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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA**

ANGELO KALAVERAS and EMAD
MISSREEZADAH,

Plaintiff,

vs.

NCR CORPORATION; and DOES 1-100,
inclusive,

Defendants.

Case No.: MSC20-01186

**DECLARATION OF JENNY D.
BAYSINGER IN SUPPOTY OF
PRELIMINARY APPROVAL**

Judge: Hon. Edward Weil
Dept.: 39

Action Filed: June 25, 2020

1 I, Jenny D. Baysinger, declare:

2 1. I am an attorney duly licensed to practice before all the courts of this state and am a
3 shareholder of Mayall Hurley P.C., attorneys for Plaintiffs Angelo Kalaveras and Emad
4 Missreeezadah, individually, on behalf of all others similarly situated, and as proxy for the LWDA
5 (collectively, “Plaintiffs”).

6 2. I have personal knowledge of the matters set forth herein and, if called upon to do so,
7 could and would competently testify thereto under oath.

8 **Pre-Mediation Procedural History**

9 3. My office began investigating Angelo Kalaveras’ claims in May 2020 and undertook
10 formal representation of him in June 2020. Angelo Kalaveras had worked as a non-exempt customer
11 engineer for Defendant NCR Corporation from October 14, 2019 through February 12, 2020.

12 4. On June 25, 2020 my office filed the instant action in Contra Costa County on a
13 class-wide basis. A First Amended Class Action Complaint was filed on September 1, 2020 to add a
14 claim to assess and collect civil penalties pursuant to the PAGA.

15 5. On October 5, 2020 Defendant removed the matter to federal court based on asserted
16 jurisdiction pursuant to the Class Action Fairness Act (“CAFA”). Thereafter, the class claims were
17 dismissed without prejudice and the matter was then remanded to this Court. At the time of remand
18 the only claim pending was a claim to assess and collect civil penalties pursuant to the PAGA.

19 6. In October 2021, the instant case was amended to add Emad Missreeezadah as an
20 additional named Plaintiff.

21 7. In conjunction with the settlement, a stipulated Fourth Amended Complaint was filed
22 on August 18, 2022 to re-assert the alleged Labor Code violations on a class-wide basis. The Fourth
23 Amended Complaint is the operative pleading for purposes of the Parties’ settlement.

24 **Plaintiffs Have and Will Serve the Class Well**

25 8. Plaintiffs’ interests in prosecuting this Class Action and obtaining the most beneficial
26 recovery possible fully comport with the collective interests of the Class Members. Plaintiffs
27 understand the claims and theories that are being advanced, have been involved through the
28 litigation and have no conflicts with the other members of the Class they seek to jointly represent.

1 Plaintiffs were each subjected to the same unlawful policies, practices, and procedures, having been
2 1) underpaid because of Defendants' failures to pay for all hours actually worked (primarily because
3 of time entry edits), 2) denied meal and rest periods and associated premiums, 3) furnished
4 inaccurate itemized wage statements, 4) not timely paid all wages due and owing upon separation,
5 and 5) not reimbursed all business expenses. Were each not serving as Class Representative,
6 Plaintiffs would each be a Class Member.

7 9. Plaintiff Angelo Kalaveras has and is prepared to continue adequately representing
8 the interests of the Class Members. Kalaveras has demonstrated his commitment to prosecuting this
9 Class Action on behalf of the Class Members by, amongst other things, locating and retaining
10 attorneys, participating in discovery and investigation, filing this action and willingly exposing his
11 name and reputation to detriment by filing the Class Action, and helping to facilitate the Settlement
12 for which approval is now sought, including participating in and being available throughout the
13 entire remote mediation process and subsequent settlement negotiations with respect to the MOU
14 and the ling form settlement agreement.

15 10. Plaintiffs, who have worked diligently with Class Counsel throughout this entire
16 litigation, including taking numerous calls with Class Counsel, participating in responding to the
17 Parties' formal and informal information exchange, and participating in the mediation and settlement
18 negotiations, should be rewarded for taking the initiative to pursue these claims on behalf of their
19 former coworkers, and for thier role in reaching a settlement providing for valuable monetary relief
20 to the Class.

21 11. Plaintiffs will each apply for a service payment in the amount \$10,000, or 1% of the
22 \$1,000,000 MSA, \$20,000 total to both Plaintiffs, in consideration for their service as Class
23 Representatives. I believe this to be fair, reasonable and appropriate.

24 12. Class Members will be apprised of Plaintiffs' requests as well as their ability to
25 review the moving papers on the Court's website, or through the Administrator, and to object to the
26 request if they so desire.

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Experience of Class Counsel

13. In May, 2004, I received a B.A. from California State University, Sacramento. In May 2007, I received a J.D. with distinction from the University of the Pacific, McGeorge School of Law. In November, 2007, I became a member of the State Bar of California. I have been an attorney with Mayall Hurley P.C. since 2013. I became a Shareholder in March 2019 and have been a member of the management team as the Human Resources Director since 2020. Prior to joining Mayall Hurley, I spent two (2) years as a Deputy District Attorney, and an additional three (3) years as a litigation associate for the Sacramento law firm of Downey Brand, LLP. I have been focusing my practice almost exclusively on employment litigation, representing both employees and employers, for the past ten (10) years.

14. My law firm, Mayall Hurley P.C., primarily through attorneys Robert J. Wasserman and me, has pursued this action aggressively, and many other similar class, collective, and representative actions. For instance, Mayall Hurley P.C. has recently been approved as class counsel in *Markson, et al. v. CRST International, Inc., et al*, Central District of California Case No. 5:17-cv-01261-SB; *Espinoza/Renteria v. Love's Country Stores, Inc.*, San Bernardino County Superior Court Case No. CIVDS2016581; *Rodriguez v. Allen Distribution, L.P.*, San Joaquin County Superior Court Case No. STK-CV-UOE-2020-000; *McGee v. Brosnan Risk West Coast*, San Mateo County Superior Court Case No. 19-CV-04464; *Botti v. SAFE Credit Union*, Sacramento County Superior Court Case No. 34-2019-00261736; *Mediodia v. SoCal Jet Services, Inc.*, Los Angeles County Superior Court Case No. 18STCCV09751; *Flores v. Dart Container Corp., et al*, Eastern District of California Case No. 2:19-cv-00083-WBS-EFB; *Rodriguez v. J-M Manufacturing, Inc.*, San Joaquin County Superior Court Case No. STK-CV-UOE-2019-6065; *Arata v. Cozad Trailer Sales, LLC*, San Joaquin County Superior Court Case No. STK-CV-UOE-2020-1774; *Modica v. Iron Mountain Information Management Svcs., Inc.*, United States District Court, Eastern District of California Case No. 2:19-cv-00370-TLN-JDP; *Magee v. Thyssenkrupp Materials, N.A., et al.*, Alameda County Superior Court Case No. RG19027231; *Basinger v. Il Palio Restaurant Group, Inc.*, San Diego County Superior Court Case No. 37-2018-00004296-CU-OE-CTL; *Pacheco v. Bushfire Grill, Inc., et al*, United States District Court, Southern District of California, Case No. 3:18-cv-01696-JAH-

WVG; *Wise v. ULTA Salon, Cosmetics & Fragrance, Inc.*, United States District Court, Eastern District of California, Case No. 1:17-cv-00853-DAD-EPG; *Fernando and Kalaveras v. Burroughs, Inc.*, Alameda County Superior Court, Case No. RG18906875; *Mansur v. Owens-Brockway Glass Container, Inc.*, San Joaquin County Superior Court, Case No. STK-CV-UOW-2018-14631; *Alderson v. Alameda County Agricultural Fair Association*, Alameda County Superior Court, Case No. RG18912654; *Terry v. Mare Island Dry Dock, LLC*, Solano County Superior Court, Case No. FCS051650; *Mettler, Bender, and Rojas v. Les Schwab Tire Centers of California, Inc.*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2018-476; *Escalera v. La Tapatia Mexican Market, Inc.*, San Joaquin County Superior Court, Case No., ST-CV-UOE-2017-5296; *Garcia, et al. v. HMS Host USA, Inc.*, United States District Court, Northern District of California, Case No. 17-cv-03069-RS; *Ali v. Sutter Valley Medical Foundation, Inc.*, Sacramento County Superior Court, Case No. 34-2017-00217486; *Grady, et al. v. People 2.0 dba The Hire Source, et al.*, San Joaquin County Case No. STK-CV-UOE-2017-13867; *Kumar v. Forty Niners Stadium Management Company*, Santa Clara County Superior Court, Case No. 17CV3121427; *Gast v. Flooring Liquidators, Inc.*, Stanislaus County Superior Court, Case No. 2026223; *Russell v. KeHe Distributors, Inc.*, United States District Court, Eastern District of California, Case No. 2:17-at-00592; *Smith v. Wal-Mart Stores, Inc. et al.*, United States District Court, Northern District of California, Case No. 3:16-cv-02832-JD; *Titus v. The Martin-Brower, LLC*, United States District Court, Eastern District of California, Case No. 2:17-cv-00558-JAM-GGH; *Hugues v. The Morning Star Trucking Company, LLC, et al.*, Yolo County Superior Court Case No. CV16-1215; *Ahmed v. Beverly Health and Rehabilitation Services, Inc., et al.*, United States District Court, Eastern District of California, Case No. 2:16-cv-01747-WBS-KJN; *Guzman-Padilla, et al. v. Gerard Van De Pol, et al.*, United States District Court, Eastern District of California, Case No. 2:17-cv-00196-JAM-KJN; *Jaime v. Walt Disney Parks and Resorts U.S., Inc.*, United States District Court, Central District of California, Case No. SACV 15-01618-CJC(DFMx); *Stevens v. Suncrest Solar, Inc.*, Fresno County Superior Court, Case No. 16CECG03355; *Cardoza v. Blazona Concrete Construction, Inc.*, Alameda County Superior Court Case No. RG17866256; *Maasrani v. Waterton Hospitality Management*, San Mateo County Superior Court, Case No. 17CIV05470; *Huynh v. Parker-Hannifin*

1 Corporation, Stanislaus County Superior Court, Case No. 2022325; *Moser v. O'Connor Woods*
2 *Housing Corporation*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2014-0009861;
3 *Bastami v. Semiconductor Components Industries, LLC*, Santa Clara County Superior Court, Case
4 No. 16cv297447; *Davis v. Balfour Beatty Infrastructure, Inc.*, Los Angeles County Superior Court,
5 Case No. BC592580; *Van Lith v. iHeartmedia + Entertainment, Inc. et al.*, United States District
6 Court, Eastern District of California, Case No. 1-16-cv-00066-SKO; *Clark v. Arrow Sign Co.*, San
7 Joaquin County Superior Court, Case No. STK-CV-UOE-2016-6457, and *Moreno v. B.R. Funsten &*
8 *Co.*, Solano County Superior Court Case No. FCS046149, all wage-and-hour class actions with
9 claims similar to the instant matter. Not including this matter, we have several other wage-and-hour
10 class actions currently pending final approval in which we have been preliminarily approved as class
11 counsel. My law firm and I have also represented plaintiffs in numerous representative employment
12 actions, settlements in which have been approved by multiple California and federal courts, and are
13 currently prosecuting dozens more.

14 15. Mayall Hurley, P.C. has also obtained class and/or conditional certification (outside
15 of the settlement context) in a number of cases, including *Liu v. QNAP, Inc.*, Los Angeles County
16 Superior Court Case No. 19PSCV00668; *Bice v. Vensure HR, Inc., et al.*, San Joaquin County
17 Superior Court, Case No. STK-CU-UOE-2016-1264; *Perez et al. v. Abbate Family Farms Limited*
18 *Partnership et al.*, San Joaquin County Superior Court, Case No. 39-2012-00288653-CU-OE-STK,
19 *Wilk v. Skechers U.S.A., Inc.*, United States District court, Central District of California, Case No. 5-
20 18-CV-01921-JGB-SP; *Titus v. Paramount Equity Mortgage, LLC*, United States District Court,
21 Eastern District of California, Case No. 2:17-cv-00349-MCE-KJN; and *Solati v. RPM Mortgage,*
22 *LLC*, Solano County Superior Court Case No. FCS048401.

23 16. I am also currently lead counsel or co-lead counsel in approximately 5 employment
24 class action cases and a handful of PAGA representative cases.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct. Executed on this 30th day of November, 2022, in Lodi, California.

27
28 
JENNY D. BAYSINGER