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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO**

MICHELLE PONO and MICHELLE PONO,
 on behalf of herself and all others similarly
 situated,

Plaintiffs,

vs.

AMN HEALTHCARE, INC.; AMN
 SERVICES, LLC, and DOES 1-100,
 inclusive,

Defendants.

Case No.: 37-2018-00017996-CU-OE-CTL

CLASS and REPRESENTATIVE ACTION

**DECLARATION OF MICHELLE PONO IN
 SUPPORT OF MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Assigned For All Purposes to the Honorable
 Gregory W. Pollack (Dept. C-71)

Date: March 24, 2023

Time: 9:30 a.m.

Location: Dept. C-71 (Hon. Gregory W.
 Pollack)

DECLARATION OF MICHELLE PONO

I, MICHELLE PONO, hereby declare as follows:

1. I am a named Plaintiff and Proposed Class Representative in this case. I am a former employee of Defendant AMN (“Defendant” or “AMN”). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness, I could and would testify competently to the following:

JOB DUTIES and EXPERIENCE

2. I worked for Defendant as a Customer Account Manager during the “Settlement Class Period” (January 8, 2015 through the date that the Court issues its order granting preliminary approval of the settlement. [“Approval Date”]). I worked for Defendant from

1 approximately June 6, 2012 until April 8, 2017. I held the job position of Customer Account
2 Manager which is one of the job titles that is at issue in this case and which is included within the
3 Settlement Class.

4 DUTIES OF A CLASS REPRESENTATIVE

5 3. This lawsuit is not an individual lawsuit. It is a proposed class action and PAGA
6 case. I understand that, if approved as a Class Representative in this matter, I have an obligation
7 to do my best to look out for the interests of other Class Members (the current and former
8 Customer Account Manager employees) who I am seeking to represent. I understand that my
9 obligations to the Class Members exist even when the Class is certified solely as part of this
10 proposed class action settlement. It is my understanding that, as one part of this duty to the Class,
11 I cannot agree to a settlement to benefit myself to the exclusion of the rest of the Class Members.
12 To that end I have never asked my attorneys (Da Vega Fisher Mechtenberg, LLP ["DFM LLP"])
13 to settle this matter for my own benefit but done my best to adequately and fairly represent the all
14 the Class Members. I have asked DFM LLP to obtain the best settlement they could for all the
15 Class Members, and I believe that they have attempted to do so.

16 5. I have been involved with this case since approximately January 2019 and I am the
17 proposed Class Representative for Customer Account Managers. I first contacted my attorney
18 and worked with them directly to gather information and evidence in support of the class action
19 lawsuit. I have never asked to be relieved from my role as a proposed Class Representative. I
20 understand that its my job to be the "stand-in" for other Class Members and must put their interest
21 before my own in pursuing this lawsuit and proposed settlement. I accept these duties and
22 responsibilities and request, when appropriate, that I be approved as the Class Representative for
23 the purposes of the proposed Settlement.

24 6. I have had long discussions with my attorneys about the proposed Settlement both
25 before, during, and after the mediation in this case. I am not an attorney but I understand the risk
26 factors that were considered when evaluating the Settlement including the enormous effort, time,
27 and costs to litigate such class action cases, the risk of losing the case and getting nothing, and the
28 the settlement benefits versus prolonged litigation.

1 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

2 7. I was a Customer Account Manager employee of Defendant and was subject to the
3 same pay structure, policies, practices, and rules as all the other Customer Account Managers
4 who were also non-exempt employees of Defendant.

5 8. I am not aware of anything different about me that would raise unique defenses to
6 my claims, as opposed to the claims of the Class Members. Rather, my claims are based upon the
7 same law and facts that relate to the rest of the Class Members.

8 9. I am not aware of any conflicts of interest I have with other Class Members
9 included in this proposed Settlement. I do not have any personal relationship or family ties to my
10 legal counsel or any officers of this court. I am not involved with any litigation involving other
11 Class Members. I have no other business or legal arrangements/dealings with my legal counsel
12 other than this lawsuit. I have never been promised money to serve as the proposed Class
13 Representative. I have never been a Class Representative in another class action lawsuit. I do not
14 have any intention to take any action that would place me in a position that is hostile to other
15 Class Members.

16 SERVICE AS A CLASS REPRESENTATIVE

17 10. I have assumed some long-lasting risk in prosecuting this case. Because it is so
18 easy to search for information online these days, I will/have face an increased risk that future
19 employers will discover information about this lawsuit online and have a negative reaction to
20 learning that I sued an employer in the industry. This may make it harder for me to obtain future
21 employment or change jobs for better opportunities.

22 11. I have actively assisted my attorney in all the phases of this litigation to advance
23 the interests of the Class to the best of my abilities. I have kept in constant contact with them
24 throughout this process. My participation began with contacting my attorneys to confirm that I
25 might have a case in that Defendant's policies and practices might be illegal. I also reviewed
26 hundreds of pages of documents (employment files, data, policies, etc.) which I already had or
27 were produced in this litigation by Defendant. I provided relevant documents to my counsel, and I
28 explained those documents and related facts to my counsel to assist them in their review and

1 filing of this case. I was also deposed as part of the lawsuit and I participated in an all day
2 mediation and post-mediation settlement discussions. I also discussed the responsibilities that I
3 would have as a Class Representative with my attorney, including my responsibility to act on
4 behalf of the interests of all proposed Class Members.

5 12. I have devoted a substantial amount of my own time during this litigation to ensure
6 a fair result for the Class Members. This involved ongoing communications and participation with
7 my counsel, reviewing documents, attending the mediation in-person, attending my own
8 deposition, and numerous phone calls, meetings, and emails with my counsel pre and post
9 mediation.

10 13. After years of litigation, a mediation, numerous depositions, and discovery
11 disputes, the parties eventually negotiated an Memorandum of Understanding (MOU) and then a
12 long-form settlement agreement (Stipulation of Settlement Agreement and Release) ["Settlement"
13 or "Settlement Agreement"]) was negotiated, and I reviewed and executed both agreements with
14 my attorneys to ensure that their terms are fair and adequate. I have provided dozens of hours of
15 my time to date and during the course of this lawsuit to ensure a good outcome and Settlement for
16 the best interest of the Class Members.

17 14. In sum, I believe that I have diligently, adequately, and fairly represented the Class
18 Members. I have not placed my own interests above those of any member of the Class but have
19 always and will continue to keep the Class Members' best interests in this litigation until its
20 conclusion. I believe that the proposed Settlement obtained on behalf of the Class Members is
21 fair and reasonable in light of the issues involved in this case.

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

24
25 **DATED:** March 2, 2023

By: _____

DocuSigned by:

Michelle Pono

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MICHELLE PONO

Plaintiff / Proposed Class Representative