

1 DAVID GLENN SPIVAK (SBN 179684)

david@spivaklaw.com

2 LAUREN R. DAVIS (SBN 294115)

lauren@spivaklaw.com

3 THE SPIVAK LAW FIRM

4 8605 Santa Monica Bl

PMB 42554

5 West Hollywood, CA 90069

Telephone: (213) 725-9094

6 Facsimile: (213) 634-2485

7 Attorneys for Plaintiff,

8 NICOLE SHAVER, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN BERNARDINO**

11 **(UNLIMITED JURISDICTION)**

12
13 NICOLE SHAVER, on behalf of herself, all
14 others similarly situated, and the general public,
15 and as an “aggrieved employee” on behalf of
16 other “aggrieved employees” under the Labor
Code Private Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 G AND C SWAN, INC., a California
20 corporation; and DOES 1–50, inclusive,

21 *Defendant(s).*

Case No. CIVSB2103630

**DECLARATION OF NICOLE
SHAVER IN SUPPORT OF
PLAINTIFF NICOLE SHAVER’S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: June 17, 2024

Hearing Time: 1:30 p.m.

Hearing Dept.: S-17, The Honorable
Joseph T. Ortiz

Action filed: February 17, 2021

Trial Date: Not Set



SPIVAK LAW
EMPLOYEE RIGHTS

26 Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
27 (213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

28 Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)

walter@uelglaw.com

UNITED EMPLOYEES LAW GROUP

8605 Santa Monica Bl.

PMB 63354

West Hollywood, CA 90069

Telephone: (562) 256-1047

Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),

NICOLE SHAVER, and all others similarly situated



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 **DECLARATION OF NICOLE SHAVER IN SUPPORT OF PLAINTIFF NICOLE**
2 **SHAVER'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
3 **SETTLEMENT**

4 I, Nicole Shaver, declare and state as follows:

5 1. I am a resident of the City of Yucca Valley, in the State of California and am over
6 18 years of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak
7 Law Firm and Walter L. Haines of United Employees Law Group in this action. Except as
8 otherwise stated, I have personal knowledge of all matters set forth in this declaration and could
9 and would competently testify thereto if called upon to do so as a witness.

10 2. I understand that, as Class Representative, I have certain duties and responsibilities
11 to the Class Members and believe that I have fairly represented the interests of all Class Members
12 during the entire course of this case.

13 3. My counsel provided me with information regarding class actions, how they work,
14 and what my duties would be as the Class Representative. I agreed to serve as a Class
15 Representative so that I could seek to recover wages and penalties on behalf of myself and other
16 employees like me.

17 4. I understand that the Settlement in this case is subject to this Court's approval to
18 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

19 5. I understand that my attorneys are submitting an application to this Court for a
20 Class Representative Service Payment to compensate me for my unique contributions to the
21 success of this action as the Class Representative in the amount of \$20,000.00. I believe this
22 amount is fair and reasonable compensation for my efforts in this case and the risks I have taken
23 in pursuing a fair recovery for the Class Members.

24 6. I have provided Defendant with a general release of any and all claims, known or
25 unknown, I may have against Defendant. By agreeing to settle the case in the best interest of the
26 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
27 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
28 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 I have also rendered my own individual payment uncertain and delayed its payment by several
2 months (at the least).

3 7. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)
4 consider the interests of the Class just as I would consider my own interests and, in some cases,
5 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
6 necessary, by among other things, producing documents to Defendant and giving depositions and
7 trial testimony if requested; (3) travel to give such testimony if requested; (4) recognize and accept
8 that any resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must
9 be designed in the best interest of the Class as a whole; (5) follow the progress of the lawsuit and
10 provide all relevant facts to my attorneys; (6) champion many other people with similar claims
11 and injuries because of the importance of the case and the necessity that all Class Members benefit
12 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to each Class
13 Member, including me, may be relatively small. I agreed to shoulder all of these responsibilities
14 in exchange for a proportionate share of funds made available for distribution to the Class
15 Members. I had no guarantee of a Class Representative Service Payment. I have spent over 80
16 hours of my time in connection with this case to date. Attached as **Exhibit A** to this declaration
17 is a true and correct copy of an activity log I have prepared showing the estimates of time I spent
18 on various work performed in this case. The activities I have performed have included, but have
19 not been limited to: obtaining legal counsel, speaking with my legal counsel on numerous
20 occasions, over the phone, informing them of the terms and conditions of my coworkers'
21 employment, assisting them in gathering information, identifying the claims brought in this case,
22 gathering contact information for my former coworkers, contacting Class Members about the
23 lawsuit to arrange their communications with my attorneys, gathering documents from my
24 employment with Defendant, and being actively involved in the settlement process to ensure a
25 fair result for the Class as a whole. I also participated in the mediation and spent time carefully
26 reviewing the Settlement, and other case related documents on my own and with my counsel to
27 make sure that the Settlement and other work my attorneys performed are in the best interest of
28 the Class Members. I have regularly contacted my counsel to follow the progress of the case.



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 8. Further, my counsel have advised me of the possibility that, if the case was lost, I
2 could have been ordered to pay Defendant's costs and even attorneys' fees in this case, which
3 could have been thousands of dollars by the end.

4 9. Because I filed this lawsuit, there is a public record at the Court showing that I
5 brought a class action for unpaid wages against my former employer. The Class Representative
6 Service Payment to me of \$20,000.00 is not equal to the harm to my future career prospects that
7 this case may cause me.

8 10. Based on the time, risk, stigma, loss of benefits and income, and great outcome of
9 this case, I believe that the requested Class Representative Service Payment for me is fair and
10 reasonable. As such, I respectfully request that the Court award the requested Class
11 Representative Service Payment of \$20,000.00.

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

14 Executed on 04 / 30 / 2024 in , Yucca Valley, CA.

15 
16 _____
17 NICOLE SHAVER,
18 Declarant
19
20
21
22
23
24



25 SPIVAK LAW
26 EMPLOYEE RIGHTS

27 Mail:
28 8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

EXHIBIT A

SHAVER TIME LOG

Approximate Date	Description	Hours
10/13/2020	Calls and/or texts with law firm	0.08
10/23/2020	Emails to/from law firm	0.08
10/23/2020	Calls and/or texts with law firm	0.08
11/10/2020	Calls and/or texts with law firm	0.08
11/17/2020	Calls and/or texts with law firm	0.08
11/18/2020	Calls and/or texts with law firm	0.08
11/19/2020	Emails to/from law firm	0.08
11/19/2020	Calls and/or texts with law firm	0.33
11/19/2020	Calls and/or texts with law firm	0.17
11/20/2020	Emails to/from law firm	0.08
11/20/2020	Emails to/from law firm	0.08
11/20/2020	Emails to/from law firm	0.08
11/21/2020	Emails to/from law firm	0.08
11/23/2020	Emails to/from law firm	0.08
12/8/2020	Calls and/or texts with law firm	0.17
12/8/2020	Calls and/or texts with law firm	0.08
12/11/2020	Calls and/or texts with law firm	0.08
1/13/2021	Calls and/or texts with law firm	0.08
3/12/2021	Emails to/from law firm	0.08
3/12/2021	Reviewing documents: Complaint	2.50
5/11/2021	Reviewing documents: Other docs from law firm	0.25
5/11/2021	Reviewing documents: Other docs from law firm	0.17
5/12/2021	Emails to/from law firm	0.08
5/14/2021	Calls and/or texts with law firm	0.17
6/21/2021	Reviewing documents: Other docs from law firm	0.25
6/24/2021	Reviewing documents: Other docs from law firm	0.42
6/29/2021	Emails to/from law firm	0.08
7/1/2021	Calls and/or texts with law firm	0.08
7/2/2021	Emails to/from law firm	0.08
8/25/2021	Calls and/or texts with law firm	0.08
8/26/2021	Calls and/or texts with law firm	0.75
8/26/2021	Emails to/from law firm	0.08
8/26/2021	Emails to/from law firm	0.08
9/10/2021	Emails to/from law firm	0.17
9/10/2021	Emails to/from law firm	0.08
9/13/2021	Emails to/from law firm	0.08
9/13/2021	Calls and/or texts with law firm	0.08
9/13/2021	Emails to/from law firm	0.08
9/14/2021	Emails to/from law firm	0.17
9/14/2021	Reviewing documents: Other docs from law firm	1.00
9/14/2021	Emails to/from law firm	0.08
9/22/2021	Emails to/from law firm	0.08
9/22/2021	Calls and/or texts with law firm	0.17
10/1/2021	Calls and/or texts with law firm	0.17
10/5/2021	Calls and/or texts with law firm	0.33
10/27/2021	Calls and/or texts with law firm	0.17
11/1/2021	Emails to/from law firm	0.08
11/1/2021	Emails to/from law firm	0.08

SHAYER TIME LOG

Approximate Date	Description	Hours
12/28/2021	Emails to/from law firm	0.08
12/28/2021	Reviewing documents: Other docs from law firm	0.33
1/3/2022	Reviewing documents: Other docs from law firm	0.33
1/28/2022	Reviewing documents: Other docs from law firm	2.00
2/1/2022	Emails to/from law firm	0.17
2/2/2022	Emails to/from law firm	0.08
2/2/2022	Reviewing documents: Other docs from law firm	0.67
2/2/2022	Emails to/from law firm	0.08
2/17/2022	Emails to/from law firm	0.08
3/4/2022	Reviewing documents: Other docs from law firm	0.33
3/11/2022	Emails to/from law firm	0.08
3/11/2022	Reviewing documents: Other docs from law firm	2.50
3/15/2022	Reviewing documents: Other docs from law firm	0.17
3/16/2022	Emails to/from law firm	0.08
3/29/2022	Reviewing documents: Other docs from law firm	0.25
3/29/2022	Reviewing documents: Other docs from law firm	0.58
4/6/2022	Emails to/from law firm	0.08
4/15/2022	Emails to/from law firm	0.08
4/15/2022	Reviewing documents: Other docs from law firm	0.50
7/13/2022	Reviewing documents: Other docs from law firm	1.50
7/28/2022	Calls and/or texts with law firm	0.17
8/5/2022	Reviewing documents: Other docs from law firm	0.42
9/2/2022	Reviewing documents: Other docs from law firm	0.42
9/13/2022	Reviewing documents: Other docs from law firm	0.17
10/31/2022	Emails to/from law firm	0.17
11/9/2022	Calls and/or texts with law firm	0.17
12/6/2022	Reviewing documents: Other docs from law firm	2.00
12/19/2022	Calls and/or texts with law firm	0.33
12/19/2022	Emails to/from law firm	0.08
12/19/2022	Emails to/from law firm	0.08
12/19/2022	Emails to/from law firm	0.08
2/2/2023	Reviewing documents: Other docs from law firm	0.33
3/3/2023	Reviewing documents: Other docs from law firm	0.33
3/16/2023	Reviewing documents: Other docs from law firm	0.17
4/18/2023	Calls and/or texts with law firm	0.25
4/19/2023	Calls and/or texts with law firm	0.17
4/20/2023	Calls and/or texts with law firm	0.25
4/26/2023	Calls and/or texts with law firm	0.17
5/10/2023	Calls and/or texts with law firm	0.25
5/10/2023	Emails to/from law firm	0.08
6/29/2023	Reviewing documents: Other docs from law firm	0.17
8/2/2023	Calls and/or texts with law firm	0.17
8/2/2023	Emails to/from law firm	0.08
8/3/2023	Emails to/from law firm	0.08
8/3/2023	Reviewing documents: Other docs from law firm	0.25
8/3/2023	Mediation: participation time	8.00
8/4/2023	Emails to/from law firm	0.08
8/4/2023	Emails to/from law firm	0.08

SHAVER TIME LOG

Approximate Date	Description	Hours
8/7/2023	Emails to/from law firm	0.08
8/7/2023	Calls and/or texts with law firm	0.17
8/8/2023	Emails to/from law firm	0.08
8/8/2023	Emails to/from law firm	0.08
8/11/2023	Reviewing documents: Other docs from law firm	0.25
8/14/2023	Emails to/from law firm	0.08
8/22/2023	Emails to/from law firm	0.08
8/22/2023	Emails to/from law firm	0.08
8/24/2023	Reviewing documents: Other docs from law firm	0.25
8/25/2023	Emails to/from law firm	0.08
9/6/2023	Emails to/from law firm	0.17
11/7/2023	Reviewing documents: Settlement Agreement	2.50
11/8/2023	Reviewing documents: Other docs from law firm	0.25
11/9/2023	Emails to/from law firm	0.08
11/14/2023	Emails to/from law firm	0.08
11/14/2023	Emails to/from law firm	0.08
11/14/2023	Calls and/or texts with law firm	0.08
11/14/2023	Emails to/from law firm	0.08
1/4/2024	Reviewing documents: Other docs from law firm	0.67
1/4/2024	Emails to/from law firm	0.08
2/15/2024	Emails to/from law firm	0.08
2/15/2024	Reviewing documents: Other docs from law firm	0.33
2/15/2024	Reviewing documents: Settlement Agreement	1.00
2/20/2024	Calls and/or texts with law firm	0.17
2/20/2024	Emails to/from law firm	0.08
2/20/2024	Emails to/from law firm	0.08
2/20/2024	Emails to/from law firm	0.08
2/22/2024	Reviewing documents: Settlement Agreement	3.00
3/20/2024	Reviewing documents: Other docs from law firm	0.17
Approximately from 10/13/2020 to 8/3/2023	Gathering information and/or documents	25.00
Approximately from 10/13/2020 to 8/3/2023	Contacting witness(es)	10.00
	TOTAL:	80.10