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Attorneys for Plaintiff MONICA MELISSA GUTIERREZ,
Individually and on behalf of all others similarly situated

[Additional counsel listed on next page]

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

ADAM BADIS, ANGELICA REYES, and
MONICA MELISSA GUTIERREZ,
individually, and on behalf of other members
of the general public similarly situated;

Plaintiffs,

vs.

COPAN DIAGNOSTICS INC., a New York
corporation; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: CVRI2203991

[Assigned for all purposes to the Hon. Harold W.
Hopp, Dept. 10]

**DECLARATION OF MONICA
MELISSA GUTIERREZ IN SUPPORT
OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: December 5, 2024
Time: 08:30 a.m.
Dept.: 1

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DECLARATION OF MONICA MELISSA GUTIERREZ

I, MONICA MELISSA GUTIERREZ hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant Copan Diagnostics Inc., ("Defendant") in November of 2022 as a Non-Exempt Employee with the title of Accounting Specialist and worked during the liability period for Defendant, at Defendant's Murietta, CA location until my separation from Defendant's employ in approximately August 2023. My duties included but were not limited to processing and verifying new invoices, maintaining spreadsheets, and bank work affiliations.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not provide with meal and rest periods, not paid timely during my employment, not reimbursed for necessary business expenses, not being paid for vacation pay, and not timely paid wages during and upon my separation from Defendant's employ all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendant and suffered similar harms due to Defendant's common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and

1 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
2 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
3 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
4 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
5 contacted my attorneys to stay current on the status of the litigation, and to discuss my attorneys'
6 progress in prosecuting the claims.

7 7. I believe that I have been similarly injured as to all other class members in the
8 settlement who worked for Defendant during the class period. I believe the claims asserted in the
9 Complaint are also shared by the other Class Members. I worked with various other non-exempt
10 employees, and I believe we were all treated the same and subject to the same unlawful policies.

11 8. On October 24, 2023, I, through my attorneys, filed this action against Defendant.

12 9. On October 24, 2023, I, through my attorneys, submitted a notice with the Labor &
13 Workforce Development Agency ("LWDA") alleging that Defendants violated Labor Code
14 sections 201-204, 227.3, 226, 510, 512, 558, 226.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1, 1198,
15 2802, 1024.5, pursuant to Labor Code section 2699.

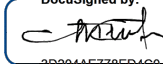
16 10. Since I agreed to become a Class Representative, I have worked every step of the
17 way with my attorneys. During the course of the litigation, I have always kept the best interest of
18 the Class Members on equal footing as mine. I have been, and I am willing to continue to pursue
19 the Class Members' claims vigorously on our collective behalf if the Settlement is not finally
20 approved. As a result, I firmly believe that I do not have any interests adverse to the interests of
21 the Class Members. I have maintained the Class Members best interest from the inception of the
22 case.

23 11. As a Class Representative, I have spent numerous hours consulting with my
24 attorneys, providing documentation, consulting with other Class Members, responding to
25 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
26 review documents received, helping my attorneys in preparing for the mediation and attending the
27 mediation via telephone. I was consulted about the status of the case and provided constant
28 feedback about the case from my attorneys including the mediation, settlement negotiations and

1 eventual settlement. I estimate I have spent approximately 30 hours working on this case.

2 12. From the beginning of this case, I have freely chosen to accept the risks of
3 being the Class Representative in this class action lawsuit. I chose to assume these risks and
4 pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe
5 we have achieved that result with the settlement and the individual payments to the Class
6 Members. I believe the settlement is fair reasonable and adequate based on the numerous defenses
7 asserted by Defendant. I believe the efforts and work I put forth helped to achieve the fair
8 settlement that will benefit the Class Members. As a result of my efforts, I also believe the
9 Enhancement Award is reasonable, and I respectfully request the Court approve the amount of
10 \$10,000.00 as fair and reasonable.

11 I declare under penalty of perjury under the laws of the state of California that the
12 foregoing is true and correct. Executed on October 23, 2024, at Sun City, California.

13
14 DocuSigned by:


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16 **MONICA MELISSA GUTIERREZ**