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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 STEPHEN CLEGG
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 MICHAEL EMMENS; [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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DECLARATION OF STEPHEN CLEGG

I, STEPHEN CLEGG, state and declare as follows:

1. I am over the age of eighteen years of age. If called as a witness, I could testify to the facts in this declaration based on my personal knowledge. I submit this Declaration in Support of the Motion for Representative Action Settlement, and my requested Plaintiff Service Payment.

2. I understand that I am representing other Aggrieved Employees, and believe that I have been and am able to continue representing them well. I am not related to any attorney working on the case, and am not aware of any interests or conflicts I have that are averse to the interests of any of the other Aggrieved Employees. I have not been promised any money or inducement to serve as the named Plaintiff in this action.

3. I was employed by Bob's Discount Furniture, LLC ("Defendant" or "Bob's") in the state of California as an exempt salesperson and store manager from approximately November 2017 through October 2022.

4. I brought this lawsuit against Bob's, on behalf of myself and all other Aggrieved Employees, because I believe that Bob's failed to reimburse necessary business expenses, failed to provide lawful meal periods, and failed to provide paid sick leave to me and other Aggrieved Employees.

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, including wage statements and company policies. I worked with my attorneys to develop the facts and legal claims in this lawsuit.

6. On January 12, 2021, after detailed discussions with my attorneys concerning my work experiences, I understand a letter was sent to the California Labor and Workforce Development Agency informing them that I, through my attorneys, would be filing a lawsuit against Bob's for violations of the Labor Code and would seek civil penalties. After the letter was sent I was told that another employee, Michael Emmens, had lodged a similar notice with California Labor and Workforce Development Agency.

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1 7. I understood that after learning of the other case, the parties decided to work
2 together and file one combined lawsuit. On April 22, 2024, our lawsuit was filed in the Los Angeles
3 County Superior Court.

4 8. I have been advised in writing, and have signed, a Joint Prosecution and Attorney
5 Fee Split Agreement, informing me that any fees awarded in this case will be divided 50% to
6 Cohelan Khoury & Singer and Nakase Law Firm, and 50% to Kingsley Szamet & Ly (formerly
7 Kingsley & Kingsley, APC), and that the total fee charged by the attorneys will in no way increase
8 the total attorneys' fees I will pay in this matter. I approve and consent to the proposed fee division.

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

17 10. I understood by representing a group of Aggrieved Employees, and not just myself,
18 the case would take much longer, I would not receive as much, and would not have a chance for a
19 quick or private settlement.

20 11. I understood by filing this lawsuit against an employer I risked losing future
21 employment opportunities because an internet search would show I sued a past employer.

22 12. I also accepted the potential risk of being liable for Defendant's attorneys' fees and
23 costs if we were unsuccessful in this action.

24 13. Despite these factors, I decided I would rather pursue a lawsuit with the potential
25 to address issues in addition to my own on behalf of others. I have always kept the Aggrieved
26 Employees' interests at heart in this litigation and am prepared to continue assisting with this
27 litigation and am committed to achieving the best possible results for the Aggrieved Employees.

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

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

16. It is my opinion that the \$5,000 Service Payment is a fair and adequate enhancement for me as the named Plaintiff in light of all of the work that I have performed and risks I have taken in my role as the named Plaintiff. This case has been going on for over 3 years. It is hard to determine exactly how much time I spent on this case over the past 40 months since my PAGA Notice was sent in January 2021. For example, I spent a lot of time just reviewing the pros and cons of filing a representative action, with my attorneys and on my own, and considering whether I could bear the risks of this lawsuit. I estimate I spent an average of 1-2 hours or a little more each month, or around 50 total hours. Some weeks required much more time than others, particularly during the time before filing the lawsuit, and the time leading up to the mediations and settlement motion. I can say that all the time I spent on the case was time I could not spend with family or friends or on other personal activities.

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

Executed on 4/15/2024, at Duarte, California.

Steven Clegg

STEPHEN CLEGG

(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 STEPHEN CLEGG IN SUPPORT OF MOTION FOR REPRESENTATIVE ACTION SETTLEMENT** by placing 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 Woodland Hills, California.



Michelle Tanzer