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MARK MORANVILLE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

THANH PHAN, an individual, on behalf of
herself and on behalf of all persons similarly
situated,

Plaintiff,

vs.

ST. JUDE MEDICAL CENTER, a California
Corporation; ST. JUDE HOSPITAL, a
California Corporation; and Does 1 through 50,
inclusive,

Defendants.

MARK MORANVILLE, as an individual on
behalf of himself and on behalf of all others
similarly situated,

Plaintiff,

v.

ST. JUDE HOSPITAL, a California
Corporation; ST. JUDE HERITAGE
MEDICAL GROUP, A MEDICAL
CORPORATION, a California Corporation; and
DOES 1-100, inclusive,

Defendants

Case No. 30-2022-01244478-CU-OE-CXC
[Consolidated with
Case No. 30-2022-01246853-CU-OE-CXC]

**DECLARATION OF MARK
MORANVILLE SUPPORT OF
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Date: December 29, 2023
Time: 9:00 a.m.
Judge: Hon. William D. Claster
Dept.: CX101

Reservation No.

1 I, MARK MORANVILLE, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am the Named Plaintiff
3 who filed the above-captioned lawsuit. I have personal knowledge of the facts set forth in this
4 declaration. I make this declaration in support of Plaintiffs' Motion for Final Approval of
5 Class Action Settlement.

6 2. I am employed by St. Jude Hospital as a non-exempt registered nurse. Although
7 I started as a full time employee I was injured on the job and have been on light duty and
8 reduced hours and pay since then. While working for Defendant I don't think I was properly
9 compensated for all hours worked, especially with respect to undergoing Covid wellness
10 checks and Covid testing. I also think a number of my lunch breaks were not properly
11 provided by the hospital, as many times my lunches started very late in my shift or last less
12 than 30 minutes. I also had to use my own phone during work hours to communicate with
13 supervisors and other employees.

14 3. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
15 employee of Defendant, especially with regard to not being paid properly for all the hours I
16 worked, as well improper meal and rest breaks and having to use my own phone. As a result, I
17 believe the class members and myself are owed additional compensation for all of the time we
18 worked that was not paid for by Defendant, as compensation for not getting all our breaks, and
19 to help pay for our phone usage.

20 4. It is my understanding this lawsuit could not have been prosecuted or settled
21 unless I or some other employee decided to serve as a named plaintiff and pursue the case. In
22 deciding to serve as a named plaintiff, I understood that my name would be publicly attached to
23 this lawsuit and that my work experiences to some extent would be set forth in a public court
24 file. I recognized that I would need to devote a certain amount of time that I could have spent
25 otherwise. I also recognized that my bringing the lawsuit carried some degree of risk. Despite
26 this, I decided to serve as the named plaintiff without any promise of recovery or compensation.
27 Fortunately I have not suffered any kind of negative consequences as a result of filing this case
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1 but still believe there is a risk of something happening in the future, and I understand my name
2 comes up in connection with an internet search about St. Jude lawsuits and do have some
3 concerns that my impact my future ability to find a job.

4 5. I am familiar with the work involved in prosecuting this case. I have participated
5 in numerous meetings and communications with my lawyers regarding this case. I am familiar
6 with the allegations and defenses of the claims in this case. I am familiar with the major events
7 in this case, including the investigation performed by my lawyers, the mediation with Defendant
8 and follow up negotiations that resulted in this settlement, and the preparation of settlement
9 papers and the need to obtain court approval of the proposed settlement. I participated in all
10 stages of the litigation and provided my lawyers with information and documents regarding my
11 employment with Defendant.

12 6. I believe that the proposed settlement obtained on behalf of the other employees
13 is excellent in view of the issues and risks involved with the case. I have not received, nor will
14 I receive, any benefits from filing this case other than my share of the settlement proceeds and
15 any additional amounts approved by the Court. I do not know of any reason that would create
16 a conflict of interest between myself and any other Class Member, or between myself and ILYM
17 Group, Inc., which company I've never even heard of. I have no knowledge of any other
18 lawsuits of any kind against the Defendant.

19 7. I believe I have fulfilled my duties as a named plaintiff and class representative,
20 which required a significant amount of time and effort during the course of this case. These
21 efforts required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
22 communicating with my attorneys to stay informed of ongoing developments in the case and to
23 discuss the proposed settlement; (b) searching for and providing documents and other materials
24 relating to my work experience; (c) responding to requests for information relating to my work
25 experience; and (d) reviewing filings and key documents including drafts of the complaint and
26 the settlement agreement. These tasks required my dedication of at least 30-40 hours of my
27 time, which time I honestly could have spent on family, personal time, or work. My
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1 understanding is that future tasks may require several more hours of my time. I believe I have
2 been diligent and that I have acted above and beyond that of which is expected of a named
3 plaintiff to date and will continue to do so.

4 8. It is my opinion that \$30,000.00 is a fair and adequate award for my service as the
5 named plaintiff and class representative for the unpaid wage, missed lunch/rest breaks, and cell
6 phone reimbursement claims that were brought in the lawsuit. I believe that amount is fair and
7 reasonable in view of the work I have and will continue to perform on behalf of the class
8 members. I believe that my role in this lawsuit has resulted in a valuable benefit to the other
9 employees, and I accepted the potential risk of being liable for the opposing parties' costs if we
10 were unsuccessful in this lawsuit. I believed in this case, so I was willing to be the named
11 plaintiff to risk this and pursue this class action. I also accepted the risk that news of this lawsuit
12 could also potentially impact my ability to secure other work. I am also agreeing to a different
13 and much more expansive release of claims than the other class members.

14 9. Based on the time, service, risk, stress, potential stigma, loss of benefits and
15 excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

16 I declare under penalty of perjury under the laws of California that the foregoing is true
17 and correct. Executed on October 31, 2023, at Brea, California.
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20 *Mark T. Moranville*
21 _____

22 Mark Moranville
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