

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo-Johnson (State Bar #343881)
Monnett De La Torre (State Bar #272884)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Juliann Alvarado (State Bar #3374727)
5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
juliann@zakaylaw.com

Attorneys for Plaintiff TYRA TOLER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

TYRA TOLER, an individual, on behalf of
herself and on behalf of all persons similarly
situated,

Plaintiff,

vs.

TOTAL TESTING SOLUTIONS, LLC, a
California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 21STCV38452

**DECLARATION OF TYRA TOLER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: December 13, 2022
Time: 9:00 a.m.

Judge: Hon. Judge Elihu M. Berle
Dept.: 6

1 I, TYRA TOLER, 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 lead named Plaintiff in the
4 above wage and hour class action filed against TOTAL TESTING SOLUTIONS, LLC, a California
5 limited liability company (hereinafter “Defendant”).

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

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

11 4. I worked for Defendant as a misclassified independent contractor in California from
12 January of 2021 to April of 2021. At all times during my employment, I was denied legally compliant
13 meal and rest periods, minimum wages and overtime compensation. Throughout my employment, I
14 was subject to Defendant’s written policies and procedures contained in, among other documents, the
15 “Total Testing Solutions Employee Handbook.”

16 5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, failed to
17 provide compliant meal and rest periods, failed to reimburse mandatory business expenses, failed to
18 furnish accurate itemized wage statements, and failed to pay all wages upon separation.

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

26 7. Further, there is no conflict between my interests and the interests of the class that I am
27 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that

1 I was injured by the same company-wide policies and practices to which the proposed Class was
2 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
3 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
4 proposed settlement to assure that it is fair.

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

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

17 I declare under the penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct. Executed Nov 9, 2022, at Tyra Toler, California.

19 
20 By: Tyra Toler (Nov 9, 2022 09:35 PST)
21 TYRA TOLER
22
23
24
25
26
27
28