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Attorneys for Plaintiff MARK DUTILLIEUL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

MARK DUTILLIEUL, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

METHODOLOGY, INC., a Delaware
corporation; and DOES 1 through 100,
inclusive,

Defendant.

Case No. C22-00759

**DECLARATION OF MARK DUTILLIEUL
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: November 14, 2024
Time: 9:00 a.m.

Judge: Hon. Judge Charles S. Treat
Dept.: 12

1 I, MARK DUTILLIEUL, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
4 wage and hour class action filed against METHODOLOGY, INC., (hereinafter "Defendant").

5 2. This declaration is being submitted in support of Plaintiff's motion for Final Approval of
6 Class Action and PAGA Settlement.

7 3. I retained Class Counsel in April 2022 and filed a lawsuit in April 2022. I filed the case
8 on behalf of myself and a class of current and former non-exempt California employees employed by
9 Defendant during the period from April 19, 2018 through August 16, 2023.

10 4. I worked for Defendant as a non-exempt employee in Contra Costa County from
11 approximately March 2019 to approximately September 2019.

12 5. I filed the case because I believed my rights as an employee were violated by Defendant
13 and also the rights of other employees that worked for Defendant. Among other claims, I believe
14 Defendant failed to provide compliant meal and rest periods, failed to pay for all hours worked, failed
15 to reimburse necessary business expenses, and failed to timely pay all wages.

16 6. Before I initiated the case as the plaintiff and Class Representative, I spoke at length with
17 my attorneys. We discussed my work experience and how company policies were applied to me and
18 other employees. I provided the attorneys with documents they requested. We reviewed the documents
19 together and asked and answered many questions regarding my experience working for Defendant, the
20 litigation process, and about class actions generally.

21 7. During these conversations, I learned about my responsibilities as the plaintiff in the
22 lawsuit and as the proposed Class Representative. I understood that pursuing this action as a class
23 action rather than merely seeking my individual claims substantially increased the risk to me. Those
24 risks included the possibility of being held liable for Defendant's attorneys' fees and costs in a complex
25 class action if I lost the case. I also understood that as the Class Representative, I would be under
26 increased scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
27 representative. Further, I understood that I would lose some autonomy over my individual claims that
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1 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
2 the best interests of the Settlement Class in mind.

3 8. I also understood that pursuing this litigation created a very public record of my
4 grievances with Defendant which produced the risk that a future employer could hold it against me that
5 I sued a former employer.

6 9. I also knew that I was making a sacrifice in that I could have pursued my claims only on
7 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand
8 to receive from this settlement. My attorneys explained to me that the net settlement value of my
9 individual claims may be greater than my ultimate recovery from the net class settlement amount.

10 10. Notwithstanding these risks and sacrifices, I decided to go through with the case because
11 I believed violations occurred and most employees would not know what their rights are and even if
12 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

13 11. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
14 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
15 phone, because I wanted to keep up with developments in the case which I understood was one of my
16 duties as a class representative.

17 12. **Review and Approval of Settlement:** A mediation was held on May 16, 2023. Even
18 though I could not attend, I was available by telephone to speak with my regarding the mediation before
19 it took place. I also spoke with my attorneys after the mediation and discussed the proposed settlement.
20 I was very satisfied with the terms of the settlement that was agreed to by the parties. When the
21 settlement papers were ready, I again spoke with my attorneys and reviewed the settlement agreement
22 which I signed on March 19, 2024.

23 13. **Participation:** Since I retained Class Counsel two and a half years ago, I have been
24 actively involved with this class action lawsuit performing the duties described above. While I did not
25 keep formal time records, I was in regular contact with my attorneys, reviewed important court filings,
26 and spent considerable time on the issues presented during the litigation and in the settlement process.
27 I estimate that I spent approximately 20 to 30 hours working on this case.
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14. Also, my attorneys explained to me that the settlement process involved a two-step review by the Court to determine whether the settlement was fair before ordering that the settlement be funded and paid. I knew this process also involved notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who now stand to receive substantial monetary payments as a result of this case and settlement. I also believe that the requested Class Representative Service Award in the amount of \$10,000.00 from the settlement is fair compensation for the (1) the broad general release I executed, (2) the work I performed, (3) the sacrifices made not pursuing this case individually, and (4) the risks I undertook.

16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's costs in the event we did not win the case, and in light of the size of the settlement, I believe the request for \$10,000.00 as a service award is fair and reasonable.

17. Further, I support my attorneys' application for a Class Counsel Award in the amount of up to \$66,666.66, plus costs and expenses of up to \$25,000.00 for reimbursement of actually incurred litigation expenses.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed **10/17/2024**, at **Berkeley**, California

By: MD
Mark Duttillieul (Oct 17, 2024 13:06 PDT)
MARK DUTILLIEUL