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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

KAREN TRUELLE and ANTHONY
BROUSSARD, individuals, on behalf of
themselves, and on behalf of all persons
similarly situated,

Plaintiffs,

v.

CHILDREN OF THE RAINBOW, INC., a
California corporation, and DOES 1-50,
Inclusive,

Defendants.

Case No. 37-2022-00034860-CU-OE-CTL
[Lead]
Case No. 37-2023-00006660-CU-OE-CTL

**DECLARATION OF KAREN TRUELLE IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

Date: December 13, 2024
Time: 8:30 a.m.

Judge: Hon. Robert Longstreth
Department: 65

Trial Date: N/A
Action Filed: August 30, 2022

1 I, KAREN TRUDELLER, 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 one of the named Plaintiffs in the
4 above wage and hour class action filed against CHILDREN OF THE RAINBOW, INC. (hereinafter
5 “Defendant”).

6 2. This declaration is being submitted in support of Plaintiffs’ motion for Final Approval of
7 Class Action and PAGA Settlement.

8 3. I filed the lawsuit in August 2022. I filed the case on behalf of myself and a class of all
9 non-exempt employees who are or previously were employed by Defendant and performed work in
10 California during the period August 30, 2018, to June 30, 2023.

11 4. I worked for Defendant as a non-exempt employee in San Diego County from May 2019
12 to February 2022.

13 5. I filed the case because I believed my rights as an employee were violated by Defendant
14 and also the rights of other employees that worked for Defendant. Among other claims, I believe
15 Defendant failed to include certain non-discretionary bonuses and commissions when calculating the
16 regular rate of pay when paying overtime wages and redeemed sick pay, failed to pay for all hours
17 worked, failed to provide compliant meal and rest periods, failed to reimburse necessary business
18 expenses, issued non-compliant wage statements, and failed to pay all wages when due.

19 6. Before I initiated the case as the plaintiff and Class Representative, I spoke at length with
20 my attorneys. We discussed my work experience and how company policies were applied to me and
21 other employees. I provided the attorneys with documents they requested. We reviewed the documents
22 together and asked and answered many questions regarding my experience working for Defendant, the
23 litigation process, and about class actions generally.

24 7. During these conversations, I learned about my responsibilities as the plaintiff in the
25 lawsuit and as the proposed Class Representative. I understood that pursuing this action as a class
26 action rather than merely seeking my individual claims substantially increased the risk to me. Those
27 risks included the possibility of being held liable for Defendant’s attorneys’ fees and costs in a complex
28

1 class action if I lost the case. I also understood that as the Class Representative, I would be under
2 increased scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
3 representative. Further, I understood that I would lose some autonomy over my individual claims that
4 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
5 the best interests of the Settlement Class in mind.

6 8. I also understood that pursuing this litigation created a very public record of my
7 grievances with Defendant which produced the risk that a future employer could hold it against me that
8 I sued a former employer.

9 9. I also knew that I was making a sacrifice in that I could have pursued my claims only on
10 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand
11 to receive from this settlement. My attorneys explained to me that the net settlement value of my
12 individual claims may be greater than my ultimate recovery from the net class settlement amount.

13 10. Notwithstanding these risks and sacrifices, I decided to go through with the case because
14 I believed violations occurred and most employees would not know what their rights are and even if
15 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

16 11. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
17 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
18 phone, because I wanted to keep up with developments in the case which I understood was one of my
19 duties as a class representative.

20 12. **Review and Approval of Settlement:** A mediation was held on June 20, 2023. Even
21 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
22 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
23 with my attorneys after the mediation and discussed the proposed settlement. I was very satisfied with
24 the terms of the settlement that was agreed to by the parties, and I signed the Memorandum of
25 Understanding on July 6, 2023. When the settlement papers were ready, I again spoke with my
26 attorneys and reviewed the settlement agreement, which I signed November 6, 2023.

13. **Participation:** Since I retained Class Counsel over two years ago, I have been actively involved with this class action lawsuit performing the duties described above. While I did not keep formal time records, I was in regular contact with my attorneys, reviewed important court filings, and spent considerable time on the issues presented during the litigation and in the settlement process. I estimate that I spent approximately 20 to 30 hours working on this case.

14. Also, my attorneys explained to me that the settlement process involved a two-step review by the Court to determine whether the settlement was fair before ordering that the settlement be funded and paid. I knew this process also involved notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who now stand to receive substantial monetary payments as a result of this case and settlement. I also believe that the requested Service Awards in the amount of \$10,000.00 for each Plaintiff from the settlement is fair compensation for the (1) the work we performed, (2) the sacrifices made not pursuing this case individually, and (3) the risks we undertook.

16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's costs in the event we did not win the case, and in light of the size of the settlement, I believe the request for \$10,000.00 for each Plaintiff as a service award is fair and reasonable.

17. Further, I support my attorneys' application for \$80,000.00 for Attorneys' Fees, plus costs and expenses of up to \$25,000.00 for reimbursement of actually incurred litigation expenses.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed 11/12/2024, at San Diego, California.

By: Karen Trudelle
Karen Trudelle (Nov 12, 2024 10:06 PST)