

ERIC A. GROVER, ESQ. (SBN 136080)
eagrover@kellergrover.com
ROBERT W. SPENCER, ESQ. (SBN 238491)
rspencer@kellergrover.com
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

Attorneys for Plaintiff
SERENA CARNES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

SERENA CARNES, as an “aggrieved
employee” and on behalf of “aggrieved
employees” under the California Labor Code
Private Attorneys General Act,

Plaintiff,

v.

THE SALVATION ARMY, THE
SALVATION ARMY ARC SAN DIEGO;
and DOES 1 through 10, inclusive,

Defendants.

Case No: 37-2021-00020557-CU-OE-CTL

REPRESENTATIVE ACTION

**DECLARATION OF PLAINTIFF SERENA
CARNES IN SUPPORT OF MOTIONS
FOR AN ORDER APPROVING
SETTLEMENT OF PAGA ACTION AND
DISMISSING ACTION WITH
PREJUDICE AND FOR AN ORDER
AWARDING ATTORNEYS’ FEES AND
COSTS, ENHANCEMENT PAYMENT,
AND SETTLEMENT ADMINISTRATION
FEES**

[Assigned for all purposes to Judge Timothy
Taylor, Dept. C72]

Date: October 20, 2023
Time: 1:30 p.m.
Dept.: C72

Complaint filed: May 7, 2021
Trial date: February 16, 2024

1 I, SERENA CARNES, declare as follows:

2 1. I am the named Plaintiff in the case against The Salvation Army. I submit this
3 Declaration in support of Plaintiff's motion for PAGA approval as well as the motion for
4 attorneys' fees and costs, enhancement payment, and settlement administration fees. I am a
5 competent adult, I have personal knowledge of the facts set forth in this declaration, and I could
6 and would testify competently under oath if called as a witness.

7 2. I worked for The Salvation Army from approximately January 2019 through
8 December 1, 2020 as an hourly sales associate/materials handler. As part of my job duties, I
9 worked as a cashier ringing up customers.

10 3. I believed it was wrong for Salvation Army to not provide a seat at the cashiering
11 station.

12 4. Prior to initiating this action, I spoke to my attorney Robert Spencer, Esq. of
13 Keller Grover LLP. I spent over an hour describing to Mr. Spencer the facts of my case. We also
14 discussed the fact that this case would be brought as a PAGA action and what that meant,
15 including that a PAGA action is an enforcement action on behalf of the State of California that
16 seeks penalties. We also discussed my responsibilities as a representative of the aggrieved
17 employees. Additionally, we discussed what litigation was like, including the different stages of
18 litigation, the work it entails, and how long these types of cases take. I then determined that
19 Keller Grover LLP was the proper law firm to bring my case.

20 5. I worked with Mr. Spencer to draft the PAGA letter. We spent close to an hour on
21 the phone to make sure it was factually correct. I also spent an hour reviewing it before it was
22 sent to the LWDA. I also reviewed the complaint after it was drafted, Mr. Spencer provided it to
23 me before it was filed. I spent an hour reviewing it before it was filed to make sure it was
24 accurate.

25 6. Mr. Spencer kept me up to date regarding the status of my case. My attorneys
26 engaged in initial settlement discussions with Defendant that were unsuccessful. Mr. Spencer
27 also made me aware that Defendant intended to file a motion to compel individual arbitration.
28 We discussed what this meant and how it would affect the case, and what it would happen if

1 Defendant's motion was successful. I spoke to Mr. Spencer numerous times to respond to
2 questions he had about the arbitration agreement in order for him to draft our opposition. Mr.
3 Spencer and I also discussed the outcome of the hearing on the motion and that the case would
4 remain in this Court.

5 7. Defendant propounded discovery in November 2022, including 13 special
6 interrogatories and 49 requests for production of documents. Because there were a lot of
7 questions I had to respond to and many different categories of documents to search for, I had to
8 have multiple telephone calls with Mr. Spencer in order to draft the responses and make sure
9 they were accurate. I wanted to make sure I listed all of the potential witnesses and their contact
10 information, as well as find all of the documents I could that were responsive to Defendant's
11 numerous request. I spent numerous hours with Mr. Spencer over multiple days in order to draft
12 all of the responses. I previously provided my attorneys the documents I found that were related
13 to the case, but I did another search over a couple of days to make sure all the responsive
14 documents were produced. I also spent approximately two hours reviewing my responses to
15 make sure they were accurate.

16 8. Mr. Spencer made me aware that Defendant was open to mediating this action. I
17 kept up to date regarding the mediation and made sure I was available on the date of the
18 mediation in order to answer any questions that Mr. Spencer had. I also had numerous telephone
19 conversations with Mr. Spencer to answer questions he had in order to draft the mediation brief.
20 After the mediation was successful, I reviewed the Labor Code Private Attorneys General Act
21 Settlement Agreement ("Settlement Agreement") with Mr. Spencer and spent approximately half
22 an hour discussing with him regarding how the settlement funds were to be distributed and
23 whether the settlement and the plan of distribution were fair. I then spent another hour reviewing
24 the Settlement Agreement.

25 9. Throughout my involvement in the case, I have maintained regular telephonic
26 communications with Mr. Spencer to discuss the status of the case and to respond to any
27 questions he might have. We speak at least once month, if not more.
28

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **August 14, 2023**, in the case of *Carnes v. The Salvation Army, et al.*, San Diego Superior Court Case Number 37-2021-00020557-CU-OE-CTL, I served the foregoing document(s):

DECLARATION OF PLAINTIFF SERENA CARNES IN SUPPORT OF MOTIONS FOR AN ORDER APPROVING SETTLEMENT OF PAGA ACTION AND DISMISSING ACTION WITH PREJUDICE AND FOR AN ORDER AWARDING ATTORNEYS' FEES AND COSTS, ENHANCEMENT PAYMENT, AND SETTLEMENT ADMINISTRATION FEES

on the interested party(ies) below, using the following means:

Joshua Feldman, Esq.
jfeldman@littler.com
Barbara Nikitas
bnikitas@littler.com

Attorneys for Defendant
THE SALVATION ARMY

LITTLER MENDELSON P.C
2049 Century Park East, 5th Floor
Los Angeles, California 90067-3107
Telephone: (310) 553-0308
Facsimile: (310) 553-5583

☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
☐	(BY UNITED STATES MAIL) I sealed the envelope(s), with postage thereon fully prepaid, and on the date below, following ordinary business practices, I placed it for collection and mailing in the United States Postal Service, in San Francisco, California.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



JOEY GONZALEZ