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Attorneys for Plaintiff, COLLEEN DOVER,
on behalf of herself and all others similarly
situated and aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

COLLEEN DOVER, an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

BNY INVESTMENT MANAGEMENT
SERVICES LLC., a Delaware limited liability
company; THE BANK OF NEW YORK
MELLON, a New York corporation; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: 24STCV09140

[Assigned for all purposes to the Hon. Carolyn
B. Kuhl in Dept. 12]

**DECLARATION OF PLAINTIFF
COLLEEN DOVER IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

DECLARATION OF COLLEEN

1
2 1. I am a party to this action and reside in the State of California. I am fully competent
3 to make this declaration. I have personal knowledge of the facts set forth herein, except for those
4 stated on information and belief, and as to those I am informed and believe them to be true. If
5 called upon to testify, I could and would testify as set forth herein.

6 2. I make this Declaration in support of Plaintiff's Motion for Preliminary Approval
7 of Class and Representative Action Settlement.

8 3. I was employed by defendants BNY Investment Management Services, LLC, and
9 The Bank of New York Mellon (collectively, "Defendants") in their Retail/Operations
10 Department, as a non-exempt, hourly paid employee, specifically as a Technician – Lockbox
11 Management, with duties that included, but were not limited to, opening mails, separating
12 documents and checks, scanning mails, reviewing checks received through a processing machine,
13 and ensuring timely and secure processing of payments, from around July 10, 1989 through around
14 April 28, 2023.

15 4. I am informed and believe that, throughout my employment with Defendants,
16 myself and other non-exempt, hourly paid employees of Defendants were not paid all wages owed
17 because we were not paid for all time under Defendants' control, or for which we were suffered
18 or permitted to work by Defendants. In addition, I am informed and believe we were not paid all
19 overtime hours worked at the overtime rate of pay owed due to, without limitation, failure to
20 record all time worked and failure to pay for off-the-clock work.

21 5. During my employment with Defendants, I often took meal periods that were after
22 the fifth hour, short, or not duty-free. I witnessed other non-exempt, hourly paid employees with
23 my job duties often taking meal periods that were after the fifth hour, short, or not duty-free, as
24 well.

25 6. I do not recall receiving any premium pay for the full, timely and uninterrupted
26 meal periods I was not provided an opportunity to take and am informed and believe that my
27 coworkers were not provided premium pay for not being provided with the opportunity to take
28 full, timely and uninterrupted meal periods either.

1 7. I do not believe I was provided with opportunities to take full, uninterrupted 10-
2 minute rest periods while working with Defendants and am informed and believe my coworkers
3 were often not provided with such an opportunity, either.

4 8. I do not recall receiving any premium pay for the full rest breaks I was not provided
5 an opportunity to take and am informed and believe that my coworkers were not provided
6 premium pay for not being provided with the opportunity to take full, uninterrupted 10-minute
7 rest periods, either.

8 9. Before and during the course of litigation, I was actively involved in assisting my
9 attorneys to support the wage and hour claims asserted. My involvement began before the initial
10 complaint was filed wherein, I provided first-hand knowledge and documentation as to
11 Defendants' practices, their ownership and corporate structure, and their wage and hour policies
12 and practices.

13 10. Part of the information I relayed was with regard to Defendants' timekeeping policies
14 and practices, and their meal and rest period policies and practices.

15 11. I provided them with all the documentation provided to me by Defendants during my
16 employment.

17 12. I assisted in reviewing time and payroll records with my attorneys, and informed
18 them of Defendants' employment policies, and whether those policies matched Defendants'
19 practices.

20 13. My attorneys called me to ask me questions over several times throughout the
21 litigation and I contacted my attorneys several times to stay updated on the case and offer my
22 assistance on any matters I could be helpful with. I was also available for mediation by telephone,
23 during which I was available to be called to answer the questions posed by the mediator regarding
24 the asserted claims, as well as arguments raised by Defendants. In addition, I worked with my
25 attorneys over the next several weeks after mediation to understand and execute a long form
26 settlement agreement.

27 14. Over the past several months since the case has been resolved, I have stayed in
28 touch with my attorneys to ensure that there was no undue delay in payment for other class

1 members for whom I brought this Action.

2 15. I believe that, through the present, I have spent at least 23 hours in connection with
3 this matter, which included time spent having preliminary calls with my attorneys; doing an intake
4 with my attorneys; time spent searching for documents relating to my employment; time spent
5 responding to informal discovery; time spent reading and understanding the Settlement
6 Agreement; time spent answering calls to discuss Defendants' timekeeping, pay, meal and rest
7 periods, and to review time and payroll records; time spent discussing with my attorneys
8 Defendants' policies and practices; time spent on-call at mediation; and time spent checking in on
9 the status of the case, among other things. I also spent time preparing this declaration to support
10 Plaintiff's Motion for Preliminary Approval of Class and Representative Action Settlement.

11 16. I feel that by bringing this lawsuit, I could stand up for not only my rights but the
12 rights of other employees who suffered from the same unfair wage practices. I felt that current
13 employees might not want to share their experiences with Defendants since they feared losing
14 their jobs. This is certainly understandable as I, too, have to provide for myself and others.

15 17. By bringing this lawsuit, I have put the interests of the class ahead of my own.

16 18. I understood that I could possibly earn a small enhancement if this case is resolved
17 favorably. I also knew that I could face retaliation from Defendants and backlash from former
18 coworkers who are loyal to Defendants.

19 19. I also had to provide a general release of claims and a waiver of rights under
20 California Civil Code section 1542 to Defendants as part of the settlement.

21 20. I understand that if I had brought this case individually, I may have earned more
22 compensation individually and on a much quicker timeline than the timeline it took to resolve this
23 Action.

24 21. I understood the substantial risks involved in serving as the Class Representative
25 and undertook these risks knowing there was no certainty regarding the outcome of the case.

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28 ///

22. My goal in bringing this lawsuit was to obtain a recovery on behalf of the class, and, even more importantly, to put an end to what I believe are illegal practices on the part of Defendants. I believe I have achieved both through this lawsuit and settlement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this _____ day of February, at Pomona, California.

Colleen Dover