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Attorneys for Plaintiff CRISTAL BOWMAN
on behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

CRISTAL BOWMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

DELTA DENTAL OF CALIFORNIA, a
California Non-Profit Corporation; and DOES
1-50, inclusive,

Defendants.

CASE NO. RG21108230

[Assigned for all purposes to the Hon. Evelio
Grillo, Dept. 21]

**DECLARATION OF PLAINTIFF CRISTAL
BOWMAN IN SUPPORT OF PLAINTIFF'S
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Date: April 11, 2023
Time: 10:00a.m.
Dept. 21

Complaint Filed: August 9, 2021

RES ID: 342423094653

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I, Cristal Bowman, declare as follows:

1. I am the named Plaintiff in this action and commenced this action against my former employer. I have personal knowledge of all the facts in this declaration and, if asked, I would testify to these facts under oath in court.

2. I worked for Defendant Delta Dental of California (“Defendant” or “Delta Dental”) from approximately November 2019 through March 2021 in Oakland, CA. During the relevant time period, I worked in the position of Billing Analyst. I was initially paid on a salary basis as an exempt employee, but I was later reclassified as a non-exempt hourly employee. I believe that I was misclassified as an exempt employee during my employment.

3. I decided to file a lawsuit against my former employer, Delta, because I had a number of grievances against Defendant stemming from their labor policies. These grievances are set forth in detail in the operative Complaint and my letter to California Labor and Workforce Development Agency (“LWDA”).

4. Prior to filing the action, my attorneys and their staff and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. Without waiving any privilege, during those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff. After meeting with my attorneys about these issues, I decided to proceed with a lawsuit against my former employer.

5. I understand that I filed two lawsuits: the first as a class action and the second as a private attorney general action. I understand that the private attorney general lawsuit against my former employer is a lawsuit on behalf of the state of California to obtain penalties for Defendant's violations.

6. My attorneys provided me with a draft of the complaints for my review and approval. I closely reviewed the complaints to ensure accuracy and completeness, and discussed the contents with my attorneys.

7. Following the filing of the complaints initially, I collaborated with my attorneys on the prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the

1 litigation, and to discuss my attorneys' progress in prosecuting the claims. I also provided information
2 regarding the circumstances related to my employment and the policies and practices at issue.

3 8. I understand that at some point the class action and the private attorney general action
4 were joined into a single case. Without waiving any attorney-client privilege, I also understand that after
5 investigating the claims raised, we determined that it was best to not proceed with the class claims and,
6 instead proceed on behalf of the state and seek to obtain penalties on behalf of a group of 19 employees
7 (the "Aggrieved Employees" or "Aggrieved Group"). These employees were, like me, reclassified from
8 exempt positions to non-exempt, hourly positions.

9 9. I believe my claims are typical of those asserted by the other members of the Aggrieved
10 Group during the relevant time period as I am informed and believe that we were all reclassified and
11 subject to the same policies, procedures and practices. I have worked to the best of my ability to prosecute
12 this action on behalf of the LWDA and the aggrieved employees, always considering the interests of the
13 LWDA and the other employees just as I would consider my own interests. I understand that this was an
14 action for penalties and no employee's individual claims, except mine, will be released as part of this
15 settlement. I believe these types of actions are an important tool to ensure that employers comply with
16 the Labor Code.

17 10. When I agreed to represent the State (LWDA), I understood it was my duty to be readily
18 available and to participate actively in the case. I knew that I needed to keep aware of the status and
19 progress of the lawsuit and assist my attorneys in litigating the case on behalf of the State and the
20 Aggrieved Group. I knew that I would be required to review documents, search for documents and
21 produce them to my attorneys, answer written questions, potentially answer oral questions and testify
22 truthfully under oath, and be available to appear in court, if necessary. At all times, I worked to fulfill
23 these duties.

24 11. I also understood the risks I could face due to my involvement as a named plaintiff. I
25 understood that I could be held responsible for the payment of Defendant's court-awarded litigation costs
26 and potentially attorneys' fees if I did not prevail in litigation. Therefore, I realized that I was taking a
27 significant amount of risk in filing the representative action.

28 12. I also knew my name could easily be located on a search of court records and that any

1 prospective employer may find out that I had sued my former employer. I understand that my
2 participating in this lawsuit could inhibit my ability to seek gainful employment in the future.

3 13. Even though I knew I was taking risks, I knew I had to do what I believed was right and
4 pursue claims on behalf of other employees to vindicate their rights and attempt to recover penalties for
5 Defendant's violations.

6 14. I spent a substantial amount of time and effort pursuing my claims and the claims of the
7 other similarly situated employees from the time I retained my attorneys to this date. I have kept aware
8 of the status of the lawsuit and provided my attorneys with documents and information used by them in
9 the litigation.

10 15. During the litigation I spent considerable time on telephone calls discussing the facts of
11 my case with the attorneys and staff of James Hawkins APLC. I spent hours discussing the facts related
12 to my employment with Defendants, including discussing my job duties and responsibilities as a non-
13 exempt employee, my experiences, my observations, Defendant's policies and practices, the hours and
14 days I worked, and how I and the other employees were compensated and the conditions of employment.
15 I have also worked to assist my attorneys in moving the case forward. I have also reviewed certain
16 documents produced during the information exchange process in this case to assist my attorneys in
17 prosecuting this case. I also remained available in order to assist with any questions that arose throughout
18 the litigation process.

19 16. I also spent hours looking at all documents related to my employment with Defendant and
20 sending them to my attorneys.

21 17. I also assisted my attorneys in preparing for mediation and remained available during
22 mediation to respond to any issues that arose. I believe that my efforts were critical in ultimately
23 achieving the Settlement Agreement which we ask the Court to approve now.

24 18. My attorneys provided me with a copy of the proposed Settlement Agreement which I
25 reviewed carefully before signing it. I have discussed the terms and any questions I had with my counsel.

26 19. I accepted the settlement only after I had spent time evaluating the proposed outcome to
27 assure that it was fair. Based on my attorneys' evaluation and recommendation, and my own review, I
28 believe the settlement is fair and reasonable in light of PAGA's policies and purposes.

1 20. In summary, over the course of this litigation I have spent a significant amount of time
2 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
3 and related documents. I estimate that I have spent approximately 45-50 hours assisting my attorneys in
4 the prosecution of this lawsuit.

5 21. I believe that I have fulfilled my responsibilities and I will continue to fulfill those
6 responsibilities to the best of my ability until the conclusion of the case.

7 22. I am requesting the Court approve a \$5,000 Enhancement Award. I believe this amount
8 is reasonable for my services on behalf of the LWDA, and the risks I assumed. The time and service I
9 provided to the State and the Aggrieved Group resulted in the parties agreeing to settle the case and a
10 positive outcome.

11 23. As I have been since the inception of this case, I am committed to this case and intend to
12 continue to participate as needed until the conclusion of this matter.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct. Executed on March 15, 2023 in Fremont California.

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cristal.bowman (Mar 15, 2023 13:03 PDT)

18 Cristal Bowman
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