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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF NEVADA

TIFFANY BRITTON and KAYJHONNIE
SMITH, individually, and on behalf of other
members of the general public similarly
situated,

Plaintiffs,

vs.

MOUNTAIN VALLEY CHILD AND
FAMILY SERVICES, INC., a California
Corporation; and DOES 1 through 100,
Inclusive,

Defendants.

Case No. CU0000023

**DECLARATION OF KAYJHONNIE SMITH
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: January 19, 2024

Time: 10:00 a.m.

Judge: Hon. S. Robert Tice-Raskin
Dept.: 6

1 I, KAYJHONNIE SMITH, 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 a named Plaintiff in the above
4 wage and hour class action filed against MOUNTAIN VALLEY CHILD AND FAMILY SERVICES,
5 INC. (hereinafter "Defendant").

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

8 3. I retained Class Counsel in October 2022 and I was added to the lawsuit as a plaintiff in
9 June 2023. I joined the case on behalf of myself and a class of current and former non-exempt
10 California employees employed by Defendant during the period from April 19, 2018 to June 18, 2023.

11 4. I have worked for Defendant as a non-exempt employee in Nevada County since
12 September 2022.

13 5. I joined the case because I believed my rights as an employee were violated by Defendant
14 and also the rights of other employees that worked for Defendant. Among other claims, I believe
15 Defendant failed to pay me for all hours worked, including time spent undergoing mandatory COVID-
16 19 screenings, and failed to provide legally compliant meal and rest periods.

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

22 7. During these conversations, I learned about my responsibilities as a plaintiff in the
23 lawsuit and as a proposed Class Representative. I understood that pursuing this action as a class action
24 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
25 included the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class
26 action if I lost the case. I also understood that as a Class Representative, I would be under increased
27 scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
28

1 representative. Further, I understood that I would lose some autonomy over my individual claims that
2 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
3 the best interests of the Settlement Class in mind.

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

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

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

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

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

24 13. **Participation:** Since I retained Class Counsel over a year ago, I have been actively
25 involved with this class action lawsuit performing the duties described above. While I did not keep
26 formal time records, I was in regular contact with my attorneys, reviewed important court filings, and
27

1 spent considerable time on the issues presented during the litigation and in the settlement process. I
2 estimate that I spent approximately 20 to 30 hours working on this case.

3 14. Also, my attorneys explained to me that the settlement process involved a two-step
4 review by the Court to determine whether the settlement was fair before ordering that the settlement be
5 funded and paid. I knew this process also involved notifying all class members of the settlement terms
6 and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to
7 the settlement.

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

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

17 17. Further, I support my attorneys' application for an award of attorneys' fees in the amount
18 of up to \$133,333.33, plus costs and expenses of up to \$20,000 for reimbursement of actually incurred
19 litigation expenses.

20
21 I declare under the penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed Dec 19, 2023, at Sacramento, California

23
24 By: 
25 Kayjhonnie Smith (Dec 19, 2023 09:37 PST)
26 KAYJHONNIE SMITH
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