

Kane Moon (SBN 249834)
H. Scott Leviant (SBN 200834)
Sandy Pham (SBN 352753)
MOON LAW GROUP, PC
725 S. Figueroa St., 31st Floor
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
E-mail: kmoon@moonlawgroup.com
E-mail: hsleviant@moonlawgroup.com
E-mail: spham@moonlawgroup.com

Attorneys for Plaintiff, SHERIF FATHY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SHERIF FATHY, individually, and on behalf of all
others similarly situated,

Plaintiff,

vs.

JAY NOLAN COMMUNITY SERVICES, INC., a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 21STCV38798

[Assigned to the Hon. Elaine Lu, Dept. 9]

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF PLAINTIFF IN
SUPPORT OF MOTIONS FOR APPROVAL
OF CLASS ACTION AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: January 16, 2025

Time: 10:00 a.m.

Courtroom: 9

Judge: Hon. Elaine Lu

Action Filed: October 20, 2021

Trial Date: Not Set

DECLARATION OF SHARIF FATHY

I, SHARIF FATHY, declare as follows:

1. I am a named Plaintiff in this case. I am a former employee of the named defendant, JAY NOLAN COMMUNITY SERVICES, INC (“Defendant”). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness. I could and would testify competently to the following:

JOB DUTIES AND EXPERIENCES

2. I worked for Defendant during the Settlement Class Period in the County of Los Angeles. My employment began on or about March 1994 and ended on or about February 2020. I held a job position that is at issue in this case and included within the class.

3. My job duties included working as a support staff and assisting clients with disabilities.

4. While working for Defendant, I sometimes had late or interrupted meal breaks, I missed rest breaks, I used my personal cell phone to conduct business without adequate reimbursement, and I sometimes had to work off the clock completing paperwork, and communicating with management on my personal cell phone.

DUTIES OF A CLASS REPRESENTATIVE

5. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if approved as a class representative in this matter, I have an obligation to do my best to look out for the interests of other class members, the current and former employees of Defendant who I am seeking to represent. I understand that my obligations to the class exist even when the class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. I have never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain the best settlement they could within reason, and I believe that they have attempted to do so.

6. This case was filed more than two years ago, and I have never asked to be relieved from

1 my role as a proposed class representative. To the contrary, I have made myself available whenever my
2 attorneys wanted to discuss aspects of my employment at Defendant, and I remain committed to seeing
3 this matter through to the end.

4 7. I have talked with my attorneys about the settlement proposed in this case. I am not an
5 accountant, but I think I understand the factors and risks considered when evaluating a settlement.

6 8. Summing it all up in the simplest terms, I am asking to be stand-in for other
7 employees of Defendant. Because of that, I cannot quit on the Class, and I cannot put myself and my
8 interests before the Class. I accept these duties and request that I be approved as the class representative
9 for purposes of this amended Settlement.

10
11 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

12 9. I was an hourly non-exempt employee of Defendant and was subject to the same pay
13 structure and rules as all the other hourly non-exempt employees of Defendant.

14 10. I am not aware of anything special about me that would raise unique defenses to my
15 claims, as opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my
16 claims are based upon the same facts that relate to the rest of the Class.

17 11. I do not believe that I have any conflicts with Class Members included in this proposed
18 Settlement. I do not have any intention to take any action that would place me in a position that is hostile
19 to other Class Members.

20
21 SERVICE AS A CLASS REPRESENTATIVE

22 12. I believe that were it not for my stepping forward and taking on the duties of protecting
23 the interests of other Defendant employees, it is likely that the interests of the class would neither have
24 been prosecuted, nor benefited. To my knowledge, other than the litigation encompassed by this
25 proposed Settlement, there is no other litigation, on a class or individual basis, concerning the claims in
26 this lawsuit. Nor has Defendant pointed to any.

27 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
28 search for information online these days, I will face an increased risk that future employers will

1 discover information about this lawsuit online and have a negative reaction to learning that I sued an
2 employer. This may make it harder for me to obtain future employment or change jobs for a better one.

3 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
4 also during its litigation to ensure a fair result for the employee class. This involved ongoing
5 communications and participation with my counsel during the course of this case.

6 15. My participation began with bringing certain issues that are involved in this matter to
7 my counsel's attention, and explaining the factual background that was used to prosecute the claims in
8 this case.

9 16. For example, I reviewed documents which I already had, I provided relevant documents
10 to my counsel, and I explained those documents and related facts to my counsel to assist them in their
11 review. I also assisted in identifying potential witnesses, including other employees, who might
12 likewise have been of assistance.

13 17. My efforts continued after suit was filed. For example, I continued to identify
14 employees and other witnesses to counsel, along with other information as to how they could be of
15 potential use in this matter. I also discussed strategy with my counsel.

16 18. I also talked for many hours with my attorneys before the mediation in this case.

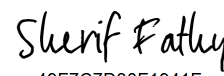
17 19. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
18 with my attorneys as well as I was able to ensure that its terms are likewise fair and adequate.

19 20. In sum, I believe I have provided well over 40 hours of my time during the course of
20 this litigation to ensure a good outcome for the best interests of the class.

21 21. I do not believe that I have any conflicts with Class Members included in this proposed
22 Settlement. I do not know the proposed Settlement Administrator and have no connection to it.

23 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
24 true and correct. Executed on 12/18/2023, at Palmdale, California.

25 DocuSigned by:

26 

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28 SHARIFY FATHY, "Declarant"

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 725 S. Figueroa St., 31st Floor, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **DECLARATION OF PLAINTIFF IN SUPPORT OF MOTIONS FOR APPROVAL OF CLASS ACTION AND REPRESENTATIVE ACTION SETTLEMENT** on the interested parties in this action by sending ☐ the original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

James A. Goodman
jgoodman@ebglaw.com
Kevin Sullivan
ksullivan@ebglaw.com
EPSTEIN BECKER & GREEN, P.C.
1925 Century Park East, Suite 500
Los Angeles, California 90067
Facsimile: (310) 553-2165

Counsel for Defendant

☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service CASEANYWHERE. I did not receive an error message.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this **December 13, 2024**, at Los Angeles, California.

H. Scott Leviant
Type or Print Name


Signature