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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

DAMON COFFEY and BRANDIE
LUKOFNAK, individually, and on
behalf of other members of the public
similarly situated,

Plaintiffs,

vs.

SOUTHERN CALIFORNIA
PERMANENTE MEDICAL GROUP,
INC., a California Corporation; and
DOES 1 through 10, inclusive,

Defendants.

Lead Case No. 37-2020-00029409-CU-OE-
CTL

**DECLARATION OF BRANDIE
LUKOFNAK IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: May 24, 2024

Hearing Time: 9:00 a.m.

*[Hearing scheduled by Order dated February 5,
2024]*

Judge: Hon. Blaine K. Bowman

Dept.: C-74

Action Filed: August 21, 2020

Trial Date: Not set

1 I, Brandie Lukofnak, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of
4 Class Settlement and in support of my application for a Class Representative Service Payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for defendant Southern California Permanente Medical Group, Inc. ("Defendant")
8 in California from January of 2006 to January of 2021 and during that time period I was classified
9 by Defendant as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case nor am
14 I aware of having any actual or potential conflicts of interest with Rust Consulting, the settlement
15 administrator. I am not aware of any other pending matter or action asserting claims that will be
16 extinguished or adversely affected by this settlement.

17 5. I decided to pursue this action and be a plaintiff/class representative because I felt
18 that my legal rights as an employee and others like me were violated. For example, I often did
19 not receive compliant meal and rest breaks which were often late, short or missed entirely – and
20 when these violations occurred I did not receive all the meal or rest break penalty payments I was
21 entitled to.

22 6. I spoke to my attorneys several times and discussed how Defendant implemented
23 its company policies and procedures. I also assisted my attorneys in their investigation into my
24 claims by providing them documents and answering their questions. I reviewed the complaint
25

1 before it was filed and was given access to an electronic file sharing program that alerted me via
2 email when important documents were filed so that I could review them and keep up with the
3 developments in the case which I understood was one of my duties as a class representative. I
4 could also access court filings from this case on my attorney's law firm website.

5 7. Even though this action is in the process of settling, I was and remain prepared to
6 perform all the duties of a class representative. I understand that as a class representative I have
7 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
8 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
9 benefit of the class members and surrender any right to compromise the group action for an
10 individual gain.
11

12 8. I understood that being a plaintiff/class representative in this case meant that I was
13 seeking damages not only for myself but also other individuals in California who make up the class.
14 I felt that these individuals were not aware of their labor law rights and even if they were they
15 would probably be apprehensive about speaking up or even simply because of the time, effort and
16 risk involved in filing a class action lawsuit.
17

18 9. I understood that being a part of this lawsuit involved risks. For example, my
19 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
20 pay for all or part of the attorney fees and costs paid by Defendant to defend this lawsuit. Also, I
21 knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it
22 against me or downgrade me as a potential hire. Since I am a plaintiff in this case which is in the
23 public record, it would not be difficult for a future employer to become aware that I sued a former
24 employer for labor law violations. Ultimately I decided these risks were worth it and decided to
25 fight for my rights and the rights of others regardless of the risks, time and effort I spent on this
26 case.
27
28

1 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
2 kept up to date on important developments by reviewing court filings that were made available to
3 me electronically as I described above.

4 11. A mediation took place on January 27, 2023 with David Rotman, a well-respected
5 and experienced mediator of wage and hour class actions. The mediation did not result in a
6 settlement that day but discussions between the parties through the mediator continued which
7 eventually led to the parties being able to reach an agreement to settle the action. I communicated
8 with my attorneys regarding the terms of the settlement which was reached between the parties and
9 understood that I was representing absent class members and therefore wanted the best possible
10 result to be obtained for the class members and I believe a very positive result was in fact achieved
11 via settlement.
12

13
14 12. I have been actively involved with this lawsuit performing the duties described above.
15 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
16 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
17 settlement process. I estimate that I spent approximately 40-50 hours working on this case up
18 until this point. I believe I have been diligent and have done what is expected of a plaintiff and a
19 class representative to date, and will continue to do so. I have and always will maintain the best
20 interest of the class members.
21

22 13. My attorneys explained to me that the settlement process involves a two-step review
23 by the Court to determine whether the settlement is fair before approving the settlement. I know
24 this process also involves notifying all class members of the settlement terms and of their rights to
25 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.
26

27 14. I believe I did the right thing by pursuing this case on behalf of the class members who,
28 subject to court approval, are in line to receive monetary payments as a result of this case and

1 settlement. This is money they may never have ever gotten if I did not pursue this action on their
2 behalf. I feel significant personal satisfaction to know that I played a role in the class members
3 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
4 requested Class Representative Service Payment of \$10,000 from the settlement is fair
5 compensation for the work I performed and the risks I undertook.
6

7 15. In light of all the time and effort I have spent on this case, the risk I undertook by
8 suing a former employer, the exposure to being responsible for paying for Defendant's costs in the
9 event we did not win the case, the reputational risk that future employers may hold this lawsuit
10 against me and in light of the size of the settlement, I believe the request for \$10,000 as a Class
11 Representative Service Payment is fair and reasonable.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.
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15 Executed on May 1, 2024, at San Diego ca.
16 (city, state)

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brandie.lukofnak (May 1, 2024 15:16 PDT)

18 Brandie Lukofnak
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