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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

WAYNE DOUGLAS GILLETTE, on
behalf of himself and all similarly situated,

Plaintiff,

v.

COPAN DIAGNOSTICS, INC.; and DOES 1-
100, inclusive,

Defendants.

Case No.: CVRI-2105284

CLASS and REPRESENTATIVE ACTION

**DECLARATION OF WAYNE DOUGLAS
GILLETTE IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Assigned For All Purposes to the Honorable
Harold Hopp (Dept. 10)

Date: March 22, 2023

Time: 8:30 a.m.

Location: Dept. 10 (Hon. Harold Hopp)

Reservation ID#: 020396507092

DECLARATION OF WAYNE DOUGLAS GILLETTE

I, WAYNE DOUGLAS GILLETTE, hereby declare as follows:

1. I am a named Plaintiff and Proposed Class Representative in this case. I am a former employee of Copan Diagnostics, 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 EXPERIENCE

2. I worked for Defendant as a Field Service Engineer ("FSE") during the "Settlement Class Period" which to my understanding is November 19, 2017 until the Court's

1 preliminary approval of class settlement. I worked for Defendant for over 6 years, from
2 approximately April 20, 2015 until October 15, 2021. I held the job positions of FSE that is at
3 issue in this case and which is included within the Settlement Class.

4 DUTIES OF A CLASS REPRESENTATIVE

5 3. This lawsuit is not an individual lawsuit. It is a proposed class action and PAGA
6 case. I understand that, if approved as a Class Representative in this matter, I have an obligation
7 to do my best to look out for the interests of other Class Members (the current and former exempt
8 FSE employees) who I am seeking to represent. I understand that my obligations to the Class
9 Members exist even when the Class is certified solely as part of this proposed class action
10 settlement. It is my understanding that, as one part of this duty to the Class, I cannot agree to a
11 settlement to benefit myself to the exclusion of the rest of the Class Members. To that end I have
12 never asked my attorneys (Da Vega Fisher Mechtenberg, LLP [“DFM LLP”]) to settle this matter
13 for my own benefit but done my best to adequately and fairly represent the all the Class Members.
14 I have asked DFM LLP to obtain the best settlement they could for all the Class Members, and I
15 believe that they have attempted to do so.

16 5. I have been involved with this case since its beginning and I am the sole proposed
17 Class Representative. I first contacted my attorney and worked with them directly to gather
18 information and evidence in support of the class action lawsuit that was later filed. I have never
19 asked to be relieved from my role as a proposed Class Representative. I understand that its my job
20 to be “the stand-in” for other Class Members and must put their interest before my own in
21 pursuing this lawsuit and proposed settlement. I accept these duties and responsibilities and
22 request, when appropriate, that I be approved as the Class Representative for the purposes of the
23 proposed Settlement.

24 6. I have had long discussions with my attorneys about the proposed Settlement both
25 before, during, and after the successful mediation in this case. I am not an attorney but I
26 understand the risk factors that were considered when evaluating the Settlement including the
27 enormous effort, time, and costs to litigate such class action cases, the risk of losing the case and
28 getting nothing, and the ability of Defendant to pay the settlement versus prolonged litigation.

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2 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

3 7. I was a salaried (exempt from overtime pay) FSE employee of Defendant and was
4 subject to the same pay structure, policies, practices, and rules as all the other FSEs who were
5 also salaried (exempt from overtime pay) employees of Defendant.

6 8. I am not aware of anything different about me that would raise unique defenses to
7 my claims, as opposed to the claims of the Class Members. Rather, my claims are based upon the
8 same law and facts that relate to the rest of the Class Members.

9 9. I am not aware of any conflicts of interest I have with other Class Members
10 included in this proposed Settlement. I do not have any personal relationship or family ties to my
11 legal counsel or any officers of this court. I am not involved with any litigation involving other
12 Class Members. I have no other business or legal arrangements/dealings with my legal counsel
13 other than this lawsuit. I have never been promised money to serve as the proposed Class
14 Representative. I have never been a Class Representative in another other class action lawsuit. I
15 do not have any intention to take any action that would place me in a position that is hostile to
16 other Class Members.

17 SERVICE AS A CLASS REPRESENTATIVE

18 10. I have assumed some long-lasting risk in prosecuting this case. Because it is so
19 easy to search for information online these days, I will face an increased risk that future
20 employers will discover information about this lawsuit online and have a negative reaction to
21 learning that I sued an employer in the industry. This may make it harder for me to obtain future
22 employment or change jobs for a better opportunity.

23 11. I have actively assisted my attorney in all the phases of this litigation to advance
24 the interests of the Class to the best of my abilities. I have kept in constant contact with them
25 throughout this process. My participation began with contacting my attorneys through a referral
26 to confirm that I might have a case in that Defendant's policies and practices might be illegal. I
27 also reviewed hundreds of pages of documents (employment files, data, policies, etc.) which I
28 already had or were produced in this litigation by Defendant. I provided relevant documents to

1 my counsel, and I explained those documents and related facts to my counsel to assist them in
2 their review and filing of this case. I also discussed the responsibilities that I would have as a
3 Class Representative with my attorney, including my responsibility to act on behalf of the
4 interests of all proposed Class Members.

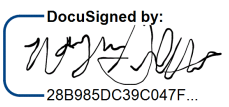
5 12. I have devoted a substantial amount of my own time during this litigation to ensure
6 a fair result for the Class Members. This involved ongoing communications and participation with
7 my counsel, reviewing documents, attending the mediation in-person, and numerous phone calls,
8 meetings, and emails with my counsel pre and post mediation.

9 13. After the mediation the parties negotiated an Memorandum of Understanding
10 (MOU) and then after the mediation, a long-form settlement agreement (a Joint Stipulation of
11 Class Action Settlement Agreement and Release ["Settlement" or "Settlement Agreement"]) was
12 negotiated, and I reviewed and executed both agreements with my attorneys to ensure that their
13 terms are fair and adequate. I have provided approximately 30 to 40 hours of my time to date and
14 during the course of this lawsuit to ensure a good outcome and Settlement for the best interest of
15 the Class Members.

16 14. In sum, I believe that I have diligently, adequately, and fairly represented the Class
17 Members. I have not placed my own interests above those of any member of the Class but have
18 always and will continue to keep the Class Members' best interests in this litigation until its
19 conclusion. I believe that the proposed Settlement obtained on behalf of the Class Members is
20 fair and reasonable in light of the issues involved in this case.

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

23
24 **DATED:** 2/15/2023

25 By: 
26 Wayne Douglas Gillette
27 Plaintiff / Proposed Class Representative
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