIST
CHURCH, a California non-profit
corporation, and DOES 1 through 50,
Inclusive,

Defendants.

Case No. CIVSB 2101240

**DECLARATION OF ANGEL CHAPPARO
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: December 13, 2022

Time: 10:00 a.m.

Judge: Hon. David Cohn

Dept.: S-26

1 I, ANGEL CHAPPARO, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion for
4 Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for Class
5 Counsel Payment and Class Representative Service Award. I have personal knowledge of all the facts
6 stated herein. I could and would competently testify under oath to these facts in court if requested to do
7 so.

8 2. I retained Class Counsel in October 2020 and filed the lawsuit in January 2021. I filed the
9 case on behalf of myself and a class of all current or former non-exempt employees of Defendants in
10 California during the period between January 22, 2017 through December 22, 2021.

11 3. I have been employed by Defendant as a non-exempt employee, in San Bernardino, City
12 of Highland from July of 2022 to May of 2020.

13 4. I filed the case because I believed my rights as an employee were violated by Defendants
14 and also the rights of other employees who worked for Defendants. Among other claims, I believe
15 Defendant failed to pay me for all time worked, including time spent on-call after working hours and on
16 weekends, failed to provide legally compliant meal and rest periods, failed to provide accurate itemized
17 wage statements, failed to reimburse for mandatory business expenses, and failed to pay me all wages
18 when due.

19 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
20 my attorneys. We discussed my work experience and how company policies were applied to me and
21 other employees. I provided the attorneys with documents they requested. We reviewed the documents
22 together and asked and answered many questions regarding my experience working for Defendants, the
23 litigation process, and about class actions generally.

24 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
25 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
26 than merely seeking my individual claims substantially increased the risk to me. Those risks included
27 the possibility of being held liable for Defendants' attorneys' fees and costs in a complex class action if
28 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by

1 the attorneys and the Court because I needed to prove that I was an adequate class representative. Further,
2 I understood that I would lose some autonomy over my individual claims that I could not make decisions
3 for my sole benefit and that I needed to make every litigation decision with the best interests of the
4 Settlement Class in mind.

5 7. I also understood that the pursuing this litigation created a very public record of my
6 grievances with Defendant which produced the risk that a future employer could hold it against me that
7 I sued a former employer.

8 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on
9 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to
10 receive from this settlement. My attorneys explained to me that the net settlement value of my individual
11 claims may be greater than my ultimate recovery from the net class settlement amount.

12 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because
13 I believed violations occurred and most employees would not know what their rights are and even if they
14 did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

15 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status
16 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,
17 because I wanted to keep up with developments in the case which I understood was one of my duties as
18 a class representative.

19 11. **Review and Approval of Settlement:** A mediation was held on October 21, 2021. Even
20 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
21 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
22 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
23 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
24 reviewed and signed the Memorandum of Understanding on October 21, 2021, and when the settlement
25 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
26 signed on February 19, 2022.

27 12. **General Release:** I understand that the Class Representative Service Award is intended,
28 in part, to compensate me for my release of the Released Claims.

14. Also, my attorneys explained to me that the settlement process involved a two-step review by the Court to determine whether the settlement was fair before ordering that the settlement be funded and paid. I knew this process also involved notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who now stand to receive substantial monetary payments as a result of this case and settlement. I also believe that the requested enhancement of \$5,000 from the settlement is fair compensation for the (1) the general release I executed, (2) the work I performed, (3) the sacrifices made not pursuing this case individually, and (4) the risks I undertook.

16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants' costs in the event we did not win the case, and in light of the size of the settlement, I believe the request for \$5,000 as a service award is fair and reasonable.

17. Further, I support my attorneys' application for a Class Counsel Payment in the amount of \$85,000.00, comprised of \$70,000.00 for attorneys' fees (one-third of the Gross Settlement Amount) and up to \$15,000 for reimbursement of actually incurred litigation expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Nov 15, 2022, at 9:08pm, California.

By: Angel Chapparo
Angel Chapparo (Nov 15, 2022 21:08 PST)
ANGEL CHAPPARO