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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MAHO LAZO, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

PROTERRA OPERATING COMPANY,
INC., a corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 21STCV30663

Assigned for All Purposes to:
Honorable Yvette M. Palazuelos
Department 9

CLASS ACTION

**DECLARATION OF AMAR KHATIB RE
ADEQUACY IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Notice of Motion and Motion for Preliminary
Approval; Declaration of Proposed Class
Counsel (Douglas Han); Declarations of
Proposed Class Representatives (Maho Lazo,
Stephanie Bitetti, Kathy Thai, Michele
Thorne, and Anthony Diaz); Declaration of
Julie Green; Declaration of Joan Graff; and
[Proposed] Order filed concurrently herewith]

Hearing Date: October 5, 2023
Hearing Time: 10:00 a.m.
Hearing Place: Department 9

Complaint Filed: August 19, 2021
FAC Filed: March 22, 2023
Trial Date: None Set

1 JUSTIN F. MARQUEZ (SBN 262417)
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9 *Attorneys for Plaintiffs Maho Lazo and Stephanie Bitetti*
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DECLARATION OF AMAR KHATIB

I, **AMAR KHATIB**, hereby declare as follows:

1. I am over eighteen (18) years old and am a resident of California. I make this declaration based on my personal knowledge. If called to testify, I could and would testify to the facts contained herein.

2. I am a former employee of Defendants. I worked for Defendants during the relevant time period as an hourly-paid, non-exempt employee.

3. During my employment, I worked one (1) or more shifts over three and one-half (3.5) hours in length.

4. During my employment, I worked one (1) or more shifts between six to ten (6-10) hours in length.

5. During my employment, I was paid on an hourly basis and classified as a non-exempt employee.

6. During my employment, it was often the case that I was forced to work additional hours off-the-clock for which Defendants did not compensate me.

7. During my employment, I was required to purchase various equipment and use my personal cell phone pursuant to the performance of my duties. Yet, Defendants did not reimburse me for these expenses.

8. I know I am one of the proposed class representatives for this lawsuit and that I have the following duties as the class representative:

- a. Represent the interests of all members of the Class;
- b. Always consider the interests of the Class just as I would consider my own interests and put the interests of the Class before my own interests;
- c. Serve as the fiduciary of the Class, meaning I cannot “sell out” the Class for my own personal gain;
- d. Always actively participate in the lawsuit by, amongst other things, searching for documents, keeping in contact with my attorneys, and answering their questions and inquiries as needed – which I believe I have done so far; and

1 e. Follow the progress of the lawsuit and provide all relevant facts to my attorneys.

2 9. I have spent a substantial amount of time on this litigation performing my duties
3 as the class representative. Among other things, I have met with my attorneys concerning the
4 case and performed my responsibilities as the class representative. My responsibilities included:
5 (a) gathering my employment documents (*i.e.*, personnel records); (b) reviewing documents
6 with my attorneys and answering any pertinent questions they posed; (c) providing the names
7 and contact information of putative class members for my attorneys to locate and interview; (d)
8 speaking with other current and former employees of Defendants; (e) providing guidance
9 regarding other employees' duties and responsibilities; (f) discussing my employment
10 experience and work environment created by Defendants; (g) looking over the formal discovery
11 requests before propounding them onto Defendants and helping my attorneys review
12 Defendants' responses; (h) reviewing the operative complaints, Defendants' answer, and
13 Settlement Agreement (and exhibit); (i) helping to develop a strategy to obtain additional
14 documents; and (j) preparing for and making myself available participate in mediation and
15 provide my input. I also routinely checked in with my attorneys and their staff to ensure they
16 had my most current information and any additional material I obtained from speaking to
17 current and former employees of Defendants.

18 10. Throughout this case, I made myself accessible to meet and speak with my
19 attorneys whenever they needed me. I responded to my attorneys as quickly as possible and
20 gave them as much information as I could gather. I have also dedicated a fair amount of my
21 time to discussing the case with my attorneys and sending them potentially relevant documents
22 and information. As far as the settlement itself is concerned, I was available to review and
23 approve the Settlement Agreement (and exhibit) and ask pertinent questions. In short, I have
24 expended a significant amount of time and resources to help prosecute this matter.

25 11. During my employment, I was frequently forced to work additional hours off-
26 the-clock for which Defendants failed to pay me. Firstly, there was usually a line of employees
27 attempting to use the timeclock at the same time. This forced me to arrive at work earlier than
28 my scheduled shifts to avoid risking late clock ins. By extension, this line of employees trying

1 to simultaneously use the timeclock also pressured me into cutting my breaks short to avoid
2 giving the appearance of taking lengthy breaks. Secondly, even after I had completed my shifts
3 and clocked out for the day, supervisors still expected me to continue working. These instances
4 of post-shift off-the-clock work included supervisors ordering me to clean up my work area
5 and/or put items away. Despite these instances of off-the-clock work, Defendants never
6 compensated me for these additional hours worked.

7 12. During my employment, Defendants also required me to incur various expenses
8 for which I was not reimbursed. For example, pursuant to the effective performance of my
9 duties, Defendants expected me to purchase steel-toed boots and protective glasses. Defendants
10 also required me to use my personal cell phone to communicate with supervisors and to send
11 them pictures of things that were off. Yet, Defendants did not reimburse me for these various
12 expenses that I incurred throughout my employment.

13 13. Finally, following my employment, Defendants still did not pay me all the wages
14 I was owed, including minimum wages and overtime wages. In other words, Defendants have
15 not paid me all wages owed during and after my employment.

16 14. I believe my interests in this litigation are aligned with the interests of the Class,
17 and I do not have any actual or potential conflicts of interest with the Class. Consequently, I
18 believe I am an adequate class representative for this lawsuit.

19 15. I do not have any actual or potential conflicts of interest with the Administrator.

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

22 17. I believe I have done everything my attorneys have asked of me, and I have tried
23 to represent Class Members to the best of my abilities. I also understand as part of the
24 Settlement Agreement, I had to provide a general release of all my known or unknown claims
25 against Defendants that other Class Members were not required to provide. This included
26 expressly waiving and relinquishing the provisions, rights, and benefits, if any, of section 1542
27 of the Civil Code. I understand I could face the risk of being passed over for employment
28 opportunities in the future when compared to other candidates who have not been a part of class

1 action and representative lawsuits against their employers. Therefore, I have exchanged my
2 personal gain for the benefit of Class Members.

3 18. I am not related to anyone associated with Justice Law Corporation and Wilshire
4 Law Firm, have not entered into any undisclosed agreements, and have not been promised or
5 received any undisclosed compensation in this case.

6 19. I understand the Class Representative Service Payment of \$7,500 I am seeking
7 for my work and efforts, for undertaking the risk of having a judgment for attorneys' fees and
8 costs entered against me, and for my general release of claims is not guaranteed in the sum
9 sought and is subject to Court approval.

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11 I declare under penalty of perjury under the laws of California the foregoing is true and
12 correct to the best of my knowledge. Executed on 05/17/2023 in Fremont, California.

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Amar Khatib