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Attorneys for Plaintiff Bobby Birdi

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

BOBBY BIRDI, individually and on behalf of
others similarly situated, and as an aggrieved
employee and Private Attorney General,

Plaintiff,

vs.

LUCID USA, INC., a Delaware corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 21CV003541

Honorable Tara Desautels
Department 23

**DECLARATION OF PLAINTIFF BOBBY
BIRDI IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Reservation ID: 197750242423
Date: March 13, 2024
Time: 2:30 p.m.
Dept: 23

Complaint Filed: December 3, 2021
FAC Filed: February 1, 2022
Trial Date: Not Set

1 **DECLARATION OF BOBBY BIRDI**

2 I, Bobby Birdi, declare and state as follows:

3 1. I am over the age of eighteen (18) and a resident of the State of California. I am the
4 named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements
5 set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

6 2. I was employed by Defendant Lucid USA, Inc. ("Lucid") as an hourly-paid, non-
7 exempt Security Guard from approximately January 2021 to August 2021.

8 3. Because I thought the practices at Lucid may not be lawful, I decided to seek legal
9 advice about my work experiences at Lucid and about filing a lawsuit to obtain relief for my
10 grievances. I contacted Blackstone Law, APC and spoke with their attorneys. I wanted to take steps
11 to make sure Lucid was held accountable for not properly compensating its employees for all hours
12 worked and for non-compliant meal and rest breaks. After speaking with the attorneys, I also
13 investigated class and representative action lawsuits on my own. Thereafter, I further consulted with
14 the attorneys at Blackstone Law, APC about my situation, class actions, representative action lawsuits
15 under the Private Attorneys General Act ("PAGA"), and what it meant to bring a class and PAGA
16 action so that I understood what I was considering doing.

17 4. I have regularly conferred with my attorneys regarding the case as part of my
18 responsibilities as a class and PAGA representative. This process included searching for and providing
19 documents concerning my employment with Lucid, answering any questions my attorneys had about
20 the documents, providing information regarding the company's practices and the duties of other non-
21 exempt employees, and helping my attorneys develop a strategy as to what additional documents and
22 information they could seek to obtain from Lucid.

23 5. I routinely checked in with my attorneys and their staff to make sure that they had all
24 of my most current information and any additional information that I had obtained. I made myself
25 available to answer any questions my attorneys had about Lucid's practices and treatment of its
26 employees whenever they needed me. I responded to them as quickly as possible and gave them as
27 much information as I could. Additionally, I helped my attorneys respond to written discovery, and
28 met with them in order to prepare for my deposition, which took place in January 2023.

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

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

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

15 9. I believe that I have done everything that my attorneys have asked of me and tried, to
16 the best of my ability, to seek relief for the Class, the PAGA Employees, and the State of California.
17 In total, I have spent approximately 45 to 50 hours participating in this case as described above. I
18 believe my efforts helped get the result obtained in this case.

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

23 11. I understand that incentive or enhancement awards are discretionary and intended to
24 compensate named plaintiffs for: the quality and quantity of the work done on behalf of the class and
25 other employees; the financial and/or reputational risk undertaken in bringing the class and/or PAGA
26 action, and an acknowledgment of the benefits resulting from the representative's actions. I believe
27 my work in this matter is meritorious on these points for the reasons set forth above.

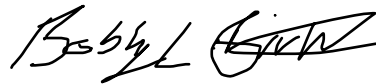
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1 12. I respectfully request that the Court approve and award me an Enhancement Payment
2 in the amount of \$7,500.00 for my efforts and active participation in the case and for the broader,
3 general release of all claims that I have or may have against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

5 13. I understand that Blackstone Law, APC and Smith Law Corporation will share the
6 attorneys' fees in this matter. I agreed to this in writing. I understand that the amount of attorneys'
7 fees will not increase as a result of this fee sharing.

8 14. I am not related to anyone associated with Blackstone Law, APC or Smith Law
9 Corporation.

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 01/23/2024, at Tracy, California.

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