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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

FELISSIA FRY, individually, and on behalf
of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiff,

vs.

MERAKEY ALLOS, a Pennsylvania
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 37-2022-00032123-CU-OE-CTL

Honorable Loren G. Freestone
Department C-64

CLASS ACTION

**DECLARATION OF PLAINTIFF
FELISSIA FRY IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

Date:

Time:

Department: C-64

Complaint Filed: August 11, 2022

FAC Filed: October 20, 2022

SAC Filed: September 24, 2024

Trial Date: None Set

DECLARATION OF FELISSIA FRY

I, **Felissia Fry**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Merakey Allos ("Defendant") from approximately November 2019 to approximately August 2021 as an hourly-paid, non-exempt employee. I decided to seek legal advice about my work experiences with Defendant and about pursuing my grievances. I contacted Lawyers for Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant was held accountable for not properly compensating their employees for all hours worked, non-compliant meal and rest breaks, and failure to reimburse expenses. I consulted with the attorneys and staff at Lawyers for Justice, PC discussing my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act ("PAGA") in general, and what it meant to be a named plaintiff, class representative, and a PAGA representative. Prior to commencing the case, I was informed of and came to understand what my duties and responsibilities would be as a plaintiff, a PAGA representative, and also, if class certification were to be obtained and if I were to be appointed as a representative of the class, what my duties and responsibilities would be in that event.

3. Throughout the case, I have spent time speaking with my attorneys regarding the case and fulfilling my responsibilities as a class representative and PAGA representative, which included gathering documents concerning my employment with Defendant, reviewing documents with my attorneys, answering questions, providing guidance regarding the duties of other hourly-paid or non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Defendant. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. Throughout this matter, I was available to answer any questions my attorneys had, and available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many documents as I

1 could. I spent time speaking with my attorneys about the case, identifying potential witnesses,
2 providing my attorneys with documents and information concerning the case, and also describing
3 policies, practices, and procedures of Defendant.

4 5. As far as the settlement is concerned, I was available to review documents and
5 answer any questions my attorneys had. I reviewed the Settlement Agreement and discussed the
6 questions I had regarding the potential settlement with my attorneys before signing the settlement
7 papers.

8 6. I understand that a settlement has been reached in my case and what my duties and
9 responsibilities are as a class and PAGA representative. For example, I am aware that if the
10 settlement is granted preliminary approval, the Court will certify a class for settlement purposes,
11 and likely appoint me as the representative of the class and my attorneys as counsel for the class.
12 I also understand that my duties will include checking in on, monitoring, and conferring with my
13 attorneys to facilitate the notice and settlement administration process, and to provide information
14 that the Court needs in order to assess whether the settlement is fair, reasonable, and adequate.
15 Further, if any individuals who are potential class members contact me, I will take steps to have
16 them referred to the Court-appointed settlement administrator so that these individuals may receive
17 the necessary information and notice they may be eligible to receive in connection with the
18 settlement and contemplated final approval hearing.

19 7. I believe that I have done everything that my attorneys have asked of me and have
20 tried, to the best of my ability, to represent the class and pursue relief on behalf of other class
21 members and the State of California with respect to aggrieved employees. I have volunteered to
22 represent and champion the interests of many other people with similar claims and injuries because
23 of the importance of the case and the necessity that all class members and aggrieved employees
24 benefit from the lawsuit equally. I understand that as a proposed class representative, and if
25 formally appointed as a class representative, I have and continue to represent the interests of all
26 members of the class in litigation to recover relief for the class. As an hourly-paid employee of
27 Defendant who was subject to the same policies, practices, and procedures as the other members
28 of the class, I have claims that are typical of those of the class. I consider the interests of the class

just as I would consider my own interests. I understand that I may need to put the interests of the class before my own interests, although I have no reason to believe that my interests are in conflict with the interests of the class. I understand that any resolution of the lawsuit is subject to court approval and must be in the best interest of the class as a whole. I have participated, and continue to participate, in the lawsuit as necessary. I have actively followed and monitored the progress of the lawsuit, and have taken steps to make sure that the litigation is prosecuted by the skilled and effective attorneys that I have retained.

8. I think my efforts helped to get the result obtained in this matter, and as a potential class and PAGA representative, I respectfully request that the Court award me an incentive award for my efforts in pursuing and participating in this matter, as well as my broader release of claims. Taking into consideration the time that I have dedicated to this matter, I believe that this amount is reasonable.

9. I am not related to anyone associated with Lawyers *for* Justice, PC.

10. I have not entered into any undisclosed agreements, nor have I received any undisclosed compensation in this matter. The only compensation I will receive is whatever amount the Court awards as an incentive award, as well as my share of the settlement as a class member and aggrieved employee.

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

Executed this 14th day of January 2025, at Escondido, California

Electronically Signed 2025-01-14 22:54:22 UTC - 174.236.113.75
Digitally Signed by Felissia Fry
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Felissia Fry