

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com

2 MAYA CHEAITANI (SBN 335777)
maya@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(s),

8 SIMONETTE VILLENA, and all others similarly situated

(Additional attorneys for parties on following page)

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

10 **FOR THE COUNTY OF SAN DIEGO**

11 **(UNLIMITED JURISDICTION)**

13 SIMONETTE VILLENA, on behalf of herself
14 and as an “aggrieved employee” on behalf of other
15 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18 MIDWAY VENTURE LLC, a California limited
19 liability company; PETER BALOV, an
20 individual; and DOES 1–50, inclusive,

21 *Defendants.*

Case No. 37-2021-00005970-CU-OE-CTL

**DECLARATION OF SIMONETTE
VILLENA IN SUPPORT OF MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

RESERVATION: 2883081

Hearing Date: January 6, 2023

Hearing Time: 1:30 p.m.

Hearing Dept.: C-72, The Honorable
Timothy Taylor

Action filed: February 09, 2021

Trial Date: October 14, 2022



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:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 91403

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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave
Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
SIMONETTE VILLENA, and all others similarly situated



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EMPLOYEE RIGHTS

Mail:
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1 **DECLARATION OF SIMONETTE VILLENA IN SUPPORT OF MOTION FOR**
2 **APPROVAL OF PAGA SETTLEMENT**

3 I, SIMONETTE VILLENA, declares as follows:

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

9 2. From about July 2018 to December 2019 I performed at Midway Venture LLC's
10 adult entertainment establishment as an, adult entertainer.

11 3. I understand that this lawsuit is a Private Attorney General action, otherwise
12 known as a PAGA lawsuit. I understand that I am the Plaintiff and that Midway Venture LLC
13 is the Defendant. I understand that my name is on the cover of the lawsuit. I understand that I
14 am the representative of other Midway Venture LLC dancers. As the representative in this
15 lawsuit, I have duties to the State of California and other employees like me who didn't receive
16 meal periods on time and rest periods in which we could leave the Midway Venture LLC
17 worksite. I also understand that my lawsuit is on behalf of the State of California. I have fairly
18 represented the other employees and the State throughout this lawsuit.

19 4. I was present for the mediation and I participated in it. The mediation ended with
20 a Settlement Agreement between me, on behalf of the State of California and the other all current
21 and former Adult Entertainers misclassified as independent contractors and who performed at
22 Defendant's venue in California as employees of Defendant. I understand that the Court will
23 decide whether to approve the Settlement if it is in the best interests of Defendant's other all
24 current and former Adult Entertainers misclassified as independent contractors and who
25 performed at Defendant's venue in California, and the best interests of the State. I don't have
26 any disagreements with the other Midway Venture LLC dancers I represent. I am not aware of
27 any reason why I can't make the best decisions for them in this lawsuit.

28 5. I understand that my attorneys have asked the Court to pay me \$25,000.00 in
addition to my share of the Settlement money that the Court will divide among all the employees
whose rights were violated. I believe this amount is fair for the time I have spent and my
involvement in this lawsuit. I also believe it is fair because of the risk that the Court could order



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me to pay Midway Venture LLC's court costs if I lose the case. Additionally, I believe it is fair because I am giving up rights that the other hourly employees are not giving up to settle this lawsuit.

6. As part of this Settlement, I am giving up my right to sue Defendant for anything. I understand that if I had filed a personal lawsuit that did not involve the other employees or the State of California, I probably could have settled the case with Midway Venture LLC long ago for much more than \$25,000.00 in unpaid wages and monetary penalties. I think it is fair that the Court pay me the \$25,000.00 award for these reasons and others I list below.

7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would be the representative of the other all current and former Adult Entertainers misclassified as independent contractors and who performed at Defendant's venue in California and the State of California. In agreeing to be their representative, I agreed that their interests in the lawsuit are as important as my personal interests in suing Midway Venture LLC. I agreed that when deciding whether or not to settle this lawsuit, I would do what is in the best interest of the other all current and former Adult Entertainers misclassified as independent contractors and who performed at Defendant's venue in California and the State. I also agreed to actively participate in the lawsuit by answering questions and requests for documents and other evidence by my attorneys and Midway Venture LLC's attorneys. I understand that this process is known as "discovery." I understand that I also agreed to be interviewed under oath by the attorneys for Midway Venture LLC. I understand that this process is known as a "deposition." As the representative of the other all current and former Adult Entertainers misclassified as independent contractors and who performed at Defendant's venue in California, and the State of California, I have agreed to travel to the Court and to the offices of the lawyers for Midway Venture LLC to testify about the case. I also understand that there will only be a settlement of the lawsuit if the Court allows it. As the representative of the other employees and the State of California, I have agreed to follow the progress of the lawsuit. I have done this since I hired my attorneys by reading the court documents they send me and by speaking with them over the phone. I understand that, even though I agreed to perform these tasks and accept these responsibilities, the Court can choose not to pay me any more money from the Settlement than the other Midway Venture LLC dancers will receive, even though they have not performed these tasks and accepted these risks and responsibilities. I have spent over 50.10 hours of my time on activities

1 related to this lawsuit, including reading the court documents and speaking with my attorneys.
2 Attached as **Exhibit A** to this declaration is a true and correct copy of a list of the work I have
3 done on this case. It includes estimates of the amount of time I spent on each task. The work I
4 have done on this case includes hiring my attorneys, speaking with my attorneys on many
5 occasions by phone, explaining what my employment at Midway Venture LLC was like,
6 explaining what my employment at Midway Venture LLC had in common with other employees
7 who worked for Midway Venture LLC, helping my attorneys find witnesses, documents, and
8 other evidence, explaining my claims to my attorneys, attending a full day of mediation, and
9 communicating with my attorneys about the settlement agreement and related documents. I have
10 also carefully reviewed the Settlement agreement and other documents to make sure that the
11 Settlement and other work my attorneys performed are in the best interests of the employees I
12 represent and the State of California.

13 8. Because I filed this lawsuit, there is a public record at the Court showing my
14 name on the cover of the complaint for anyone to see. Any potential employer who finds the
15 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
16 a potential employer from choosing to hire me. An award of \$25,000.00 is not equal to the harm
17 I would suffer if I can't find another job in the future.

18 9. Based on the time I have spent on the lawsuit, the risk I will have to pay Midway
19 Venture LLC court costs if I lose, the harm to my chances of getting jobs in the future, and my
20 agreement to give up any personal claims for unpaid wages and monetary penalties I have
21 against Midway Venture LLC, my request for an award of \$25,000.00 is fair and reasonable.

22 I declare under penalty of perjury of the laws of the State of California that the foregoing
23 is true and correct to the best of my knowledge.

24 Executed on Wednesday, September 14, 2022 in Spring Valley, California.

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SIMONETTE VILLENA,
Plaintiff and Declarant



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EMPLOYEE RIGHTS

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West Hollywood, CA 90069
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(213) 634-2485 Fax
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15303 Ventura Bl
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EXHIBIT A

Client Time Log Exhibit VILLENA PACERS

Approximate Date	Description	Hours
3/10/2020	Gathering information and/or documents	0.50
10/1/2020	Reviewing documents: Other docs from law firm	0.33
10/6/2020	Reviewing documents: Other docs from law firm	0.33
11/5/2020	Calls and/or texts with law firm	1.00
11/8/2020	Calls and/or texts with law firm	0.08
11/20/2020	Calls and/or texts with law firm	1.00
11/20/2020	Emails to/from law firm	0.17
11/22/2020	Calls and/or texts with law firm	0.17
12/1/2020	Calls and/or texts with law firm	0.50
12/2/2020	Reviewing documents: Other docs from law firm	0.50
12/2/2020	Calls and/or texts with law firm	0.50
12/4/2020	Calls and/or texts with law firm	1.00
12/4/2020	Reviewing documents: Complaint	1.00
12/4/2020	Emails to/from law firm	0.08
12/28/2020	Reviewing documents: Retainer/FAQ	1.50
12/29/2020	Reviewing documents: Retainer/FAQ	1.50
2/8/2021	Calls and/or texts with law firm	1.00
4/9/2021	Reviewing documents: Other docs from law firm	0.33
5/18/2021	Reviewing documents: Other docs from law firm	0.33
8/9/2021	Reviewing documents: Other docs from law firm	0.33
8/9/2021	Reviewing documents: Other docs from law firm	0.33
8/10/2021	Emails to/from law firm	0.17
8/10/2021	Reviewing documents: Other docs from law firm	0.25
8/10/2021	Reviewing documents: Other docs from law firm	0.17
8/10/2021	Emails to/from law firm	0.08
8/24/2021	Reviewing documents: Other docs from law firm	0.50
12/3/2021	Calls and/or texts with law firm	0.08
12/4/2021	Reviewing documents: Other docs from law firm	1.00
12/10/2021	Calls and/or texts with law firm	0.08
12/13/2021	Reviewing documents: Other docs from law firm	0.50

Client Time Log Exhibit VILLENA PACERS

Approximate Date	Description	Hours
12/13/2021	Emails to/from law firm	0.50
12/15/2021	Emails to/from law firm	0.17
12/15/2021	Emails to/from law firm	0.17
12/16/2021	Emails to/from law firm	0.17
12/17/2021	Emails to/from law firm	0.17
12/20/2021	Calls and/or texts with law firm	0.08
12/20/2021	Emails to/from law firm	0.17
12/21/2021	Emails to/from law firm	0.08
12/28/2021	Reviewing documents: Other docs from law firm	0.25
12/28/2021	Calls and/or texts with law firm	0.25
12/28/2021	Emails to/from law firm	0.17
12/28/2021	Emails to/from law firm	0.08
12/28/2021	Emails to/from law firm	0.08
12/30/2021	Gathering information and/or documents	0.50
12/30/2021	Reviewing documents: Other docs from law firm	0.50
12/30/2021	Emails to/from law firm	0.50
1/4/2022	Emails to/from law firm	0.08
1/5/2022	Calls and/or texts with law firm	0.17
1/7/2022	Calls and/or texts with law firm	0.08
1/7/2022	Reviewing documents: Other docs from law firm	1.00
1/18/2022	Reviewing documents: Other docs from law firm	0.33
1/20/2022	Reviewing documents: Other docs from law firm	0.25
1/25/2022	Calls and/or texts with law firm	0.42
2/3/2022	Reviewing documents: Other docs from law firm	0.50
2/4/2022	Reviewing documents: Other docs from law firm	0.50
2/14/2022	Calls and/or texts with law firm	0.08
2/15/2022	Reviewing documents: Other docs from law firm	0.25
2/22/2022	Emails to/from law firm	0.08
2/24/2022	Reviewing documents: Other docs from law firm	0.25
2/24/2022	Calls and/or texts with law firm	0.08
3/1/2022	Calls and/or texts with law firm	0.08
3/1/2022	Calls and/or texts with law firm	0.08
3/3/2022	Calls and/or texts with law firm	0.08
3/4/2022	Reviewing documents: Other docs from law firm	1.00

Client Time Log Exhibit VILLENA PACERS

Approximate Date	Description	Hours
3/4/2022	Reviewing documents: Other docs from law firm	1.50
3/4/2022	Calls and/or texts with law firm	0.08
3/9/2022	Gathering information and/or documents	3.00
3/9/2022	Calls and/or texts with law firm	0.08
3/9/2022	Contacting witness(es)	1.50
3/9/2022	Calls and/or texts with law firm	0.08
3/9/2022	Emails to/from law firm	0.08
3/10/2022	Calls and/or texts with law firm	1.50
3/10/2022	Emails to/from law firm	0.17
3/11/2022	Emails to/from law firm	0.08
3/11/2022	Gathering information and/or documents	0.50
3/14/2022	Emails to/from law firm	0.25
3/14/2022	Reviewing documents: Other docs from law firm	1.00
3/24/2022	Calls and/or texts with law firm	0.17
4/4/2022	Emails to/from law firm	0.08
4/7/2022	Emails to/from law firm	0.08
4/22/2022	Emails to/from law firm	0.25
4/23/2022	Emails to/from law firm	0.08
4/25/2022	Reviewing documents: Other docs from law firm	1.00
4/26/2022	Calls and/or texts with law firm	0.25
4/26/2022	Emails to/from law firm	0.08
4/27/2022	Calls and/or texts with law firm	0.25
4/27/2022	Calls and/or texts with law firm	0.25
4/28/2022	Calls and/or texts with law firm	0.17
4/28/2022	Calls and/or texts with law firm	0.50
4/28/2022	Reviewing documents: Other docs from law firm	0.50
5/12/2022	Calls and/or texts with law firm	0.17
5/13/2022	Calls and/or texts with law firm	0.17
5/13/2022	Reviewing documents: Other docs from law firm	2.00
5/17/2022	Calls and/or texts with law firm	0.08
5/18/2022	Calls and/or texts with law firm	0.17
5/19/2022	Calls and/or texts with law firm	0.08
5/19/2022	Emails to/from law firm	0.08
5/19/2022	Calls and/or texts with law firm	0.08
5/19/2022	Calls and/or texts with law firm	0.17
5/20/2022	Mediation: participation time	5.00
5/31/2022	Reviewing documents: Other docs from law firm	0.50

Client Time Log Exhibit VILLENA PACERS

Approximate Date	Description	Hours
6/9/2022	Calls and/or texts with law firm	0.08
7/6/2022	Reviewing documents: Settlement Agreement	1.00
7/6/2022	Calls and/or texts with law firm	0.08
7/7/2022	Calls and/or texts with law firm	0.08
7/7/2022	Reviewing documents: Settlement Agreement	0.50
7/14/2022	Reviewing documents: Settlement Agreement	0.50
8/1/2022	Reviewing documents: Other docs from law firm	0.25
8/24/2022	Emails to/from law firm	0.17
8/30/2022	Reviewing documents: Settlement Agreement	1.00
	TOTAL	50.1