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Attorneys for Plaintiffs Amar Khatib, Kathy Thai, Michele Thorne, and Anthony Diaz

**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 MICHELE THORNE
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, Amar Khatib, Kathy Thai,
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

JUSTIN F. MARQUEZ (SBN 262417)
BENJAMIN H. HABER (SBN 315664)
ARRASH T. FATTAHI (SBN 333676)

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I, **MICHELE THORNE**, 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 worked one (1) or more shifts up to twelve (12) hours in length.

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

7. During my employment, I was regularly forced to forgo taking compliant breaks for reasons set forth below. Despite these violations, Defendants did not have a policy or practice of paying me premium wages for noncompliant breaks.

8. During my employment, Defendants pressured me to work off-the-clock but did not compensate me for these additional hours worked.

9. During my employment, I was expected to use my personal cell phone for work-related purposes for which Defendants did not reimburse.

10. 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;

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

11. I have spent a significant amount of time on this matter performing my duties as the class representative. Among other things, I have met with my attorneys concerning the case and performed my responsibilities as the class representative. My responsibilities included: (a) gathering my employment documents (*i.e.*, personnel records) to give my attorneys an idea of the policies, practices, and procedures in place; (b) reviewing documents with my attorneys and answering all their questions and inquiries as soon as possible; (c) providing the names and contact information of putative class members for my attorneys to locate and interview; (d) speaking with other current and former employees of Defendants; (e) providing guidance regarding other employees’ duties and responsibilities to help determine commonality and typicality; (f) discussing my employment experience and work environment created by Defendants; (g) looking over the written notices sent to the California Labor and Workforce Development Agency and Defendants; (h) reviewing the operative complaint and Settlement Agreement (and exhibit); (i) helping my attorneys develop a strategy to obtain additional documents from Defendants and other sources to corroborate my claims; and (j) preparing for and making myself available participate in mediation and provide my input. I also routinely checked in with my attorneys and their staff to ensure they had my most current information and any additional material I obtained.

12. I have made myself available to meet and speak with my attorneys whenever they needed me. I have responded to my attorneys’ questions and inquiries as quickly as I could and supplied them with as much information as I could gather. I have dedicated a fair amount of my time to discussing the case with my attorneys and sending them relevant documents. As far as the settlement is concerned, I made myself available to review and approve the Settlement

1 Agreement (and exhibit) and ask any relevant questions. In short, I have expended a
2 considerable amount of time and resources to help with this matter.

3 13. During my employment, I was usually pressured into forgoing receiving
4 compliant breaks. For instance, whenever there was a meeting scheduled to take place at the
5 same time as a scheduled break, Defendants expected me to skip my break to attend the
6 meeting. This extended to Defendants not permitting me to take additional breaks despite
7 working the requisite number of hours and not signing a waiver. Similarly, because Defendants
8 prioritized production above all else, if there was an issue on the production line, I was expected
9 to postpone taking an upcoming break to address this issue to avoid causing delays down the
10 line. Finally, despite these violations, Defendants did not have a policy or practice of paying me
11 premium wages for noncompliant breaks.

12 14. During my employment, Defendants failed to compensate me for all hours
13 worked. Firstly, there was usually a line of employees attempting to use the timeclock at the
14 same time. This, in turn, forced me to arrive at work earlier than my scheduled shifts to avoid
15 appearing tardy and exposing myself to disciplinary action. Secondly, Defendants required me
16 to wear personal protective equipment (“PPE”) pursuant to the performance of my duties but
17 expected me to don and doff my PPE before clocking in and after clocking out. Finally, before I
18 had an opportunity to clock in, supervisors would go over morning meetings with me.

19 15. During my employment, Defendants required me to use my personal cell phone
20 for work-related purposes. This included texting and calling my supervisors to speak to them
21 about upcoming meetings and issues that arose at work. Yet, Defendants never reimbursed me
22 for using my personal cell phones for work-related purposes.

23 16. Finally, following my employment, Defendants still did not pay me all the wages
24 I was owed, including minimum wages, overtime wages, and premium wages. In other words,
25 Defendants have not paid me all wages owed during and after my employment.

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

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

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

20. I believe I have done everything my attorneys have asked of me, and I have tried to represent Class Members to the best of my abilities. I understand as part of the Settlement Agreement, I had to provide a general release of all my known or unknown claims against Defendants that other Class Members were not required to provide. This included expressly waiving and relinquishing the provisions, rights, and benefits, if any, of section 1542 of the Civil Code. In addition, I understand I could face the risk of being passed over for employment opportunities in the future when compared to other candidates who have not been a part of class action and representative lawsuits against their employers. In other words, I have exchanged my personal gain for the benefit of Class Members.

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

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

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

Michele R Thorne
Michele Thorne