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[Attorney Information Continues on Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CHRISTINA MITCHELL, on behalf of herself,
the State of California, and all other aggrieved
employees,

Plaintiff,

v.

PEOPLE CREATING SUCCESS-ANTELOPE
VALLEY, LLC., a California Corporation;
PEOPLE CREATING SUCCESS, INC, a
California Corporation; and DOES 1-50,
inclusive.

Defendants.

Case No.: 23STCV08327

[Hon. David S. Cunningham III, Dpt. 11]

**SUPPLEMENTAL DECLARATION OF
KANE MOON IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION TO
APPROVE PAGA SETTLEMENT
AGREEMENT**

PAGA APPROVAL HEARING:

Date: October 11, 2024
Time: 10:00 a.m.
Dept.: 11

Action Filed: April 14, 2023
FAC Filed: September 19, 2023
Trial Date: Not Set

MOON LAW GROUP, PC

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Attorneys for Plaintiffs, on behalf of the State of California

SUPPLEMENTAL DECLARATION OF KANE MOON

I, KANE MOON, declare as follows:

1. I am an attorney at law duly licensed to practice as such before all of the Courts of the State of California and am one of the attorneys of record for Plaintiffs Christina Mitchell (“Plaintiff Mitchell”) and Alexandria Riley (“Plaintiff Riley”) (together “Plaintiffs”), individually and in their capacity as representatives of the State of California on behalf of all other allegedly aggrieved employees.

2. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

3. On October 10, 2024, the Court held a hearing on Motion for PAGA Approval. At the hearing, the Court continued the hearing to October 11, 2024, and requested supplemental briefing by October 10, 2024, as to the following concern:

(a) Court’s Concern: Clarify the maximum exposure and minimum realistic exposure by presenting the information as a chart.

4. As to the Court’s Concern:

(a) PAGA Counsel calculated Defendants’ potential exposure as follows:

Claim	Relevant Time Period	Rate	Number of Violations	Maximum Exposure	Minimum Exposure
Labor Code §226.3 (failure to provide compliant wage statements)	Based on approx. 365 Aggrieved Employees in the 1-year SOL	\$250 penalty per pay period	Based on 11,117 pay periods within the 1-year SOL	\$2,779,250.00	The minimum exposure for this claim is \$277,925.00 because we discounted the maximum exposure by 90% ($\$2,779,250.00 * .10$). We discounted based on Defendants following arguments: - The time rounding was neutral on face of the records - Records show underpayment of wages in only 39.4% of pay periods

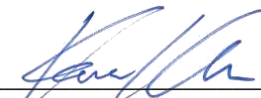
					- Employees were not forced to work off-the-clock uncompensated.
Labor Code § 512 (failure to provide meal periods and authorize and permit rest periods)	Based on approx. 365 Aggrieved Employees in the 1-year SOL	\$50 penalty per pay period	Based on 11,117 pay periods within the 1-year SOL	\$555,850.00	The minimum exposure for this claim is \$55,850.00 because we discounted the maximum exposure by 90% resulting in a minimum exposure of \$55,850.00 (\$555,850.00* .10). Defendants Arguments: - Records indicate 15% of eligible meal breaks were recorded because Aggrieved Employees are personal attendants as defined in Wage Order No. 15 - Aggrieved employees exempt from meal, rest, and overtime claims.
Labor Code § 1194 (failure to pay wages)	Based on approx. 365 Aggrieved Employees in the 1-year SOL	\$100 penalty per pay period	Based on 11,117 pay periods within the 1-year SOL	\$1,111,700.00	The minimum exposure for this claim is \$111,170.00 because we discounted the maximum exposure by 90% resulting in a minimum exposure of \$111,170.00 (\$1,111,700.00 * .10). Defendants Arguments: - Based on the above arguments, it is reasonable to assume, for resolution purposes, that a violation occurred in approximately 10% of pay

					periods
Total				\$4,446,800.00	\$446,800.00

(b) In this light we applied 90% discount to the maximum PAGA exposure of \$4,446,800.00 in light of the Court's power to award a lesser amount than the maximum civil liability, the speculative nature of a valuation for the claim, the difficulty of prevailing on the claim, and based on Defendants' potential defenses, resulting in a *risk-discounted minimum potential exposure of \$444,680.00*. Therefore, the Gross Settlement Amount of \$245,000.00 is an excellent result, amounts to relief consistent with the underlying purpose of PAGA, and represents 55.09% of the risk-discounted minimum exposure.

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

Executed on October 10, 2024, at Los Angeles, California.


Kane Moon, "Declarant"

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I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 725 S. Figueroa St., 31st Floor, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **SUPPLEMENTAL DECLARATION OF KANE MOON IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION TO APPROVE PAGA SETTLEMENT AGREEMENT** on the interested parties in this action by sending [] the original [or] [✓] a true copy thereof [✓] to interested parties as follows [or] [] as stated on the attached service list:

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Labor & Workforce Development Agency

Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

(Served via Labor and Workforce Development Agency access portal)

[✓] **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address from e-mail aascencio@moonlawgroup.com pursuant to California Rules of Court. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[✓] BY LABOR AND WORKFORCE DEVELOPMENT AGENCY ACCESS: By uploading a true copy of the foregoing document(s) to the Labor and Workforce Development Agency access.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **October 10, 2024** at Los Angeles, California

Anayeli Ascencio

Type or Print Name

/s/ Anayeli Ascencio

Signature