

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)

ikhoury@ckslaw.com

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Marta Manus (SBN 260132)

mmanus@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001/Facsimile: (619) 595-3000

STONEBROOK LAW

Joseph Tojarieh (SBN 265492)

jft@stonebrooklaw.com

10250 Constellation Boulevard, Suite 100

Los Angeles, CA 90067

Telephone: (310) 553-5533/Facsimile: (310) 553-5536

Attorneys for Plaintiffs Angelyna Celio, Matthew Lytle, Robert Martin, and Donell Fort on behalf of themselves and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

ANGELYNA CELIO, MATTHEW LYTLE,
ROBERT MARTIN, and DONELL FORT,
on behalf of themselves and others similarly
situated

Plaintiffs,

v.

AIR INTERNATIONAL US, INC., a
Delaware Corporation; and DOES 1
Through 10, inclusive,

Defendants.

Case No. RG21098764

ASSIGNED FOR ALL PURPOSES TO:

The Honorable James Reilly
Department 25

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF DONELL FORT IN
SUPPORT OF MOTION FOR ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
REPRESENTATIVE ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, AND SETTING A FINAL
APPROVAL HEARING DATE**

Hearing Information

Date: August 16, 2023

Time: 3:00 p.m.

Dept: 25

Judge: Hon. James Reilly

Reservation No: 405363008773

Complaint filed: May 10, 2021

Trial Date: Not Set

1 I, Donell Fort, declare as follows:

2 1. I am over the age of eighteen years of age. If called as a witness, I could testify
3 to the facts in this declaration based on my personal knowledge. I submit this declaration in
4 support of the Motion for Preliminary Approval of Class Action and PAGA Representative
5 Action Settlement, my adequacy to serve as a representative of the Class, and my requested
6 Class Representative Service Award.

7 2. I am not related to any attorney working on the case, I am not aware of any
8 interests I have that are averse to the interests of any class member, and I do not have any
9 conflicts that would keep me from adequately representing the class. I have been and remain
10 committed to prosecuting this case vigorously on behalf of the class. I agreed to become a
11 representative and named plaintiff in this case to represent other employees who experienced
12 similar violations as me.

13 3. From March 2020 through December 15, 2020, I worked for Defendant Air
14 International US, Inc. I was an hourly non-exempt line tech employee, responsible for
15 assembling air conditioning units and boxes for a lineup.

16 4. After my employment ended, I retained the law firms of Cohelan Khoury &
17 Singer and Stonebrook Law to pursue this case as a proposed wage and hour Class and PAGA
18 Representative action. I contended some of Air International's policies and procedures were
19 unlawful, including not paying me all regular and overtime wages owed and not providing me
20 with all meal and rest breaks, which directly led to Air International's failure to provide me
21 with accurate wage statements and all wages owed to me upon my separation from the
22 company. I also contended that Air International failed to maintain a reasonably comfortable
23 temperature in the work environment for me and other employees to work in and did not
24 reimburse me for expenses related to using my personal cell phone for work-related purposes,
25 such as communicating with coworkers and with management.

26 5. While deciding whether to pursue a case against Air International, and since my
27 claims were filed with the Labor and Workplace Development Agency ("LWDA") and in this
28 lawsuit almost two years ago, I have had many calls with my attorneys, and exchanged many

1 emails with them, and provided all the documents and records they requested about my
2 employment, including earnings statements, work schedules, and other similar documents. I
3 also signed documents, so that my attorneys could request additional employment and payroll
4 records from Air International.

5 6. I agreed to file this lawsuit to help others who were not aware of their rights or
6 were afraid to complain for fear of losing their jobs. I understood the lawsuit could continue for
7 well over a year or two, which it has, and require my attention the entire time.

8 7. I understood by filing a class action against an employer I risked losing future
9 jobs because an internet search would show I sued a past employer.

10 8. Despite the risks, I am proud to have my name on the case and to have caused
11 Air International to pay my fellow employees a substantial amount because I filed it.

12 9. As part of my duties and responsibilities as a Class Representative, I was
13 informed Air International had the right to take my deposition. I was told my deposition
14 preparation and deposition itself would take multiple days, and that my attorneys would
15 prepare me so that I would be comfortable when giving my testimony. Although my deposition
16 was ultimately not taken, I feel I would have been adequately prepared and able to testify
17 effectively about my experience at Air International.

18 10. To prepare for mediation, in December 2022, I discussed the case in detail with
19 my attorneys, including its potential strengths and weaknesses. I believe my thorough
20 knowledge of Air International's practices helped them to evaluate the claims, assess the
21 potential damages, and develop persuasive presentations for the mediation.

22 11. I made myself available the day of mediation. I believe my efforts helped obtain
23 the results in this case. I reviewed the Memorandum of Understanding following mediation,
24 discussed it with my attorneys, and signed it.

25 12. I have reviewed the proposed settlement agreement in this case, and after
26 discussions with my attorneys, signed it. Based on my involvement and the issues and risks
27 involved in this case, I believe the proposed settlement obtained on behalf of the Class is a
28 good result.

1 13. I understand I am eligible for an additional payment for acting as a class
2 representative, and that this payment is subject to Court approval. Considering the risks that I
3 took, the money class members will receive as part of the settlement, and the years I waited to
4 receive anything, I believe the requested service award of \$7,500 is reasonable.

5 14. My involvement in this case includes: (1) searching for and finding an attorney
6 to handle this case; (2) initiating the case and being an active participant throughout; (3)
7 numerous conferences with my attorneys; (4) searching for and providing information and
8 documents to my attorneys; (5) beginning to prepare for my deposition, although not taken; (6)
9 risking the payment of Defendant's legal costs and having a judgment entered against me if we
10 lost the case; (7) being available on day of mediation; (8) consenting to the Settlement, and
11 then reviewing and signing the Memorandum of Understanding and Settlement Agreement; (9)
12 facing the potential loss of job opportunities for having filed a lawsuit against a former
13 employer; and (10) the time I spent on this case, both before and after it was filed is time lost
14 from pursuing other interests, and being with friends and family.

15 I declare under the penalty of perjury under the laws of the State of California the
16 foregoing is true and correct and this declaration is executed 2/3/2023, in Lincoln,
17 California.

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19 Donell Fort

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