

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SEP 21 2023

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

PENNY LYNN JACKSON, individually, on
behalf of all others similarly situated, and on
behalf of the State of California and other
aggrieved persons; and STEVEN THOMAS
SMITH, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

APPLE VALLEY COMMUNICATIONS, INC.,
a California corporation; AVCOM SERVICES
INC., a California corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No. CIVSB2124721

CLASS ACTION

[Assigned for all purposes to: Hon. Joseph T.
Ortiz, Dept. S17]

**DECLARATION OF STEVEN THOMAS
SMITH IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: September 13, 2023
Time: 1:30 p.m.
Dept: S-17

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

DECLARATION OF STEVEN THOMAS SMITH

I, Steven Thomas Smith, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am a Plaintiff in this action and submit this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as the Class Representative.

3. I am a current employee of Apple Valley Communications, Inc. and AVCOM Services Inc. (collectively, "Defendants" or "AVC"). I have been working for Defendants as an hourly-paid, non-exempt employee from approximately August 2021. I have been subject to AVC's policies and practices throughout the entirety of my employment.

4. I joined this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, I was not provided all of my meal and rest breaks, and I was not reimbursed for all business expenses.

5. By joining this lawsuit, I hoped that I might be able to change AVC's policies to better protect the working conditions of my co-workers. I also understood it was my duty as a Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. I have actively participated in the litigation of this action from before mediation through the settlement stage. My involvement has included providing Wilshire Law Firm and my attorneys with a detailed account of the facts related to my employment with AVC. Additionally, I provided my counsel with documentation in the form of pay statements and other policy documents that applied to my employment with AVC. These documents, along with the discussions I had with my attorneys and their staff, assisted Wilshire Law Firm in understanding the policies and practices at AVC.

7. My attorneys explained to me the risks and benefits of joining a class action matter. I understood the risks, both professionally and financially, associated with pursuing a

1 class action case and acting as a Class Representative. I further understood that pursuing the
2 case as a class action rather than individually meant that it would take substantially longer as a
3 result of the multi-step approval process as mandated by the California Courts. Although I was
4 made aware that there was a possibility that I could receive nothing at the end, I believed that it
5 was important to ensure that AVC followed the law with respect to all of its hourly-paid, non-
6 exempt employees. Additionally, I understood that it was my responsibility to act in the best
7 interests of the Class and not just myself. In that respect, I understood my duties and
8 responsibilities to the proposed Class and carried out and will continue to carry out those duties
9 as necessary.

10 8. Throughout the course of the litigation, I maintained constant communication with
11 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
12 wanted to know what was being done to advance the interests of the Class or simply wanted an
13 update regarding the case. I understood that a recovery would not only benefit me but would
14 benefit my fellow coworkers as well. At all times, I made myself available to answer any
15 questions that my attorneys had about my employment.

16 9. I spent multiple hours looking for documents that my attorneys asked me to
17 provide to help this case.

18 10. I also made myself available during the mediation for this case and I kept in
19 regular contact my attorneys before and after the mediation to ensure that any questions the
20 attorneys had could be answered.

21 11. I had extensive conversations with my attorneys regarding the nuanced issues that
22 we were going to advance during the negotiation process. I made myself available to speak with
23 my attorneys and their staff, answer any questions that arose, and provide any additional
24 documentation that was necessary to assist the settlement discussions. I have reviewed the
25 Settlement Agreement in full and discussed its terms with my attorneys. My attorneys answered
26 all the questions I had regarding the Settlement Agreement. I believe the settlement terms and
27 allocations are fair, adequate, and reasonable given the strength of the class claims and potential
28 defenses.

1 12. I estimate that I spent **at least 40 hours on this case** since I first contacted
2 Wilshire Law Firm.

3 13. I did not make the decision to join a class action lightly. I was concerned by the
4 attention a lawsuit, and especially a class action, would attract. I also was concerned about the
5 possibility that AVC might take retaliatory action against me for joining this lawsuit.
6 Nevertheless, I felt that important rights were at stake involving myself and other employees.

7 14. I respectfully request that the Court award me a \$10,000 service payment as
8 permitted by the Settlement Agreement. I am receiving no additional compensation other than
9 the compensation provided for in the settlement. Based on my involvement in this case and the
10 benefits provided to my co-workers, I can say I helped represent the other workers who may have
11 been too afraid to say anything to management because they did not want to risk losing their
12 jobs.

13 I declare under penalty of perjury, under the laws of the State of California and the United
14 States of America, that the foregoing is true and correct.

15 Executed on 8/17/2023 at Norco, California.

16 DocuSigned by:

17 020A668852AF4BF...
18 Steven Thomas Smith

Jackson v. Apple Valley Communications, Inc., et al.
CIVSB2124721

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On **August 21, 2023**, I served the foregoing **DECLARATION OF STEVEN THOMAS SMITH IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Jared L. Bryan (SBN 220925)
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 Vincent L. Chen (SBN 311883)
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Attorneys for Defendant

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **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 email address or e-mail of record in this action.

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

Executed on **August 21, 2023** at Los Angeles, California.


Min Jee Kim