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

KAYLYN BUSH and MADELEINE
GUEVARA, on behalf of themselves, and all
aggrieved employees,

Plaintiffs,

v.

DUTCH BROS., LLC; and DOES 1 through
100, inclusive,

Defendants.

Case No: 22CV-01415

REPRESENTATIVE ACTION

*Assigned for all purposes to the
Hon. Brian McCabe, Dept. 8*

**DECLARATION OF PLAINTIFF
KAYLYN BUSH IN SUPPORT OF
MOTIONS FOR AN ORDER APPROVING
SETTLEMENT OF PAGA ACTION AND
DISMISSING ACTION WITH
PREJUDICE AND FOR AN ORDER
AWARDING ATTORNEYS' FEES AND
COSTS, ENHANCEMENT PAYMENTS,
AND SETTLEMENT ADMINISTRATION
FEES**

Date: December 13, 2023

Time: 8:15 a.m.

Dept. 8

Complaint filed: May 19, 2022

Trial Date: TBD

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1 I, KAYLYN BUSH, declare as follows:

2 1. I am the named Plaintiff in the case against Dutch Bros., LLC (“Dutch Bros.” or
3 “Defendant”). I submit this Declaration in support of Plaintiff’s motion for PAGA approval as
4 well as the motion for attorneys’ fees and costs, enhancement payment, and settlement
5 administration fees. I am a competent adult, I have personal knowledge of the facts set forth in
6 this declaration, and I could and would testify competently under oath if called as a witness.

7 2. Dutch Bros. operates coffee shops throughout California. I worked for Dutch
8 Bros. from approximately July 9, 2021 through February 1, 2022 as an hourly “Broista.”

9 3. I believed it was wrong for Dutch Bros to not provide adequate meal and rest
10 periods, as well as failing to pay for all hours worked, including time for off-the-clock training,
11 pre- and post-shift meetings while not clocked-in, and off-the-clock identity verification checks.

12 4. Prior to initiating this action, I spoke to my attorney Robert Spencer, Esq. of
13 Keller Grover LLP. I spent over an hour describing to Mr. Spencer the facts of my case. We also
14 discussed the fact that this case would be brought as a PAGA action and what that meant,
15 including that a PAGA action is an enforcement action on behalf of the State of California that
16 seeks penalties. We also discussed my responsibilities as a representative of the aggrieved
17 employees. Additionally, we discussed what litigation was like, including the different stages of
18 litigation, the work it entails, and how long these types of cases take. I then determined that
19 Keller Grover LLP was the proper law firm to bring my case.

20 5. From the inception of this lawsuit, I have understood that this is a PAGA action
21 that is an enforcement action on behalf of the State of California that seeks penalties. I worked
22 with Mr. Spencer to draft the PAGA letter. We spent close to an hour on the phone to make sure
23 it was factually correct. I also spent an hour reviewing it before it was sent to the LWDA. I also
24 reviewed the complaint after it was drafted, Mr. Spencer provided it to me before it was filed. I
25 spent an hour reviewing it before it was filed to make sure it was accurate. I also worked with
26 Mr. Spencer to request my employee records.

27 6. Mr. Spencer kept me up to date regarding the status of my case, including the
28 progress we had made in discovery. Mr. Spencer also made me aware that Defendant was open

1 to mediating this action. I kept up to date regarding the mediation and made sure I was available
2 on the date of the mediation in order to answer any questions that Mr. Spencer had. I also had
3 numerous telephone conversations with Mr. Spencer to answer questions he had in order to draft
4 the mediation brief.

5 7. Mr. Spencer and I also discussed that there was another case pending against
6 Dutch Bros. brought by Ms. Madeleine Guevara. We discussed that the two cases would be
7 combined and she would be added to my case through an amended complaint, and we would try
8 to settle the actions together. I approved of this course of action.

9 8. After the mediation was successful, I reviewed the Labor Code Private Attorneys
10 General Act Settlement Agreement (“Settlement Agreement”) with Mr. Spencer and spent
11 approximately half an hour discussing with him regarding how the settlement funds were to be
12 distributed and whether the settlement and the plan of distribution were fair. I then spent another
13 hour reviewing the Settlement Agreement.

14 9. Throughout my involvement in the case, I have maintained regular telephonic
15 communications with Mr. Spencer to discuss the status of the case and to respond to any
16 questions he might have. We speak at least once month, if not more.

17 10. When I agreed to act as a named plaintiff, I understood that I might be responsible
18 for some of the costs incurred by Defendant if the lawsuit was unsuccessful. In addition to this, I
19 worried about my reputation in the community if people were to find out I had sued somebody. I
20 would also have attended trial and testified if the case had reached that point.

21 11. I also am concerned about the possible repercussions to my future job
22 opportunities because I have been a plaintiff in a wage and hour lawsuit against an employer.

23 12. I understood from the beginning that I was pursuing this case not only for my own
24 benefit, but also for the benefit of large numbers of past and present employees and the State of
25 California.

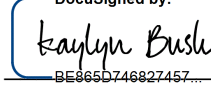
26 13. I believe that the settlement reached in this case is fair and, in light of the risks
27 involved, will justly compensate the State of California and the aggrieved employees. I believe
28 that the enhancement I have requested is fair in light of the work I put into the case, the risks I

1 took, the harm that I believe my suing my employer could cause me in terms of future job
2 prospects, and the benefits that have been achieved for the State of California and the aggrieved
3 employees.

4 14. I understand the settlement we have reached in this case must be approved by the
5 Court and I must protect the interest of the State of California and the aggrieved employees.

6 15. I have no interest in or relationship with the proposed Settlement Administrator,
7 Simpluris, Inc.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct, and that this Declaration was executed on 10/26/2023 at
10 Stockton, California.

11 DocuSigned by:
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14 KAYLYN BUSH
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PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On October 27, 2023, *Bush, et al., v. Dutch Bros., LLC, et al.*, Merced Superior Court Case Number 22CV-01415, I served the foregoing document(s):

DECLARATION OF PLAINTIFF KAYLYN BUSH IN SUPPORT OF MOTIONS FOR AN ORDER APPROVING SETTLEMENT OF PAGA ACTION AND DISMISSING ACTION WITH PREJUDICE AND FOR AN ORDER AWARDING ATTORNEYS' FEES AND COSTS, ENHANCEMENT PAYMENTS, AND SETTLEMENT ADMINISTRATION FEES

on the interested party(ies) below, using the following means:

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☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the Parties.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



JOEY GONZALEZ