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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF VENTURA**

16 PAOLA URIBE, MARIA SOTO, KAREN
17 HART, WILSON CHUNG, and LISA
BURTON, individuals, on behalf of
18 themselves, all persons similarly situated,
aggrieved employees, and the State of
19 California,

20 Plaintiffs,

21 vs.

22 MONROE OPERATIONS, LLC, dba
23 NEWPORT HEALTHCARE and NEWPORT
ACADEMY and NEWPORT INSTITUTE and
24 CENTER FOR FAMILIES, and DOES ONE
25 through TWENTY inclusive,

26 Defendants.

CASE NO.: **56-2021-00561341-CU-OE-VTA**

**DECLARATION OF WILSON CHUNG IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: May 31, 2024

Hearing Time: 8:30 a.m.

Judge: Hon. Mark S. Borrell
Dept.: 40

Action Filed: March 18, 2021

Trial Date: Not set

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1 I, Wilson Chung, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and in support of my application for a Class Representative Service Payment.
5

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I worked for defendant Monroe Operations, LLC (“Monroe Operations”) in California
9 from November of 2019 to January of 2021 and during that time period I was classified by
10 Monroe Operations as a non-exempt employee.

11 4. I retained my attorneys who are experienced in both class action and representative
12 action litigation and claims against employers for violations of the California Labor Code. I have
13 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
14 of having any actual or potential conflicts of interest with another class member in this case nor
15 am I aware of having any actual or potential conflicts of interest with APEX Class Action, the
16 settlement administrator. I am not aware of any other pending matter or action asserting claims
17 that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit and be a plaintiff/class representative
20 because I felt that my legal rights as an employee and others like me were violated. For example,
21 my supervisors contacted me after-hours from time to time on my personal cell phone regarding
22 work-related issues but I was not paid for this time nor was I reimbursed for the expenses I
23 incurred using my cell phone. I also did not always receive compliant meal breaks which were
24 sometimes late, short or missed entirely – and when these violations occurred I did not receive all
25 the meal break premium payments I was entitled to.
26

27 6. I spoke to my attorneys several times and discussed how Monroe Operations implemented
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1 its company policies and procedures. I also assisted my attorneys in their investigation into my
2 claims by providing them documents and answering their questions. I reviewed the complaint
3 before it was filed and was given access to an electronic file sharing program that alerted me via
4 email when important documents were filed so that I could review them and keep up with the
5 developments in the case which I understood was one of my duties as a class representative. I
6 could also access court filings from this case on my attorney's law firm website.
7

8 7. Even though this action is in the process of settling, I was and remain prepared to
9 perform all the duties of a class representative. I understand that as a class representative I have
10 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
11 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
12 benefit of the class members and surrender any right to compromise the group action for an
13 individual gain.
14

15 8. I understood that being a plaintiff/class representative in this case meant that I was
16 seeking damages not only for myself but also other current and/or former non-exempt employees
17 working for Monroe Operations in California who make up the class. I felt that these individuals
18 were not aware of their labor law rights and even if they were they would probably be
19 apprehensive about speaking up or even simply because of the time, effort and risk involved in
20 filing a class action lawsuit.
21

22 9. I understood that being a part of this lawsuit involved risks. For example, my
23 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
24 pay for all or part of the attorney fees and costs paid by Monroe Operations to defend this lawsuit.
25 Also, I knew there was a risk that future employers, if they ever find out about this lawsuit, could
26 hold it against me or downgrade me as a potential hire. As a named Plaintiff in this case it would
27 not be difficult for a future employer to become aware that I sued a former employer for labor law
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1 violations. Ultimately I decided these risks were worth it and decided to fight for my rights and
2 the rights of others regardless of the risks, time and effort I spent on this case.

3 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
4 kept up to date on important developments by reviewing court filings that were made available to
5 me electronically as I described above.

6 11. A mediation took place on August 1, 2023 with Brandon McKelvey, a well-
7 respected and experienced mediator of wage and hour class actions. After the mediation the
8 parties were able to reach an agreement to settle the action based on a mediator's proposal. I
9 communicated with my attorneys regarding the terms of the settlement which was reached
10 between the parties and understood that I was representing absent class members and therefore
11 wanted the best possible result to be obtained for the class members and I believe a very positive
12 result was in fact achieved via settlement.

13 12. I have been actively involved with this lawsuit performing the duties described above.
14 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
15 filings, assisted in the responses to written discovery from Monroe Operations and spent a
16 significant amount of time on the issues presented during the lawsuit and in the settlement process.
17 I estimate that I spent approximately 30-40 hours working on this case up until this point. I believe
18 I have been diligent and have done what is expected of a named plaintiff and a proposed class
19 representative to date, and will continue to do so. I have and always will maintain the best interest
20 of the class members.

21 13. My attorneys explained to me that the settlement process involves a two-step
22 review by the Court to determine whether the settlement is fair before approving the settlement. I
23 know this process also involves notifying all class members of the settlement terms and of their
24 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
25

1 settlement.

2 14. I believe I did the right thing by filing this case on behalf of the class members who,
3 subject to court approval, are in line to receive monetary payments as a result of this case and
4 settlement. This is money they may never have ever gotten if I did not pursue this action on their
5 behalf. I feel significant personal satisfaction to know that I played a role in the class members
6 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
7 requested Class Representative Service Payment of \$15,000 from the settlement is fair
8 compensation for the work I performed and the risks I undertook.
9

10 15. As part of the settlement it was necessary for me to sign a general release of all claims I
11 may have against Monroe Operations. I believe the Class Representative Service Payment I have
12 requested provides me with some compensation for this agreed release.
13

14 16. In light of all the time and effort I have spent on this case, the risk I undertook by
15 suing a former employer, the exposure to being responsible for paying Monroe Operation's costs
16 in the event we did not win the case, the reputational risk that future employers may hold this
17 lawsuit against me, the general release and in light of the size of the settlement, I believe the
18 request for \$15,000 as a Class Representative service payment is fair and reasonable.
19

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

22 Executed on Apr 24, 2024, at Hayward, CA.
23 (city, state)

24 *Chung Yew Kay*
Chung yew Kay (Apr 24, 2024 20:17 GMT+8)

25 Wilson Chung
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