

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Anthony Batista, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

ANTHONY BATISTA, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

HUMANSIZE CORPORATION, a New
York corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 22CV403325

*Assigned to the Hon. Theodore C. Zayner,
Dept. 19*

**DECLARATION OF ANTHONY
BATISTA IN SUPPORT OF
UNOPPOSED MOTION FOR AN ORDER
APPROVING SETTLEMENT OF
CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004, AWARDING
ATTORNEYS’ FEES, COSTS,
ENHANCEMENT AWARD, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
ENTERING JUDGMENT THEREON**

Date: May 17, 2023

Time: 1:30 PM

Dept.: 19

*Complaint Filed: September 21, 2022
FAC Filed: January 20, 2023*

1 I, ANTHONY BATISTA, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against Defendant HUMANS
3 CORPORATION (“Defendant”) and I submit this declaration in support of Plaintiff’s
4 Unopposed Motion For An Order Approving Settlement Of Claims Brought Pursuant To
5 The Private Attorneys General Act Of 2004, Awarding Attorneys’ Fees, Costs,
6 Enhancement Award, And Reimbursement Of Settlement Administration Expenses, And
7 Entering Judgment. I am a competent adult and worked for Defendant as a non-exempt
8 employee during the relevant time period. I have personal knowledge of the facts set forth
9 herein, and if called as a witness to testify to them, I could and would do so competently.

10 2. I contacted my current attorneys when I questioned the employment
11 practices of Defendant prior to commencing this lawsuit. I accepted the opportunity to
12 act as a representative on behalf of other employees of Defendant in this action whom I
13 believed were being subjected to labor law violations. I pursued this case on a
14 representative basis so that I could help other employees recover for what I believed were
15 Defendant’s improper practices.

16 3. Specifically, I questioned Defendant’s policies of failing to compute
17 bonuses and other non-base hourly wages into employee’s regular rate of pay for purposes
18 of paying them sick pay, meal and rest period premiums and overtime wages at the correct
19 rates, provide all minimum and overtime wages due, provide legally compliant rest
20 periods, or correct compensation in lieu thereof, provide legally compliant meal periods,
21 or correct compensation in lieu thereof, issue accurately itemized wage statements, and
22 timely pay all wages due at the separation of employment. Through many discussions with
23 my lawyers, I learned these may be illegal practices and Defendant’s employees might
24 have recourse for them.

25 4. By bringing this lawsuit, and throughout its course, I have put the interests
26 of other employees ahead of my own. I understood that I could possibly earn an incentive
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1 award if this case resolved itself favorably, but I also knew that I could also be responsible
2 for paying Defendant's attorneys' fees and costs if it did not.

3 5. My goal in bringing this lawsuit was to obtain a recovery on behalf of all
4 employees of Defendant, and even more importantly, to put an end to what I believed
5 were illegal practices on the part of Defendant. I believe I have achieved both through
6 this lawsuit and settlement.

7 6. I am very happy about the results of this litigation. I am satisfied that
8 Defendant is compensating other Aggrieved Employees and the State for penalties that I
9 believe we are due.

10 7. At the onset of this case, I spent time through numerous phone calls with
11 several of my attorneys explaining what I understood to be Defendant's policies and
12 practices and how they were applied to other employees. I kept actively involved with the
13 status of this case throughout the litigation process, tracking the status of the case and
14 participating as much as possible.

15 8. While I have not maintained detailed time records of my activities in
16 connection with this litigation, I believe that I have spent a total of approximately 12 hours
17 assisting my attorneys with the preparation of this case and doing work and investigation
18 of the facts independent from my attorneys both before and during this case.

19 9. Before this litigation commenced, and throughout its course, I spent
20 approximately 3-4 hours gathering, organizing, and reviewing documents and information
21 for this lawsuit. I sifted through many of my own documents and reviewed information
22 produced by Defendant as part of this litigation.

23 10. I communicated with my attorneys several times per month to track my
24 case's status. I have taken an active involvement in this matter throughout its course.

25 11. Taking the initiative with this case was very risky for me, both
26 professionally and financially. I put principal first and took a tremendous risk by filing
27 this lawsuit. I am quite confident that pursuing this lawsuit will result in future
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1 reputational harm to me. There is a stigma associated with suing one's former employer.
2 I suspect I may be adversely affected when it comes to obtaining future employment –
3 employers who discover that I sued Defendant in a representative action will likely avoid
4 hiring me.

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

7 Executed on 02 / 28 / 2023 at Fresno, California.

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10 ANTHONY BATISTA
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