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Attorneys for Rebecca De Benning, on behalf of herself
and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

REBECCA DE BENNING, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
a Washington Corporation; and Does 1
Through 10, Inclusive,

Defendants.

Case No. 34-2021-00309030
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Jill H. Talley
Department 25

CLASS ACTION

**DECLARATION OF PLAINTIFF
REBECCA DE BENNING
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: October 28, 2022
Time: 9:00 a.m.
Dept: 25
Judge: Honorable Jill H. Talley
Reservation: # 2667995

Complaint filed: September 30, 2021
Trial date: Not set

1 I, Rebecca De Benning, declare as follows:

2 1. I am over eighteen years of age. If called as a witness, I could testify to the facts
3 below based on personal knowledge. I submit this declaration in support of the Motion for
4 Preliminary Approval, my adequacy to serve as Class Representative, and my Service Award.

5 2. I am not related to any attorney working on the case, I am not aware of any interests
6 I have that are averse to the interests of any class member, and I do not have any conflicts that
7 would keep me from adequately representing the class. I have been and remain committed to
8 prosecuting this case vigorously on behalf of the class. I agreed to become a representative and
9 named plaintiff in this case to represent other employees who experienced similar violations.

10 3. I was employed by Costco as a cashier in its Folsom facility from June 2013 to
11 March 2021, when I went out on disability. I returned to work in Roseville in August 2021, but
12 went out on disability again in November 2021. While on disability, I retained the law firms of
13 Cohelan Khoury & Singer and Law Office of Sahag Majarian II to pursue this case as a proposed
14 wage and hour Class and PAGA Representative action. The case challenges some of Costco's
15 policies, including the payment of sick pay wages and calculation of the regular rate of pay.
16 I returned to work at the Citrus Heights location in about March 2022.

17 4. Since the case started, I have had many calls, and exchanged many emails with my
18 attorneys, and provided the documents and records they requested about my employment. I also
19 signed documents so my attorneys could request additional employment records from Costco.

20 5. By filing this lawsuit, I understood I was not only seeking compensation for
21 myself, but for other employees, and doing so would delay any payment I might get for my
22 individual claims, but I agreed to do it to help others who were not aware of their rights, or were
23 afraid to complain for fear of losing their jobs. I understood the lawsuit could continue for years,
24 and require my attention the entire time. I was made aware that as a class representative, I was
25 taking the risk of having a judgment entered for Costco's legal costs if the case were lost.

26 6. I understood by filing my lawsuit, I might face retaliation from my current
27 employer and prospective employers could search the internet and see I sued a previous employer,
28 and I could lose job opportunities in the future.

8. To prepare for mediation, I discussed the case in detail with my attorneys, including its potential strengths and weaknesses. I believe my thorough knowledge of Costco's practices helped them to evaluate the claims and assess the potential damages at mediation.

9. I made myself available the day of mediation and spoke with my attorneys that day. I believe my efforts helped obtain the results in this case. I reviewed the Memorandum of Understanding following mediation and signed it.

10. I have reviewed and signed the proposed “Class and PAGA Action Settlement Agreement.” Based on my involvement and the issues and risks involved in this case, I believe the proposed settlement obtained on behalf of the Class is a good result.

11. I understand I am eligible for an award for acting as a class representative, and that this is subject to Court approval. Considering the risks I took and the money other employees will receive as part of this settlement, I believe the requested award of \$10,000 is reasonable.

I declare under the penalty of perjury under the laws of the State of California, the foregoing is true and correct and this declaration is executed on August 4, 2022 in Rancho Cordova, California.

R B Berry

Rebecca De Benning