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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SANTA CLARA**

14 JENNIFER WONG, an individual, on behalf
15 of herself, and on behalf of all persons
16 similarly situated,

17 Plaintiff,

18 v.

19 NURSE LOGISTICS, INC., a California
20 Corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.

CASE NO.: **22CV408939**

**DECLARATION OF JENNIFER WONG
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: August 21, 2024
Hearing Time: 1:30 p.m.

Judge: Hon. Theodore C. Zayner
Dept.: 19

Action Filed: December 16, 2022
Trial Date: Not set

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DECLARATION OF JENNIFER WONG

1 I, Jennifer Wong, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of
4 Class Settlement and in support of my application for a class representative service award.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for the defendant Nurse Logistics, Inc. ("Nurse Logistics") in California from
8 April of 2020 to June of 2022 and during that time period I was classified by Nurse Logistics as an
9 independent contractor.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case nor
14 am I aware of having any actual or potential conflicts of interest with Apex Class Action
15 Administration, the settlement administrator. I am not aware of any other pending matter or action
16 asserting claims that will be extinguished or adversely affected by this settlement.

17 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I
18 felt that my legal rights as an employee and others like me were violated. For example, I was
19 misclassified by my employer as an independent contractor, and was therefore not paid any
20 overtime hours. I also never received compliant meal and rest breaks, and was never paid any
21 meal and rest break penalty payments I was entitled to. Further, I was not reimbursed for the use
22 of my personal cell phone and personal vehicle which were essential tools necessary to perform
23 my job duties.

24 6. I spoke to my attorneys several times and discussed how Nurse Logistics implemented its
25 company policies and procedures. I also assisted my attorneys in their investigation into my
26 claims by providing them documents and answering their questions. I reviewed the complaint
27 before it was filed and was given access to an electronic file sharing program that alerted me via
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DECLARATION OF JENNIFER WONG

1 email when important documents were filed so that I could review them and keep up with the
2 developments in the case which I understood was one of my duties as a class representative. I
3 could also access court filings from this case on my attorney's law firm website. Also, I was
4 informed that Nurse Logistics had the right to take my deposition, and that the preparation and
5 deposition itself could take multiple days. Although my deposition was not taken, I feel I would
6 have been adequately prepared and comfortable to give testimony on my experiences.

7 7. Even though this action is in the process of settling, I was and remain prepared to perform
8 all the duties of a class representative. I understand that as a class representative I have assumed a
9 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I
10 have understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the
11 class members and surrender any right to compromise the group action for an individual gain.

12 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
13 damages not only for myself but also other current and/or former employees classified as
14 independent contractors working as a nurse for Nurse Logistics in California who make up the
15 class. I felt that these individuals were not aware of their labor law rights and even if they were
16 they would probably be apprehensive about speaking up or even simply because of the time, effort
17 and risk involved in filing a class action lawsuit.

18 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
19 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
20 or part of the attorney fees and costs paid by Nurse Logistics to defend this lawsuit. Also, I knew
21 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
22 me or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be
23 difficult for a future employer to become aware that I sued a former employer for labor law
24 violations. Ultimately, I decided these risks were worth it and decided to fight for my rights and
25 the rights of others regardless of the risks, time and effort I spent on this case.

26 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
27 to date on important developments by reviewing court filings that were made available to me
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1 electronically as I described above.

2 11. A mediation took place on October 3, 2023, with Tripper Ortman, a well-respected and
3 experienced mediator of wage and hour class actions. After the mediation the parties were able to
4 come to an agreement to settle the action based on a mediator's proposal. I communicated with
5 my attorneys regarding the terms of the settlement which was reached between the parties and
6 understood that I was representing absent class members and therefore wanted the best possible
7 result to be obtained for the class members and I believe a very positive result was in fact achieved
8 via settlement. I reviewed and signed the Memorandum of Understanding on November 9, 2023.
9 When the final settlement agreement was ready, I reviewed it closely and signed it on June 13,
10 2024.

11 12. I have been actively involved with this lawsuit performing the duties described above.
12 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
13 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
14 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
15 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
16 and a proposed class representative to date, and will continue to do so. I have and always will
17 maintain the best interest of the class members.

18 13. My attorneys explained to me that the settlement process involves a two-step review by
19 the Court to determine whether the settlement is fair before approving the settlement. I know this
20 process also involves notifying all class members of the settlement terms and of their rights to
21 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

22 14. I believe I did the right thing by filing this case on behalf of the class members who,
23 subject to court approval, are in line to receive monetary payments as a result of this case and
24 settlement. This is money they may never have ever gotten if I did not pursue this action on their
25 behalf. I feel significant personal satisfaction to know that I played a role in the class members
26 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
27 requested class representative service award of \$14,500 from the settlement is fair compensation
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1 for the work I performed and the risks I undertook.

2 15. As part of the settlement, it was necessary for me to sign a general release of claims I
3 may have against Nurse Logistics. I believe the class representative service award I have requested
4 provides me with some compensation for this agreed release.

5 16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a
6 former employer, the exposure to being responsible for paying Nurse Logistics costs in the event
7 we did not win the case, the reputational risk that future employers may hold this lawsuit against
8 me, the general release and in light of the size of the settlement, I believe the request for \$14,500
9 as a class representative service payment is fair and reasonable.

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

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13 Executed on Jul 26, 2024, at Kelseyville, CA.
14 (city, state)

15 *Jennifer Wong*
Jennifer Wong (Jul 26, 2024 01:10 PDT)

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DECLARATION OF JENNIFER WONG