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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

AMY PHELAN, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

RLS-CMC, INC., a Delaware Corporation;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: CVRI2101907
*[Assigned to Hon. Harold Hopp, Dept 1, for all
purposes]*

**DECLARATION OF PLAINTIFF AMY
PHELAN IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing

Date: March 8, 2024

Time: 8:30 a.m.

Dept.: 1

Complaint filed: 4/13/2021

I, Amy Phelan, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of
all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for final approval of the class
action settlement. I believe that the settlement is fair and reasonable and constitutes a fair
resolution of the claims alleged.

3. During my employment with RLS-CMC, there were several issues that concerned
me and which I thought did not comply with California law, such as not being paid properly and

1 not getting proper meal periods and rest breaks. Even though I was unsure if I wanted to bring a
2 lawsuit because of the risk of stepping forward as a whistle blower (since this could jeopardize
3 my livelihood in the industry and make it difficult to find future jobs), I retained Lauby, Mankin
4 & Lauby LLP to proceed with this class action because I did not think that myself or the other
5 employees were being treated correctly.

6 4. When I first retained my attorneys (Lauby, Mankin & Lauby) and chose to pursue
7 this case on a class action basis, I understood that I had specific burdens as the “Class
8 Representative,” which included: (a) representing the interests of all class members, (2)
9 considering the interests of all class members above my own personal interests, (3) participating
10 actively in the lawsuit, including potential testimony at deposition and trial, and keeping
11 generally aware of the status and progress of the lawsuit. Moreover, I understood that any
12 resolution of the lawsuit is subject to court approval and must be designed in the best interests of
13 the class as a whole.

14 5. As part of this settlement, I expect to receive \$2,006.75 as a class member and the
15 Parties have agreed to provide me (with the Court’s approval) a service award of \$5,000. I
16 respectfully request that the court approve the service award for the following reasons.

17 6. First, as outlined above, I have spent substantial time working on this case and
18 have performed substantial services for the Class to help obtain a highly beneficial settlement for
19 my fellow employees. Since first initiating this action, I estimate that I have spent at least sixty
20 (60) hours engaged in activities to benefit the class. I have assisted my attorneys in numerous
21 ways, including helping to explain and discuss the company’s practices and their general
22 practices and procedures, locating and analyzing company documents, and communicating with
23 other class members. These efforts occurred through numerous meetings with Class Counsel,
24 telephone conferences, letters, emails, and text communications. I also assisted in preparation for
25 mediation helped obtain a positive result for the class and reviewed all settlement documents.
26

27 7. Second, I respectfully request that the Court approve the agreed-upon service
28 award because I agreed to set aside my personal interests and to put the interests of the class

1 ahead or on par with my own. In doing so, and by successfully bringing this case as a class
2 action, I helped to obtain a highly beneficial settlement for the class members.

3 8. Third, as a condition of this class action settlement, I was required to release and
4 waive all possible individual claims against the company – something that none of the other class
5 members were required to give up.

6 9. Fourth, by bringing this case as a class action, I undertook significant risks and
7 stresses at a high emotional cost without any guarantee of success. For example, filing this
8 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
9 worried about the risk that this case could impact my ability to find future jobs. And this
10 stress/risk lasted for the entire case, and I'm worried it may make it hard to find a job in the
11 future since the case information is all available online.

12 10. Fifth, bringing this case also came with a major financial risk because, if I lost the
13 case, I would be required to pay the company's costs, which could be over \$10,000, and there
14 was a chance they could try to make me pay their attorneys' fees as well.

15 11. Therefore, I respectfully request that the Court award the full requested service
16 award since that amount is justified based on the facts above.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed on Feb 5, 2024, at Perris, California.

19
20 By:


[amy.phelan \(Feb 5, 2024 13:03 PST\)](#)
Amy Phelan