

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

1 ERIC A. GROVER (SBN 136080)
2 eagrover@kellergrover.com
3 ROBERT W. SPENCER (SBN 238491)
4 rspencer@kellergrover.com
5 **KELLER GROVER LLP**
6 1965 Market Street
7 San Francisco, California 94103
8 Telephone: (415) 543-1305
9 Facsimile: (415) 543-7861

7 ALEX P. KATOFISKY (SBN 202754)
8 alex@apkatlaw.com
9 **LAW OFFICES OF ALEX P. KATOFISKY**
10 **A PROFESSIONAL CORPORATION**
11 5743 Corsa Avenue, Suite 123
12 Westlake Village, California 91362
13 Telephone: (818) 340-3600
14 Attorneys for Plaintiff
15 JENAE HEITKAMP

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN FRANCISCO**

15 JENAE HEITKAMP, on behalf of herself,
16 and all aggrieved employees,
17 Plaintiff,
18 v.
19 BRIGHTSIDE HEALTH, INC., and DOES 1
20 through 50, inclusive,
21 Defendants.

Case No: CGC-25-626072
*Assigned to the Honorable
Jeffrey S. Ross, Dept. 613*
REPRESENTATIVE ACTION
**SUPPLEMENTAL DECLARATION OF
JANAE HEITKAMP IN SUPPORT OF
MOTIONS FOR AN ORDER APPROVING
SETTLEMENT OF PAGA ACTION AND
DISMISSING ACTION WITH PREJUDICE
AND FOR AN ORDER AWARDING
ATTORNEYS' FEES AND COSTS,
ENHANCEMENT PAYMENT, AND
SETTLEMENT ADMINISTRATION FEES**

Date: October 9, 2026
Time: 9:00 a.m.
Dept. 613

Trial Date: TBD
Complaint filed: June 9, 2025

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax. 415.543.7861

1 I, JANA HEITKAMP, declare as follows:

2 1. I am the named Plaintiff in the case against Brightside Health, Inc. (“Brightside” or
 3 “Defendant”). I submit this declaration in support of Plaintiff’s motion for PAGA approval as well
 4 as the motion for attorneys’ fees and costs, enhancement payment, and settlement administration
 5 fees. I am a competent adult, I have personal knowledge of the facts set forth in this declaration,
 6 and I could and would testify competently under oath if called as a witness.

7 2. I make this supplemental declaration to address the items raised by the Court in its
 8 Order Requesting Supplemental Briefing dated September 1, 2026.

9 3. Brightside provides remote therapy services throughout California. I worked for
 10 Brightside as a purported independent contractor remote therapist from approximately February
 11 2023 through January 2025 in Orange County, California. I worked approximately 90 weeks total
 12 during this period, and I typically worked four days a week. I was paid based on a compensation
 13 schedule provided by Defendant, for example \$70 for an appointment with an existing patient.

14 4. I believed Brightside improperly classified me as an independent contractor, and
 15 believed it was wrong for Brightside to not pay me for all of my hours worked, to not provide me
 16 with adequate rest breaks, to not reimburse my business expenses, and to not pay me all my wages
 17 due and owing on my last day of work.

18 5. Prior to initiating this action, I initially spoke to my attorney Alex Katofsky of Law
 19 Offices of Alex P. Katofsky, A Professional Corporation (Law Offices of Alex P. Katofsky). I
 20 spent over two hours speaking with Mr. Katofsky describing the facts of my case. I also spent
 21 approximately five hours over multiple days searching for documents that would aid Mr. Katofsky
 22 in this case.

23 6. Mr. Katofsky also introduced me to my other attorney, Robert Spencer, Esq. of
 24 Keller Grover LLP. I spent over an hour describing to Mr. Spencer the facts of my case. We also
 25 discussed the fact that this case would be brought as a PAGA action and what that meant, including
 26 that a PAGA action is an enforcement action on behalf of the State of California that seeks
 27 penalties. We also discussed my responsibilities as a representative of the aggrieved independent
 28 contractor remote therapists. Additionally, we discussed what litigation was like, including the

1 different stages of litigation, the work it entails, and how long these types of cases take. I then
2 determined that Keller Grover LLP and Law Offices of Alex P. Katofsky were the proper law
3 firms to bring my case.

4 7. From the inception of this lawsuit, I have understood that this is a PAGA action that
5 is an enforcement action on behalf of the State of California that seeks penalties. I worked with
6 Mr. Spencer to draft the PAGA letter. We spent close to an hour on the telephone to make sure it
7 was factually correct. I also spent an hour reviewing it before it was sent to the LWDA. I also
8 reviewed the complaint after it was drafted, Mr. Spencer provided it to me before it was filed. I
9 spent an hour reviewing it before it was filed to make sure it was accurate.

10 8. Mr. Spencer kept me up to date regarding the status of my case. Mr. Spencer let me
11 know that Defendant wanted to engage in an early evaluation conference with the Court, a new
12 procedure for PAGA cases. We talked about what this meant as well as my responsibilities. I
13 made sure to make myself available on the date of the early evaluation conference. I also had
14 numerous telephone conversations with Mr. Spencer to answer questions he had in order to draft
15 the early evaluation statement. I also spent over half an hour preparing for the conference with Mr.
16 Spencer.

17 9. The early evaluation conference was held remotely over zoom on January 7, 2026.
18 The conference was held remotely I attended the early evaluation conference with Judge Ferrall,
19 which took over five and half hours. The following week I attended a follow-up conference that
20 was held on January 13, 2026, which took about an hour.

21 10. After the early evaluation conference, it took some time for the attorneys to negotiate
22 the language of the Labor Code Private Attorneys General Act Settlement Agreement (“Settlement
23 Agreement”). Mr. Spencer kept me updated regarding the progress. When the Settlement
24 Agreement was ready, I reviewed it with Mr. Spencer and spent approximately half an hour
25 discussing with him regarding how the settlement funds were to be distributed and whether the
26 settlement and the plan of distribution were fair. I then spent another hour reviewing the Settlement
27 Agreement at home.
28

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax. 415.543.7861

11. Throughout my involvement in the case, I have maintained regular telephonic communications with Mr. Spencer to discuss the status of the case and to respond to any questions he might have. We speak at least once month, if not more.

12. I spent approximately two and a half hours on this action communicating with Mr. Spencer. This includes items described above, such as discussing and searching for relevant documents, discussing and searching for any potential arbitration agreement, discussing my availability for the PAGA early evaluation conference, responding to Mr. Spencer's questions he had while drafting the PAGA early evaluation conference statement, and discussing the progress of settlement negotiations. It also includes additional conversations generally discussing the progress of the case.

13. I have included the table below addressing the hours that I have put into this case. The information below is from my memory and are my best estimates.

Date	Time Incurred	Task
Feb./March 2025	2 Hours	Initial consultation with Alex Katofsky, Esq.
Feb./March 2025	5 hours	Searching for documents.
March 2025	1 Hour	Telephone call with Robert Spencer, Esq. regarding initial consultation re: Keller Grover LLP joining as co-counsel.
March 26, 2025	1 Hour	Telephone call with Robert Spencer, Esq. regarding PAGA letter.
April 2, 2025	1 hour	Review PAGA letter, approve filing same with LWDA.
June 9, 2025	1 hour	Telephone call with Robert Spencer, Esq. regarding Complaint, Review Complaint, approve filing same.
January 6, 2026	30 minutes	Prepare for PAGA Early Evaluation Conference.
January 7, 2026	5 hours, 30 minutes.	Participate in PAGA Early Evaluation Conference with Honorable Brian Ferrall.

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax. 415.543.7861

January 13, 2026	1 hour	Participate in follow-up PAGA Early Evaluation Conference with Honorable Brian Ferrall.
June 3, 2026	30 minutes	Review Settlement Agreement with Robert Spencer, Esq.
July 13, 2026	45 minutes	Telephone call with Robert Spencer, Esq. re: Draft of my declaration in support of motion for PAGA Approval.
Throughout Case	2 hours, 30 minutes	I spent approximately two and a half hours on this action communicating with my attorney Robert Spencer, Esq. This includes items such as discussing searching for relevant documents, discussing any potential arbitration agreement, discussing availability for the PAGA early evaluation conference, responding to questions Robert Spencer, Esq. had while drafting the PAGA early evaluation conference statement, discussing the progress of settlement negotiations, and generally discussing the progress of the case.
Total		21 hours, 45 minutes

14. When I agreed to act as a named plaintiff, I understood that I might be responsible for some of the costs incurred by Defendant if the lawsuit was unsuccessful. In addition to this, I worried about my reputation in the community if people were to find out I had sued somebody. I would also have attended trial and testified if the case had reached that point.

15. I also am concerned about the possible repercussions to my future job opportunities because I have been a plaintiff in a wage and hour lawsuit against Brightside.

1 16. I understood from the beginning that I was pursuing this case not only for my own
2 benefit, but also for the benefit of large numbers of past and present purported independent
3 contractor remote therapists and the State of California.

4 17. I believe that the settlement reached in this case is fair and, in light of the risks
5 involved, will justly compensate the State of California and the aggrieved independent contractor
6 remote therapists. I believe that the enhancement I have requested is fair in light of the work I put
7 into the case, the risks I took, the harm that I believe my suing Brightside could cause me in terms
8 of future job prospects, and the benefits that have been achieved for the State of California and the
9 aggrieved independent remote contractor therapists. I have also provided a general release of my
10 claims.

11 18. I understand that as a PAGA representative I have to be a champion of the causes of
12 many other people with similar claims as my own. As a proposed PAGA representative, I am fully
13 aware that this means that I have responsibilities to the State of California and the aggrieved
14 independent contractor remote therapists. I know that I am a fiduciary to the State of California
15 and the aggrieved independent contractor remote therapists. This means that I have to look out for
16 the best interest of the State of California and the aggrieved independent contractor remote
17 therapists I have a responsibility to consider the interests of the State of California and the
18 aggrieved independent contractor remote therapists just as I would consider my own interest, even
19 if that means that I must put their interests before my own.

20 19. I know that I have to actively participate in the lawsuit, which I have done. I have
21 worked with my attorneys throughout this lawsuit and am always available to answer their
22 questions. I also participated in the early evaluation conferences with Judge Ferrall that took place
23 on two separate days as I described above. I would have also testified if need be as well as attend
24 trial.

25 20. I also know that it is my duty to cooperate fully in this action and be forthright with
26 both the attorneys and the Court by being truthful and providing all of the facts, both good and
27 bad, when asked.
28

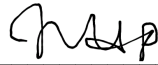
KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax. 415.543.7861

21. I understand the settlement we have reached in this case must be approved by the Court and I must protect the interest of the State of California and the aggrieved independent contractor remote therapists. I have reviewed and approved the settlement and I believe that it is fair and will justly compensate the State of California and the aggrieved independent contractor remote therapists.

22. I have no interest in or relationship with the proposed Settlement Administrator, Phoenix Settlement Administrators.

23. I am also aware of that the Court has to approve the attorneys' fees as part of the settlement approval process. I confirm that the fee split is 66.67% to Keller Grover LLP and 33.33% to Law Offices of Alex P. Katofsky. I approve of this split.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on 9/21/2026 at Tustin, California.



JANAE HEITKAMP

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax. 415.543.7861

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **September 24, 2026**, in the case of *Jenae Heitkamp v. Brightside Health, Inc.*, San Francisco Superior Court Case Number CGC-25-626072, I served the foregoing document(s):

DECLARATION OF JANAE HEITKAMP IN SUPPORT OF MOTIONS FOR AN ORDER APPROVING SETTLEMENT OF PAGA ACTION AND DISMISSING ACTION WITH PREJUDICE AND FOR AN ORDER AWARDING ATTORNEYS' FEES AND COSTS, ENHANCEMENT PAYMENT, AND SETTLEMENT ADMINISTRATION FEES

on the interested party(ies) below, using the following means:

Maria C. Rodriguez

Elvira R. Kras

Megan A. Lee

Claudia LeBrane

Courtney Danglade

MCDERMOTT WILL & EMERY LLP

2049 Century Park East, Suite 3200

Los Angeles, CA 90067-3206

Telephone: (310) 277 4110

Facsimile: (310) 277 4730

Attorneys for Defendant

Brightside Health, Inc

mcrodriguez@mwe.com

ekras@mwe.com

malee@mwe.com

clebrane@mwe.com

cdanglade@mwe.com

Alex P. Katofsky

LAW OFFICES OF ALEX P.

KATOFSKY

A PROFESSIONAL CORPORATION

5743 Corsa Avenue, Suite 123

Westlake Village, California 91362

Telephone: (818) 340-3600

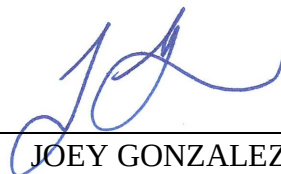
Attorneys for Plaintiff

Jenae Heitkamp

alex@apkatlaw.com

☒ (BY ELECTRONIC SERVICE- **File & ServeXpress**) by submitting an electronic version of the documents through the user interface at www.fileandserveexpress.com and by emailing a word version of the document to the above referenced email addresses.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOEY GONZALEZ