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*Attorneys for Plaintiff and Proposed
Class Members*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF BUTTE**

DANIEL HAYES, individually, and on behalf of
all others similarly situated, AUDREY
MIGLIACCIO, individually, and on behalf of all
others similarly situated, COURTNEY
MELVIN, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

GONZALES PARK, a California corporation,
PROJECT FUSION, LLC, a Delaware
corporation, and DOES 1 through 10, inclusive,

Defendants

COURTNEY MELVIN, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

GONZALES PARK, LLC, a California Limited
Liability Company; PROJECT FUSION, LLC, a
Limited Liability Company; and DOES 1 through 10,
inclusive,

Defendants

Case No.: 21CV02456
Consolidated With Case No.: 22CV01119

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

[Assigned to: Hon. Tamara L. Mosbarger,
Department 1]

**DECLARATION OF AUDREY
MIGLIACCIO IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

FINAL APPROVAL HEARING

Date: May 1, 2024
Time: 9:00 a.m.
Dept: 1

I, Audrey Migliaccio, declare as follows:

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case and achieved a great result in this settlement, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendants Gonzales Park, LLC and Project Fusion, LLC (collectively, “Defendants”). I worked at Defendants from approximately November 2019 to approximately February 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to Defendants’ policies and practices that have been alleged as unlawful in the Consolidated Class and Representative Action.

4. I joined this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks. I also believe that other workers and myself were not treated fairly by Defendants when we worked there. While working at Defendants, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks.

5. I joined this lawsuit with the goal of receiving compensation for myself and coworkers for the occasions in which we were not paid for all hours worked and not provided all of our breaks. I also hoped that by filing this lawsuit that I might be able to change Defendants' policies to better protect the working conditions for future employees who work for Defendants. I understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. I have been actively involved in this case since it was initiated in 2021. By filing this case as a class action, I understood that I would be bringing claims on behalf of myself and other employees. I also understood that class actions take longer to resolve than individual

1 actions, and I therefore took the risk in delaying potential recovery to me that would have been
2 faster to obtain if I pursued this case on an individual basis.

3 7. This case was filed in September 2021, almost three years ago. After my
4 employment at Defendants ended in 2020, I was unemployed for many months. Even though I
5 could have sought quicker recovery on an individual basis only, I chose to pursue the claims
6 through this class action to benefit other members of the class. I am relieved that this case is
7 coming to an end so that other employees and myself can be compensated.

8 8. Prior to joining this case, I provided Wilshire Law Firm with a detailed account of
9 my employment with Defendants. I also provided my counsel with documentation from my
10 employment in the form of paystubs and other employment documents related to my employment
11 with Defendants. Based on our conversations, my attorneys and I were able to identify instances
12 when I was not paid correctly.

13 9. I regularly communicated with my attorneys and their staff to discuss updates on
14 the case and to provide my attorneys with additional information. These regular communications
15 have amounted to more than 20 hours of my time on this case.

16 10. I also spent at least three hours looking for documents that my attorneys asked my
17 to provide to help this case.

18 11. I also made myself available during the mediation for this case, which lasted more
19 than 8 hours, and I kept in regular contact with my attorneys before and after the mediation to
20 ensure that any questions the attorneys had could be answered.

21 12. I also reviewed documents filed in this case, including the settlement-related
22 documents. My time spent reviewing documents in this case is more than 15 hours.

23 13. I believe the settlement is a good settlement and I would recommend that the
24 Court approve it because I believe that this settlement is fair, adequate, and reasonable. nI am
25 glad that I had the opportunity to represent the class in this lawsuit and that I was able to recover
26 money through a settlement for the class. I have also observed my attorneys' work throughout
27 this case and I believe they have been thorough, diligent, prompt, courteous, and professional.
28

15. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer and I am mindful that employers might find out that I sued a former employer, and this could hurt my employability. In a competitive job market, this factor may weigh heavily against me.

16. I respectfully request that the Court award me at least a \$10,000 service payment as allowed in the Settlement Agreement. I am receiving no additional compensation other than the service payment and the other compensation provided for in the settlement. I am happy that I was able to represent the other workers who may have been too afraid to come forward as a plaintiff in this lawsuit. Although I fear that employers may find out that I participated in this lawsuit and hold it against me, I felt that important rights were at stake that hurt myself and other employees.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed on 4/9/2024 at Chico, California.

DocuSigned by:

CE3F9DC9F1F84DA...
Audrey Migliaccio

PROOF OF SERVICE

Hayes, et al. v. Gonzales Park, LLC, et al.
21CV02456

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Jorge Grimaldy, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is jgrimaldy@wilshirelawfirm.com.

On April 10, 2024, I served the foregoing **DECLARATION OF AUDREY MIGLIACCIO IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Nathan W. Austin (SBN 219672)
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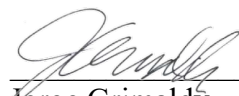
Attorneys for Defendant

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on April 10, 2024, at Los Angeles, California.



Jorge Grimaldy