

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Roman Otkupman (State Bar No. 249423)
Nidah Farishta (State Bar No. 312360)
OTKUPMAN LAW FIRM, A LAW CORPORATION
5743 Corsa Ave, Suite 123
Westlake Village, CA 91362
Telephone: (818) 293-5623
Facsimile (888) 850-1310

Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MICHAEL FORD as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

AVARTARA LLC; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: 22STCV10348

**DECLARATION OF PLAINTIFF
MICHAEL FORD IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT AND
PROVISIONAL CERTIFICATION OF
CLASS**

Date: October 30, 2024

Time: 10:00 a.m.

Dept.: 9

1 I, Michael Ford, declare as follows:

2 1. I am an individual over the age of 18. I have personal knowledge of the facts set forth
3 below and if called to testify I could and would do so competently. Along with Anthony Williams,
4 I am one of the named plaintiffs in this action. I submit this declaration in support of Plaintiffs'
5 Motion for Preliminary Approval of Class and Representative Action Settlement.

6 2. I was previously employed by Avartara LLC ("Avartara" or the "Company") as a
7 non-exempt, hourly employee from in or around November 2020 to in or about July 2021.

8 3. During my employment with Avartara, I experienced numerous violations of the
9 Labor Code, such as: (i) not being paid all wages, including all minimum and overtime wages; (ii)
10 receiving untimely and/or interrupted meal and rest breaks; (iii) receiving my final vacation wages
11 at a rate that was lower than my final rate of pay; (iv) receiving wage statements that displayed
12 inaccurate information, including the correct total hours worked; (v) receiving the payment of wages
13 more than seven days after the close of the pay period; and (vi) not being reimbursed for using my
14 personal cell phone for work related tasks. By bringing a class action lawsuit, I hoped that I might
15 be able to change the Company's policies to better protect the working conditions of my former co-
16 workers.

17 4. During the time that I was employed at Avartara, I followed the same timekeeping,
18 scheduling and payroll policies and practices as the other hourly employees I observed and
19 interacted with.

20 5. I understand that this lawsuit was filed as a class and representative action. I have no
21 interests that are antagonistic to my former coworkers with respect to the claims alleged in this case.

22 6. I understand the general obligations of serving a class representative. I agreed to
23 pursue not only my own wage and hour claims, but the claims of all similarly situated employees of
24 Avartara, and, if necessary, to put the interest of all similarly situated employees ahead of my own.
25 I also understand that it is my duty to actively participate in the lawsuit.

26 7. My attorneys explained the risks associated with litigation, and that the case could
27 take years to resolve, and therefore required a long-term commitment on my part. I also understood
28 that I was potentially responsible for paying the Company's attorney's fees and costs. However, I
willingly accepted these risks.

8. During this litigation, I have spent a significant amount of time working with my
attorneys and participating in this lawsuit as follows:

1 a. I regularly conferenced with my attorneys, before and after the filing of the lawsuit,
2 to discuss the status of the case, to offer my input on the Company's practices and
3 policies, to assist in gathering evidence and documents that supported the class
4 claims, to review policy documents and payroll records from the Company, and to
5 discuss settlement options; and

6 b. I also spent significant time helping my attorneys prepare for mediation and
7 answering questions about how the Company's policies and practices impacted me
8 and my coworkers. I made myself available during the entirety of the all-day
9 mediation which took place on zoom, approved the tentative settlement, and
10 reviewed and approved the final settlement agreement. I regularly spoke with my
11 attorneys to make sure I was fully informed of the facts and settlement negotiations.

12 9. Overall, I estimate that I have devoted approximately twenty to twenty-five hours of
13 my time to this case. This was not an easy thing to do as I have my own job and responsibilities.

14 10. I did not make the decision to file a class and representative action lightly. I was
15 concerned by the attention that a class action lawsuit would attract in the workplace and the
16 reputational harm that may result, including the perception that I am difficult to work with. I was
17 also mindful that filing a class action lawsuit could jeopardize my employment status. Although the
18 lawsuit is justified, my current or prospective employer might find out that I sued the Company, and
19 there is a risk of facing retaliation and strained relationships with colleagues and supervisors.
20 Nevertheless, I felt that important rights were at stake that hurt everyone, and something ought to be
21 done about it.

22 11. Before signing the Joint Stipulation of Class and Representative PAGA Consolidated
23 Action Settlement ("Settlement Agreement" or "Agreement"), I read the Settlement Agreement,
24 discussed the terms of the settlement with my attorneys, and was made aware of the many risks and
25 uncertainties involved in continuing to pursue this case. In light of these discussions, I believe the
26 proposed settlement is fair and reasonable and in the best interests of the class members.

27 12. I understand that the Settlement Agreement provides an Enhancement Payment in
28 the amount of \$10,000 to me and the other named plaintiff, Mr. Williams. I believe this amount is
fair compensation for my time and effort on this case, for helping to prosecute this case, and the risks
with respect to my future employment. In addition, the Settlement requires that I enter into a general
release, which I understand is broader than the release that will bind other class members. I am
receiving no compensation in addition to that provided for in the settlement.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on July 2, 2024 in the City of Los Angeles State of California.

DocuSigned by:

A991009F2F04FA...

MICHAEL FORD