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7 Attorneys for Plaintiff,

8 KIMBERLY DAWN VANDERMOST, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 **(UNLIMITED JURISDICTION)**

12
13 KIMBERLY DAWN VANDERMOST, on
14 behalf of herself and all others similarly situated,
15 and the general public, and as an “aggrieved
16 employee” on behalf of other “aggrieved
17 employees” and the State of California under the
18 Labor Code Private Attorneys General Act of
19 2004,

20 *Plaintiff(s),*

21 vs.

22 DYWIDAG SYSTEMS INTERNATIONAL,
23 USA, INC., a New York corporation; and DOES
24 1–50, inclusive,

25 *Defendant(s).*

Case No. 23STCV06697

**DECLARATION OF KIMBERLY
DAWN VANDERMOST IN SUPPORT
OF PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: February 5, 2026

Hearing Time: 10:00 a.m.

Hearing Dept.: SSC-7, The Honorable
Samantha P. Jessner

Action filed: March 28, 2023

Trial Date: Not Set



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1 **DECLARATION OF KIMBERLY DAWN VANDERMOST IN SUPPORT OF**
2 **PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
3 **SETTLEMENT**

4 I, KIMBERLY DAWN VANDERMOST, declare and state as follows:

5 1. I am a resident of the City of Leander, in the State of Texas and am over 18 years
6 of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak Law
7 Firm in this action. Except as otherwise stated, I have personal knowledge of all matters set forth
8 in this declaration and could and would competently testify thereto if called upon to do so as a
9 witness.

10 2. I understand that, as Class Representative, I have certain duties and responsibilities
11 to the Class Members and believe that I have fairly represented the interests of all Class Members
12 during the entire course of this case.

13 3. My counsel provided me with information regarding class actions, how they work,
14 and what my duties would be as the Class Representative. I agreed to serve as a Class
15 Representative so that I could seek to recover wages and penalties on behalf of myself and other
16 employees like me.

17 4. I understand that the Settlement in this case is subject to this Court's approval to
18 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

19 5. I understand that my attorneys are submitting an application to this Court for a
20 Class Representative Service Payment to compensate me for my unique contributions to the
21 success of this action as the Class Representative in the amount of \$10,000.00. I believe this
22 amount is fair and reasonable compensation for my efforts in this case and the risks I have taken
23 in pursuing a fair recovery for the Class Members.

24 6. I have provided Defendant with a general release of any and all claims, known or
25 unknown, I may have against Defendant. By agreeing to settle the case in the best interest of the
26 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
27 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
28 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing



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1 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,
2 I have also rendered my own individual payment uncertain and delayed its payment by several
3 months (at the least).

4 7. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)
5 consider the interests of the Class just as I would consider my own interests and, in some cases,
6 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
7 necessary, by among other things, producing documents to Defendant and giving depositions and
8 trial testimony if requested; (3) travel to give such testimony; (4) recognize and accept that any
9 resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must be
10 designed in the best interest of the Class as a whole; (5) follow the progress of the lawsuit and
11 provide all relevant facts to my attorneys; (6) champion many other people with similar claims
12 and injuries because of the importance of the case and the necessity that all Class Members benefit
13 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to each Class
14 Member, including me, may be relatively small. I agreed to shoulder all of these responsibilities
15 in exchange for a proportionate share of funds made available for distribution to the Class
16 Members. I had no guarantee of a Class Representative Service Payment. I have spent significant
17 time in connection with this case to date, and, should this Court grant preliminary approval, I will
18 provide the total hours I spent on this case in my declaration in support of the motion for final
19 approval. The activities I have performed have included, but have not been limited to: obtaining
20 legal counsel, speaking with my legal counsel on numerous occasions, over the phone, informing
21 them of the terms and conditions of my coworkers' employment, assisting them in gathering
22 information, identifying the claims brought in this case, gathering contact information for my
23 former coworkers, contacting Class Members about the lawsuit to arrange their communications
24 with my attorneys, gathering documents from my employment with Defendant, and being actively
25 involved in the settlement process to ensure a fair result for the Class as a whole. I also participated
26 in the mediation and spent time carefully reviewing the Settlement, and other case related
27 documents on my own and with my counsel to make sure that the Settlement and other work my
28 attorneys performed are in the best interest of the Class Members. Since the Court granted the



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1 preliminary approval of the Settlement, I have and will continue to regularly contact my counsel
2 to follow the progress of the case.

3 8. Further, my counsel have advised me of the possibility that, if the case was lost, I
4 could have been ordered to pay Defendant's costs and even attorneys' fees in this case, which
5 could have been thousands of dollars by the end.

6 9. Because I filed this lawsuit, there is a public record at the Court showing that I
7 brought a class action for unpaid wages against my former employer. The Class Representative
8 Service Payment to me of \$10,000.00 is not equal to the harm to my future career prospects that
9 this case may cause me.

10 10. Based on the time, risk, stigma, loss of benefits and income and great outcome of
11 this case, I believe that the requested Class Representative Service Payment for me is fair and
12 reasonable. As such, I respectfully request that the Court award the requested Class
13 Representative Service Payment of \$10,000.00.

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

16 Executed on 09 / 23 / 2025 in Leander, TX.

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18 

19 KIMBERLY DAWN VANDERMOST,
20 Declarant
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24



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