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JUDICIAL COUNCIL OF CALIFORNIA

CHAIR OF THE JUDICIAL COUNCIL

JAIDYN HOLMES, individually and on behalf of all others similarly situated, Plaintiffs, v. SPIRIT HALLOWEEN SUPERSTORES LLC; SPENCER GIFTS LLC; and DOES 1 through 20, inclusive, Defendants.	Case No. JCCP5401 **DECLARATION OF THOMAS WHALEN IN SUPPORT OF MOTION FOR APPROVAL OF PAGA SETTLEMENT UNDER CALIFORNIA LABOR CODE §§ 2698 ET SEQ..** Date: December 8, 2026 Time: 11:00 a.m. Dept: 6 Los Angeles County Superior Court Case No.: 24STCV09324 (filed April 15, 2024)
VANESSA RUELAS SIERRA, as an individual and on behalf of all others similarly situated, Plaintiff, vs. SPENCER GIFTS LLC, a Delaware limited liability company; and DOES 1 through 50, inclusive, Defendants.	Kern County Superior Court Case No.: BCV-23-101673 (filed May 30, 2023)

RICHARD GONZALEZ, on behalf of himself and current and former aggrieved employees Plaintiff, v. SPIRIT HALLOWEEN SUPERSTORES LLC; and DOES 1 to 100, inclusive, Defendants.	Los Angeles County Superior Court Case No.: 24STCV04406 (filed February 22, 2024)
ELISA HILAIRE, individually and on behalf of all similarly situated individuals, Plaintiff, v. SPENCER GIFTS, LLC, a Delaware Limited Liability Company; SPIRIT HALLOWEEN SUPERSTORES, LLC, a Delaware Limited Liability Company; BARRY SUSSON, an individual; and Does 1-10, inclusive; Defendants.	San Diego County Superior Court Case No.: 37-2024-00019642 (filed April 26, 2024)
THOMAS WHALEN, individually and on behalf of all others similarly situated; Plaintiff, v. SPIRIT HALLOWEEN SUPERSTORES LLC, a Delaware limited liability company; and DOES 1 through 50, Defendants.	Los Angeles County Superior Court Case No.: 23STCV21612 (filed September 7, 2023)

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and on behalf of all others similarly situated.

I, Thomas Whalen, hereby declare as follows:

1. I am an individual over the age of 18 year and the named Plaintiff in the above-captioned matter. 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 contained in this declaration, and if called as a witness, could and would testify as to their accuracy.

2. I was employed by Defendant Spirit Halloween Superstores LLC ("Defendant") as an hourly-paid, non-exempt store manager from approximately August 1, 2023 to approximately August 31, 2023. During my employment with Defendant, I was subject to Defendant's wage and hour policies and practices that are at issue in this case.

3. Specifically, I frequently worked off the clock during my meal breaks and before clocking in without pay, I frequently was unable to take compliant meal and rest breaks because of my workload and lack over coverage, and I had to use my personal cellphone for work because my managers would call me on my cellphone. As a result of the foregoing issues, I believe I received inaccurate wage statements and was not paid all wages when my employment with Defendant ended. I believe other non-exempt employees of Defendant were subject to the same policies and procedures discussed above and that my claims against Defendant for unpaid wages and statutory and civil penalties are typical of Class Members' claims.

4. I have been actively involved in this case since I first retained Justice for Workers, P.C. ("JFW") in September 2023. Without waiving the attorney-client privilege, prior to filing this lawsuit, my attorneys explained my role and responsibilities as a PAGA Representative, and I understand my responsibilities as a PAGA Representative. Since retaining my attorneys, I have had many discussions and meetings with the attorneys and staff at JFW, discussions regarding Defendant's wage and hour practices and my claims in this case, litigation strategy, updates on how the case was proceeding, the Settlement, and how I could help the case and potential Aggrieved Employees. I also gathered and reviewed documents for use in the lawsuit and reviewed relevant documents with my attorneys.

5. Furthermore, there is no conflict between my interests and the interests of the Aggrieved Employees that I am seeking to represent. My interests are entirely coextensive with the

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interests of Aggrieved Employees. I allege that I was injured by the same company-wide policies and practices to which Aggrieved Employees were subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests of Aggrieved Employees by initiating this litigation, undertaking extensive class discovery, and evaluating the proposed settlement to assure that it is fair.

6. I understood that at the time I filed this action, as a PAGA Representative, I owed a duty to Aggrieved Employees to faithfully prosecute this action with their best interests at the forefront of every decision. I understood that I could not make any decision in this action for the sole benefit of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice my personal best interests for the benefit of the interests of the putative class members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe that I faithfully executed the duties of a PAGA Representative throughout this litigation and will continue to do until this litigation is fully and finally resolved.

7. I do not have any conflict of interest with the proposed Administrator.

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

Executed on January 17, 2026 at Austin, Texas.



Thomas Whalen

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