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Attorneys for Plaintiff JOSEPH CHRISTOPHER KIRKHAM

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

JOSEPH CHRISTOPHER KIRKHAM, an
individual, on behalf of himself and on behalf
of all persons similarly situated,

Plaintiff,

v.

PALM DESERT GREENS ASSOCIATION, a
California Corporation; and DOES 1-50,
Inclusive;

Defendants.

Case No. CVR12202569

**DECLARATION OF JOSEPH
CHRISTOPHER KIRKHAM IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT**

Date: April 3, 2024
Time: 8:30 a.m.

Judge: Hon. Harold W. Hopp
Dept.: 1
Reservation #: 260735365086

1 I, Joseph Kirkham 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 the named Plaintiff in the above
4 wage and hour class and PAGA action filed against PALM DESERT GREENS ASSOCIATION
5 (hereinafter "Defendant").

6 2. This declaration is being submitted in support of Plaintiff's Motion for Preliminary
7 Approval of PAGA and Class Action Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class fairly
9 and adequately. I have claims that are typical of the claims the Class Members that I am seeking to
10 represent.

11 4. I worked for Defendant as a non-exempt employee January 2008 through July 20, 2021.
12 At all times during my employment, I earned an hourly wage and was entitled to legally compliant meal
13 and/or rest periods, and minimum, regular and overtime wages for all hours worked. Throughout my
14 employment, I was subject to Defendant's written policies and procedures.

15 5. Generally, my lawsuit claims that Defendant failed to provide compliant meal and rest
16 periods, failed pay for all time worked, failed to reimburse employees for required expenses, failed to
17 furnish accurate itemized wage statements.

18 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
19 to represent because I was subject to the same alleged unlawful employment policies and practices at
20 issue in this action, including but not limited to, Defendant's failure to provide complaint meal and rest
21 periods, failure to pay for all hours worked, and failure to reimburse necessary business expenses.
22 Factually, Defendant's policies and practices apply class wide, and Defendant's liability can be
23 determined by facts common to all members of the Class.

24 7. Further, there is no conflict between my interests and the interests of the class that I am
25 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
26 I was injured by the same company-wide policies and practices to which the proposed Class was
27 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
28 of the Class by initiating this litigation and evaluating the proposed settlement to assure that it is fair.

1 8. I understood at the time that I filed this action, that as a Class Representative, I owed a
2 duty to the putative class members to faithfully prosecute this action with their best interests at the
3 forefront of every decision. I understood that I could not make any decision in this action for the sole
4 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
5 sacrifice my personal best interests for the benefit of the interests of the putative class members.
6 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
7 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
8 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
9 litigation and will continue to do until this litigation is fully and finally resolved.

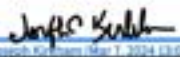
10 9. I believe that the proposed settlement before the Court is fair, reasonable and adequate,
11 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
12 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

13 10. I have not negotiated any settlement of individual claims with Defendant separate from
14 the settlement at bar.

15 11. Once preliminary approval of the Settlement is granted, my counsel will file a formal
16 motion for the negotiation Class Representative Service Award. This motion will be accompanied by
17 a further declaration from me that describes the services I performed to prosecute this action, includes
18 an estimate of time I spent performing these services, the risks I assumed or benefits I received in
19 prosecuting this action. This declaration will also identify any adverse consequences I suffered in
20 prosecuting this action.

21 12. I am not a named plaintiff in any other PAGA case, pending or closed.

22 I declare under the penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct. Executed on 03/07/2024, at Palm Springs, CA, California

24 
25 Joseph Kirkham
26 Joseph Kirkham
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