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11 *Attorneys for Plaintiffs and Proposed Classes*

12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **COUNTY OF SAN FRANCISCO**

14
15 **DAN BECK and BIENVENIDA SALAZAR,**
individually and on behalf of all others
16 similarly situated,

17 Plaintiffs,

18 vs.

19 **UNIVERSITY OF SAN FRANCISCO,** a
California Corporation,

20 Defendant.
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CASE NO. CGC-21-588930

**DECLARATION OF DAN BECK REGARDING
ADEQUACY AND TYPICALITY IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 9, 2024

Time: 9:00 a.m.

Dept.: 304; Hon. Ethan P. Schulman

1 I, Dan Beck, declare as follows:

2 1. I am one of the named Plaintiffs and Class Representatives in this putative class action. I
3 am over the age of 18 and have personal knowledge of the facts set forth in this declaration and could and
4 would testify competently to them.

5 2. I was employed by the University of San Francisco as a part-time adjunct instructor
6 between approximately 2018 and October 2022. I taught Behavioral Finance courses. From the beginning
7 of my employment until the COVID-19 shutdown in March 2020, I taught courses at Defendant's main
8 campus in San Francisco. During COVID-19, however, I was required and/or expected to teach courses
remotely from home.

9 3. I was employed pursuant to a series of one-term contracts, which set out the course I was
10 hired to teach, the flat per-course compensation for teaching each course, and the course schedule
11 (including start time and end time of each class meeting). My courses consisted of lecture style classes
12 and were typically scheduled to meet for four (4) hours at a time (e.g. from 8 a.m. until noon or 1 p.m.
until 5:00 p.m.).

13 4. I represent Class Members with respect to the claim alleging that the University failed to
14 provide part-time adjunct instructors with off-duty rest breaks and failed to reimburse its employees fully
15 and/or at all for the home office expenses they incurred when working remotely from home.

16 5. Based on conversations with my attorneys I understand that Defendant misclassified part-
17 time adjunct instructors, including me, as exempt employees, while we were in fact non-exempt
18 employees entitled to rest breaks, among other protections under the Labor Code. Like Class Members, I
19 was routinely not able to take off-duty rest breaks, particularly when I taught on campus. However,
20 Defendant did not have any mechanism that I could use to report missed breaks and I was never paid
21 anything extra if I missed a break (i.e. if I worked through a classroom break). While I gave my students
22 breaks during the four-hour class sessions, I typically spent at least part of those breaks responding to
23 students' questions and talking with students about the course material. And, like Class Members who
24 incurred expenses working remotely from home without full and/or any reimbursement, I worked
remotely from home due to the COVID-19 pandemic and I was not reimbursed for my necessary wifi and
cellular phone expenses.

25 6. Thus, I believe that my claims are typical of those of the Class Members on whose behalf
26 I allege in my lawsuit missed rest break and unreimbursed expense claims, and my interests are aligned
27 with their interests.
28

1 7. I decided to serve as a named Plaintiff and Class Representative in this case after speaking
2 with my attorneys towards the end of 2020. At the time I agreed to take on this role and responsibility, I
3 was a current employee of the University of San Francisco. However, despite being a current employee
4 and facing possible retaliation, I decided to represent the Class in this lawsuit because I felt it was
important to enforce protections afforded to employees under the Labor Code.

5 8. Before I agreed to be a named Plaintiff and Class Representative, I discussed with attorneys
6 what it meant to take on such a role and what duties and obligations I would have to agree to take on. My
7 attorneys explained to me that as a Class Representative I would be required to put the interests of the
8 Class Members before my own and to make decisions that are in the best interests of the Class. My
9 attorneys also sent me a written description of these duties, which I carefully reviewed before I readily
agreed to represent the Class Members.

10 9. I believe that I have fulfilled my duties as a Class Representative in this case. I have
11 diligently advanced the interests of the Class Members by reviewing the Complaints and the PAGA
12 Notices filed in this case, by sharing my experience with my attorneys and gathering and sharing with
13 them my employment documents, by promptly responding to any questions my attorneys had, by making
14 myself available for a deposition when my attorneys informed me Defendant requested to depose me, and
15 by communicating regularly with my attorneys during the pendency of this action.

16 10. I am committed to representing the interests of the Classes and I am willing and able to do
17 whatever my attorneys request of me until this case is concluded.

18 I declare under penalty of perjury under the laws of the State of California and the United States
19 and the State of California that the foregoing is true and correct. Executed on April 25, 2024.

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Dan Beck (Apr 15, 2024 12:48 PDT)

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Beck v USF_Beck Decl ISO Prelim Approval

Final Audit Report

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