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Attorneys for Plaintiff
ZIYAH BLACKSTONE, individually and on
behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

ZIYAH BLACKSTONE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

THE BOATYARD, INC., dba The Boatyard
Pub Seafood Restaurant, a California
Corporation, and DOES 1 through 20,
inclusive;

Defendants.

CASE NO. 2023CUOE010578

**DECLARATION OF ZIYAH
BLACKSTONE IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 6, 2025

Time: 8:20 a.m.

Department: 41

Complaint Filed: June 22, 2023

DECLARATION OF ZIYAH BLACKSTONE

I, ZIYAH BLACKSTONE, declare:

1. My name is Ziyah Blackstone, and I am over the age of 18. I am the Named Plaintiff who filed the above-captioned lawsuit. I have personal knowledge of the facts contained herein, and if called as a witness, could and would competently testify to the following matters.

2. I understand that this declaration is submitted in support of Plaintiff's Motion for Final Approval of Class Action Settlement.

3. I worked for Defendant THE BOATYARD, INC which did business as The Boatyard Pub Seafood Restaurant ("Defendant") as a non-exempt, hourly server from about March 2021 to October 17, 2022.

4. While working for Defendant, I did not believe I received all of my compliant meal and rest periods and did not believe I was properly compensated for the time I worked. Based on these facts, I decided to bring this lawsuit and agreed to act as the class representative in this matter. I understood that I could bring my own individual wage claims but decided that it would be best for other current and former employees of Defendant if I acted as their representative.

5. In other words, I chose to forego bringing my wage claims individually, which could have been resolved much earlier, in order to help benefit other class members. Waiting for a settlement in this case has been a hardship for me. Also, acting as the representative and as a Plaintiff in a lawsuit against my former employer was a personal sacrifice that I was willing to take for the benefit of the other employees of Defendants as it is my understanding this lawsuit could not have been prosecuted or settled unless I or some other employee decided to serve as a named plaintiff and pursue the case. In deciding to serve as a named plaintiff, I understood that my name would be publicly attached to this lawsuit and that my work experiences to some extent would be set forth in a public court file. I recognized that I would need to devote a certain amount of time that I could have spent otherwise. I also recognized that my bringing the lawsuit carried some degree of risk. Despite this, I decided to serve as the named plaintiff without any promise of recovery or compensation.

6. I am familiar with the work involved in prosecuting this case and did a number of

1 things to assist my attorneys in this case. Specifically, I met with the attorneys before the lawsuit
2 was filed and discussed my experience working for Defendant at length. I also searched for all
3 documents I had related to my employment with Defendant and gave them contact information of
4 potential witnesses to my claims. During the litigation I remained in close contact with my counsel
5 and engaged in numerous telephone conversations regarding the claims in the case and Defendant's
6 defenses to those claims. I also had numerous conversations with my counsel regarding the
7 potential of the lawsuit, as well as the terms of the ultimate Settlement Agreement which I reviewed
8 the drafts thereof. I would estimate that as of this declaration I have spent well over 85 hours
9 assisting my attorneys in litigating this case against Defendant.

10 7. I believe I have fulfilled my duties as a named plaintiff and class representative,
11 which required a significant amount of time and effort during the course of this case. These efforts
12 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
13 communicating with my attorneys to stay informed of ongoing developments in the case; (b)
14 searching for and providing documents and other materials relating to my work experience; (c)
15 responding to requests for information relating to my work experience; (d) assisting in the
16 preparation of settlement discussions and mediation; and (e) participating in the settlement
17 discussions and reviewing filings and key documents including drafts of the complaint, the
18 settlement agreement, and notices. I believe I have been diligent and that I have acted above and
19 beyond that of which is expected of a named plaintiff to date and will continue to do so.

20 8. I believe that the proposed settlement obtained on behalf of the other employees is
21 excellent in view of the issues and risks involved with the case. Based on my counsel's
22 recommendations in this case and my understanding of the risks and costs associated with trial, I
23 believe the settlement achieved is fair and reasonable and in the best interests of the aggrieved
24 employees in this case.

25 9. I also believe the service award being requested on my behalf is fair and reasonable.
26 I chose to forego pursuing my wage and hour claims individually to obtain a benefit on behalf of
27 others. In doing so, I had to postpone receiving proper compensation from the Defendant, take
28 time and risks that other current and former employees did not, and had to be a party to a lawsuit

1 that is stressful due to the litigation itself and fear that other future employers may find out about
2 this case. I also had to execute a general release of all claims against Defendant, including waiving
3 all rights under California Civil Code section 1542, which is something other class members did
4 not have to do.

5 10. It is my understanding that I worked significantly more overtime than the other
6 employees of Defendant, but did not receive overtime pay for those hours, even when I worked
7 long hours that qualified me for double time rates. I was the server asked to work the most overtime
8 because I was dependable and would not turn down the hours. Not being paid for all those hours
9 has had a significant impact on me both financially and in my daily life. I am still shocked that my
10 employer did that to me and my fellow employees. As such, my damages in this case, while similar
11 in why they occurred accrues to a much higher number of unpaid wages than the other members of
12 the class. For instance, my attorneys and I reviewed my records and we estimated that I was
13 underpaid overtime and double time payments of about \$6,375.00, or about \$75 each week that I
14 worked for Defendant. This failure to pay my overtime and double-time at the correct rate primarily
15 affected me as the person at the restaurant working the overtime on a daily basis and is something
16 I confidently could have recovered on an individual basis had I brought claims individually. I
17 declined to pursue my claims individually so as to recover for my fellow employees and have
18 waited years to recoup money I was due in 2021 and 2022. I do not think I should recover less than
19 I would have pursuing my individual claims when I also served as a class representative. I believe
20 the \$20,000 Enhancement Award is a reasonable request in light of my individual claims alone,
21 even before my service as the Class Representative in this settlement.

22 11. I will continue to assist my counsel and my fellow class members as this case
23 progresses forward and am ready and able to serve as the class representative in this action
24 regardless of outcome or burden placed on me to do so.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct. Executed 02 / 05 / 2025, at Battle Creek, Michigan.

27 
28 _____
Ziyah Blackstone