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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF BUTTE

THOMAS HAVEN, BRETT OWENS, AND
DONAVON PATTERSON individuals, on
behalf of themselves and on behalf of all
persons similary situated,

Plaintiffs,

v.

CALIFORNIA VOCATIONS, INC., a
California Corporation; and DOES 1-50,
Inclusive,

DEFENDANTS.

Case No. 21STCV19193

**DECLARATION OF DONAVON
PATTERSON IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: March 1, 2023

Time: 9:00 a.m.

Judge: Hon. Stephen E. Benson

Dept.: 6

1 I, DONAVON PATTERSON, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiffs' Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiffs' Motion for Class
5 Counsel Award and Class Representative Service Awards. I have personal knowledge of all the facts
6 stated herein. I could and would competently testify under oath to these facts in court if requested to do
7 so.

8 2. I retained Class Counsel in February 2022 and joined the lawsuit that was filed in August
9 of 2020. I joined the case on behalf of myself and all non-exempt employees who are or previously were
10 employed by Defendant and performed work in California during the period between April 6, 2016, to
11 May 5, 2022.

12 3. I work for Defendant as a non-exempt employee, paid on an hourly basis, eligible to earn
13 certain non-discretionary compensation, and entitled to legally mandated meal and rest periods,
14 minimum wages, and overtime wages, in Butte County, from 2006 to December of 2021.

15 4. I joined the case because I believed my rights as an employee were violated by Defendant
16 and also the rights of other employees that worked for Defendant. Among other claims, I believe
17 Defendant failed to pay for all time worked, failed to provide complaint meal and rest periods, failed to
18 furnish accurate itemized wage statements, and failed to reimburse for required business expenses.

19 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
20 my attorneys. We discussed my work experience and how company policies were applied to me and
21 other employees. I provided the attorneys with documents they requested. We reviewed the documents
22 together and asked and answered many questions regarding my experience working for Defendant, the
23 litigation process, and about class actions generally.

24 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
25 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
26 than merely seeking my individual claims substantially increased the risk to me. Those risks included
27 the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class action if
28 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by

1 the attorneys and the Court because I needed to prove that I was an adequate class representative.
2 Further, I understood that I would lose some autonomy over my individual claims that I could not make
3 decisions for my sole benefit and that I needed to make every litigation decision with the best interests
4 of the Settlement Class in mind.

5 7. I also understood that the pursuing this litigation created a very public record of my
6 grievances with Defendant which produced the risk that a future employer could hold it against me that
7 I sued a former employer.

8 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on
9 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to
10 receive from this settlement. My attorneys explained to me that the net settlement value of my individual
11 claims may be greater than my ultimate recovery from the net class settlement amount.

12 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because
13 I believed violations occurred and most employees would not know what their rights are and even if
14 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

15 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status
16 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,
17 because I wanted to keep up with developments in the case which I understood was one of my duties as
18 a class representative.

19 11. **Review and Approval of Settlement:** A mediation was held on May 5, 2022. Even
20 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
21 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
22 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
23 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
24 reviewed and signed the Memorandum of Understanding on May 6, 2022, and when the settlement
25 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
26 signed on July 19, 2022.

27 12. **Broad General Release:** I understand that the Class Representative Service Award is
28 intended, in part, to compensate me for my release of the Released Class Claims. Additionally, unlike

1 the other Class Members, I also granted Defendant a broad general release and waiver of claims pursuant
2 to California Civil Code section 1542 and released Defendant any and all claims, whether known or
3 unknown, which exist or may exist on their behalf as of the date of the Agreement, including but not
4 limited to any and all tort claims, contract claims, wage claims, wrongful termination claims, disability
5 claims, benefit claims, public policy claims, retaliation claims, statutory claims, personal injury claims,
6 emotional distress claims, invasion of privacy claims, defamation claims, fraud claims, quantum meruit
7 claims, and any and all claims arising under any federal, state or other governmental statute, law,
8 regulation, or ordinance, including but not limited to claims for violations of the Fair Labor Standards
9 Act, the California Labor Code, the Wage Orders of California's Industrial Welfare Commission, other
10 state wage and hour laws, the Americans with Disabilities Act, the Age Discrimination in Employment
11 Act (ADEA), the Employee Retirement Income Security Act, Title VII of the Civil Rights Act of 1964,
12 the California Fair Employment and Housing Act, the California Family Rights Act, the Family Medical
13 Leave Act, California's Whistleblower Protection Act, California Business & Professions Code Section
14 17200 et seq., and any and all claims arising under any federal, state or other governmental ordinance.

15 13. **Participation:** Since I retained Class Counsel approximately twelve months ago, I have
16 been actively involved with this class action lawsuit performing the duties described above. While I did
17 not keep formal time records, I was in regular contact with my attorneys, attended hearings, reviewed
18 important court filings, and spent considerable time on the issues presented during the litigation and in
19 the settlement process. I estimate that I spent approximately 10-20 hours working on this case.

20 14. Also, my attorneys explained to me that the settlement process involved a two-step review
21 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
22 and paid. I knew this process also involved notifying all class members of the settlement terms and of
23 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
24 settlement.

25 15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
26 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
27 that the requested Class Representative Service Award in the amount of \$10,000 from the settlement is
28

1 fair compensation for the (1) the broad general release I executed, (2) the work I performed, (3) the
2 sacrifices made not pursuing this case individually, and (4) the risks I undertook.

3 16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
4 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
5 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
6 for \$10,000 as a service award is fair and reasonable.

7 17. Further, I support my attorneys' application for a Class Counsel Award in the amount of
8 \$215,000.00, comprised of \$195,000.00 for attorneys' fees (one-third of the Gross Settlement Amount)
9 and up to \$20,000 for reimbursement of actually incurred litigation expenses.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct. Executed on Jan 31, 2023, at 953, California.

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14 By: 
15 Zack Patterson (Jan 31, 2023 09:53 PST)
16 DONAVON PATTERSON
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