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11 Attorneys for Plaintiffs

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF SAN MATEO**

14 DANIEL KELLEY, on behalf of the
15 State of California, as a private attorney
16 general,

17 Plaintiff,

18 vs.

19 ORACLE AMERICA, INC., a
20 Corporation; and DOES 1 through 50,
21 inclusive,

22 Defendant.

Case No. 23-CIV-03540

**DECLARATION OF DANIEL KELLEY IN
SUPPORT OF MOTION TO APPROVE
PAGA SETTLEMENT**

Hearing Date: September 4, 2025

Hearing Time: 9:00 a.m.

Judge: Hon. Nina Shapirshteyn

Dept.: 11

Action Filed: July 31, 2023

Trial Date: Not Set

1 I, Daniel Kelley, declare as follows:

2 1. I am a competent adult, I have personal knowledge of the facts in this declaration, and I am
3 making this declaration on behalf of myself, as a named plaintiff, and in support of the Motion to
4 Approve the Private Attorneys General Act Settlement.

5 2. I worked in California as a non-exempt employee of Defendant Oracle America, Inc.
6 (“Defendant”) from August of 2021 to March of 2023.

7 3. I retained my attorneys who are experienced in PAGA representative action litigation and
8 claims against employers for violations of the California Labor Code. I have no personal
9 relationship or family ties to my attorneys or any officer of the Court. I am not aware of having
10 any actual or potential conflicts of interest with another class member in this case nor am I aware
11 of having any actual or potential conflicts of interest with ILYM Group, Inc., the settlement
12 administrator.

13 4. I was subject to Defendant’s policies and practices that have been alleged as unlawful in
14 the Complaint and the PAGA notice sent to the Labor and Workforce Development Agency. For
15 example, I was required to record my meal periods even when I did not take them, they were
16 interrupted, or I took them late. Further, I was not allowed to record overtime. I believe that my
17 wage statements were inaccurate because of this and that I was also owed wages. In addition, I
18 was not paid meal period premiums or rest break premiums throughout my employment with
19 Defendant. Moreover, I was not reimbursed for the expenses I incurred due to working remotely.

20 5. In bringing this case for myself, the State of California, and the other employees, I
21 understood a lot of work would be required and I was willing to, and did, do the work to keep the
22 case moving forward. For instance, before the complaint was filed I spoke to my attorneys several
23 times and discussed how Defendant implemented its company policies and procedures. I also
24 assisted my attorneys in their investigation into my claims by providing them documents and
25 answering their questions. I reviewed the complaint before it was filed and after it was filed I was
26 given access to an electronic file sharing program that alerted me via email when important
27 documents were filed so that I could review them and keep up with the developments in the case. I
28

1 was informed that the Defendant had the right to take my deposition, and that the preparation and
2 deposition itself could take multiple days. Although my deposition was not taken, I feel I would
3 have been adequately prepared and comfortable to give testimony on my experiences.

4 6. My attorneys explained to me the risks and benefits of bringing a representative action. I
5 understood that I took on the risk, both professionally and financially, in pursuing the case as a
6 representative PAGA action.

7 7. A mediation took place on December 4, 2024 with Steven J. Serratore, a well-respected
8 and experienced mediator. The mediation resulted in an agreement to settle the action. I
9 communicated with my attorneys regarding the terms of the settlement which was reached
10 between the parties and understood that the recovery in this case was for the benefit of my fellow
11 coworkers, not just for me, and therefore wanted the best possible result to be obtained for the
12 aggrieved employees. I reviewed and signed the Memorandum of Understanding on December 12,
13 2024.

14 8. I have been actively involved with this lawsuit. Although I did not keep time records, I
15 was in regular contact with my attorneys, reviewed court filings, and spent a significant amount of
16 time on the issues presented during the lawsuit and in the settlement process. I estimate that I
17 spent approximately 40-60 hours working on this case up until this point.

18 9. I believe the \$20,000 Service Award I have requested is fair compensation for my efforts
19 in support of this action and the risks I undertook.

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

Executed on 05/06/2025, at Poughkeepie, New York.
(city, state)

Daniel Kelley
Daniel Kelley (May 6, 2025 18:01 EDT)
Daniel Kelley

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

3 I, Yesenia Silva, am a citizen of the United States and a resident of the State of California.
4 I am employed in the County of San Diego, State of California. I am over the age of 18 and not a
5 party to the within action. My business address is 2255 Calle Clara, La Jolla, California 92037. On
6 September 3, 2025, I served the document(s) described as:

7 **1. DECLARATION OF DANIEL KELLEY IN SUPPORT OF MOTION TO**
8 **APPROVE PAGA SETTLEMENT**

9 X (BY MAIL): I caused each such envelope, with postage thereon fully prepaid, to be
10 placed in the United States mail at San Diego, California. I am readily familiar with this
11 firm's business practice for collection and processing of correspondence for mailing with
12 the U.S. Postal Service pursuant to which practice the correspondence will be deposited
with the U.S. Postal Service this same day in the ordinary course of business (C.C.P.
Section 10139a); 2015.5):

13 X (ONLINE TO THE LWDA): I caused the above-described document(s) to be delivered to
14 the Labor Workforce Development Agency via online process at the PAGA Filing
website in accordance with the procedure imposed by the LWDA.

15 X (BY ELECTRONIC SERVICE): I provided the documents referenced above electronically
16 via electronic mail (e-mail) to counsel for Defendant at the following e-mail address(es):

17 **SHEPPARD, MULLIN, RICHTER &**
18 **HAMPTON LLP**

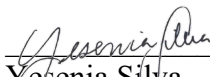
19 Brendan Dolan (State Bar #126732)
20 Lucky Mainz (State Bar #260632)
21 Lowell Ritter (State Bar #317738)
22 Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
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Email:
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BDolan@sheppardmullin.com
LMeinz@sheppardmullin.com

Attorneys for Defendant
ORACLE AMERICA, INC.

23 X (State): I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed on September 3, 2025, at San Diego, California.

26 
27 Yesenia Silva
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