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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

VIVIAN GRACE SMITH, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

ESL TECHNOLOGIES, INC., a California
corporation; STAY SAFE STAFFING, INC., a
California corporation; VALUTECH
OUTSOURCING, LLC, a limited liability
company; TELEPLAN HOLDING USA, INC., a
California corporation; TELEPLAN SERVICE
LOGISTICS, INC., a California corporation; and
DOES 1 through 10, inclusive,

Case No.: 22STCV17408

[Hon. Theresa M. Traber]

**DECLARATION OF PLAINTIFF VIVIAN
GRACE SMITH IN SUPPORT OF
MOTIONS FOR APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: February 9, 2026
Time: 10:30 a.m.
Courtroom: Dept. 1
Judge: Hon. Theresa M. Traber

Action Filed: May 26, 2022
Trial Date: Not Set

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1. I am a named Plaintiff in this case. I am a former employee of the named defendant, ESL TECHNOLOGIES, INC. (“Defendant”). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness. I could and would testify competently to the following:

2. I worked for Defendant during the Settlement Class Period. My employment began in and around May 2021 and ended in and around November 2021. I held a job position that is at issue in this case and included within the class.

4. Issues I experienced included time worked off the clock, some short meal periods, some missed rest breaks, and the late final pay and wage statement problems related to those issues.

5. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if approved as a class representative in this matter, I have an obligation to do my best to look out for the interests of other class members, the current and former employees of Defendant who I am seeking to represent. I understand that my obligations to the class exist even when the class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. I have never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain the best settlement they could within reason, and I believe that they have attempted to do so.

6. This case was filed about over three years ago. I have never asked to be relieved from my role as a proposed class representative. To the contrary, I have made myself available whenever

1 my attorneys wanted to discuss aspects of my employment with Defendant, and I remain committed to
2 seeing this matter through to the end.

3 7. I have conferred with my attorneys about the settlement proposed in this case. I am not
4 an accountant, but I understand the factors and risks that need to be considered when evaluating a
5 settlement.

6 8. Summing it all up in the simplest terms, I am asking to be stand-in for other
7 employees of Defendant. Because of that, I cannot quit on the Class, and I cannot put myself and my
8 interests before the Class. I accept these duties and request that I be approved as the class
9 representative for purposes of this amended Settlement.

10
11 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

12 9. I was an hourly non-exempt employee of Defendant and was subject to the same pay
13 structure and rules as all the other hourly non-exempt employees of Defendant.

14 10. I am not aware of anything special about me that would raise unique defenses to my
15 claims, as opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my
16 claims are based upon the same facts that relate to the rest of the Class.

17 11. I do not believe that I have any conflicts with Class Members included in this proposed
18 Settlement. I do not have any intention to take any action that would place me in a position that is hostile
19 to other Class Members.

20
21 SERVICE AS A CLASS REPRESENTATIVE

22 12. I believe that were it not for my stepping forward and taking on the duties of protecting
23 the interests of other Defendant employees, it is likely that the interests of the class would neither have
24 been prosecuted, nor benefited. To my knowledge, other than the litigation encompassed by this
25 proposed Settlement, there is no other litigation, on a class or individual basis, concerning the claims in
26 this lawsuit. Nor has Defendant pointed to any.

27 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
28 search for information online these days, I will face an increased risk that future employers will

1 discover information about this lawsuit online and have a negative reaction to learning that I sued an
2 employer. This may make it harder for me to obtain future employment or change jobs for a better
3 opportunity.

4 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
5 also during its litigation to ensure a fair result for the employee class. This involved ongoing
6 communications and participation with my counsel during the course of this case.

7 15. My participation began with bringing issues in this matter to my counsel's attention,
8 and explaining the factual background that was used to prosecute the claims in this case.

9 16. For example, I reviewed documents which I already had, I provided relevant documents
10 to my counsel, and I explained those documents and related facts to my counsel to assist them in their
11 review. I also assisted in identifying potential witnesses, including other employees, who might
12 likewise have been of assistance.

13 17. My efforts continued after suit was filed. For example, I continued to identify
14 employees and other witnesses to counsel, along with other information as to how they could be of
15 potential use in this matter. I also discussed strategy with my counsel.

16 18. I was also actively involved in the mediation and settlement process, meeting multiple
17 times with my counsel to review documents produced by Defendant, providing additional factual
18 background and providing clarification on the produced documents.

19 19. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
20 with my attorneys as well as I was able to ensure that its terms are likewise fair and adequate.

21 20. In sum, I believe I have provided well over 40 hours of my time during the course of
22 this litigation to ensure a good outcome for the best interests of the class.

23 21. I do not believe that I have any conflicts with Class Members included in this proposed
24 Settlement.

22. I do not have any connection to the proposed Settlement Administrator.

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

Executed on 12/12/2025, at Los Angeles, California.

Signed by:

Vivian Grace Smith

D1820267327C4A4...

VIVIAN GRACE SMITH, "Declarant"