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Michelle Schwanke*

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

MICHELLE SCHWANKE, individually, on
behalf of all others similarly situated, and as
a proxy of the State of California on behalf
of aggrieved employees,

Plaintiff,

v.

BODY CONCEPTS BY ORANGE TWIST
1 CORP., a California Corporation; and
Does 1 to 100, inclusive,

Defendants.

Case No. 24STCV06778
Assigned to Hon. Laura A. Seigle

**DECLARATION OF PLAINTIFF MICHELLE
SCHWANKE IN SUPPORT OF PLAINTIFF'S
MOTION TO APPROVE PAGA
SETTLEMENT**

Date: December 10, 2025
Time: 9:00 a.m.
Dept.: 17
Spring Street Courthouse
312 North Spring Street
Los Angeles, CA 90012

Complaint Filed: March 18, 2024
FAC Filed: May 17, 2024

1 I, MICHELLE SCHWANKE, declare as follows:

2 1. I am over the age of eighteen and am a resident of California.

3 2. I am the Plaintiff in the within proceeding. I make this Declaration in support of the
4 Motion to Approve PAGA Settlement. If sworn as a witness, I could competently testify to each and
5 every fact set forth herein from my own personal knowledge.

6 **Background**

7 3. I was employed by Defendant Body Concepts by Orange Twist 1 ("BCOT") as an
8 esthetician during the PAGA Period. I was routinely denied duty-free meal periods and rest breaks,
9 proper wage statements and the timely payment of wages. I was paid hourly and earned commissions as
10 well as other payments which I understand to have been in the nature of non-discretionary bonus
11 payments. BCOT failed to pay me at the proper overtime wage rates as required by law.

12 **Role as a PAGA Representative**

13 4. When I initially sought out Harris & Ruble to represent me in this matter, I had a
14 discussion with my attorneys from Harris & Ruble regarding my duties and responsibilities as a potential
15 Class and/or PAGA Representative. I understand my duties and responsibilities as a PAGA
16 Representative. I have reviewed the topic with my counsel on several occasions. I can think of no
17 interest that conflicts with any interest of any other Aggrieved Employees and feel I am an adequate
18 PAGA Representative in this case. I believe other Aggrieved Employees and I were all treated in similar
19 fashion insofar as I understand we were subject to substantially the same daily procedures regarding
20 preparation of payroll, computation of wages, Defendant's failure to provide proper meal periods or rest
21 breaks, and the tardy receipt of final wages, including accrued minimum and overtime wages, in this
22 case.

23 5. I have not been promised any special monetary reward or treatment for acting as a PAGA
24 Representative. I understand that under any potential resolution of this case, my attorneys may ask the
25 Court award me an additional payment for my work in this case. However, I also understand that it is
26 entirely up to the Court to decide whether to award me any such amounts whatsoever. When I agreed to
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1 accept the proposed settlement agreement, I was fully aware that the Court could reduce any award
2 requested on my behalf.

3 6. My primary concern has been—and will continue to be—that the employees of BCOT
4 who worked with me be treated fairly and in accordance with the California Labor Code. My interest in
5 prosecuting the lawsuit is to secure compensation for other employees and me on account of Defendant's
6 failure to comply with state labor laws.

7 7. I have reviewed and am generally familiar with the initial March 18, 2024, Complaint, and
8 the May 17, 2024, operative First Amended Complaint in this case. I am also familiar with the
9 Settlement Agreement that I signed in August 2025. I believe that the terms of the Settlement Agreement
10 are fair, adequate and reasonable. Before signing, I had an opportunity to review its terms in detail, and I
11 thoroughly reviewed and discussed these terms with my counsel at Harris & Ruble. I understand that the
12 Settlement Agreement follows a formal mediation with a respected mediator. Although I have spent
13 significant time working on this lawsuit, my motivation has always been to see that Defendant pay what
14 is owed to its employees.

15 8. I intend to continue to take an active part in the litigation, to participate in post-settlement
16 procedures as necessary. I will continue to participate in helping to bring this case to closure until all
17 settlement procedures are concluded.

18 **Services Performed as a PAGA Representative and Time Incurred**

19 9. Since the filing of this action and before, I have devoted a significant amount of time to
20 this lawsuit including conferring with my attorneys, discussing my claims and assisting in gathering
21 information for the prosecution of the lawsuit. I participated in conferences with my attorneys and other
22 witnesses. I spent time reviewing, analyzing, and explaining the compensation and calculation policies
23 and procedures; and collecting and reviewing documents. I assisted my attorneys in reviewing
24 documents that were produced by Defendant in this case. Although I was not deposed in this case, I was
25 ready and willing to sit for a deposition and testify truthfully and to the best of my ability. I also actively
26 prepared for mediation in this case, including reviewing the mediation brief and providing input during
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the mediation process. When I have spoken with my counsel, they have always provided detailed answers to questions I had regarding my case.

10. Although I did not keep written records of the time I spent working on my case, my best estimate is that I spent at least 17 hours of my time to assist in the prosecution of this litigation:

- a. My best estimate is that I have spent approximately 9 hours meeting or speaking with attorneys regarding this case. This time includes initial conferences with counsel, including reviewing the retainer and conflicts waiver; mediation disclosure and acknowledgment; FLSA consent form; letter requesting initial production of documents; and my own records to provide factual background and support for the allegations in the complaint and amended complaint. This time also includes meetings to discuss the facts of the case and meetings with my lawyers regarding settlement of the case;
- b. My best estimate is I spent 2 hours reviewing the complaint and amended complaint;
- c. My best estimate is I spent 4 hours on additional phone calls with Harris & Ruble and review of documents to discuss status updates, including the mediation and extensive negotiations that took place regarding the terms of this settlement;
- d. Throughout this litigation, I have:
 - i. Assisted counsel in investigating and substantiating the claims alleged in this action;
 - ii. Produced evidentiary documents to counsel;
 - iii. Made myself available during mediation; and
 - iv. Delayed payment of my own unpaid wages while this matter has been litigated.

Risks and Benefits to the Plaintiff as PAGA Representative

11. As a named Plaintiff in this action, I have had to accept a series of risks and inconveniences.

13. This case also involved risks for me, such as the potential risk of having to pay Defendant's costs if we lost. Disregarding these risks, I pursued this case on behalf of the Aggrieved Employees.

DocuSigned by:

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MICHELLE SCHWANKE

PROOF OF SERVICE

I am an attorney for the plaintiff herein, over the age of eighteen years, and not a party to the within action. My business address is Harris & Ruble, 655 N. Central Ave., 17th Floor, Glendale CA, 91203. On October 13, 2025, I served the within documents:

DECLARATION OF PLAINTIFF MICHELLE SCHWANKE IN SUPPORT OF PLAINTIFF'S MOTION TO APPROVE PAGA SETTLEMENT

Electronic Service: Pursuant to CRC 2.251 and Cal. Code Civ. Proc. § 1010.6, I cause the above-entitled document(s) to be served via Case Anywhere, LLC to all parties appearing below:

Alessandra C. Whipple (awhipple@cdfsaborlaw.com)
 Todd R. Wulffson (twulffson@cdfsaborlaw.com)
 John Keeney (jkeeney@cdfsaborlaw.com)
 Tyler J. Angelini (tangelini@cdfsaborlaw.com)
 CDF LABOR LAW
 18300 Von Karman Avenue, Suite # 800
 Irvine CA 92612

I declare under penalty of perjury that the above is true and correct. Executed on October 13, 2025, at Los Angeles, California.



Priya Mohan