

Kane Moon (SBN 249834)
Lilit Ter-Astvatsatryan (SBN 320389)
Edwin Kamarzarian (SBN 327830)
MOON LAW GROUP, PC
1055 West Seventh Street, Suite 1880
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
Email: kmoon@moonlawgroup.com
Email: lilit@moonlawgroup.com
Email: ekamarzarian@moonlawgroup.com

Attorneys for Plaintiff, Charles Howard Clark

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

CHARLES HOWARD CLARK, an individual;

Plaintiff,

vs.

POWERSTONE PROPERTY MANAGEMENT,
INC., a California corporation; and DOES1 through
10, inclusive,

Defendants

Case No.: 30-2021-01212747-CU-OE-CXC

[Honorable Lon F. Hurwitz,
Department CX103]

**DECLARATION OF PLAINTIFF CHARLES
HOWARD CLARK**

*[Filed with Plaintiff's Notice of Motion and
Motion for Preliminary Approval, Declaration of
Kane Moon, and [Proposed] Order]*

PRELIMINARY APPROVAL HEARING

Date: March 29, 2024
Time: 1:30 PM
Dept: CX103

Complaint Filed: July 29, 2021
Trial Date: Not Set

1 DECLARATION OF PLAINTIFF CHARLES HOWARD CLARK

2 I, CHARLES HOWARD CLARK, declare as follows:

3 1. I am the named Plaintiff in this case.
4 2. I am a former employee of Defendant Powerstone Property Management, Inc.
5 (“Defendant”). As such, I have personal knowledge of, or believe and am informed of, the facts stated
6 herein. If called as a witness, I could and would testify competently to the following:

7 BACKGROUND OF EMPLOYMENT

8 3. I worked for Defendant from approximately September 2020 to October 2020, and my job
9 title was that of property manager and administrative assistant.

10 4. Throughout my employment with Defendant, I typically worked five days per workweek
11 and roughly eight or more hours per workday.

12 5. Throughout my employment with Defendant, I believed its wage and hour practices placed
13 employees, including me, at a disadvantage because I was not paid for all hours. I was required to work
14 off the clock before and after my shift; I was not able and/or permitted to take timely, uninterrupted meal
15 periods and rest breaks; and I was not properly compensated for use of my cell-phone and vehicle for
16 work purposes.

17 COMMONALITY AND PREDOMINANCE

18 6. Throughout my employment with Defendant, I believed its wage and hour practices also
19 affected other hourly employees of Defendant because those employees were also not paid for all hours
20 they were required to work off the clock, and those employees were also not able and/or permitted to
21 take timely, uninterrupted meal periods and rest breaks. This was true for other hourly employees who
22 worked during the same or different shifts and on the same or different days.

23 7. I believe Defendant failed to compensate me and other hourly employees for all time
24 worked, as well as failed to provide legally compliant meal periods and rest breaks. I therefore believe
25 me and other hourly employees were subjected to the same or similar illegal wage and hour practices.

26 TYPICALITY AND ADEQUACY

27 8. I was employed by Defendant in a non-exempt position during the alleged Class Period.
28

1 9. I brought this class action on behalf of myself and all other employees who are or were
2 classified as non-exempt during the alleged Class Period.

3 10. I believe the violations alleged in this case impacted not only me but the entire Class.

4 11. I believe that I have no conflicts of interest with other Class Members.

5 12. Before initiating this case, Class Counsel advised me that, if I were to become Class
6 Representative, I would have significant responsibilities to both the Class and Court. I understood and
7 continue to understand that my responsibilities include responding truthfully, completely and promptly to
8 any information requests made by my attorneys; making myself available for any meetings, proceedings
9 or other court hearings at which I am needed; and, above all, placing the interests of the Class above my
10 own.

11 13. I brought this case in full recognition and acceptance of my responsibilities as Class
12 Representative, and I continue to appreciate the importance of my responsibilities as the settlement
13 process progresses.

14 REASONABLENESS OF CLASS REPRESENTATIVE SERVICE PAYMENT

15 14. Throughout and prior to initiating this case, I engaged in lengthy conversations with my
16 attorneys about all aspects of the case; identified relevant witnesses and provided several
17 documents to my attorneys, including policy documents and records I had received from
18 Defendant during my employment; promptly responded to all of my attorneys' inquiries about my
19 employment with Defendant; requested regular case updates from my attorneys; asked my
20 attorneys questions so that I understood how everything worked; discussed the mediation and
21 proposed settlement terms with my attorneys; and reviewed and signed the proposed Settlement. In
22 total, I have spent approximately thirty hours working on this case.

23 15. I understand the Joint Stipulation of Class and PAGA Action Settlement provides a Class
24 Representative Service Payment to me in the amount of \$7,500.00. I believe this amount is fair
25 compensation for initiating and helping to prosecute this case, for my effort and approximately thirty
26 hours of work on this case, and for the risks I undertook with respect to agreeing to be the named
27 Plaintiff in this case, including the negative impact this role may have on my future employability.
28

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

Charles Howard Clark

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1055 W. 7th Street, Suite 1880, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **DECLARATION OF PLAINTIFF CHARLES HOWARD CLARK** on the interested parties in this action by sending ☐ the original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

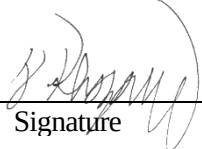
JAMES RUMM
KENNEDY, McCARTHY & RUMM, LLP
9210 Irvine Center Drive,
Irvine, CA 92618
(949) 705-6611 (Main)
(949) 889-2341 (Direct)
jrumm@KMRLawyers.com

Attorneys for Defendant PowerStone Property Management, Inc.

☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action. I did not receive, within a reasonable time after the transmission, any electronic Message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **March 6, 2024** at Los Angeles, California.

Jason Khozam
Type or Print Name



Signature