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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 PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: September 15, 2023

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 Preliminary
7 Approval of Class Action and PAGA Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
10 to represent.

11 4. I have worked for Defendant as an hourly, non-exempt employee in California from
12 September 2022 to the present. At all times during my employment, I earned an hourly wage and was
13 entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime wages for
14 all hours worked. Throughout my employment, I was subject to Defendant's written policies and
15 procedures.

16 5. Generally, my lawsuit claims that Defendant failed to include non-discretionary
17 incentive compensation when calculating the regular rate of pay when paying overtime wages, meal
18 period premiums, and sick pay, failed to provide compliant meal and rest periods, failed to pay for all
19 hours worked, failed to reimburse for required business expenses, failed to furnish accurate itemized
20 wage statements, and failed to pay all wages when due.

21 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
22 to represent because I was subject to the same alleged unlawful employment policies and practices at
23 issue in this action, including but not limited to, Defendant's failure to include non-discretionary
24 incentive compensation when calculating the regular rate of pay for purposes of overtime wages, meal
25 period premiums and sick pay, failure to provide complaint meal and rest periods, failure to pay for
26 all hours worked, failure to reimburse for required business expenses, failure to furnish accurate
27 itemized wage statements, and failure to pay all wages when due. Factually, Defendant's policies and
28

1 practices apply class wide, and Defendant's liability can be determined by facts common to all
2 members of the Class.

3 7. Further, there is no conflict between my interests and the interests of the class that I am
4 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
5 I was injured by the same company-wide policies and practices to which the proposed Class was
6 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
7 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
8 proposed settlement to assure that it is fair.

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

18 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
19 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
20 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

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 Aug 16, 2023, at Sacramento, California.

23
24 By:  KayJhonnie Smith (Aug 16, 2023 22:54 PDT)
25 KAYJHONNIE SMITH
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