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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

RACHEL MACDONALD, an
individual, on behalf of herself and on
behalf of all persons similarly
situated,

Plaintiff,

vs.

BEST FRIENDS ANIMAL
SOCIETY, a Utah Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Lead Case No. 22STCV37493

**DECLARATION OF RACHEL
MACDONALD IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 17, 2024

Hearing Time: 10:00 a.m.

Judge: Hon. Kenneth R. Freeman

Dept: SS-14

Date Filed: November 30, 2022

Trial Date: Not set

1 I, Rachel MacDonald, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the motion for preliminary approval
4 of class settlement and in support of my application for a Class Representative service payment.

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 was employed by the defendant Best Friends Animal Society (“BFAC”) in California from
8 August of 2021 to August of 2022 and during that time period I was classified by BFAC as a non-
9 exempt employee.
10

11 4. I retained my attorneys who are experienced in both class action and representative
12 action litigation and claims against employers for violations of the California Labor Code. I have
13 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
14 of having any actual or potential conflicts of interest with another class member in this case nor am
15 I aware of having any actual or potential conflicts of interest with Apex Class Action, the settlement
16 administrator. I am not aware of any other pending matter or action asserting claims that will be
17 extinguished or adversely affected by this settlement.
18

19 5. I decided to pursue this action and be a plaintiff/class representative because I felt
20 that my legal rights as an employee and others like me were violated. For example, I often did
21 not receive compliant meal and rest breaks which were either late, short and/or interrupted or
22 missed entirely– and when these violations occurred I did not receive all the meal and rest break
23 penalty payments I was entitled to. I also was not paid wages for all the time I worked, such as
24 when I had to work during my meal breaks or the time I spent putting on personal protective gear
25 before I clocked in. I also had to use my personal cell phone for work-related issues, such as
26 speaking with foster parents who had medical emergencies or had questions, but BFAC did not
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1 reimburse me the reasonable expenses I incurred using my phone for work-related purposes.

2 6. I spoke to my attorneys several times and discussed how BFAC implemented
3 its company policies and procedures. I also assisted my attorneys in their investigation into my
4 claims by providing them documents and answering their questions. I reviewed the complaint
5 before it was filed and was given access to an electronic file sharing program that alerted me via
6 email when important documents were filed so that I could review them and keep up with the
7 developments in the case which I understood was one of my duties as a class representative. I
8 could also access court filings from this case on my attorney's law firm website.
9

10 7. Even though this action is in the process of settling, I was and remain prepared to
11 perform all the duties of a class representative. I understand that as a class representative I have
12 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
13 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
14 benefit of the class members and surrender any right to compromise the group action for an
15 individual gain.
16

17 8. I understood that being a plaintiff/class representative in this case meant that I was
18 seeking damages not only for myself but also other individuals working for BFAC in California
19 who make up the class. I felt that these individuals were not aware of their labor law rights and
20 even if they were they would probably be apprehensive about speaking up or even simply because
21 of the time, effort and risk involved in filing a class action lawsuit.
22

23 9. I understood that being a part of this lawsuit involved risks. For example, my
24 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
25 pay for all or part of the attorney fees and costs paid by BFAC to defend this lawsuit. I also knew
26 that future employers, if they ever find out about this lawsuit, could hold it against me or downgrade
27 me as a potential hire. Ultimately I decided these risks were worth it and decided to fight for my
28

1 rights and the rights of others regardless of the risks, time and effort I spent on this case.

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

5 11. A mediation took place on December 11, 2023 with Steven Serratore, Esq., a well-
6 respected and experienced mediator of wage and hour class actions. Following the mediation the
7 parties were able to reach an agreement to settle the action based on a mediator's proposal. I
8 communicated with my attorneys regarding the terms of the settlement which was reached between
9 the parties and understood that I was representing absent class members and therefore wanted the
10 best possible result to be obtained for the class members and I believe a very positive result was in
11 fact achieved via settlement. I reviewed and signed the Memorandum of Understanding on
12 December 21, 2023. When the final settlement agreement was ready I reviewed it closely and
13 signed it on March 13, 2024.

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

21 13. My attorneys explained to me that the settlement process involves a two-step review
22 by the Court to determine whether the settlement is fair before approving the settlement. I know
23 this process also involves notifying all class members of the settlement terms and of their rights to
24 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.
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14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel significant personal satisfaction to know that I played a role in the class members being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the requested Class Representative service payment of \$12,500 from the settlement is fair compensation for the work I performed and the risks I undertook.

15. As part of the settlement it was necessary for me to sign a general release of all claims I may have against BFAC. I believe the Class Representative service payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying for BFAC's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for \$12,500 as a Class Representative service payment is fair and reasonable.

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

Executed on May 10, 2024, at Brentwood, California.
(city, state)


Rachel J Macdonald (May 10, 2024 16:41 PDT)

Rachel MacDonald