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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

KYND DANIEL, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

UBATUBA ACAI, LLC, a California limited
liability company; UBATUBA ACAI
BEVERLY GROVE, LLC, a California limited
liability company; UBATUBA ACAI
BURBANK, LLC, a California limited liability
company; UBATUBA ACAI CAMARILLO,
LLC, a California limited liability company;
UBATUBA ACAI EXPANSION LLC, a
California limited liability company;
UBATUBA ACAI KOREATOWN, LLC, a
California limited liability company;
UBATUBA ACAI MELROSE, LLC, a
California limited liability company;
UBATUBA ACAI MOORPARK, LLC, a
California limited liability company;
UBATUBA ACAI NORTH, LLC, a California
limited liability company; UBATUBA ACAI
PASADENA, LLC, a California limited liability
company; UBATUBA ACAI SANTA
MONICA, LLC, a California limited liability
company; UBATUBA ACAI SHERMAN
OAKS, LLC, a California limited liability
company; UBATUBA ACAI SLO, LLC, a

Case No. 23STCV29619

**CLASS AND REPRESENTATIVE
ACTION**

*[Assigned for all purposes to Hon. Timothy
P. Dillon, Dept. 15]*

**DECLARATION OF KYND DANIEL IN
SUPPORT OF CLASS ACTION AND
PAGA ACTION SETTLEMENT**

1 California limited liability company;
2 UBATUBA ACAI STUDIO CITY, LLC, a
3 California limited liability company;
4 UBATUBA ACAI THOUSAND OAKS, LLC, a
5 California limited liability company;
6 UBATUBA ACAI VALENCIA, LLC, a
7 California limited liability company;
8 UBATUBA ACAI VENTURA, LLC, a
9 California limited liability company;
10 UBATUBA ACAI WOODLAND HILLS, LLC,
11 a California limited liability company; and
12 DOES 1 through 100, inclusive,
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14 Defendants.
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DECLARATION OF KYND DANIEL

I, KYND DANIEL, declare as follows:

1. I am an individual over the age of 18 and am the named plaintiff in this matter against Ubatuba Acai, LLC, Ubatuba Acai Beverly Grove, LLC, Ubatuba Acai Burbank, LLC, Ubatuba Acai Camarillo, LLC, Ubatuba Acai Expansion LLC, Ubatuba Acai Koreatown, LLC, Ubatuba Acai Melrose, LLC, Ubatuba Acai Moorpark, LLC, Ubatuba Acai North, LLC, Ubatuba Acai Pasadena, LLC, Ubatuba Acai Santa Monica, LLC, Ubatuba Acai Sherman Oaks, LLC, Ubatuba Acai SLO, LLC, a California limited liability company, Ubatuba Acai Studio City, LLC, Ubatuba Acai Thousand Oaks, LLC, Ubatuba Acai Valencia, LLC, Ubatuba Acai Ventura, LLC, Ubatuba Acai Woodland Hills, LLC, (“Ubatuba”). This declaration is submitted in support of approval of the proposed class action settlement (“Settlement”) 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 am a former employee of Ubatuba, where I worked as a non-exempt employee from approximately May 2022 until January 2023.

3. While working at Ubatuba, I believe that I was not paid all of my minimum and overtime wages to which I was entitled, I also did not receive all of my off-duty meal breaks and was not permitted to take all of my rest breaks. I was also not paid all of my meal and rest period premium wages. I also believe that I was not paid wages on time during my employment. As a result, I understand that I was not provided accurate wage statements and was not paid all wages owed to me at the end of my employment.

4. When I first discussed this case with my attorneys, I understood that this lawsuit could benefit other Ubatuba employees by helping to recover penalties to which they were entitled. I knew that filing a lawsuit carries risk, including the risk of being responsible for Ubatuba’s costs if the case were lost. But I accepted this risk because I wanted to vindicate my and other Ubatuba employees’ rights. Even though I understood that filing a lawsuit is a public record, I accepted that burden in order to help other Ubatuba employees.

1 5. Perhaps more importantly, I accepted the big risk that news of this lawsuit could
2 potentially impact my ability to secure other work. I accepted the risk that news of this lawsuit
3 and settlement, which is a public matter, may spread to potential future employers and impact my
4 future job prospects. But I took on this case and the risks that came with it, because I believe that
5 it was the right thing to do and would greatly help other employees.

6 6. I have been actively involved in this case since I first had discussions with my
7 attorneys at Abramson Labor Group about a potential class action more than two years ago, in
8 November 2023. I have had many discussions with my attorneys throughout this case to discuss
9 Ubatuba's policies and practices, identify potentially helpful documents and witnesses, and
10 discuss case strategy. I spent significant time searching my own documents, and I also spent time
11 reviewing the Settlement Agreement with my attorneys. I estimate that I have spent 35-40 hours
12 on this case from the time I first spoke with my attorneys regarding this case until the present.

13 7. As part of the proposed Settlement, I understand that my attorneys will request
14 that the Court approve a service award of \$10,000 for my efforts on behalf of the Settlement
15 Class. I believe this amount is reasonable based on the amount of time and effort I have devoted
16 to this case as well as the risks I have undertaken as the class representative, as described above.
17 My support of the Settlement is not conditioned on my receipt of this payment.

18 I declare under penalty of perjury under the laws of the state of California that the
19 foregoing is true and correct, and this declaration was executed by me on 04/24/2026.

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22 Kynd Daniel (Apr 24, 2026 16:23:36 PDT)
23 **KYND DANIEL**
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Ubatuba - Plaintiff's Decl ISO Settlement (Clean)

Final Audit Report

2026-04-24

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