

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
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 RIVERSIDE**

SAMUEL ELLIOTT, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the California
Private Attorneys General Act;

Plaintiff,

vs.

MED-DATA, INCORPORATED, CARDON
HEALTHCARE NETWORK, INC.,
DIVERSIFIED HEALTHCARE SERVICES,
INC., ALEGIS REVENUE GROUP, LLC,
AND MEDNAX SERVICES, INC; and DOES
1 through 100, inclusive,

Defendants.

Case No.: RIC1901865

Honorable Craig C. Riemer
Department 1

CLASS ACTION

**DECLARATION OF SAMUEL ELLIOT
IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT,
ATTORNEYS' FEES, COSTS, AND
ENHANCEMENT AWARD**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Award; Declaration of Class Counsel (Edwin
Aiwaizian); Declaration of Settlement
Administrator (Cassandra Polites);
and [Proposed] Final Approval Order and
Judgment filed concurrently herewith.]]

Date: August 12, 2022
Time: 9:00 a.m.
Department: 1

Complaint Filed: March 13, 2019
FAC Filed: September 9, 2021
SAC Filed: March 9, 2022
Trial Date: None Set

DECLARATION OF SAMUEL ELLIOT

I, **Samuel Elliot**, 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 Defendant Med-Data, Incorporated ("Med-Data") in an hourly-paid, non-exempt position from approximately March 2017 to October 2017. I decided to seek legal advice about my work experiences with Med-Data 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 Med-Data paid me and other employees what was owed to us for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 10 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 8 hours to discuss my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act ("PAGA") in general, and what it meant to be a named plaintiff, class representative, and, eventually, a PAGA representative.

3. I have spent over 20 hours meeting and communicating with my attorneys and fulfilling my responsibilities as a class representative in this case, which included gathering documents concerning my employment with Med-Data, reviewing documents with my attorneys, answering their questions, providing guidance regarding the work performed by non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Med-Data. I frequently checked in with my attorneys and their staff to make sure that they had my most current information and any additional information that I had obtained. Prior to commencing the case, I was informed of and came to understand what my duties and responsibilities would be as a proposed class representative as to the class claims.

4. As the case progressed, I was available to answer any questions my attorneys had, and available to speak and meet with them whenever they needed me. I responded to my

1 attorneys as quickly as possible and gave them as much information and identified as many
2 documents as I could. I spent at least 16 additional hours speaking with my attorneys about the
3 case, identifying potential witnesses, providing my attorneys with documents and information
4 concerning the case, and also describing policies, practices, and procedures of Med-Data.

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

9 6. I believe that I have done everything that my attorneys have asked of me and have
10 tried, to the best of my ability, to represent the class. I think my efforts helped to get the result
11 obtained in this case, and as a class and proposed PAGA representative, I respectfully request
12 that the Court award me an enhancement award in the amount of \$10,000.00 for my active
13 participation in this case. Taking into consideration the time that I have dedicated to this case, I
14 believe that this amount is reasonable.

15 7. My attorneys estimated Med-Data's exposure for my individual claims to be
16 approximately \$9,773.00. These estimates were based on my average hourly rate of \$18.00 from
17 March 2017 to October 2017, and included \$1,674.00 for unpaid overtime wages (31 weeks x 2
18 hours x \$27.00), \$558.00 for unpaid minimum wages (31 weeks x 1 hour x \$18.00), \$558.00 for
19 meal period claims (31 weeks x 1 premium payments x \$18.00), \$558.00 for rest periods claims
20 (31 weeks x 1 premium payments x \$18.00), \$1,450 for wage statement claims ([1 initial
21 violation x \$50] + [14 subsequent violations x \$100]), \$4,320 for waiting time penalties (30 days
22 x 8 hours x \$18.00), \$155 for business-related expenses (31 weeks x \$5), and \$500.00 for PAGA
23 (25% of the \$2,000 civil penalties that could be recovered for each aggrieved employee).

24 8. I am not related to anyone associated with Lawyers *for* Justice, PC. Also, I do not
25 have any relationship with the proposed *cy pres* recipient Voluntary Legal Services Program –
26 Employment Law Clinic.

27 9. I am not, and have never been, a named class or PAGA representative in any
28 other case, pending or closed.

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

Electronically Signed: 2022-07-21 17:44:33 UTC - 216.1.219.5

Samuel Elliott

Nintex AssureSign® 051ae730-af33-45d2-a1f6-aed8017973df

3