

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)

Eduardo Garcia (State Bar #290572)

3990 Old Town Avenue, Suite C204

San Diego, CA 92110

Telephone: (619) 599-8292

Facsimile: (619) 599-8291

jlapuyade@jcl-lawfirm.com

egarcia@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)

Jackland K. Hom (State Bar #327243)

3990 Old Town Avenue, Suite C204

San Diego, CA 92110

Telephone: (619)255-9047

Facsimile: (858) 404-9203

shani@zakaylaw.com

jackland@zakaylaw.com

Attorneys for PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

DEBBIE FELIX, an individual; RICK
MALEAD, an individual, on behalf of
themselves, and on behalf of all persons
similarly situated, and in their representative
capacity on behalf of the State of California and
fellow Aggrieved Employees,

Plaintiffs,

vs.

TVI, INC., d.b.a. SAVERS, a Washington
corporation; and DOES 1 through 50, Inclusive;

Defendants.

Case No: 21CV376407

**DECLARATION OF DEBBIE FELIX IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Date: October 21, 2021

Time: 1:30 p.m.

Dept.: 1

1 I, Debbie Felix, declare as follows:

2 1. I am over the age of eighteen, and one of the Plaintiffs and Proposed Class
3 Representatives in the above-entitled matter. I submit this declaration in support of Plaintiffs'
4 Motion for Preliminary Approval of Class Settlement and in support of my application for the
5 requested Service Payment. I have personal knowledge of all the facts stated herein. I could and
6 would competently testify under oath to these facts in court if requested to do so.

7 2. On February 24, 2021, I filed a class action lawsuit in the Santa Clara County
8 Superior Court. My case was filed on behalf of myself and other current and former non-exempt
9 employees who worked for TVI, Inc. ("Defendant"). I worked for Defendant between February
10 2014 and December 2019 in California.

11 3. In August 2021, I filed an amended complaint adding Plaintiff Melead to the lawsuit
12 and adding the class claims he alleged in his Orange County lawsuit.

13 4. I filed this lawsuit because I believed my rights and those of my coworkers were
14 violated by Defendant. Among other claims, I believe Defendant violated my rights by not paying
15 me for all the work I performed, underpaying my overtime wages, and not providing me with
16 premiums when I did not receive proper meal or rest breaks.

17 5. Before I was officially involved in the case as a Plaintiff and Class Representative I
18 spoke at length with my attorneys. We discussed my work experience and how Defendant's policies
19 and practices were applied to me and my coworkers. I provided my attorneys with numerous
20 documents they had requested to review and discussed at length my experience working for
21 Defendant and my responsibilities as a Plaintiff and proposed Class Representative. I also had a
22 chance to review, and did review, the complaint before it was filed.

23 6. After speaking with my attorneys, I knew that I was representing myself and other
24 employees in this case and that there were significant risks involved. One significant risk is that if
25 we lost the case, I could be held personally liable for paying all or part of the money Defendant paid
26 its attorneys to defend this case. There is also the risk that a future employer could hold it against
27 me that I sued a former employer. I decided to go through with the case because I believed violations
28

1 occurred and most employees would not know what their rights are, and even if they did they would
2 be apprehensive to file a lawsuit against their employer for fear of retaliation.

3 7. During the lawsuit, I communicated on a regular basis with my attorneys. I reviewed
4 status updates from my attorneys and court filings on a regular basis and spoke to my attorneys on
5 the phone regularly because I wanted to keep up with developments in the case which I understood
6 was one of my duties as a class representative.

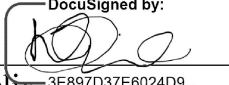
7 8. I could not personally attend the mediation in this case due to other commitments,
8 but I was available and participated by having telephone conversations with my counsel. During the
9 mediation I actively participated by speaking to my attorneys. After the mediation concluded, I
10 continued to communicate with my attorneys regarding the settlement negotiations, and ultimately
11 the terms of the Settlement which was reached between the parties in this case. I was very satisfied
12 with the terms of the Settlement that was agreed to by the parties. I reviewed and signed the
13 Memorandum of Understanding and when the Settlement papers were ready, I again spoke with my
14 attorneys and reviewed the Settlement agreement, which I signed.

15 9. Since the beginning of my case almost a year ago, I have been actively involved with
16 this class action lawsuit performing the duties described above. I was in regular contact with my
17 attorneys, spoke to several of my coworkers about the case, reviewed important court filings, and
18 spent considerable time on the issues presented during the litigation and in the settlement process.
19 I estimate that I spent around 40 hours working on this case.

20 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class
21 who now stand to receive substantial monetary payments as a result of this case and settlement. I
22 also believe that the requested Service Payment of \$7,500 from the settlement is fair compensation
23 for the work I performed, the broad release I agreed to, and the risks I undertook.

24 11. In light of all the time and effort I have spent on this case, the significant risks I
25 undertook by suing a former employer, the exposure to being responsible for paying Defendant's
26 costs in the event we did not win the case, the general release, and in light of the size of the
27 Settlement, I believe the request for \$7,500 as a Service Payment is fair and reasonable.
28

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct. Executed on 9/21/2021 at Debbie felix.

3
4
5 By:  DocuSigned by:
6 Debbie Felix 3E897D37E6024D9...