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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
FINAL APPROVAL**

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, if called upon, would 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, reasonable, and constitutes a fair resolution of the claims.

2. During my employment with Diversity Wireless, I thought that were issues with my pay and other aspects of my employment. Because of these issues, I started researching California law and contacted attorneys regarding how I was treated.

1 3. I then contacted Lauby, Mankin & Lauby LLP and understood that I had two
2 options: (1) I could bring a class action to help all of the employees, but I would have to put their
3 interests ahead of my own, or (2) I could bring my individual case and claims and attempt to
4 maximize my individual recovery. This decision was very difficult because I wanted to
5 maximize my individual recovery, but I also wanted to help everyone else that was wronged by
6 the company. And, if I joined the class action, I was worried that I might get labeled as a
7 whistleblower, which might make it hard to find a job in the future. In the end, I decided that –
8 despite the risks – it was important to bring these claims as a class action to hold the company
9 accountable for how they treated their employees.

10 4. I respectfully request that the Court approve the agreed-upon service award for
11 the following reasons.

12 5. First, I have spent substantial time working on this case, and I estimate that I have
13 spent between 60 and 80 hours engaged in activities to benefit the class. I have assisted my
14 attorneys in numerous ways, including helping to explain and discuss the company's practices
15 and their general practices and procedures, locating and analyzing company documents, and
16 communicating with other class members. These efforts occurred through numerous telephone
17 conferences, letters, emails, and text communications. I also assisted in preparation for mediation
18 and helped obtain a positive result for the class.

19 6. Second, I respectfully request that the Court approve the agreed-upon service
20 award because I agreed to set aside my personal interests and to put the interests of the class
21 ahead or on par with my own. In doing so, and by successfully bringing this case as a class
22 action, I helped to obtain a highly beneficial settlement for the class members.

23 7. Third, I believe that the requested service award is fair and reasonable given that I
24 have faced substantial risks and made numerous sacrifices to obtain this class action settlement.
25 For example, filing this lawsuit and being a whistle blower was stressful on a day-to-day basis as
26 I have constantly worried about the risk that this case could impact my ability to find future jobs.
27 This stress lasted for the entire case, and I'm worried that bringing this case will continue to
28 make it hard to find a job in the future since the case information is all available online.

8. Fourth, bringing this case also came with a major financial risk because, if I lost the case, I would be required to pay the company's costs, which could be over \$10,000, and there was a chance they could try to make me pay their attorneys' fees as well.

9. Fifth, as a condition of this class action settlement, I was required to compromise on and waive all possible individual claims against Diversity – something that other class members did not have to do.

10. Therefore, I respectfully request that the Court approve the requested service award based on the facts above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Jul 13, 2023 (date), at Hemet, California.

By: 
Kristy Elwell (Jul 13, 2023 09:57 PDT)