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Attorneys for Plaintiff,
SILVIA OSUNA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SPRING STREET

SILVIA OSUNA, individually and on behalf
of others similarly situated, and as an
aggrieved employee and Private Attorney
General; ASHLEY LOPEZ, individually and
on behalf of others similarly situated, and as
an aggrieved employee and Private Attorney
General,

Plaintiffs,

vs.

M. PERNECKY MANAGEMENT CORP.,
a California corporation d/b/a McDonald's;
MICHAEL EMMETT PERNECKY, an
individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 21STCV19885

*Assigned for All Purposes to: Hon. Stuart M.
Rice, Department 1*

CLASS ACTION

**DECLARATION OF PLAINTIFF SILVIA
OSUNA IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Hearing Date: November 19, 2025
Hearing Time: 8:30 A.M.
Department: 1

Complaint Filed: March 26, 2021
Jury Trial Date: None Set

DECLARATION OF SILVIA OSUNA

I, Silvia Osuna, declare as follows:

1. I am over 18 years of age and a resident of California. I am the proposed Class Representative in the action entitled *Osuna et. al v. M. Pernecky Management Corp. et al.*, Los Angeles County Superior Court, Case No. 21STCV19885. I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I make this Declaration in support of approval of the Parties' Joint Stipulation of Class Action Settlement ("Settlement" or "Settlement Agreement").

3. I was employed by Defendant M. Pernecky Management Corp., which does business as McDonald's, ("Defendant") from approximately November 2016 until September 2021. During my employment with Defendant, I worked as a Line Cook, was classified as an hourly non-exempt employee, and was paid on an hourly basis. During my employment, I was a witness and subject to the policies and practices that have been alleged as unlawful in this case, and which were submitted in writing to the Labor and Workforce Development Agency on my behalf.

4. In or about November 2020, I decided to seek legal advice about my experiences working for Defendant and about pursuing my grievances against Defendant. I contacted my attorneys at Proxy Law Firm LLP to discuss my employment with Defendant and the ways I believed I had been undercompensated during my employment. I have actively participated in this case since November 2020, and have talked with my attorneys at Proxy Law Firm LLP and Protection Law Group LLP extensively and discussed issues regarding Defendant's policies and practices, and generally my employment with Defendant.

5. After speaking with my attorneys, I agreed to serve as the Class Representative. As part of becoming a Class Representative, I understood that I had a responsibility to the Class. I was aware that serving as a Class Representative could involve additional work including searching for additional documents, potentially having my deposition being taken and participating in discovery, and that I might have to spend significant time working on the case. I still agreed to serve as class representative in order to recover missing wages on behalf of others

1 as well as myself. I wanted to do whatever I could to make sure Defendant was held accountable
2 for not paying its employees for all hours worked and non-compliant meal and rest breaks.

3 6. From the beginning of this case, I have understood that my claims have been not
4 only for me, but also potentially to help other employees like me, who I believe have similar
5 interests and claims. Since the filing of this lawsuit, I understood that in representing the interests
6 of other employees, I must consider their interest above my own interests in the Action. I am not
7 aware of any interests that I have had that are contrary to the interests of the proposed Class
8 Members. I also do not know of any conflict of interests that would keep me from adequately
9 representing the Class Members.

10 7. After agreeing to serve as a Class I spoke with my attorneys extensively many
11 times on a wide variety of subjects about my employment with Defendant including how things
12 were run on a day-to-day basis, Defendant's policies and practices relating to meal and rest
13 periods, how I was compensated, and the training I was provided, both with respect to my job
14 duties generally, and with respect to Defendant's employment practices.

15 8. In addition to these initial conversations, I had numerous follow up discussions
16 with my attorneys throughout the case when they encountered a problem or needed additional
17 information. I tried to make myself available and provide my attorneys with any additional
18 information they needed.

19 9. Since my case was filed, I have spent considerable time meeting with my attorneys
20 regarding the Action and fulfilling my responsibilities as the Class Representative which included
21 searching for documents I might have related to the Action, reviewing documents with my
22 attorneys, discussing issues regarding Defendant's policies, practices, and procedures, and
23 providing guidance regarding the duties of other non-exempt employees and generally my
24 employment with Defendant. The time I have spent on this matter during the past nearly four and
25 a half years, which I estimate to be around 75 hours, includes time for the following activities,
26 among other incidental tasks, all of which I believe have contributed to the result and settlement
27 achieved:

28 a. Providing detailed accounts of the facts related to my employment and

Defendant's employment practices through numerous communications with my attorneys;

- b. Searching for and gathering my employment-related documents;
- c. Discussing and assisting my attorneys in their assessment of the numerous records sent by Defendant's relating to my employment;
- d. Reviewing Defendant's discovery requests to me, including searching for and gathering potentially responsive documents;
- e. Reviewing Defendant's production of documents relating to my employment and discussing Defendant's discovery responses with my attorneys;
- f. Reviewing pleadings and filings prepared by my attorneys in this case for factual accuracy and staying updated on case developments;
- g. Participating in numerous phone calls and communications with my attorneys regarding the litigation process, discovery, Defendant's defenses and arguments, case strategy, updates, and other inquiries so that I could stay informed and updated on developments and the status of the case, and to further advance the progress of the case;
- h. Being available throughout the day by phone for each of the two mediations and answering questions relating to issues raised by Defendant at mediation; and staying updated on post-mediation settlement discussions;
- i. Reviewing, discussing, and approving the parties' Settlement Agreement; and
- j. Staying informed on developments in the case following the execution of the Settlement and understanding the next steps in the litigation.

10. Prior to each of the two mediations in this case, I had extensive discussions with my attorneys regarding Defendant's employment policies and practices. I helped my attorneys prepare the mediation briefs by providing specific examples based on my experiences working for Defendant including times I was unable to receive my meal breaks and the reasons I was unable to take my meal breaks.

1 11. When the case settled, I reviewed the Settlement Agreement and discussed its
2 terms with my attorneys. In addition, I kept in contact with my attorneys throughout the settlement
3 process and provided additional information when Class Counsel reached out to me.

4 12. As a result of prosecuting the action, I gave up time I otherwise could have spent
5 with my loved ones, including my friends and family. I have also taken time out of work. Since
6 the beginning of my involvement in this case nearly five years ago, I have asked my attorneys
7 questions whenever I needed clarification regarding the litigation process, and I have tried to
8 provide them as much information as I could regarding the claims to further the advancement of
9 the case. Although I am not a legal expert and don't have technical legal training, I always did
10 my best to ensure that the recovery of benefits in this case is favorable to my fellow co-workers.

11 13. Throughout this case, I have gathered and provided valuable factual information
12 to my attorneys, as well as responded to numerous inquiries regarding Defendant's positions,
13 through hours of document review and communications with my attorneys. I always made myself
14 available to my attorneys whenever they asked for my assistance, and I always did my best to
15 obtain any additional information that they requested to advance the case.

16 14. I believe I took on a substantial risk agreeing to serve as the Class Representative
17 in this matter despite being made aware that there was no certainty regarding the outcome of the
18 case or how long the case would ultimately take to recover the wages owed to myself and the
19 other Class Members.

20 15. I am aware that the lawsuit is public and that my name is associated with the
21 lawsuit. Although I was concerned and afraid about being the Class Representative in this public
22 lawsuit, I decided to put my own interests aside and bring a lawsuit that would be beneficial not
23 just for myself, but for all employees who worked for Defendant during the applicable time
24 period, and the State.

25 16. I have not yet suffered any adverse consequences as a result of this lawsuit, but
26 neither have I received any benefit for representing the class or for the help I provided my
27 attorneys.

28 17. In addition to the substantial time that was spent on this matter, I have also agreed

1 to a much broader general release of all claims I may have against Defendant, rather than the
2 more limited release agreed to by the class.

3 18. I believe that I have done everything that my attorneys have asked of me and have
4 tried, to the best of my ability, to represent the Class. I think that my efforts helped get the result
5 obtained in this case. Accordingly, I respectfully request that the Court award me a Class
6 Representative Incentive Payment in the amount of \$10,000.00 for my active participation in the
7 Action. Taking into consideration the time I have dedicated to the litigation, the risks I took in
8 order to recover on behalf of not just myself but others, and the general release I have entered on
9 my own behalf, I believe that this amount is reasonable.

10 19. I am not related to anyone associated with Protection Law Group, LLP or Proxy
11 Law Firm.

12 20. I am not aware of any other pending matter or action asserting claims that will be
13 extinguished or adversely affected by the Settlement.

14 21. I am not aware of any facts relevant to any actual or potential conflict of interest
15 with the settlement administrator, Phoenix Settlement Administration Solutions.

16 22. I have not entered into any undisclosed settlement agreements, nor have I received
17 any undisclosed compensation in this case. The only compensation I will receive is whatever
18 amount the Court awards as an incentive payment and my share of the Class Payment.

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

21 Executed on 6/2/2025

22 Signed by:

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24 SILVIA OSUNA
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