

Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
Peter J. Carlson, Esq. [CSB No. 295611]
peter@lmlfirm.com
LAUBY, MANKIN & LAUBY, LLP
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

KRISTY ELWELL, individually, on a
representative basis, and on behalf of all others
similarly situated;

Plaintiff,

vs.

DIVERSITY WIRELESS PARTNERS LLC, a
California Limited Liability Company; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2134554

*[Assigned to Hon. Judge David Cohn, Dept.
S26 for all purposes]*

**DECLARATION OF PLAINTIFF
KRISTY ELWELL IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Kristy Elwell, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. When I first retained my attorneys (Lauby, Mankin & Lauby), I chose to pursue this case on a class action basis rather than as an individual claim. In that regard, I understood that I had specific burdens as the "Class Representative," which included: (a) representing the interests of all class members, (2) considering the interests of all class members above my own

1 personal interests, (3) participating actively in the lawsuit, including potential testimony at
2 deposition and trial, and keeping generally aware of the status and progress of the lawsuit.
3 Moreover, I understood that any resolution of the lawsuit is subject to court approval and must
4 be designed in the best interests of the class as a whole.

5 3. Since first initiating this action on behalf of the proposed class, I believe that I
6 have more than adequately performed my duties as a class representative. I have been an
7 active participant in this litigation, including assisting my attorneys in various ways and
8 making myself available when needed. For example, I have assisted my attorneys by compiling
9 and analyzing substantial documentation regarding the claims in this case. I have also helped
10 to explain and discuss the company's practices and their general practices and procedures,
11 locating and analyzing company documents, among others. I have also reviewed all settlement
12 documents and believe that this settlement is fair for the class. Finally, I will continue to take
13 all steps necessary to finalize this settlement and obtain court approval.

14 4. I have no conflicts with the proposed class members and will continue to assist
15 with the litigation and prosecute the case on behalf of the other employees.

16 5. I respectfully request that the court preliminarily approve the service award. As
17 outlined above, I have performed substantial services for the Class and helped obtain a highly
18 beneficial settlement for my fellow employees. And I have also agreed, as part of this Class
19 action settlement, to waive all of my claims against the company as part of this settlement and
20 in exchange for the service award – which goes well beyond the release given by other class
21 members. At the final approval stage, I will submit an additional declaration setting forth all
22 the work I did for this case, including an estimated number of hours spent assisting the Class
23 and my attorneys.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed on Jan 11, 2023, at Hemet, California.

26
27 By: 
28 Kristy L. Elwell (Jan 11, 2023 15:52 PST)