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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

MARLENE MOLINA, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

U.S. BANK NATIONAL ASSOCIATION;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2300344

c/w CIVSB2302908

*[Assigned to Hon. Jessica Morgan, Dept S26,
for all purposes]*

**DECLARATION OF PLAINTIFF
MARLENE MOLINA**

Complaint filed: April 3, 2023

I, Marlene Molina, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. When I first retained my attorneys (Lauby, Mankin & Lauby) and chose to pursue this case on a class action basis, I understood that I had specific burdens as the "Class Representative," which included: (a) representing the interests of all class members, (2) considering the interests of all class members above my own personal interests, (3) participating actively in the lawsuit, including potential testimony at deposition and trial, and keeping

1 generally aware of the status and progress of the lawsuit. Moreover, I understood that any
2 resolution of the lawsuit is subject to court approval and must be designed in the best interests of
3 the class as a whole.

4 3. Since first initiating this action on behalf of the proposed class, I believe that I
5 have more than adequately performed my duties as a class representative. I have been an active
6 participant in this litigation, including assisting my attorneys in various ways and making myself
7 available when needed. For example, I have assisted my attorneys by compiling and analyzing
8 substantial documentation regarding the claims in this case. I have also helped to explain and
9 discuss the company's practices and their general practices and procedures, locating and
10 analyzing company documents, among others. I have also reviewed all settlement documents and
11 believe that this settlement is fair for the class. Finally, I will continue to take all steps necessary
12 to finalize this settlement and obtain court approval.

13
14 4. Additionally, I believe that my claims are typical of the other U.S. Bank
15 employees (the class members) because we were all subjected to the same uniform practices of
16 the company in regard to payment of wages, calculation of the regular rate of pay and overtime,
17 meal and rest breaks, vacation pay, wage statements, along with other issues. For example, I was
18 paid a base hourly rate with additional compensation during employment, and I believe that the
19 company utilized an identical class-wide policy regarding how to calculate overtime and other
20 pay on such occasions. Also, I was required to incur various expenses to perform my duties for
21 the company, yet I was not reimbursed for those expenses, and other employees were subjected
22 to the same practice. Similarly, at the start of every shift, I was required to go through various
23 computer "boot up" tasks before being allowed to clock in, and I was not paid for that time – just
24 like the other employees at U.S. Bank.

25 5. I have no conflicts with the proposed class members and will continue to assist
26 with the litigation and prosecute the case on behalf of the other employees.

27 6. I respectfully request that the court preliminarily approve the service award. As
28 outlined above, I have performed substantial services for the Class and helped obtain a highly

1 beneficial settlement for my fellow employees. At the final approval stage, I will submit an
2 additional declaration setting forth all the work I did for this case, including an estimated number
3 of hours spent assisting the Class and my attorneys.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed on April 30, 2024, at Costa Mesa, California.

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7 By: 
8 Marlene Molina (Apr 30, 2024 10:02 PDT)
9 Marlene Molina
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