

Jonathan M. Genish (State Bar No. 259031)
jgenish@blackstonepc.com
Miriam L. Schimmel (State Bar No. 185089)
mschimmel@blackstonepc.com
Joana Fang (State Bar No. 309623)
jfang@blackstonepc.com
Alexandra Rose (State Bar No. 329407)
arose@blackstonepc.com
BLACKSTONE LAW, APC
8383 Wilshire Boulevard, Suite 745
Beverly Hills, California 90211
Tel: (310) 622-4278 / Fax: (855) 786-6356

Attorneys for Plaintiff THERESA BENDORF

[Additional counsel listed on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

THERESA BENDORF, JAVIER MARIN, and
KRISTY PRATHER, on behalf of themselves
and others similarly situated, and on behalf of
other aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiffs,

v.

SEA WORLD LLC, a Delaware limited
liability company doing business as
SEAWORLD SAN DIEGO or AQUATICA
SAN DIEGO; SEAWORLD PARKS &
ENTERTAINMENT, INC., a Delaware
corporation; and DOES 1 through 25,
inclusive,

Defendants.

Lead Case No. 37-2021-00034922-CU-OE-CTL

Other Included Actions:

Case No. 37-2021-00036521-CU-OE-CTL
Case No. 37-2021-00049040-CU-OE-CTL
Case No. 37-2021-00047859-CU-OE-CTL
Case No. 37-2022-00001083-CU-OE-CTL

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF THERESA BENDORF
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: September 13, 2024
Time: 1:30 p.m.
Department: C-63
Judge: Hon. Katherine A. Bacal

Complaint Filed: August 16, 2021
FAC Filed: October 26, 2023
Trial Date: Not Set

1 **Additional Counsel:**

2 Malte L. L. Farnaes (State Bar No. 222608)
3 malte@farnaeslaw.com

4 Christina M. Lucio (State Bar No. 253677)
5 clucio@farneslaw.com

6 Mitchell J. Murray (State Bar No. 285691)
7 mitch@farnaeslaw.com

8 **FARNAES & LUCIO, APC**

9 2235 Encinitas Blvd, Suite 210

10 Encinitas, California 92024

11 Tel: (760) 942-9431 / Fax: (760) 452-4421

12 James R. Hawkins (State Bar No. 192925)
13 james@Jameshawkinsaplc.com

14 **JAMES HAWKINS APLC**

15 9880 Research Drive, Suite 200

16 Irvine, California 92618

17 Tel: (949) 387-7200 / Fax: (949) 387-6676

18 Attorneys for Plaintiff KRISTY PRATHER

19 Larry W. Lee (State Bar No. 228175)
20 lwlee@diversitylaw.com

21 Christine S. Lee (State Bar No. 339947)

22 **DIVERSITY LAW GROUP, P.C.**

23 515 S. Figueroa St., Suite 1250

24 Los Angeles, California 90071

25 Tel: (213) 488-6555 / Fax: (213) 488-6554

26 William L. Marder (State Bar No. 170131)
27 bill@polarislawgroup.com

28 **POLARIS LAW GROUP**

501 San Benito Street, Suite 200

Hollister, California 95023

Tel: (831) 531-4214 / Fax: (831) 634-0333

Edward W. Choi (State Bar No. 211334)
edward.choi@choiandassociates.com

LAW OFFICES OF CHOI & ASSOCIATES

515 S. Figueroa St., Suite 1250

Los Angeles, California 90071

Tel: (213) 381-1515 / Fax: (213) 465-4885

Attorneys for Plaintiff JAVIER MARIN

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

[illegible]

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
20
21
22
23
24
25
26
27
28

20
21
22
23
24
25
26
27
28

26
27
28

1 employees whenever they needed me. I responded to them as quickly as possible and gave them as
2 much information as I could.

3 6. I understood that in the event this matter did not settle and proceeded with trial, I would
4 need to be in court to participate in the trial. I was ready to perform that role, as well as fulfill any
5 responsibilities that are necessary for this lawsuit.

6 7. I know that I took a sizeable risk by bringing and pursuing this lawsuit for several
7 reasons. First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I
8 also understood there was a risk of losing my job and/or income due to the time that I would have to
9 spend fulfilling my responsibilities in this matter, including having to attend the trial, if needed. Most
10 importantly, I believe that by pursuing this case, I have taken a significant risk because future
11 employers can easily find out that I sued my prior employer, and that may negatively impact my ability
12 to find employment within this industry – and even outside of it – in the future. In contrast, the other
13 employees who will be receiving money from this lawsuit did not have to file a claim or take the risk
14 that I took in bringing this action.

15 8. I reviewed the settlement agreement, discussed the settlement agreement with my
16 attorneys, and asked them questions before signing it.

17 9. I believe that I have done everything that my attorneys have asked of me and tried, to
18 the best of my ability, to seek relief for the Class, the Aggrieved Employees, and the State of
19 California. I have spent numerous hours participating in this matter as described above. I believe my
20 efforts helped get the result obtained in this case.

21 10. I understand that any resolution of this lawsuit on a class wide basis is subject to court
22 approval, and any settlement must be designed in the best interest of the Class as a whole. At all times
23 throughout the course of this litigation I have considered the interests of the Class and put them before
24 my own personal interests.

25 11. I understand that incentive or enhancement awards are discretionary and intended to
26 compensate named plaintiffs for: the quality and quantity of the work done on behalf of the class and
27 other employees; the financial and/or reputational risk undertaken in bringing the class and/or PAGA
28 action, and an acknowledgment of the benefits resulting from the representative's actions. I believe

1 my work in this matter is meritorious on these points for the reasons set forth above.

2 12. I respectfully request that the Court approve and award me a Class Representative
3 Service Payment in the amount of \$7,500.00 for my efforts and active participation in the case and for
4 the broader, general release of all claims that I have or may have against Defendants in connection
5 with the settlement. Taking into consideration the time that I dedicated to this case, I believe that this
6 amount is reasonable.

7 13. I am not related to anyone associated with Blackstone Law, APC, Diversity Law
8 Group, P.C., James Hawkins APLC, Farnes & Lucio, APC, Polaris Law Group, or Law Offices of
9 Choi & Associates.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct. Executed on 02/09/2024, at San Diego, California.

12
13 

14 Theresa Bendorf
15
16
17
18
19
20
21
22
23
24
25
26
27
28