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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

MARK BRUNO KOVACIC, an
individual, on behalf of himself and on
behalf of all persons similarly situated, and
on behalf of the State of California, as a
private attorney general,

Plaintiff,

vs.

THE ALARIS GROUP, INC., a
Corporation; PARADIGM
MANAGEMENT SERVICES, LLC, a
Limited Liability Company, and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: **C22-01125**

[Consolidated with Case No. C22-01425]

**DECLARATION OF MARK BRUNO
KOVACIC IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: July 11, 2024

Hearing Time: 9:00 a.m.

Judge: Hon. Charles S. Treat
Dept.: 12

Action Filed: June 1, 2022
Trial Date: Not set

DECLARATION OF MARK BRUNO KOVACIC

1 I, Mark Bruno Kovacic, 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 Action and PAGA Settlement and in support of my application for a class representative
5 service payment.
6

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

9 3. I have worked for the defendants (“Alaris Group”) in California as a Case Manager since
10 February of 2020. From February of 2020 to May of 2020 I was classified as a non-exempt
11 employee working on an hourly basis. Since May of 2020 I have been classified as a salaried
12 employee exempt from overtime pay and the legally required meal and rest breaks.
13

14 4. I retained my attorneys who are experienced in both class action and PAGA
15 representative action litigation and claims against employers for violations of the California Labor
16 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court. I
17 am not aware of having any actual or potential conflicts of interest with another class member in
18 this case nor am I aware of having any actual or potential conflicts of interest with ILYM Group,
19 Inc., the settlement administrator. I am not aware of any other pending matter or action asserting
20 claims that will be extinguished or adversely affected by this settlement.
21

22 5. I decided to file this class action lawsuit and be a plaintiff/class representative
23 because I felt that my legal rights as an employee and others like me were violated. For example,
24 I sometimes work around ten unpaid hours of overtime a week as a result of being misclassified as
25 exempt from overtime. It is also uncommon for me to take an uninterrupted 30-minute meal break
26 prior to my fifth hour of work.
27

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DECLARATION OF MARK BRUNO KOVACIC

1 6. I spoke to my attorneys several times and discussed how Alaris Group implemented its
2 company policies and procedures. I also assisted my attorneys in their investigation into my
3 claims by providing them documents and answering their questions. I reviewed the complaint
4 before it was filed and was given access to an electronic file sharing program that alerted me via
5 email when important documents were filed so that I could review them and keep up with the
6 developments in the case which I understood was one of my duties as a class representative. I
7 could also access court filings from this case on my attorney's law firm website.
8

9 7. Even though this action is in the process of settling, I was and remain prepared to
10 perform all the duties of a class representative. I understand that as a class representative I have
11 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
12 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
13 benefit of the class members and surrender any right to compromise the group action for an
14 individual gain.
15

16 8. I understood that being a plaintiff/class representative in this case meant that I was
17 seeking damages not only for myself but also other current and/or former case managers classified
18 as exempt working for Alaris Group in California who make up the class. I felt that these
19 individuals were not aware of their labor law rights and even if they were they would probably be
20 apprehensive about speaking up or even simply because of the time, effort and risk involved in
21 filing a class action lawsuit.
22

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

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

7
8 11. A mediation took place on August 30, 2023 with Jeff Krivis, a well-respected and
9 experienced mediator of wage and hour class actions. After the mediation the parties were able to
10 come to an agreement to settle the action with the assistance of the mediator. I communicated
11 with my attorneys regarding the terms of the settlement which was reached between the parties
12 and understood that I was representing absent class members and therefore wanted the best
13 possible result to be obtained for the class members and I believe a very positive result was in fact
14 achieved via settlement. I reviewed and signed the Memorandum of Understanding on November
15 15, 2023. When the final settlement agreement was ready I reviewed it closely and signed it on
16 March 13, 2024.

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

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

4 14. I believe I did the right thing by filing this case on behalf of the class members who,
5 subject to court approval, are in line to receive monetary payments as a result of this case and
6 settlement. This is money they may never have ever gotten if I did not pursue this action on their
7 behalf. I feel significant personal satisfaction to know that I played a role in the class members
8 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
9 requested class representative service payment of \$12,500 from the settlement is fair
10 compensation for the work I performed and the risks I undertook.

11 15. As part of the settlement it was necessary for me to sign a general release of all claims I
12 may have against Alaris Group. I believe the class representative service payment I have
13 requested provides me with some compensation for this agreed release.

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 the defendants' costs in the
16 event we did not win the case, the reputational risk that future employers may hold this lawsuit
17 against me, the general release and in light of the size of the settlement, I believe the request for
18 \$12,500 as a class representative service payment is fair and reasonable.

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

21 Executed on Jun 14, 2024, at Concord, CA.
22 (city, state)

23 Mark Bruno Kovacic
24 Mark Bruno Kovacic (Jun 14, 2024 16:44 PDT)
25 Mark Bruno Kovacic

26 DECLARATION OF MARK BRUNO KOVACIC
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