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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 MARLIN MEJIA, BASILIA KONDE, and
13 GULALAY OMARZAY, individuals, on
14 behalf of themselves and on behalf of all
persons similarly situated,

15 Plaintiffs,

16 v.

17 CHICO'S FAS, INC., a Corporation; and
DOES 1 through 50, inclusive,

19 Defendants.

Case No. 23TRCV03862

**DECLARATION OF GULALAY
OMARZAY IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date:

Hearing Time:

Judge: Hon. Douglas W. Stern

Dept: B

Action Filed: November 22, 2023

1 I, Gulalay Omarzay, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of Class
4 Settlement and in support of my application for a class representative service award.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I have worked for Defendant Chico's FAS, Inc. ("Chico's") in California since July of 2023,
8 and during that time period I have been classified by Chico's as a non-exempt employee.

9 4. I retained my attorneys who are experienced in both class action and PAGA representative
10 action litigation and claims against employers for violations of the California Labor Code. I have
11 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
12 of having any actual or potential conflicts of interest with another class member in this case. I am
13 not aware of any other pending matter or action asserting claims that will be extinguished or
14 adversely affected by this settlement.

15 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
16 that my legal rights as an employee and others like me were violated. For example, I was frequently
17 forced to work off the clock, as there were often delays in clocking in for the work day, and Chico's
18 did not allow employees to clock in until their start time. Additionally, I rarely received compliant
19 meal and rest breaks which were often late, short or missed entirely, and was not always paid the
20 break penalties I was entitled to. Further, I was not properly reimbursed for required business
21 expenses, including the use of my personal cell phone.

22 6. I spoke to my attorneys several times and discussed how Chico's implemented its company
23 policies and procedures. I also assisted my attorneys in their investigation into my claims by
24 providing them documents and answering their questions. I reviewed the complaint before it was
25 filed and was given access to an electronic file sharing program that alerted me via email when
26 important documents were filed so that I could review them and keep up with the developments in
27 the case which I understood was one of my duties as a class representative. I could also access court
28 filings from this case on my attorney's law firm website. Also, I was informed that Chico's had the

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

4 7. Even though this action is in the process of settling, I was and remain prepared to perform
5 all the duties of a class representative. I understand that as a class representative I have assumed a
6 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
7 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
8 members and surrender any right to compromise the group action for an individual gain.

9 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
10 damages not only for myself but also other current and/or former non-exempt employees working
11 for Chico's in California who make up the class. I felt that these individuals were not aware of their
12 labor law rights and even if they were they would probably be apprehensive about speaking up or
13 even simply because of the time, effort and risk involved in filing a class action lawsuit.

14 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
15 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
16 or part of the attorney fees and costs paid by Chico's to defend this lawsuit. Also, I knew there was
17 a risk that future employers, if they ever find out about this lawsuit, could hold it against me or
18 downgrade me as a potential hire. As one of the named Plaintiffs in this case it would not be difficult
19 for a future employer to become aware that I sued a former employer for labor law violations.
20 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
21 others regardless of the risks, time and effort I spent on this case.

22 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
23 to date on important developments by reviewing court filings that were made available to me
24 electronically as I described above.

25 11. A mediation took place on October 16, 2024, with Tripper Ortman, a well-respected and
26 experienced mediator of wage and hour class actions. After the mediation the parties were able to
27 come to an agreement to settle the action. I communicated with my attorneys regarding the terms
28 of the settlement which was reached between the parties and understood that I was representing

absent class members and therefore wanted the best possible result to be obtained for the class members and I believe a very positive result was in fact achieved via settlement. I also closely reviewed and signed the Settlement Agreement.

12. I have been actively involved with this lawsuit performing the duties described above. Although I did not keep time records, I was in regular contact with my attorneys, reviewed court filings and spent a significant amount of time on the issues presented during the lawsuit and in the settlement process. I estimate that I spent approximately 30-40 hours working on this case up until this point. I believe I have been diligent and have done what is expected of a named plaintiff and a proposed class representative to date, and will continue to do so. I have and always will maintain the best interest of the class members.

13. My attorneys explained to me that the settlement process involves a two-step review by the Court to determine whether the settlement is fair before approving the settlement. I know this process also involves notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel significant personal satisfaction to know that I played a role in the class members being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the requested class representative service award of \$10,000 from the settlement is fair compensation for the work I performed and the risks I undertook.

15. As part of the settlement, it was necessary for me to sign a general release of claims I may have against Chico's. I believe the class representative service payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Chico's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the

1 general release and in light of the size of the settlement, I believe the request for \$10,000 as a class
2 representative service payment is fair and reasonable.

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

5 Executed on 04 / 07 / 2025, at Santa clara California
6 (city, state)
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9 Gulalay Omarzay
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