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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

LOLA MARCUM and JOSE G. IRIZARRY, on)
behalf of the State of California as private)
attorneys general, and as individuals, on behalf of)
themselves and on behalf of all persons similarly)
situated,)

Plaintiffs,)

vs.)

HUNTSMAN ADVANCED MATERIALS)
AMERICAS LLC, a Limited Liability Company;)
HUNTSMAN INTERNATIONAL LLC, a)
Limited Liability Company; and DOES 1 through)
50, inclusive,)

Case No. 22STCV03845
[Consolidated with Case No.
22STCV22712]

**DECLARATION OF LOLA MARCUM
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Hearing Date: February 2, 2024

Hearing Time: 10:30 a.m.

Judge: Hon. Stuart M. Rice

Dept: SS-1

Date Filed: January 31, 2022

Trial Date: Not set

1 I, Lola Marcum, 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 Settlement and in support of my application for a Class Representative Service
5 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. During the class period I have worked for the defendants ("Huntsman") in California and
10 during that time period I have been classified by Huntsman as an hourly, non-exempt employee.

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

19 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
20 because I felt that my legal rights as an employee and others like me were violated. For example,
21 I was not paid for the time I spent lining up and waiting to undergo temperature checks during
22 the Covid-19 outbreak prior to clocking in for a shift. Huntsman also failed to provide second
23 meal periods and third rest periods during shifts exceeding ten hours. Also, I was underpaid
24 overtime during some pay periods where I was paid shift premiums but these shift premiums
25 were not factored into my regular rate for purposes of calculating my overtime rate. I was also
26
27

1 not reimbursed by Huntsman for the reasonable costs I incurred using my personal cell phone for
2 work-related purposes, such as responding to supervisors as to scheduling issues and using my
3 cell phone during training sessions to create training videos.

4
5 6. I spoke to my attorneys several times and discussed how Huntsman implemented
6 its company policies and procedures. I also assisted my attorneys in their investigation into my
7 claims by providing them documents and answering their questions. I reviewed the complaint
8 before it was filed and after it was filed I was given access to an electronic file sharing program
9 that alerted me via email when important documents were filed so that I could review them and
10 keep up with the developments in the case which I understood was one of my duties as a class
11 representative. I would also contact my attorneys from time to time if I had any questions about
12 the case.

13
14 7. Even though this action is in the process of settling, I was and remain prepared to
15 perform all the duties of a class representative. I understand that as a class representative I have
16 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
17 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
18 benefit of the class members and surrender any right to compromise the group action for an
19 individual gain.

20
21 8. I understood that being a plaintiff/class representative in this case meant that I
22 was seeking damages not only for myself but also other current and/or former hourly, non-
23 exempt employees working for Huntsman in California. I felt that these individuals were not
24 aware of their labor law rights and even if they were they would probably be apprehensive about
25 speaking up or even simply because of the time, effort and risk involved in filing a class action
26 lawsuit.

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

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

13 11. A mediation took place on November 10, 2022 with Louis Marlin, a well-
14 respected and experienced mediator of wage and hour class actions. After the mediation the
15 parties were able to reach an agreement to settle the action. I communicated with my attorneys
16 regarding the terms of the settlement which was reached between the parties and understood that
17 I was representing absent class members and therefore wanted the best possible result to be
18 obtained for the class members and I believe a very positive result was in fact achieved via
19 settlement. I reviewed and signed the Memorandum of Understanding on December 2, 2022 and
20 when the final settlement papers were ready, I closely reviewed the Settlement Agreement which
21 I signed on August 4, 2023.

22 12. I have been actively involved with this lawsuit performing the duties described above.
23 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
24 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
25

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

5
6 13. My attorneys explained to me that the settlement process involves a two-step
7 review by the Court to determine whether the settlement is fair before approving the settlement.
8 I know this process also involves notifying all class members of the settlement terms and of their
9 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
10 settlement.

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

19
20 15. In light of all the time and effort I have spent on this case, the risk I undertook by
21 suing my employer, the exposure to being responsible for paying Huntsman's costs in the event
22 we did not win the case, the reputational risk that future employers may hold this lawsuit against
23 me, and in light of the size of the settlement, I believe the request for \$10,000 as a Class
24 Representative service payment is fair and reasonable.

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26 ///

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

3 Executed on Jan 5, 2024, at Glendale CA
4 (city, state)

5 
6 Lola Marcum (Jan 5, 2024 17:38 PST)
7 Lola Marcum