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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SANTA CLARA**

MARIE REBELO SHOWALTER, as an
 individual and on behalf of all others
 similarly situated,

Plaintiff,

vs.

NORTHERN CALIFORNIA CHAIR
 CORPORATION, a California
 corporation; and DOES 1 through 50,
 inclusive,

Defendants.

Case No.: 21CV376845

[Assigned for all purposes to the Honorable
 Theodore C. Zayner, Department 19]

**DECLARATION OF MARIE REBELO
 SHOWALTER IN SUPPORT OF
 PLAINTIFF'S MOTION FOR PRELIMINARY
 APPROVAL OF CLASS ACTION
 SETTLEMENT**

Date: November 1, 2023

Time: 1:30 P.M.

Dept.: 19

Complaint Filed: March 2, 2021

Jury Trial Date: None set

DECLARATION OF MARIE REBELO SHOWALTER

I, Marie Rebelo Showalter, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am the named Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant Northern California Chair Corporation (“Defendant”) as a Sales Associate from about December 2019, until about December 2020. Throughout my employment with Defendant, I worked as an hourly, non-exempt employee.

3. During my employment with Defendant, I earned overtime and non-discretionary wages, such as commission pay, during the same workweek. Whenever these wages were paid to me, however, overtime was paid at my base rate of pay rather than the regular rate of pay with the non-discretionary pay factored in.

4. Due to Defendant’s scheduling practices and lack of employee coverage, I was routinely unable to take off-duty meal breaks and continued working during shifts of five hours or more, since no other employees were able to cover my work duties. I did not receive meal period premium compensation in lieu of receiving proper meal breaks.

5. Moreover, I was regularly required to use my personal cell phone for work purposes. I was not reimbursed for the costs of said use.

6. As a result of the underpayment of overtime and nonpayment of meal period premiums, the wage statements I received reflected inaccurate rates of pay and gross and net wages earned. In addition, I have not received all wages owed to me upon separation of employment.

7. I understand that this action was brought on behalf of all other employees in the State of California, and that I am acting as a representative for the Class. As the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class, and that I will not settle out my class claims in this lawsuit separately or independently from the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

