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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF ORANGE**

10
11 KACEY MATTHEWS, an individual, on
behalf of herself and on behalf of all persons
12 similarly situated,

13 Plaintiffs,

14 vs.

15
16 DEJON ENTERPRISES, INC., a California
Corporation; and DOES 1 through 50,
17 inclusive,

18 Defendants.

Case No. 30-2021-01236088-CU-OE-
CXC

**DECLARATION OF KACEY
MATTHEWS IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: December 15, 2023

Hearing Time: 9:00 a.m.

Judge: Hon. William D. Claster
Dept.: CX101

Action Filed: December 14, 2021

Trial Date: Not set

1 I, Kacey Matthews, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

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

9 3. I was employed by Dejon Enterprises, Inc. ("Dejon") in California from October of 2020
10 to September of 2021 and was classified by Dejon as an hourly, non-exempt employee during
11 that time period.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 ILYM Group, Inc., the settlement administrator. I am not aware of any other pending matter or
19 action asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
22 because I felt that my legal rights as an employee and others like me were violated. For example,
23 due in part to a lack of enough coverage, it was not uncommon for me to be unable to take a
24 compliant meal or rest break which were sometimes late, short or completely missed. I also did
25 not receive the meal and rest break premiums I was entitled to for these violations. Furthermore,
26 from time to time I had to work off the clock during my meal periods but was not paid any
27

1 minimum or overtime wages for this time that I worked. As to rest breaks, I should have been
2 able to leave the premises if I chose to do so but Dejon's policy dictated that I stay on the
3 premises during my rest breaks. I also had to use my personal cell phone for work-related issues,
4 such as scheduling, but Dejon did not reimburse the reasonable expenses I incurred using my cell
5 phone for work-related purposes.

6
7 6. I spoke to my attorneys and discussed how Dejon implemented its company policies and
8 procedures. I also assisted my attorneys in their investigation into my claims by providing them
9 documents and answering their questions. I reviewed the complaint before it was filed and after
10 it was filed I was given access to an electronic file sharing program that alerted me via email
11 when important documents were filed so that I could review them and keep up with the
12 developments in the case which I understood was one of my duties as a class representative. I
13 also contacted my attorneys from time to time if I had any questions about the case.

14
15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
18 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
19 benefit of the class members and surrender any right to compromise the group action for an
20 individual gain.

21
22 8. I understood that being a plaintiff/class representative in this case meant that I
23 was seeking damages not only for myself but also other current and/or former hourly, non-
24 exempt employees working for Dejon in California. I felt that these individuals were not aware
25 of their labor law rights and even if they were they would probably be apprehensive about
26 speaking up or even simply because of the time, effort and risk involved in filing a class action

lawsuit.

9. I understood that being a part of this lawsuit involved risks. For example, my attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part of the attorney fees and costs paid by Dejon to defend this lawsuit. Also, I knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it against me or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a former employer for labor law violations. Ultimately I decided these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks, time and effort I spent on this case.

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

11. A mediation took place on October 11, 2022 with Louis Marlin, a well-respected and experienced mediator of wage and hour class actions. After the mediation the parties were able to reach an agreement to settle the action based on a mediator's proposal. I communicated with my attorneys regarding the terms of the settlement which was reached between the parties and understood that I was representing absent class members and therefore wanted the best possible result to be obtained for the class members and I believe a very positive result was in fact achieved via settlement. I reviewed and signed the Memorandum of Understanding on October 11, 2022 and when the final settlement papers were ready, I closely reviewed the Settlement Agreement which I signed on March 14, 2023.

12. I have been actively involved with this lawsuit performing the duties described above. Although I did not keep time records, I was in regular contact with my attorneys, reviewed court

1 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
2 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
3 up until this point. I believe I have been diligent and have done what is expected of a named
4 plaintiff and a proposed class representative to date, and will continue to do so. I have and
5 always will maintain the best interest of the class members.
6

7 13. My attorneys explained to me that the settlement process involves a two-step
8 review by the Court to determine whether the settlement is fair before approving the settlement.
9 I know this process also involves notifying all class members of the settlement terms and of their
10 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
11 settlement.
12

13 14. I believe I did the right thing by filing this case on behalf of the class members who,
14 subject to court approval, are in line to receive monetary payments as a result of this case and
15 settlement. This is money they may never have ever gotten if I did not pursue this action on their
16 behalf. I feel significant personal satisfaction to know that I played a role in the class members
17 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
18 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
19 compensation for the work I performed and the risks I undertook.
20

21 15. As part of the settlement it was necessary for me to sign a general release of all
22 claims I may have against Dejon. I believe the Class Representative Service Payment I have
23 requested provides me with some compensation for this agreed release.
24

25 16. In light of all the time and effort I have spent on this case, the risk I undertook by
26 suing a former employer, the exposure to being responsible for paying Dejon's costs in the event
27 we did not win the case, the reputational risk that future employers may hold this lawsuit against
28

1 me, the general release, and in light of the size of the settlement, I believe the request for \$10,000
2 as a Class Representative service payment is fair and reasonable.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on Nov 10, 2023, at Anaheim, CA.
7 (city, state)

8 
9 Kacey Matthews (Nov 10, 2023 11:58 PST)
10 Kacey Matthews