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21 Attorneys for Plaintiffs, the Class and Aggrieved Employees

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **FOR THE COUNTY OF MONTEREY**

24 MELISSA HEBDON, on behalf of herself
25 and all similarly aggrieved employees,

26 Plaintiff,

27 v.

28 MISSION HEALTHCARE SERVICES,
LLC; HEALTHY LIVING NETWORK
RESOURCES, LLC; HEALTHY LIVING
AT HOME - MONTEREY, LLC; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 22CV000226

**DECLARATION OF ANDREW SWARTZ
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: October 11, 2024

Time: 8:30 a.m.

Dept.: 14

1 I, Andrew Swartz, declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am a
3 partner in the law firm of Swartz & Kennedy- counsel of record for Plaintiffs Melissa Hebdon
4 and Annette Lewis (collectively "Plaintiffs"). I have personal knowledge of the facts set forth
5 below and if called to testify I could and would do so competently.

6 2. Based on their own independent investigation and evaluation, the Parties and
7 their respective counsel are of the opinion that settlement for the consideration and on the
8 terms set forth in the Joint Stipulation of Class and Representative Action Settlement
9 ("Settlement Agreement") is fair, reasonable, and adequate and is in the best interests of the
10 Class and Defendant in light of all known facts and circumstances and the expenses and risks
11 inherent in litigation.

12 3. I have spent significant time pursuing the claims that have been alleged in this
13 action. Melissa Hebdon was originally my client and I associated the Fitzpatrick firm because
14 of its expertise in these sorts of cases. Nonetheless, I remained at all times actively involved
15 from beginning to settlement not only for Melissa's individual settlement but also for the
16 Class including Melissa's role as a class representative in this Class Action part of the dispute.
17 To that end I review hundreds of documents, participated in numerous settlement discussions
18 and conferences with all counsel in this litigation and handled a variety of communications
19 with the client and others involved in this litigation..This settlement, however, was obtained
20 for the benefit of the Class, as opposed to the individual Class Representatives. Based on my
21 review of all the documents and information, and based on my experience in employment
22 litigation cases, I believe this settlement to be fair, adequate, and reasonable.

23 4. I am one of the attorneys on this matter. My qualifications are as follows: I
24 received my bachelor's degree from the University of Pittsburgh in 1970 and my Juris Doctor
25 degree from the University of Santa Clara School of Law in 1973. I have practiced law since
26 1973 in Monterey County generally handling civil litigation matters including employment
27 litigation. I have represented both employers and employees. .
28

5. I do not have a conflict of interest with Plaintiff or the Class Members. My co-counsel and I will and have in my view adequately represented the Class Members in this action. Co-Counsel and I have and will zealously represent Plaintiff and the Class and have and will continue to pursue this lawsuit to its conclusion.

6. Neither counsel nor their respective firms have any relationship with the proposed *cy pres* recipient that would create an actual or potential conflict of interest. Defense counsel and I further agree that the California State Bar's Justice Gap Fund satisfies the legislative intent set out in Code of Civil Procedure § 384(a).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and if called as a witness I could and would competently testify to each of the matters stated herein, and I state that these matters are based upon my own personal knowledge acquired through first-hand observation, except where stated otherwise. This declaration was executed by me on September 12, 2024, in Monterey, California.

Andrew Swartz

Andrew H Swartz