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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

MICHAEL VIGIL, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

UNIVERSITY OF SAN FRANCISCO; a
California Corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. CGC-25-621129

**DECLARATION OF MICHAEL VIGIL IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date:

Hearing Time:

Judge: Hon.

Dept.:

Action Filed: January 02, 2025

Trial Date: None Set

1 I, Michael Vigil, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of Class
4 Settlement and in support of my application for a class representative service payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for the defendant University of San Francisco (“USF”) in California from June of
8 1993 to December of 2024, and during that time period was been classified by USF as a non-exempt
9 employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
17 that my legal rights as an employee and others like me were violated. For example, I was forced to
18 work off the clock as I was required to be ready for work within ten minutes of start time. This
19 forced me to change into my uniform in the locker room prior to clocking in. There was also often
20 a line at the timekeeping system, and I would have to wait to clock in due to the amount of people
21 also attempting to clock in. Additionally, I did not always receive compliant meal and rest breaks
22 which were often late, short or missed entirely – and when these violations occurred, I did not
23 receive all break penalty payments I was entitled to. Defendant also miscalculated my regular rate,
24 and often paid me shift differential payments which were not included in the regular rate for paying
25 overtime. Further, I was not reimbursed for the use of my personal cellular phone, which I was
26 forced to use in furtherance of my job duties.

27 6. I spoke to my attorneys several times and discussed how USF implemented its company
28 policies and procedures. I also assisted my attorneys in their investigation into my claims by

1 providing them documents and answering their questions. I reviewed the complaint before it was
2 filed and was given access to an electronic file sharing program that alerted me via email when
3 important documents were filed so that I could review them and keep up with the developments in
4 the case which I understood was one of my duties as a class representative. I could also access court
5 filings from this case on my attorney's law firm website. Also, I was informed that USF had the
6 right to take my deposition, and that the preparation and deposition itself could take multiple days.
7 Although my deposition was not taken, I feel I would have been adequately prepared and
8 comfortable to give testimony on my experiences.

9 7. Even though this action is in the process of settling, I was and remain prepared to perform
10 all the duties of a class representative. I understand that as a class representative I have assumed a
11 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
12 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
13 members and surrender any right to compromise the group action for an individual gain.

14 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
15 damages not only for myself but also other current and/or former non-exempt employees working
16 for USF in California who make up the class. I felt that these individuals were not aware of their
17 labor law rights and even if they were they would probably be apprehensive about speaking up or
18 even simply because of the time, effort and risk involved in filing a class action lawsuit.

19 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
20 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
21 or part of the attorney fees and costs paid by USF to defend this lawsuit. Also, I knew there was a
22 risk that future employers, if they ever find out about this lawsuit, could hold it against me or
23 downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult
24 for a future employer to become aware that I sued a former employer for labor law violations.
25 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
26 others regardless of the risks, time and effort I spent on this case.

27 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
28 to date on important developments by reviewing court filings that were made available to me

1 electronically as I described above.

2 11. A mediation took place on August 12, 2025, with Brandon McElvey, Esq., a well-respected
3 and experienced mediator of wage and hour class actions. After the mediation the parties were able
4 to come to an agreement to settle the action. I communicated with my attorneys regarding the terms
5 of the settlement which was reached between the parties and understood that I was representing
6 absent class members and therefore wanted the best possible result to be obtained for the class
7 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
8 signed the Memorandum of Understanding on August 24, 2025. When the final settlement
9 agreement was ready, I reviewed it closely and signed it.

10 12. I have been actively involved with this lawsuit performing the duties described above.
11 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
12 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
13 settlement process. I estimate that I spent approximately 30-40 hours working on this case up until
14 this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
15 proposed class representative to date, and will continue to do so. I have and always will maintain
16 the best interest of the class members.

17 13. My attorneys explained to me that the settlement process involves a two-step review by the
18 Court to determine whether the settlement is fair before approving the settlement. I know this
19 process also involves notifying all class members of the settlement terms and of their rights to make
20 a claim for their settlement share, to opt out of the settlement or to object to the settlement.

21 14. I believe I did the right thing by filing this case on behalf of the class members who, subject
22 to court approval, are in line to receive monetary payments as a result of this case and settlement.
23 This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel
24 significant personal satisfaction to know that I played a role in the class members being entitled to
25 monetary payments as a result of the filing of this lawsuit. I also believe that the requested class
26 representative service award of \$15,000 from the settlement is fair compensation for the work I
27 performed and the risks I undertook.

15. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying USF costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, and in light of the size of the settlement, I believe the request for \$15,000 as a class representative service payment is fair and reasonable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/23/2025, at South San Francisco, CA.
(city, state)

Michael Vigil

Michael Vigil