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8 Attorneys for WENDY SGONTZ, VICKY WRIGHT
and NICOLE GREGORY

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE**

12
13 WENDY SGONTZ, as an individual and
on behalf of all others similarly
14 aggrieved employees,

15 Plaintiffs,

16
17 vs.

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

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

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

DECLARATION OF WENDY SGONTZ

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

Reservation No.: 74284280

1 I, Nicole Gregory, declare as follows:

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

7 2. I worked for Crossmark from October 2018 through April 15, 2020, as a non-
8 exempt event specialist. My duties included preparing and serving food samples at grocery stores,
9 including the Sam's Club in Fountain Valley. While working for Crossmark I don't think my pay
10 stubs were correct because it was difficult to figure out overtime pay and there was no record of
11 sick pay.

12 3. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
13 employee of Defendant, especially with regard to not being provided with legal pay stubs. It is my
14 understanding this lawsuit could not have been prosecuted or settled unless I or some other
15 employee decided to serve as a named plaintiff and pursue the case. In deciding to serve as a
16 named plaintiff, I understood that my name would be publicly attached to this lawsuit and that my
17 work experiences to some extent would be set forth in a public court file. I recognized that I would
18 need to devote a certain amount of time that I could have spent otherwise. I also recognized that
19 my bringing the lawsuit carried some degree of risk. Despite this, I decided to serve as the named
20 plaintiff without any promise of recovery or compensation.

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

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

6. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the named plaintiff for waiving all of my potential claims against Crossmark. I believe that amount is fair and reasonable in view of the work I have and will continue to perform on behalf of the class members. I believe that my role in this lawsuit has resulted in a valuable benefit to the other employees, and I accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful in this lawsuit. I believed in this case, so I was willing to be the named plaintiff to risk this and pursue this class action. I also accepted the risk that news of this lawsuit could also potentially impact my ability to secure other work. Based on the time, service, risk, stress, potential stigma, loss of benefits and excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed on 04 / 18 / 2024, at Long Beach, California.


Wendy Sgontz