

Hon. Judge Peter E. Borkon

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René C. Davidson Courthouse

Department 15 – Hon. Peter E. Borkon

1225 Fallon Street

Oakland, CA 94612

United States

Objection to Proposed Settlement and Motion to Relieve Counsel

Case No.: 23CV028922 – Taylor v. Tesla (PAGA)

Dear Your Honor,

I am submitting this formal objection to the proposed settlement and the recent order relieving my former counsel, Bryan Schwartz and Matthew Helland, from representation. I respectfully request that this objection be entered into the record and considered prior to the June 13th hearing regarding attorney fees and final settlement approval.

1.

Misrepresentation by Former Counsel

My former attorney, Bryan Schwartz, submitted a sworn declaration stating that I accepted the mediator's proposal and agreed to a long-form settlement agreement. This is false. I have never agreed—verbally or in writing—to any finalized settlement terms, nor have I signed a long-form agreement.

Similarly, attorney Matthew Helland falsely declared that all plaintiffs were involved in the settlement negotiations. I was explicitly excluded from participation. Prior to mediation, Mr. Helland informed me that decisions would be made without plaintiff involvement. The mediation session recordings will confirm that I was only briefly permitted to observe and was barred from participating in negotiation.

Both attorneys misrepresented the proposed allocation of funds, repeatedly telling me that the plaintiff payout was “non-negotiable,” predetermined based on what the judge would accept, and

that I “had no choice” but to accept it. These statements misled me and obstructed my ability to advocate for myself.

Additionally, when I requested judicial contact information to voice my concerns, I received a threatening email from Mr. Helland warning me not to disclose details to the Court, citing confidentiality obligations. However, I was not present during negotiations and never breached the mediation privilege. I possess written and audio evidence supporting my claims.

2.

Denial of Meaningful Participation

I was only permitted to observe a portion of the mediation—after persistent requests—and only at a time when no settlement negotiations were occurring. Mr. Helland explicitly told me the other plaintiffs would not attend and discouraged my presence. I was never informed of my right to negotiate and was misled into believing that I had no such right.

This exclusion from the negotiation process directly impacted my ability to make informed decisions regarding my legal rights and compensation.

3.

Bait-and-Switch Compensation Representation

At the beginning of this case, I was informed by a previous attorney (possibly named Selma) that I would receive an enhanced award—estimated around \$20,000—for my early and active cooperation. Years later, Mr. Schwartz and Mr. Helland informed me that I would receive only \$2,500, presenting it as a fixed figure determined by the court, with no possibility of negotiation.

This radical departure from the original assurances I received and their refusal to permit input or discussion violated my trust and expectations.

4.

Retaliatory Motion to Be Relieved as Counsel

When I questioned the fairness of the proposed settlement and requested a renegotiation, my attorneys filed a motion to withdraw. I did not request to be released as a client. Their motion appears retaliatory and intended to suppress dissent and avoid scrutiny of the proposed settlement and attorney compensation.

Notably, Mr. Schwartz emailed me, stating, “I worry a bit that if you haven’t signed the agreement and we proceed, the judge might question the enhancements for the other plaintiffs.” This suggests the attorneys were aware that my refusal to agree could cast doubt on the entire settlement’s legitimacy.

5.

Disproportionate Compensation and Broader Concerns of Fairness

This matter began as a discrimination case. It is disheartening that the settlement disproportionately benefits attorneys—who are requesting over \$340,000 in fees—while plaintiffs, including three Black women, receive only \$2,500.

I fear other plaintiffs may have accepted these terms under similar misinformation or pressure. My concerns are not only about my own treatment, but about the systemic failure to ensure a fair, transparent process for all represented parties.

Summary of Key Concerns:

- False statements made under oath by counsel.
- Lack of negotiation or input opportunity for plaintiffs.
- Intimidation and coercion through confidentiality warnings.
- Retaliatory withdrawal to silence objection.
- Disproportionate allocation of attorney fees relative to plaintiff compensation.

Requests for Relief:

1. That the Court deny final approval of the settlement in its current form.
2. That the Court investigate possible misrepresentations in attorney declarations.
3. That the Court review the reasonableness of attorney fees in relation to the recovery for plaintiffs.
4. That this written submission be accepted in lieu of personal appearance, as I am unable to appear in person.
5. That the Court consider whether reallocation or renegotiation is appropriate to restore fairness and proportionality.

I submit this objection in good faith, in pursuit of justice and equitable treatment for all parties involved.

Respectfully submitted,

Tatianna Smith
Lead Plaintiff
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6/10/2025

A handwritten signature in black ink, appearing to be 'TAS' or similar, written in a cursive style.