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SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

RUSTIN FOX and GABRIELE SANTI,
individuals, on behalf of themselves and on
behalf of all persons similarly situated,

Plaintiff,

vs.

CRISIS24 PROTECTIVE SOLUTIONS, LP, a
limited partnership; and DOES 1-50, Inclusive,

Defendants.

CASE NO.: 23CV418864

**DECLARATION OF PATRICK BURK IN
SUPPORT OF MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE CLASS
ACTION SETTLEMENT; (2) APPROVING
NOTICE OF CLASS ACTION SETTLEMENT;
AND (3) SETTING HEARING FOR FINAL
APPROVAL**

Complaint Filed:

June 20, 2023

DECLARATION OF PATRICK BURK

I, Patrick Burk, declare as follows:

1. I am over the age of eighteen and submit this declaration in support of Plaintiff's Motion for an Order (1) Preliminarily Approving the Class Action Settlement; (2) Approving Notice of Class Action Settlement; and (3) Setting Hearing for Final Approval (the "Motion").

2. All matters contained herein are within my personal knowledge and belief, and, if called and sworn, I can and will testify completely thereto. I was not promised any benefit nor induced to provide this Declaration in any way but am submitting it in support of Plaintiff's request that this Court grant preliminary approval of the Parties' Joint Stipulation and Settlement Agreement (the "Stipulation").

3. I was employed by CRISIS24, INC., and CRISIS 24 PROTECTIVE SOLUTIONS, LP., ("Defendants") from on or about January 2022 through on or about March 2023. While working for Defendants, I did not receive legal minimum wages for all hours I worked and did not receive overtime wages for all the overtime hours I worked. In addition, I did not receive legally compliant meal and rest periods while I worked for Defendants, nor did I receive meal or rest period premium wages for noncompliant meal and rest periods. Defendants also failed to reimburse me for business expenses I incurred. Defendants also failed to provide me with accurate and legally compliant wage statements throughout my employment and failed to pay me all wages due to me at the time of my separation from Defendants' employment. After talking with my co-workers, I found out that my claims are typical of what happened to them.

4. I believe that I am an "aggrieved employee" within the meaning of the PAGA, and a proper representative to bring a civil action on behalf of other current and former employees of Defendants. I was employed by Defendants within a year prior to filing the complaint and have alleged uniform policies and practices that were committed against me and other coworkers.

5. I understand that Defendants have employed other employees in California, and throughout California, and I have alleged, on behalf of myself and other non-exempt, hourly employees of Defendants, that we were subjected to common policies and procedures. I further understand that our claims are that Defendants engaged in a practice of: failing to pay minimum wages due and owed; failing

1 to pay overtime wages; failing to maintain accurate time and payroll records; failing to provide legally
2 compliant meal periods and rest breaks; failing to pay timely wages during employment; failing to pay all
3 wages due to terminated or quitting employees; failing to pay for and notify employees of accrued sick
4 days; failing to pay employees for agreed to or contracted wages; failing to provide accurate wage
5 statements; and unfair and unlawful business practices.

6 6. After consulting and meeting with my counsel regarding complaints I had against
7 Defendants for the above enumerated claims, I agreed to represent my fellow employees in bringing this
8 class action. I also understand that I am serving as the representative plaintiff on behalf of other similarly
9 situated aggrieved employees in California.

10 7. I understand that on June 20, 2023, my counsel filed a class action complaint in Los
11 Angeles County Superior Court alleging the following claims against Defendant: (1) Failure to Pay Wages
12 for All Hours Worked; (2) Failure to Pay Overtime Wages; (3) Failure to Provide Meal Periods; (4) Failure
13 to Provide Rest Periods; (5) Failure to Furnish Timely and Accurate Wage Statements; (6) Failure to Pay
14 All Compensation Due Upon Discharge; (7) Unfair, Unlawful, or Fraudulent Business Practices. I also
15 understand my counsel took my information and documents, and on July 27, 2023, provided a notice of
16 these claims to the California Labor and Workforce Development Agency ("LWDA").

17 8. My counsel also filed a first amended complaint that included a representative PAGA
18 action on my behalf on October 30, 2024, with the United States District Court, Central District of
19 California, seeking penalties under PAGA.

20 9. As a former employee of Defendants, I believe that my claims are similar to those of the
21 other workers whom I seek to represent. I and the other employees who are part of the Class were subjected
22 to similar procedures, practices, and policies. I believe my claims are typical of the employees whom I
23 seek to represent, our interests are aligned, and I am adequate to represent them. Further, I understand
24 that, in representing the interests of the classes, I am assuming a fiduciary responsibility to all absent class
25 members.

26 10. To my knowledge, there are no conflicts that exist between my interest in this action and
27 the interest of the class members that would impair my ability to serve as a representative.
28

1 11. I have assisted, and will continue to assist, in the investigation, prosecution, and settlement
2 of this matter. I understand my duties and responsibilities to the class members and will carry out those
3 duties, as necessary. In that regard, I have been informed and understand that courts may award class
4 plaintiffs money for serving as a class representative, but I am not entitled to such money as a matter of
5 right, and that I have not been promised or guaranteed money for being a class representative. I understand
6 we are filing the present Motion seeking preliminary approval from the Court of an award of my requested
7 Class Representative Service Payment of \$10,000.00, which would be in addition to my individual
8 settlement payment as a Settlement Class Member, as set forth in the Stipulation.

9 12. Before and after the Complaint initiating this action, I have had numerous conversations
10 and exchanged correspondence with the attorneys of Labor Law PC ("Class Counsel"). After speaking
11 with Class Counsel, I learned how a class action and representative action lawsuit could address the
12 complaints I shared with other similarly situated employees of Defendants. I was happy to be able to bring
13 a lawsuit as a class representative to try and obtain the unpaid wages and other compensation not only for
14 myself, but also for fellow employees like me, who had not been paid for all their hours worked, had not
15 received all overtime and minimum wages owed, and had not received all required meal and rest breaks.

16 13. From the beginning of my involvement in this case, my attorney informed me about what
17 it meant to be a class representative. I understood that I was expected to represent and even champion the
18 other employees' interests, placing their interests ahead of my own and that my claims and damages had
19 to be similar to theirs. Thus, I understood it to be my duty to ensure that all similarly situated employees
20 receive the compensation that they are owed.

21 14. I agreed to proceed as a class representative because it was important to me that my fellow
22 employees get paid for all the hours they worked and were under Defendants' control, and not just myself.
23 My attorney explained to me in great detail the risks, responsibilities, and duties of being a class
24 representative. As a class representative, I understood it was my responsibility to actively participate in
25 the lawsuit to safeguard the interests of other similarly situated employees and to ensure that my interests
26 were not in conflict with those of the other employees. I did so to the best of my ability. I do not believe
27 that I have any interests that are adverse to those of the employees whom I seek to represent and have
28 placed and will continue to place the interests of the class above my own.

1 15. I was glad to serve as a named Plaintiff and a class representative of my fellow similarly
2 situated employees, but this case has required a major time commitment from me and has demanded my
3 attention and focus. I have spent a substantial amount of time and energy contributing to the investigation,
4 prosecution, and settlement of this case. I estimate that I have spent at least 10 hours on the following
5 tasks:

- 6 a. Talking to my attorney about getting involved in this case;
- 7 b. Being interviewed in detail by my counsel regarding the working conditions at Defendants'
8 places of business, and particularly the nature and extent of my experiences and the policies
9 and practices that applied to my employment and the employment of the other similarly
10 situated employees;
- 11 c. Searching for and gathering all relevant documents in my possession and providing them
12 to my attorneys;
- 13 d. Speaking with my attorney about potential witnesses and Class Members;
- 14 e. Regularly receiving and responding to correspondence and phone calls from my attorney,
15 including during mediation sessions, regarding the claims and Defendants' arguments;
- 16 f. Participating in preparation for a mediation session and remaining available to answer
17 questions and provide necessary approval; and
- 18 g. Conducting numerous conferences with my attorneys regarding the Stipulation and
19 finalizing the Stipulation, and regarding the settlement administration proceedings and
20 preliminary and final approval processes.

21 16. Throughout this case, I have frequently spoken with my attorney and stayed in even closer
22 contact when dealing with specific issues. My attorney often had questions for me about Defendants and
23 my work experience there during his investigation of the case. My attorney also asked me to review
24 documents related to the case, including the Stipulation and many of the pleadings we filed, and I made
25 sure to promptly respond and comply with his requests.

26 17. I have chosen to represent those who may be afraid to speak up because of fear of being
27 fired or retaliated against. I have remained in contact with my attorney regarding the litigation and
28

1 anticipate that I will continue to be contacted by class members regarding the status of the settlement,
2 including fielding questions regarding the issuance of settlement payments.

3 18. One of my fears is potential retaliation against me for filing this lawsuit. I expect that
4 wherever I work in the future, it is possible that my employer and immediate supervisors may have heard
5 of my involvement with this case. Any prospective employer doing a simple internet search on me will
6 learn of my role as an instigator in this lawsuit. Although they are not supposed to retaliate against me, I
7 think the reality is that I may experience a certain stigma for years to come, and I fear retaliation or other
8 adverse consequences will arise in my future employment due to my decision to serve as a named Plaintiff
9 and Class Representative in a class action against my employer.

10 19. I reviewed the Stipulation with Class Counsel to understand the benefits and risks and
11 ultimately determined it was fair and reasonable. Therefore, I followed Class Counsel's recommendation
12 to settle the claims. I took a huge risk by coming forward to help with this class action. If I had lost the
13 case and been ordered to pay Defendants' litigation costs, it would have been financially devastating to
14 me.

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

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19 Executed on 09 / 24 / 2024 at Los Angeles, California

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23 PATRICK BURK
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The document has been completed.