

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 MAYA CHEAITANI (SBN 335777)
maya@spivaklaw.com
3 THE SPIVAK LAW FIRM
4 8605 Santa Monica Bl
PMB 42554
5 West Hollywood, CA 90069
Telephone: (213) 725-9094
6 Facsimile: (213) 634-2485
7 Attorneys for Plaintiff(s),
8 AKANKSHA MASSEY, and all others similarly situated

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12 **(UNLIMITED JURISDICTION)**

13 AKANKSHA MASSEY, on behalf of herself and
14 as an “aggrieved employee” on behalf of other
15 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18 CHILDREN OF THE NIGHT, a California
19 corporation; and DOES 1–50, inclusive,

20 *Defendants.*

Case No. 21STCV30464

**DECLARATION OF AKANKSHA
MASSEY IN SUPPORT OF MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: December 5, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 20, The Honorable Kevin
C. Brazile
Reservation ID: 123818046945

Action filed: August 17, 2021
Trial Date:

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Akanksha Massey; and
3. [Proposed] Order and Judgment Approving PAGA Settlement



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 91403

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3 **DECLARATION OF AKANKSHA MASSEY IN SUPPORT OF MOTION FOR**

4 **APPROVAL OF PAGA SETTLEMENT**

5 I, AKANKSHA MASSEY, declares as follows:

6 1. I am a resident of the City of Reseda in the State of California and am over 18
7 years of age. I am the named Plaintiff in this action and am represented by David Spivak of The
8 Spivak Law Firm and Walter Haines of United Employees Law Group in this action. Except as
9 otherwise stated, I have personal knowledge of all matters set forth in this declaration and could
10 and would competently testify thereto if called upon to do so as a witness.

11 2. My employment with Children Of The Night began on or about October 5, 2020
12 and ended on November 17, 2020. I worked for Children Of The Night as a tutor employee.

13 3. I understand that this lawsuit is a Private Attorney General action, otherwise
14 known as a PAGA lawsuit. I understand that I am the Plaintiff and that Children Of The Night
15 is the Defendant. I understand that my name is on the cover of the lawsuit. I understand that I
16 am the representative of other Children Of The Night employees. As the representative in this
17 lawsuit, I have duties to the State of California and other employees like me who didn't receive
18 meal periods on time and rest periods in which we could leave the Children Of The Night
19 worksite. I also understand that my lawsuit is on behalf of the State of California. I have fairly
20 represented the other employees and the State throughout this lawsuit.

21 4. I was present for the mediation and I participated in it. The mediation ended with
22 a Settlement Agreement between me, on behalf of the State of California and the other hourly,
23 non-exempt employees of Defendant, and the Defendant. I understand that the Court will decide
24 whether to approve the Settlement if it is in the best interests of Defendant's other hourly, non-
25 exempt employees and the State. I don't have any disagreements with the other Children Of The
26 Night employees I represent. I am not aware of any reason why I can't make the best decisions
27 for them in this lawsuit.

28 5. I understand that my attorneys have asked the Court to pay me \$5,000.00 in
addition to my share of the Settlement money that the Court will divide among all the employees
whose rights were violated. I believe this amount is fair for the time I have spent and my



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1 involvement in this lawsuit. I also believe it is fair because of the risk that the Court could order
2 me to pay Children Of The Night's court costs if I lose the case. Additionally, I believe it is fair
3 because I am giving up rights that the other hourly employees are not giving up to settle this
4 lawsuit.

5 6. As part of this Settlement, I am giving up my right to sue Defendant for anything.
6 I understand that if I had filed a personal lawsuit that did not involve the other employees or the
7 State of California, I probably could have settled the case with Children Of The Night long ago
8 for much more than \$5,000.00 in unpaid wages and monetary penalties. I think it is fair that the
9 Court pay me the \$5,000.00 award for these reasons and others I list below.

10 7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would
11 be the representative of the other hourly, non-exempt employees and the State of California. In
12 agreeing to be their representative, I agreed that their interests in the lawsuit are as important as
13 my personal interests in suing Children Of The Night. I agreed that when deciding whether or
14 not to settle this lawsuit, I would do what is in the best interest of the other hourly, non-exempt
15 employees and the State. I also agreed to actively participate in the lawsuit by answering
16 questions and requests for documents and other evidence by my attorneys and Children Of The
17 Night's attorneys. I understand that this process is known as "discovery." I understand that I
18 also agreed to be interviewed under oath by the attorneys for Children Of The Night. I
19 understand that this process is known as a "deposition." As the representative of the other hourly,
20 non-exempt employees and the State of California, I have agreed to travel to the Court and to
21 the offices of the lawyers for Children Of The Night to testify about the case. I also understand
22 that there will only be a settlement of the lawsuit if the Court allows it. As the representative of
23 the other employees and the State of California, I have agreed to follow the progress of the
24 lawsuit. I have done this since I hired my attorneys by reading the court documents they send
25 me and by speaking with them over the phone. I understand that, even though I agreed to perform
26 these tasks and accept these responsibilities, the Court can choose not to pay me any more money
27 from the Settlement than the other Children Of The Night employees will receive, even though
28 they have not performed these tasks and accepted these risks and responsibilities. I have spent
over 58.75 hours of my time on activities related to this lawsuit, including reading the court
documents and speaking with my attorneys. Attached as **Exhibit A** to this declaration is a true
and correct copy of a list of the work I have done on this case. It includes estimates of the amount

1 of time I spent on each task. The work I have done on this case includes hiring my attorneys,
2 speaking with my attorneys on many occasions by phone, explaining what my employment at
3 Children Of The Night was like, explaining what my employment at Children Of The Night had
4 in common with other employees who worked for Children Of The Night, helping my attorneys
5 find witnesses, documents, and other evidence, explaining my claims to my attorneys, attending
6 a full day of mediation, and communicating with my attorneys about the settlement agreement
7 and related documents. I have also carefully reviewed the Settlement agreement and other
8 documents to make sure that the Settlement and other work my attorneys performed are in the
best interests of the employees I represent and the State of California.

9 8. Because I filed this lawsuit, there is a public record at the Court showing my
10 name on the cover of the complaint for anyone to see. Any potential employer who finds the
11 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
12 a potential employer from choosing to hire me. An award of \$5,000.00 is not equal to the harm
I would suffer if I can't find another job in the future.

13 9. Based on the time I have spent on the lawsuit, the risk I will have to pay Children
14 Of The Night court costs if I lose, the harm to my chances of getting jobs in the future, and my
15 agreement to give up any personal claims for unpaid wages and monetary penalties I have
16 against Children Of The Night, my request for an award of \$5,000.00 is fair and reasonable.

17 I declare under penalty of perjury of the laws of the State of California that the foregoing
18 is true and correct to the best of my knowledge.

19 Executed on Thursday, November 04, 2022 in Reseda, California.



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21 AKANKSHA MASSEY,
22 Plaintiff and Declarant



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EXHIBIT A

Client Time Log Exhibit

Approximate Date	Activity:	Hours
12/4/2020	Calls and/or texts with law firm	1.00
12/4/2020	Emails to/from law firm	0.17
12/7/2020	Calls and/or texts with law firm	0.33
12/7/2020	Calls and/or texts with law firm	0.08
12/23/2020	Calls and/or texts with law firm	0.58
1/8/2021	Calls and/or texts with law firm	0.08
1/13/2021	Reviewing documents: Other docs from law firm	0.50
1/14/2021	Reviewing documents: Retainer/FAQ	1.50
1/15/2021	Calls and/or texts with law firm	0.33
1/29/2021	Emails to/from law firm	2.00
2/1/2021	Calls and/or texts with law firm	0.17
3/5/2021	Emails to/from law firm	0.33
3/5/2021	Calls and/or texts with law firm	0.25
3/8/2021	Reviewing documents: Other docs from law firm	0.17
3/9/2021	Reviewing documents: Other docs from law firm	0.33
3/10/2021	Gathering information and/or documents	2.00
3/11/2021	Emails to/from law firm	0.50
3/11/2021	Emails to/from law firm	0.58
3/11/2021	Gathering information and/or documents	0.50
3/11/2021	Emails to/from law firm	0.25
3/29/2021	Calls and/or texts with law firm	0.17
4/23/2021	Calls and/or texts with law firm	0.25
5/3/2021	Calls and/or texts with law firm	0.92
5/3/2021	Calls and/or texts with law firm	0.92
5/3/2021	Gathering information and/or documents	0.50
6/2/2021	Calls and/or texts with law firm	0.50
6/4/2021	Calls and/or texts with law firm	0.42
6/10/2021	Calls and/or texts with law firm	0.25
6/11/2021	Reviewing documents: Complaint	1.50
6/11/2021	Emails to/from law firm	0.25
6/14/2021	Emails to/from law firm	0.50
6/15/2021	Emails to/from law firm	0.25
6/15/2021	Calls and/or texts with law firm	0.08
6/15/2021	Emails to/from law firm	0.25
6/18/2021	Emails to/from law firm	0.50
6/20/2021	Emails to/from law firm	0.75
6/20/2021	Emails to/from law firm	1.00
6/21/2021	Emails to/from law firm	0.50
6/21/2021	Emails to/from law firm	0.75
6/21/2021	Calls and/or texts with law firm	1.50
6/29/2021	Reviewing documents: Complaint	1.00
6/29/2021	Emails to/from law firm	1.00
7/1/2021	Emails to/from law firm	0.33
7/2/2021	Emails to/from law firm	0.75
7/2/2021	Emails to/from law firm	0.50
7/12/2021	Emails to/from law firm	0.50

Client Time Log Exhibit

Approximate Date	Activity:	Hours
8/23/2021	Emails to/from law firm	0.75
9/2/2021	Reviewing documents: Complaint	2.00
10/18/2021	Reviewing documents: Other docs from law firm	0.33
12/20/2021	Emails to/from law firm	1.50
1/3/2022	Reviewing documents: Other docs from law firm	0.33
1/5/2022	Reviewing documents: Other docs from law firm	0.50
1/10/2022	Emails to/from law firm	0.25
1/10/2022	Emails to/from law firm	0.33
1/11/2022	Reviewing documents: Other docs from law firm	1.00
2/4/2022	Reviewing documents: Other docs from law firm	0.25
3/22/2022	Emails to/from law firm	0.75
3/23/2022	Emails to/from law firm	0.50
3/25/2022	Emails to/from law firm	0.50
3/25/2022	Emails to/from law firm	0.17
3/25/2022	Emails to/from law firm	0.17
3/30/2022	Calls and/or texts with law firm	0.50
4/15/2022	Reviewing documents: Other docs from law firm	0.33
5/24/2022	Calls and/or texts with law firm	0.08
5/27/2022	Emails to/from law firm	0.17
5/27/2022	Emails to/from law firm	0.50
5/31/2022	Reviewing documents: Other docs from law firm	4.00
6/1/2022	Emails to/from law firm	0.50
6/1/2022	Emails to/from law firm	0.17
6/1/2022	Emails to/from law firm	0.75
6/1/2022	Emails to/from law firm	0.17
6/2/2022	Emails to/from law firm	0.50
6/2/2022	Mediation: participation time	8.00
6/2/2022	Gathering information and/or documents	1.00
6/4/2022	Emails to/from law firm	0.50
6/7/2022	Reviewing documents: Other docs from law firm	0.50
6/8/2022	Reviewing documents: Settlement Agreement	0.50
6/8/2022	Emails to/from law firm	0.17
6/9/2022	Reviewing documents: Other docs from law firm	0.25
6/13/2022	Emails to/from law firm	0.25
7/13/2022	Reviewing documents: Settlement Agreement	1.00
7/14/2022	Reviewing documents: Settlement Agreement	1.00
7/15/2022	Emails to/from law firm	0.17
7/18/2022	Emails to/from law firm	0.17
7/19/2022	Reviewing documents: Settlement Agreement	0.75
	Total	58.75