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Attorneys for Plaintiffs Lori Mayo-Hicks and Magdalena Moya, the Class Members and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ**

LORI MAYO-HICKS, an individual;
and MAGDELENA MOYA, an
individual,

Plaintiffs,

v.

ALLEN PROPERTY GROUP, INC., a
California Corporation; and DOES 1–
50, inclusive,

Defendants.

Case No.: 24CV00617

**DECLARATION OF LORI MAYO-HICKS
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND
SETTLEMENT UNDER PRIVATE
ATTORNEYS GENERAL ACT**

Hearing Date: July 22, 2025

Time: 8:30 a.m.

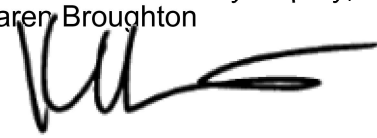
Department: 10

Judge: Hon. Timothy Schmal

Complaint filed: February 29, 2024

Trial date: Not set

ELECTRONICALLY FILED
Superior Court of California
County of Santa Cruz
6/27/2025 4:36 PM
Clerk of the Court by Deputy,
Karen Broughton



1 I, Lori Mayo-Hicks, hereby declare under penalty of perjury as follows:

2 1. I am over the age of eighteen years and provide this declaration in support of the Motion for
3 Preliminary Approval. The statements provided in this declaration are based upon my own personal
4 knowledge, observations, and interactions with other drivers employed by Defendant Allen Property
5 Group, Inc. ("APG" or "Defendant"). With the exception of statements specifically identified as upon
6 information and belief, the statements in this declaration are true of my own personal knowledge. If
7 called as a witness I could and would testify thereto.

8 2. From September 2022 to approximately August 2023, I worked for Allen Property Group.

9 3. I helped prepare and have reviewed a copy of the Complaint filed in this matter.

10 **VIOLATIONS BY DEFENDANT ALLEGED IN THE COMPLAINT**

11 4. As alleged in the Complaint, I believe I experienced several violations of my employment
12 rights. For example, it is my contention that APG did not pay all wages that it owed me, including
13 overtime and time I worked off the clock, and did not provide uninterrupted meal and rest breaks. I
14 understand the Complaint includes claims for (1) Failure to Compensate for All Hours Worked, (2)
15 Failure to Pay All Minimum Wages, (3) Failure to Pay All Overtime Wages, (4) Failure to Provide
16 Rest Periods and Pay Missed Rest Period Premiums, (5) Failure to Provide Meal Periods and Pay
17 Missed Meal Period Premiums, (6) Failure to Maintain Accurate Employment Records, (7) Failure
18 to Pay Wages Timely during Employment, (8) Failure to Pay All Wages Earned and Unpaid at
19 Separation, (9) Failure to Furnish Accurate Itemized Wage Statements, (10) Unlawful Deductions
20 and Failure to Reimburse Business Expenses, (11) Private Attorney General Act, (12) Unfair
21 Business Practices; (13) Unlawful Retaliation, (14) Disability Discrimination, (15) Failure to Prevent
22 Discrimination, Harassment, and Retaliation, and (16) Wrongful Termination.

23 **THE CLASS ACTION IS NECESSARY TO ENFORCE EMPLOYEES' RIGHTS**

24 5. I do not think I could have brought this case myself as an individual action because the costs
25 of pursuing a lawsuit would have been a lot more than the amount of any money I could have won.

26 6. I do not know if I could have found an attorney to take my case if there was no possibility of
27 filing a class action lawsuit.
28

1 7. By deciding to file the lawsuit as a class action, I agreed to pursue not only my own potential
2 wage and hour claims, but also the claims of all similarly situated employees, and to put the interests
3 of the class ahead of my own.

4 8. I agreed to participate actively in the lawsuit and to assume the risks of serving as a named
5 Plaintiff and have done so here. I have reached out to other employees, provided documents to my
6 attorneys, reviewed documents with them, attended many meetings with my attorneys and attended
7 mediation. I also had my deposition taken as part of this lawsuit. A more detailed list of my activities
8 in this lawsuit is included below.

9 9. I understand my name appears on the Complaint and in the public record showing that I sued
10 a company that hired me.

11 **MY DESIRE TO REPRESENT THE BEST INTERESTS OF THE CLASS**

12 10. During my many conversations with my attorneys, and partly in response to my numerous
13 questions, my attorneys educated me about the phases of class action litigation, the strategies for
14 prosecuting each phase, and the risks associated with executing those strategies. When I retained my
15 attorneys and agreed to serve as a Class Representative, I understood that I would be representing not
16 only myself but also a class of employees like myself. I took this responsibility seriously. By agreeing
17 to bring this action, I formally accepted the responsibilities of representing the interests of all class
18 members and willingly chose to assume risks and potential costs that I alone might have to bear.

19 11. Based on the above, I desire to represent the class and the interests of the class to the best of
20 my abilities.

21 12. I understand I have a “fiduciary duty” to other class members. My understanding of that
22 phrase is that I have to do what is best for other class members and for the class as a whole, even if
23 it is not the best thing for me personally. In other words, I understand I must put the class’s interests
24 above my own interests.

25 13. I think of it as similar to a good parent in the sense that good parents should do what is best
26 for their child even if it is hard for the parents.
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1 14. I believe that it is important to allow this case to proceed as a class action so that the
2 complaints against APG can be heard. I am aware that a class representative, such as myself in this
3 lawsuit against APG, represents the interests of all members of the class. I am also aware that the
4 class consists of all persons who are similarly situated with respect to a common course of conduct
5 or practice. In other words, all those persons who were current or former exempt employees of APG.

6 **I UNDERSTAND MY DUTIES AS A CLASS REPRESENTATIVE**

7 15. As a class representative, I faithfully represent the interests of the class to the best of my
8 abilities and put the interests of the class before my own interests. I believe there are many other
9 people that have alleged that they faced the same problems while working with APG that I alleged,
10 and I understand the importance of this case and the necessity that all class members benefit from the
11 lawsuit equally. I understand the duties and responsibilities of a class representative. I have no reason
12 to think that my interests in this case conflict with the interests of other class members I seek to
13 represent.
14

15 16. I understand that my statements and actions in this case could affect other class members. I
16 understood that if I were to respond to discovery requests, my responses could help or hurt other class
17 members because I am serving as a representative. The way I think of it is that if I work hard on the
18 case and do a good job, it could help lead the case against Defendants and help all the employees
19 who are similar to me and did similar work at APG. I therefore have taken extra precautions at every
20 step to ensure that my actions will best represent the class above and beyond my own interests and
21 stake in the lawsuit.

22 17. I understand that this is a substantial burden that I have undertaken in order to represent the
23 class in this case.

24 18. As a class representative, I have actively participated in the lawsuit by, among other things,
25 producing numerous documents to my attorneys, and attending mediation and my deposition. I have
26 also regularly kept in contact with my attorneys at Costanzo Law Firm throughout this lawsuit.
27
28

1 19. I will continue to follow the progress of the lawsuit and provide all relevant facts to my
2 lawyers if any are needed. I further understand that the settlement in this case must be focused on
3 benefitting the class as a whole and not just myself. I therefore did not agree to any settlement that,
4 either in my view or my attorneys' view, was not fair to the class. I spoke with my attorneys many
5 times about the frequency of the violations I believe that I experienced and also about the amount of
6 money I thought would be fair if we did settle the case.

7 20. Based on the above, I desire to represent the class and the interests of the class to the best of
8 my abilities.

9
10 **PAYMENTS AND WAGE STATEMENTS**

11 21. Above any guaranteed wage, my compensation could fluctuate depending on how many hours
12 I worked and other different factors. Accordingly, the amount that I earned per week changed
13 according to these various factors.

14 22. I was paid on a bi-weekly basis for the work performed.

15 23. At the end of each pay period, I was given a paystub with my paycheck and a summary of all
16 wages. The paystub contained my gross earnings, deductions, and net pay. On some days I worked
17 many hours, and I believe that I was paid less than the state minimum wage for all my work.

18 24. It is my contention that I worked many hours off the clock and many overtime hours for which
19 I was not paid.

20 25. APG also frequently required me to work through my meal and rest breaks and did not pay
21 premiums for this time worked.

22 **CLASS REPRESENTATIVE**

23 26. I have been actively involved in the lawsuit against Defendant since before it was filed and
24 have agreed to act as a Class Representative. My involvement with this lawsuit has included:
25 providing documents to my attorneys, attending mediation and client meetings, reaching out to other
26 people I know of who worked for APG, informing others of the lawsuit, and putting others in contact
27 with Class Counsel. I spent over 80 hours with Mr. Zeccola and Costanzo Law Firm in this lawsuit
28

1 and had to take time off work and out of my personal life to ensure that the rights of the employees
2 were protected and that Defendant is held accountable.

3 27. I estimate my time spent on this case as follows:

- 4 • Meetings with attorneys (one time per month @ two hours per
5 meeting for 12 months)
6 = 24 hrs
- 7 • Mediation preparation (two meetings @ 3 hours)
8 = 6 hrs
- 9 • Attend mediation
10 = 9 hrs
- 11 • Post mediation meetings (three meetings at 4 hours)
12 = 12 hrs
- 13 • Meetings regarding Declaration (4 hours @ 2 Declaration)
14 = 8 hrs
- 15 • Preparation for Deposition
16 = 4 hrs
- 17 • Deposition
18 = 8 hrs
- 19 • Time compiling and reviewing documents
20 = 16 hrs

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22
23 **Total Hours**

24 = 87 hrs

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26 28. Although APG denies it, I believe I suffered retaliation and wrongful termination for raising
27 concerns about APG's alleged violations to them.
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1 29. As a Class Representative, I understand that I am representing all people who worked as
2 exempt employees for Defendant from February 8, 2023, up to December 31, 2024. I have no conflict
3 with any of the other class members, or with Class Counsel.

4 30. Based upon my understanding of the facts and law, it is my belief that the Class settlement is
5 fair. I signed the settlement agreement that is provided to the Court which sets forth the settlement
6 amount of \$475,000.00 to be paid in one installment.

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8 I declare under penalty of perjury that the information in this declaration is true and correct
9 to the best of my knowledge and belief and that this declaration was signed this: Jun 27, 2025.

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16 Lori R Mayo-Hicks (Jun 27, 2025 15:30 PDT)

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Lori Mayo-Hicks