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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO**

10 GIANA BENSON, an individual; and
11 MONICA FOWLER, an individual, on
12 behalf of themselves and all others
similarly situated,

13 Plaintiffs,

14 v.
15

16 F21 OPCO, LLC dba FOREVER 21, a
17 Delaware Corporation; and DOES 1-10,
inclusive,

18 Defendants.
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20 GIANA BENSON, and on behalf of the
general public as private attorneys general,

21 Plaintiffs,

22 v.
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24 F21 OPCO, LLC dba FOREVER 21, a
Delaware Corporation; and DOES 1-10,
inclusive,

25 Defendants.
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Lead Case No.:
37-2021-00024619-CU-OE-CTL

Consolidated with:
Benson v. F21 OPCO, LLC, San Diego County,
37-2021-00037256-CU-OE-CTL

Assigned for All Purposes To:
Judge: Eddie C. Sturgeon
Dept.: C-67

DECLARATION OF PLAINTIFF GIANA BENSON IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND ENTERING JUDGMENT

Date: October 6, 2023
Time: 9:00 a.m.

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1 I, Giana Benson, declare as follows:

2 1. I am one of the named plaintiffs in this action. I have personal knowledge of all
3 the facts in this declaration and, if asked, I would testify to these facts under oath in court.

4 2. I submit this declaration in support of the Motion for Order Granting Final
5 Approval of Class Action and PAGA Settlement and Entering Judgment ("Motion"). This
6 declaration supplements my previous declarations in support of the Motion for Preliminary
7 Approval of the Settlement.

8 3. I am informed that the Settlement Administrator mailed the Notices to the Class on
9 June 12, 2023, including myself. I understand that no Class Members have submitted an objection
10 to the Settlement. I also understand that two Class Members have requested exclusion. I understand
11 that as a result of our efforts in this lawsuit and the related lawsuit, 9,650 Class Members will
12 participate in the Settlement and receive an individual settlement payment.

13 4. I believe the fact that 99.98% of the Class elected to participate in the Settlement
14 and there were no objections to any aspect of the Settlement supports the position that the
15 Settlement is fair, adequate and reasonable.

16 5. I understand that the average settlement payment to each Class Member is
17 approximately \$282.44. I also understand that as a Class Member, I will receive an individual
18 settlement payment according to the same formula as all other Class Members.

19 6. I am requesting the Court approve a \$10,000 Enhancement Payment to myself in
20 connection with the settlement. I believe the amount of the Enhancement Payment is very
21 reasonable considering the financial and professional risks I took by bringing a class action lawsuit
22 against my former employer, including the potential of paying court-awarded litigation costs to
23 Defendants and the negative exposure to future employers. I further believe this amount is
24 reasonable considering the amount of work and time I spent with my attorneys to achieve this
25 excellent settlement. As detailed in my previous declaration, I spent numerous hours working with
26 my attorneys on this case including making myself available to answer questions during a full day
27 of mediation. The time and service I provided to the Class resulted in the parties agreeing to settle
28 the case and a positive outcome for the entire Class, and as a result each Class Member will receive
a proportional share of the settlement funds in this case.

7. In connection with the litigation of the two cases that I brought, I estimate that I have spent over 60 hours devoted to assisting my attorneys and their staff, and advancing the interests of the Class. I have spent hours on telephone calls discussing the facts of my case with the attorneys and staff of James Hawkins APLC. Without waiving any attorney-client privilege, I spent several hours discussing the facts related to my employment with Forever 21, including discussing my job duties and responsibilities, and the hours and days I worked. I also spent hours working to identify witnesses, reaching out to potential witnesses, looking through files for all documents related to my employment with Forever 21 and sending them to my attorneys, which included wage statements and separation paperwork. I further spent several hours on telephone calls discussing the documents I provided to my attorneys. I also spent a number of hours assisting my attorneys with preparing for mediation and participating in mediation remotely, and remaining available to answer questions as necessary. I have also spent additional time assisting with the settlement, and negotiations, and reviewing of multiple versions of the settlement documents. I also executed necessary declarations and settlement documents. In addition, I am entering in to a broad general release. I have also ensured that I was in constant communication with my attorneys regarding the status of this case and the approval process.

8. In addition, I believe this award is justified as I am also required to give a broad release of all claims against Defendants arising from my employment that other Class Members (other than the other Class Representative) did not have to give in exchange for a settlement payment. (See Settlement Agreement, ¶ VII).

9. As I have been since the beginning of this case in June 4, 2021 I am committed to this case and intend to continue to participate as needed until the conclusion of this matter for the benefit of the Class.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on 09 / 13 / 2023 in Jacks onvill,
Florida

Florida

Micron Benson

Giana Benson

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The document has been completed.