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Attorneys for Plaintiffs and the aggrieved employees

*[Additional Attorneys Listed on the Following Page]***SUPERIOR COURT OF THE STATE OF CALIFORNIA****FOR THE COUNTY OF LOS ANGELES**STEPHEN CLEGG and MICHAEL
EMMENS; individually, and on behalf of other
aggrieved employees;

PLAINTIFFS,

v.

BOB'S DISCOUNT FURNITURE, LLC, a
Massachusetts Limited Liability Company; and
DOES 1 thru 10, inclusive,

DEFENDANTS.

CASE NO. 21STCV15281

[Case Assigned for All Purposes to Hon. Jon.
R. Takasugi in Dept. 17]**DECLARATION OF MICHAEL
EMMENS IN SUPPORT OF MOTION
FOR REPRESENTATIVE ACTION
SETTLEMENT***[Filed concurrently with Motion for Approval
of Representative Action Settlement,
Declarations of Kelsey M. Szamet; Michael D.
Singer, Lisa Mullins of ILYM Group, Inc.,
Plaintiff STEPHEN CLEGG; [Proposed]
Order, and Judgment]*

Date: June 3, 2024

Time: 9:30 AM

Dept.: 17

Complaint Filed: April 22, 2021

Trial Date: None Set

Reservation No. 212226160896

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Attorneys for Plaintiffs and the aggrieved employees

DECLARATION OF MICHAEL EMMENS

I, MICHAEL EMMENS, state and declare as follows:

1. I am a competent adult, over the age of eighteen, and the named Plaintiff in the above-captioned matter. The following is based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. I am a former employee of Defendant BOB'S DISCOUNT FURNITURE, LLC ("Defendant" or "Bob's").

3. I brought this lawsuit, on behalf of myself and all other Aggrieved Employees, against Defendant because I believe that Defendant failed to pay all wages and/or overtime, failed to maintain accurate records, unlawfully deducted wages, secretly underpaid wages, failed to provide lawful rest periods, failed to issue accurate itemized wage statements and failed to pay wages owed at time of separation to me and other employees.

4. I understand that I am representing other employees and I believe that I am able to represent them well.

5. I first researched experienced attorneys who are very experienced with these types of lawsuits. Once retained, I compiled relevant documents from my employment to assist my attorneys in litigating this case. I worked with my attorneys to develop the facts and legal claims in this lawsuit. The lawsuit was filed on April 22, 2021.

6. On January 12, 2021, Plaintiff Clegg electronically submitted a PAGA notice to the Labor and Workforce Development Agency ("LWDA") and to Defendant by certified U.S. Mail, indicating his intent to seek recovery of civil penalties under PAGA arising out of Defendant's violation of Labor Code §§ 246, 248.5, 226.7, 512, 2802, and 2804.

7. On February 8, 2021, I understand that my attorneys electronically submitted a PAGA notice to the LWDA and to Defendant certified U.S. Mail via on my behalf, indicating my intent to seek recovery of civil penalties under PAGA arising out of Defendant's violation of Labor Code §226(a).

8. I am aware that my counsel agreed to work with counsel for Plaintiff Clegg, and I signed a Joint Prosecution Agreement Pursuant to California Rules of Professional Conduct Rule

1 2-200(A), on April 14, 2021.

2 9. The Complaint was filed on April 22, 2021 seeking penalties pursuant to PAGA for
3 Defendant's alleged failure to pay for all hour worked by failing to pay for time spent working
4 during purported meal periods under Labor Code §§ 226.7 and 512; failure to pay all sick leave
5 wages under Labor Code § 246; failure to reimburse for costs associated with personal cell phone
6 and vehicle usage under Labor Code § 2802; and, failure to issue accurate itemized wage
7 statements under Labor Code §226(a).

8 10. Throughout the litigation, I have provided my attorneys with helpful information
9 for this lawsuit and for the settlement as needed. Additional work in connection with this matter
10 includes providing information to my attorneys regarding my employment with Defendant, staying
11 in regular contact with my attorneys to discuss the status of the case, responding promptly to my
12 attorneys' various communications regarding this matter, making myself available by phone for
13 full-day mediations on August 2, 2022, and October 18, 2023; and reviewing and analyzing the
14 settlement agreement and settlement papers to ensure the settlement was fair and reasonable and
15 in the best interests of the Aggrieved Employees.

16 11. I have worked to actively represent the other Aggrieved Employees and their
17 interests.

18 12. I have always kept the Aggrieved Employees' interests at heart in this litigation.

19 13. I am prepared to continue assisting with this litigation and am committed to
20 achieving the best possible results for the Aggrieved Employees.

21 14. I believe that the representative action settlement obtained on behalf of the
22 Aggrieved Employees is fair and reasonable in light of the issues involved in this case. As
23 mentioned above, I reviewed and discussed the Agreement with my attorneys and asked them
24 questions about it to ensure that I understood its terms and what it would mean for all of the
25 Aggrieved Employees.

26 15. I believe that I have fairly represented the absent Aggrieved Employees and request
27 that the Court finally approve this settlement and confirm me as the named Plaintiff.

28 16. I am not aware of any conflicts of interest that prevent me from being confirmed as

1 the named Plaintiff in this action. I am not related in any way to my attorneys or to any other
2 member of the firm that is representing me. I have no business dealings or other involvement
3 beyond this lawsuit and this representation. I have not been promised any money or inducement
4 to serve as the named Plaintiff in this action.

5 17. It is my opinion that the settlement agreement provides for a fair and adequate
6 enhancement for me as the named Plaintiff, in the amount of \$5,000. I believe that this is fair and
7 reasonable in light of all of the work that I have performed in my role as the named Plaintiff. As
8 the named Plaintiff, I have actively participated in all stages of the litigation, as detailed above,
9 and have always maintained the best interests of the Aggrieved Employees while performing my
10 named Plaintiff duties.

11 18. It is also my opinion that the Litigation Enhancement is fair, reasonable, and
12 adequate because, in addition to the many hours spent participating in the prosecution of this case,
13 I accepted the potential risk of being liable for Defendant's attorneys' fees and costs if we were
14 unsuccessful in this action. Likewise, I risk the potential stigma of being a named Plaintiff in a
15 representative action labor dispute, which may affect my future employability.

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

18 Executed this 19th day of April, 2024 at Ontario, California.

19 DocuSigned by:
20 *Michael Emmens*

21 MICHAEL EMMENS
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(PROOF OF SERVICE)**[CCP 1013(a)(3)]****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On April 22, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF MICHAEL EMMENS IN SUPPORT OF MOTION FOR REPRESENTATIVE ACTION SETTLEMENT** by email a true copy thereof enclosed in a sealed envelope addressed as follows:

<i>Counsel for Defendant</i>	<i>Counsel for Plaintiffs</i>
Kathy E. Le, Esq. Kelli Dreger, Esq. JACKSON LEWIS P.C. 200 Spectrum Center Drive, Suite 500 Irvine, CA 92618 Kathy.Le@jacksonlewis.com Kelli.Dreger@jacksonlewis.com	Brad Nakase, Esq. Jared Peterson, Esq. NAKASE LAW FIRM, INC. 2221 Camino Del Rio South, Suite 300 San Diego, CA 92108 brad@NakaseLawFirm.com jared@NakaseLawfirm.com COHELAN KHOURY & SINGER Michael D. Singer msinger@ckslaw.com Marta Manus mmanus@ckslaw.com 605 C Street, Suite 200 San Diego, California 92101

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 22, 2024, at Wooldand Hills, California.



Michelle Tanzer