

Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
Brittany Shaw (SBN 331773)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff

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

MARCUS MITCHELL, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiff,

vs.

SOLNUS FOUR, LLC, a California limited
liability company; SAN PABLO HEALTHCARE
& WELLNESS CENTER, LLC, a California
limited liability company; and DOES 1 through
100, inclusive,

Defendants.

Case No.: MSC21-01062

Honorable Charles S. Treat
Department 12

**DECLARATION OF MARCUS
MITCHELL IN SUPPORT OF
PLAINTIFF'S MOTION FOR
APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (CAL.
LAB. CODE § 2698, ET SEQ.)
SETTLEMENT AGREEMENT AND
AWARD OF ATTORNEYS' FEES AND
COSTS, GENERAL RELEASE FEE,
AND SETTLEMENT
ADMINISTRATION COSTS**

[Notice of Motion and Motion for Approval
of Private Attorneys General Act (Cal. Lab.
Code § 2698, *Et Seq.*); Settlement
Agreement and Award of Attorneys' Fees
and Costs; General Release Fee, and
Settlement Administration Costs;
Declaration of Plaintiff's Counsel (Brittany
Shaw) and [Proposed] Order and Judgment
filed concurrently herewith]

Date: TBD
Time: TBD
Department: 12

Complaint Filed: May 25, 2021
Trial Date: None Set

DECLARATION OF MARCUS MITCHELL

I, **MARCUS MITCHELL**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Solnus Four, LLC and San Pablo Healthcare & Wellness Center, LLC (“Defendants”) from approximately July 2019 to October 2019 as a non-exempt, hourly-paid employee. I decided to seek legal advice about my work experiences with Defendants and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendants paid me and other employees what was owed to us and was held accountable for its practice of not properly compensating its employees for all hours worked and non-compliant meal and rest breaks. I consulted with the attorneys at Lawyers *for* Justice, PC for **3 hours** discussing my situation, representative action lawsuits under the Private Attorney General Act (“PAGA”), and what it meant to bring be a PAGA representative.

3. I have spent over **7 hours** communicating with my attorneys regarding the case and fulfilling my responsibilities as a PAGA representative, which included gathering documents concerning my employment with Defendants, reviewing documents with my attorneys, providing information regarding the duties of hourly-paid and non-exempt employees, helping develop a strategy as to what documents and information to obtain from Defendants, responding to discovery requests, and working with my counsel to draft a declaration opposing Defendants’ motion to compel arbitration. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. As the case progressed, I was available to answer any questions my attorneys had and was available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many documents as I could. I spent at least **3 additional hours** speaking with my attorneys about the

1 case, identifying potential witnesses, providing my attorneys with documents and information
2 concerning the case, and also describing policies, practices, and procedures of Defendants.

3 5. As far as the settlement is concerned, I was available to review documents and
4 answer any questions my attorneys had. I spent about **1 hour** reviewing the settlement agreement
5 and about **1 hour** asking questions and discussing the potential settlement with my attorneys
6 before signing the settlement agreement.

7 6. I believe that I have done everything that my attorneys have asked of me and have
8 tried, to the best of my ability, to seek relief for the aggrieved employees and the State of
9 California. Not only did I review and respond to discovery requests, but I also participated in
10 providing information and a declaration in opposition to Defendants' motion to compel
11 arbitration, which was ultimately denied. I think my efforts helped to get the result obtained in
12 this case.

13 7. For my broader individual waiver and release of claims with a California Civil
14 Code Section 1542 waiver (set forth in Section 8(b) of the Settlement Agreement), the
15 Settlement provides for a General Release Fee in the amount of \$15,000.00, to be paid out of the
16 Total Settlement Amount, subject to Court approval. I respectfully request that the Court award
17 me full payment of the General Release Fee.

18 8. I am not related to anyone associated with Lawyers *for* Justice, PC.

19 9. I have not entered into any undisclosed agreements, nor have I received any
20 undisclosed compensation in this case. The only compensation I will receive is whatever amount
21 the Court awards as a general release fee, as well as my share of the settlement as an aggrieved
22 employee.

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

25 Executed this 11/2 day of September 2024, at Hercules, California.

26 Electronically Signed 2024-09-12 00:31:01 UTC - 172.59.131.150

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27 Marcus Mitchell