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Attorneys for Plaintiff MARKEL ROCKE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

MARKEL ROCKE, as an individual and on
behalf of all employees similarly situated,

Plaintiff,

v.

PINK CHICKU LLC, a Limited Liability
Company; and DOES 1 through 50, inclusive,
Defendant.

Case No.: 23CV413573

[Assigned for all purposes to Hon. Charles F.
Adams, Dept. 7]

**DECLARATION OF MARKEL ROCKE IN
SUPPORT OF PLAINTIFF'S MOTION FOR
AN ORDER APPROVING SETTLEMENT
OF CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEY GENERAL'S
ACT OF 2004**

Date: April 11, 2024
Time: 1:30p.m.
Courtroom: Dept. 7
Judge: Hon. Charles F. Adams

Complaint Filed: April 5, 2023
Trial: None Yet Set

DECLARATION OF MARKEL ROCKE

I, MARKEL ROCKE, declare as follows:

1. I am an individual over the age of 18 and am a named plaintiff in this matter against Defendant PINK CHICKU LLC ("Defendant"). This declaration is submitted in support of approval of the Settlement Agreement reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I worked for Defendant as a client care coordinator from July 22, 2020 to May 18, 2022.

3. While working for Defendant, at times I did not receive a meal period until after the end of my fifth hour of work and my meal periods were sometimes less than a full 30 minutes due to work demands or interrupted. Often times I worked through my meal periods as I was required to keep my cell phone turned on during meal periods and to receive and respond to work related calls and text messages. I was never instructed to record my meal periods. Additionally, I was not always able to take uninterrupted and off-duty rest breaks for the same reasons as meal breaks. When I was required to work off-the-clock during my meal periods and while performing post-shift activities, I was not paid all wages owed for this time. I also used my personal cellular phone to download and use several applications to communicate with Defendant regarding my weekly work schedule, to get familiarized with client's care plan and address, to enter care notes and to complete tasks on the application. I was not reimbursed for cell phone usage.

4. I have been actively involved in this case since I first retained Tunyan Law, APC. I have had many discussions with counsel regarding Defendant's wage and hour policies, my claims in this case, litigation strategy, potential witnesses, updates on how the case was proceeding, and how I could help the case. For example, I remained in regular communication with my attorneys regarding mediation discovery and settlement discussions that the parties had during the course of litigation and mediation. I also provided information and documents to my attorneys to assist them in preparing the case. I also spent time reviewing and discussing the Settlement Agreement as well as other documents from my attorneys, and reviewing my own records for documents that would be potentially relevant to the case. In total, I estimate that I have spent more than 25 hours of my time in connection with this case since I first

1 retained Tunyan Law, APC.

2 5. When I filed this lawsuit, I understood that this lawsuit could benefit my former co-
3 workers, other Defendant's employees, and the State of California by helping to recover civil penalties
4 on their behalf as a result of the alleged violations described above. I also understood that I was filing this
5 case as an "aggrieved employee" on behalf of myself and my fellow "aggrieved employees" as well as
6 the State of California.

7 6. As part of the proposed Settlement, and in exchange for a general release payment, I have
8 also agreed to a full release of claims related to my employment with Defendant that extends beyond the
9 release of PAGA claims applicable to other aggrieved employees and beyond wage-and-hour claims
10 including but not limited to wrongful termination, discrimination, harassment claims against Defendant. I
11 understand that my attorneys will request that the Court approve this settlement and the payment of
12 \$10,000.00 to me as a general release payment for my full, general release of all claims against
13 Defendant and my role prosecuting this action and effort in advancing the interests of other aggrieved
14 employees.

15
16 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
17 true and correct. Executed 12/29/2023 | 11:39 AM PST, at San Jose, California.

18 DocuSigned by:

19 *Markel Rocke*

20 **MARKEL ROCKE**

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)

3 COUNTY OF LOS ANGELES) ss

4 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 535 N Brand Blvd. Suite 285, Glendale,
California 91203.

6 On the date indicated below, I served the document described as **DECLARATION OF MARKEL**
7 **ROCKE IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER APPROVING**
8 **SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEY**
GENERAL'S ACT OF 2004 on the interested parties in this action by sending a true copy thereof
to interested parties as follows and as stated on the attached service list:

9 Marlene S. Muraco
10 mmuraco@littler.com

Alec DiMario
11 adimario@littler.com

Yvonne Zapien
12 yzapien@littler.com

Kim Alvarez
13 kalvarez@littler.com

14 **LITTLER MENDELSON, P.C.**

50 W. San Fernando

7th Floor

San Jose, California 95113-2434

Telephone: 408-998- 4150

Facsimile: 408-288-5686

16 **Attorneys for Defendant PINK CHICKU LLC**

17
18 [✓] **BY E-MAIL:** I hereby certify that this document was served from Glendale, California, by e-
19 mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of
record in this action.

20 [✓] **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic
21 service, I caused the documents to be sent to the persons at the electronic service addresses listed
above via electronic mail. I did not receive an error message.

22 I declare under penalty of perjury under the laws of the State of California that the above is
23 true and correct. Executed on January 2, 2024, at Glendale, California.

24
25 Lilit Tunyan

26 Name

27
28 

Signature