

1 JAMES HAWKINS APLC

2 James R. Hawkins (#192925)

3 Gregory Mauro (#222239)

4 Michael Calvo (#314986)

5 Lauren Falk (#316893)

6 Ava Issary (#342252)

7 9880 Research Drive Suite 200

8 Irvine CA 92618

9 Tel.: (949) 387-7200

10 Fax: (949) 387-6676

11 Email: James@jameshawkinsaplc.com

12 Email: Greg@jameshawkinsaplc.com

13 Email: Michael@jameshawkinsaplc.com

14 Email: Lauren@jameshawkinsaplc.com

15 Email: Ava@jameshawkinsaplc.com

16 Attorneys for Plaintiff DANIELLE ERVIN,
17 individually and on behalf of all others similarly situated

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF SACRAMENTO**

20 DANIELLE ERVIN, individually and on
21 behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 WELCOME SACRAMENTO LLC,
25 a California Limited Liability Company dba
26 Courtyard by Marriott Sacramento Cal
27 Expo and DBA Fairfield Inn Sacramento
28 Cal-Expo; WELCOME GROUP
MANAGEMENT, LLC, a California
Limited Liability Company; and
WELCOME GROUP, INC., a California
Corporation and DOES 1-50, inclusive,

Defendants.

Case No. 34-2022-00332108

ASSIGNED FOR ALL PURPOSES TO:
Honorable Jill Talley, Dept. 23

**DECLARATION OF PLAINTIFF
DANIELLE ERVIN IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
SETTLEMENT**

DECLARATION OF DANIELLE ERVIN

I, DANIELLE ERVIN hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendants WELCOME SACRAMENTO, LLC; WELCOME GROUP MANAGEMENT, LLC; and WELCOME GROUP, INC. ("Defendants") in October of 2021 as a Non-Exempt Employee with the title of Hotel Front Desk Agent and worked during the liability period for Defendants, at Courtyard by Marriott Sacramento Cal Expo until my separation from Defendants' employ in approximately December of 2021. My duties included but were not limited to checking in guests, answering phone, and providing customer service.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not provide with meal and rest periods, not paid timely during my employment, not reimbursed for necessary business expenses, not paid reporting time pay, issued payment of wages in the form of a non-Labor Code-compliant instrument, subjected to improper use of my consumer credit report, and not timely paid wages upon my separation from Defendants' employ all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendants and suffered similar harms due to Defendants' common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendants. During those conferences, my attorneys provided me with an overview of how those claims would be litigated

1
2 and generally educated me about the nature of complex/representative litigation and my role as
3 the representative Plaintiff.

4 6. My attorneys provided me with a draft of the complaint for my review and
5 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
6 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
7 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
8 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
9 contacted my attorneys to stay current on the status of the litigation, and to discuss my
10 attorneys' progress in prosecuting the claims.

11 7. Since I believe I was not accurately paid wages, not timely paid wages during my
12 employment, and therefore not provided accurate itemized wage statements, not provided meal
13 and rest periods, not reimbursed for necessary business expenses, not paid reporting time pay,
14 issued payment of wages in the form of a non-Labor Code-compliant instrument, subjected to
15 improper use of my consumer credit report, and not provided with all wages earned and owed
16 upon my separation from employment, I believe that I have been similarly injured as to all
17 other class members in the settlement who worked for Defendants during the class period. I
18 believe the claims asserted in the Complaint are also shared by the other Class Members. I
19 worked with various other non-exempt employees, and I believe we were all treated the same
20 and subject to the same unlawful policies.

21 8. On December 28, 2022, I, through my attorneys, filed this action against
22 Defendants for Defendants' alleged: failure to pay minimum and overtime wages, failure to
23 provide meal periods, failure to provide rest periods, failure to pay all wages earned and owed
24 upon separation from Defendants' employ, failure to pay wages timely during employment,
25 failure to provide accurate itemized wage statements, failure to reimburse necessary business
26 expenses, improper use of consumer credit reports, failure to pay reporting time pay, and issuing
27 payment of wages in the form of a non-labor code-compliant instrument, and violation of
28 Business & Professions Code section 17200, et seq.

9. On July 20, 2023, I, through my attorneys, submitted a notice with the Labor &

1
2 Workforce Development Agency ("LWDA") alleging that Defendants violated Labor Code
3 sections 201-204, 212, 213, 226, 510, 558, 226.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1,
4 1198, 2802, 1024.5, pursuant to Labor Code section 2699.

5 10. Since I agreed to become a Class Representative, I have worked every step of the
6 way with my attorneys. During the course of the litigation, I have always kept the best interest
7 of the Class Members on equal footing as mine. I have been, and I am willing to continue to
8 pursue the Class Members' claims vigorously on our collective behalf if the Settlement is not
9 finally approved. As a result, I firmly believe that I do not have any interests adverse to the
10 interests of the Class Members. I have maintained the Class Members best interest from the
11 inception of the case.

12 11. As the Class Representative, I have spent numerous hours consulting with my
13 attorneys, providing documentation, consulting with other Class Members, responding to
14 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
15 review documents received, helping my attorneys in preparing for the mediation and attending
16 the mediation via telephone. I was consulted about the status of the case and provided constant
17 feedback about the case from my attorneys including the mediation, settlement negotiations and
18 eventual settlement. I estimate I have spent approximately 41 hours working on this case.

19 12. From the beginning of this case, I have freely chosen to accept the risks of
20 being the Class Representative in this class action lawsuit. I chose to assume these risks and
21 pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe
22 we have achieved that result with the settlement and the individual payments to the Class
23 Members. I believe the settlement is fair reasonable and adequate based on the numerous
24 defenses asserted by Defendants. I believe the efforts and work I put forth helped to achieve the
25 fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the
26 Enhancement Award is reasonable, and I respectfully request the Court approve the amount of
27 \$10,000.00 as fair and reasonable.

28 I declare under penalty of perjury under the laws of the state of California that the
foregoing is true and correct. Executed on May 30, 2024, at Sacramento, California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DocuSigned by:
Danielle Ervin
ED7B6FC327EE472...
DANIELLE ERVIN