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Attorneys for Plaintiff and the proposed class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF CONTRA COSTA**

GILDARDO MOTA STEVENS, an individual,
 on behalf of himself and others similarly
 situated,

PLAINTIFF,

v.

PURPLE EAGLE LLC; and DOES 1 thru 50,
 inclusive,

DEFENDANTS.

CASE NO. MSC21-02204

[Case Assigned for All Purposes to Hon. Charles
 S. Treat in Dept. 12]

**DECLARATION OF GILDARDO MOTA
 STEVENS IN SUPPORT OF FINAL
 APPROVAL OF CLASS SETTLEMENT**

Date: October 19, 2023
 Time: 9:00 A.M.
 Dept.: 12

Complaint Filed: July 16, 2020
 FAC Filed: August 7, 2020

DECLARATION OF GILDARDO MOTA STEVENS

I, GILDARDO MOTA STEVENS, state and declare as follows:

1. I am a competent adult, over the age of eighteen, and the named Plaintiff in the above-captioned matter. The following is based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. I am a former employee of Defendant PURPLE EAGLE LLC. ("Purple Eagle" or "Defendant"). I performed work for Purple Eagle as a "neuromuscular therapist" from approximately April 24, 2021 through May 10, 2021. During my employment with Defendant, I earned approximately \$22.00/hour, apart from commissions and tips.

3. I brought this lawsuit, on behalf of myself and all other Settlement Class Members, against Defendant because I believe that Purple Eagle failed to pay wages and overtime pay, provide lawful rest periods, pay reimbursement expenses, provide accurate itemized wage statements, and pay all wages due upon termination to me and other employees.

4. I understand that I am representing other employees and I believe that I am able to represent them well.

5. I first researched experienced attorneys who are very experienced with these types of lawsuits. Once retained, I compiled relevant documents from my employment to assist my attorneys in litigating this case. I worked with my attorneys to develop the facts and legal claims in this lawsuit. The lawsuit was filed on October 26, 2021.

6. Throughout the litigation, I have provided my attorneys with helpful information for this lawsuit and for the Settlement as needed. Additional work in connection with this matter includes providing information to my attorneys regarding my employment with Defendant, staying in regular contact with my attorneys to discuss the status of the case, responding promptly to my attorneys' various communications regarding this matter, attending a full-day mediation on January 25, 2023; and reviewing and analyzing the settlement agreement and settlement papers to ensure the settlement was fair and reasonable and in the best interests of the Settlement Class Members.

7. I have worked to actively represent the other Settlement Class Members and their

1 interests.

2 8. I have always kept the Settlement Class Members interests at heart in this litigation.

3 9. I am prepared to continue assisting with this litigation and am committed to
4 achieving the best possible results for the Class.

5 10. I believe that the class action settlement obtained on behalf of the Class is fair and
6 reasonable in light of the issues involved in this case. As mentioned above, I reviewed and
7 discussed the Settlement Agreement with my attorneys and asked them questions about it to ensure
8 that I understood its terms and what it would mean for all of the Settlement Class Members.

9 11. I believe that I have fairly represented the absent Class and request that the Court
10 finally approve this settlement and confirm me as Class Representative.

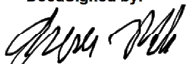
11 12. I am not aware of any conflicts of interest that prevent me from being confirmed as
12 Class Representative in this action. I am not related in any way to my attorneys or to any other
13 member of the firm that is representing me. I have no business dealings or other involvement
14 beyond this lawsuit and this representation. I have not been promised any money or inducement
15 to serve as Class Representative in this action.

16 13. It is my opinion that the settlement agreement provides for a fair and adequate
17 enhancement for me as a Class Representative, in the amount of \$5,000.00. I believe that this is
18 fair and reasonable in light of all of the work that I have performed in my role as Class
19 Representative. As Class Representative, I have actively participated in all stages of the litigation,
20 as detailed above, and have always maintained the best interests of the Class while performing my
21 Class Representative duties.

22 14. It is also my opinion that the Class Representative enhancement is fair, reasonable,
23 and adequate because, in addition to the many hours spent participating in the prosecution of this
24 case, I accepted the potential risk of being liable for Defendant's attorneys' fees and costs if we
25 were unsuccessful in this action. Likewise, I risk the potential stigma of being a Class
26 Representative in a class action labor dispute, which may affect my future employability.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing
28 is true and correct.

Executed this 16 day of September, 2023 at Modesto,
California.

DocuSigned by:

7D113BCC08444E8...
GILDARDO MOTA STEVENS

(PROOF OF SERVICE)**[CCP 1013(a)(3)]****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On September 27, 2023, I served all interested parties in this action the following documents described as: **DECLARATION OF GILDARDO MOTA STEVENS IN SUPPORT OF FINAL APPROVAL OF CLASS SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ann K. Smith
Sarkis A. Atoyan
**ATKINSON, ANDELSON,
LOYA, RUUD & ROMO**
12800 Center Court Driver South, Suite 300
Cerritos, CA 90703-9364
Sarkis.atoyan@aalrr.com
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☐ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE:** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 27, 2023, at Encino, California.



Michelle Tanzer