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Attorneys for WENDY SGONTZ, VICKY WRIGHT
and NICOLE GREGORY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

WENDY SGONTZ, as an individual and
on behalf of all others similarly
aggrieved employees,

Plaintiffs,

vs.

CROSSMARK, INC., a Delaware
corporation; and DOES 1 to 50,
inclusive,

Defendants.

Case No.: 30-2021-01204377-CU-OE-CXC

Assigned for All Purposes to:
Hon. Randall J. Sherman
Dept. CX105

DECLARATION OF NICOLE GREGORY

Date: August 9, 2024
Time: 10:00 a.m.
Dept.: CX-105

Reservation No.: 74284280

1 I, Nicole Gregory, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am the Named Plaintiff who
3 filed the above-captioned lawsuit. I have personal knowledge of the facts set forth in this
4 declaration. I make this declaration in support of Plaintiffs' Motion for Approval of Private
5 Attorneys General Act Settlement.

6 2. I worked for Crossmark as a retail merchandiser retail merchandiser from March
7 2023 through May 2023. My duties included setting up and restocking displays at grocery stores
8 and other retail stores for different retail brands, reporting on service visits, and uploading photos
9 of my work through Defendant's mobile application. I would drive to multiple stores each shift in
10 my own car.

11 3. While working for Crossmark I don't think I was properly compensated for all
12 hours worked, especially as I had to answer phone calls and read/respond to text messages from
13 supervisors outside of scheduled shift times to discuss work-related issues and I did not receive any
14 pay for doing this. I also don't think I got all of the lunch breaks I was supposed to get and many
15 times my "lunch" or "break" was taken while driving between stores.

16 4. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
17 employee of Defendant, especially with regard to not being paid properly for all the hours I
18 worked, as well missed meal and rest breaks. As a result, I believe other employees and myself are
19 owed additional compensation for all of the time we worked that was not paid for by Crossmark,
20 as compensation for not getting all our breaks, and to pay for our expenses.

21 5. It is my understanding this lawsuit could not have been prosecuted or settled unless
22 I or some other employee decided to serve as a named plaintiff and pursue the case. In deciding to
23 serve as a named plaintiff, I understood that my name would be publicly attached to this lawsuit
24 and that my work experiences to some extent would be set forth in a public court file. I recognized
25 that I would need to devote a certain amount of time that I could have spent otherwise. I also
26 recognized that my bringing the lawsuit carried some degree of risk. Despite this, I decided to
27 serve as the named plaintiff without any promise of recovery or compensation.
28

1 6. I am familiar with the work involved in prosecuting this case. I have participated in
2 numerous meetings and communications with my lawyers regarding this case. I am familiar with
3 the allegations and defenses of the claims in this case. I am familiar with the major events in this
4 case, including the investigation performed by my lawyers, the mediation with Defendant that
5 resulted in this settlement, and the preparation of settlement papers and the need to obtain court
6 approval of the proposed settlement. I participated in all stages of the litigation and provided my
7 lawyers with information and documents regarding my employment with Defendant.

8 7. I believe that the proposed settlement obtained on behalf of the other employees is
9 excellent in view of the issues and risks involved with the case.

10 8. I believe I have fulfilled my duties as a named plaintiff and class representative,
11 which required a significant amount of time and effort during the course of this case. These efforts
12 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
13 communicating with my attorneys to stay informed of ongoing developments in the case and to
14 discuss the proposed settlement; (b) searching for and providing documents and other materials
15 relating to my work experience; (c) responding to requests for information relating to my work
16 experience; and (d) reviewing filings and key documents including drafts of the complaint and the
17 settlement agreement. These tasks required my dedication of at least 20-30 hours of my time,
18 which time I honestly could have spent on family, personal time, or work. My understanding is
19 that future tasks may require several more hours of my time. I believe I have been diligent and that
20 I have acted above and beyond that of which is expected of a named plaintiff to date and will
21 continue to do so.

22 9. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the
23 named plaintiff and class representative for the unpaid wage and missed lunch/rest breaks claims
24 that were brought in the lawsuit. I believe that amount is fair and reasonable in view of the work I
25 have and will continue to perform on behalf of the class members. I believe that my role in this
26 lawsuit has resulted in a valuable benefit to the other employees, and I accepted the potential risk
27 of being liable for the opposing parties' costs if we were unsuccessful in this lawsuit. I believed in
28 this case, so I was willing to be the named plaintiff to risk this and pursue this class action. I also

1 accepted the risk that news of this lawsuit could also potentially impact my ability to secure other
2 work.

3 10. Based on the time, service, risk, stress, potential stigma, loss of benefits and
4 excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

5 I declare under penalty of perjury under the laws of California that the foregoing is true
6 and correct. Executed on 04 / 17 / 2024, at Visalia, California.

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12 Nicole Gregory
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