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6 Attorneys for Plaintiff CARL EMPY,
7 as an individual and on behalf of all employees
8 similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11
12 CARL EMPY, individually, and on behalf of all
others similarly situated,

13 Plaintiff,

14
15 vs.

16 24 WINDWARD AVENUE LLC, a California
17 Limited Liability Company; and DOES 1 through
10, inclusive,

18 Defendants

Case No.: 23STCV18608

[Assigned for all purposes to Hon. Lynne M. Hobbs,
Dept. 61]

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

Reservation ID: 456611727168

Date: July 24, 2024

Time: 10 a.m.

Courtroom: Dept. 61

Judge: Hon. Lynne M. Hobbs

Action Filed: August 7, 2023

Trial Date: Not Set

DECLARATION OF CARL EMPY

I, CARL EMPY, declare as follows:

1. I am an individual over the age of 18 and am a named plaintiff in this matter against Defendant 24 WINDWARD AVENUE 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 an hourly-paid, non-exempt employee from December 2, 2021 to June 21, 2022.

3. When I worked for Defendant, I was subjected to the same labor code claims involving off the clock, meal breaks, rest breaks, wage statements, failure to reimburse necessary business expenses and failure to pay all wages due when I was no longer an employee of Defendant as all other employees.

4. I have been actively involved in this case since I first retained Tunyan Law, APC. My participation began with bringing certain issues that are involved in this matter to my Counsel's attention and explaining the factual background that was used to prosecute the claims in this case. I have had many discussions with the attorneys at Tunyan Law, APC 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.

5. When I filed this lawsuit, I understood that this lawsuit could benefit my former co-workers, other Defendant's employees, and the State of California by helping to recover civil penalties on their behalf as a result of the alleged violations described above. I also understood that I was filing this case as an "aggrieved employee" on behalf of myself and my fellow "aggrieved employees" as well as the State of California. I do not believe that I have any conflicts with Aggrieved Employees included in

1 this proposed Settlement.

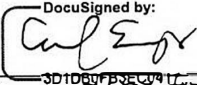
2 6. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
3 search for information online these days, I understood I would face an increased risk that future
4 employers would discover information about this lawsuit online and had a negative reaction to learning
5 that I sued an employer. This may make it harder for me to obtain future employment or change jobs for
6 a better opportunity.

7 7. I believe that the Settlement obtained on behalf of the aggrieved employees and the State
8 of California is fair and reasonable in view of the issues and risks involved with the case.

9 8. I believe that Service Award of \$5,000 for me for representing other aggrieved
10 employees and for general release of all claims is fair and reasonable. This enhancement takes into
11 consideration the time, effort, risks, stress, and sacrifice of signing a general release of all claims beyond
12 PAGA claims released by other employees, as well as the benefit provided to aggrieved employees as a
13 result of my involvement in this litigation.

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

17
18 Executed 5/7/2024 | 5:42 PM PDT , at Venice, California.

19
20 DocuSigned by:

3D1069FB35C79175
CARLEMPY

1 **PROOF OF SERVICE**

2
3 STATE OF CALIFORNIA)
4) ss
COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 535 N Brand Blvd. Suite 285
Glendale, California 91203. On May 15, 2024, I served the foregoing document described as:

7 On the date indicated below, I served the document described as: **DECLARATION OF CARL**
8 **EMPY IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER APPROVING**
9 **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:

10 John Wu
11 jwu@ohaganmeyer.com
Thalia Rofos
12 trofos@ohaganmeyer.com
Lisa Kupfer
13 lkupfer@ohaganmeyer.com
14 **O'HAGAN MEYER**
4695 MacArthur Ct., Suite 900
Newport Beach, California 92660
15 Telephone: (949)942-8537

16 *Attorneys for Defendant 24 Woodward Ave LLC*

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

19 [✓] **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic
20 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.

21
22 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on May 15, 2024 at Glendale, California.

23
24 Lilit Tunyan

Name



Signature