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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN**

KERRY HURLEY and LILI-ANN BOYENS,
on behalf of the State of California, as
private attorneys general,

Plaintiffs,

vs.

LASERAWAY MEDICAL GROUP, INC., a
Corporation; LASERAWAY, LLC, a Limited
Liability Company; and DOES 1 through 50,
inclusive,

Defendants.

Case No. CIV2201120

*Assigned for all purposes to the
Honorable Stephen P. Freccero, Dept. A*

**DECLARATION OF KERRY HURLEY
IN SUPPORT OF MOTION TO
APPROVE PAGA SETTLEMENT**

Date: TBD

Time: TBD

Dept.: A

Action Filed: April 21, 2022
Trial Date: Not Set

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Attorneys for Plaintiffs

1 I, Kerry Hurley, declare:

2 1. I am a competent adult, I have personal knowledge of the facts in this declaration, and I
3 am making this declaration on behalf of myself, as a named plaintiff, and in support of the Motion to
4 Approve Private Attorneys General Act Settlement.

5 2. I worked for the defendants (“Laseraway”) in California as a non-exempt employee of
6 from June of 2021 to October 26, 2021.

7 3. I retained my attorneys who are experienced in PAGA representative action litigation
8 and claims against employers for violations of the California Labor Code. I have no personal
9 relationship or family ties to my attorneys or any officer of the Court. I am not aware of having any
10 actual or potential conflicts of interest with another aggrieved employee in this case nor am I aware of
11 having any actual or potential conflicts of interest with ILYM Group Inc., the settlement administrator.

12 4. I was subject to Laseraway’s policies and practices that have been alleged as unlawful in
13 the Complaint and the PAGA notice sent to the Labor and Workforce Development Agency. For
14 example, I was not paid wages for off the clock work, such as the time I waited to clock in which was
15 delayed by finding an available computer, interrupting nurses who were using computers, and going
16 through the software process to clock in. I also had to work off the clock, without payment, as it relates
17 to using my personal cell phone during off hours to accomplish work tasks such as announcing deals
18 (eg. buy one, get on free), following up directly with clients and soliciting clients to write favorable
19 reviews. I was also not reimbursed any reasonable expenses I incurred for using my cell phone for
20 work-related purposes.

21
22 5. In bringing this case for myself, the State of California, and the other employees, I
23 understood a lot of work would be required and I was willing to, and did, do the work to keep the case
24 moving forward. For instance, before the complaint was filed I spoke to my attorneys several times and
25 discussed how Laseraway implemented its company policies and procedures. I also assisted my attorneys
26 in their investigation into my claims by providing them documents and answering their questions. I
27 reviewed the complaint before it was filed and after it was filed I was given access to an electronic file
28

1 sharing program that alerted me via email when important documents were filed so that I could review
2 them and keep up with the developments in the case. I was informed that Laseraway had the right to take
3 my deposition, and that the preparation and deposition itself could take multiple days. Although my
4 deposition was not taken, I feel I would have been adequately prepared and comfortable to give testimony
5 on my experiences.

6
7 6. My attorneys explained to me the risks and benefits of bringing a representative action.
8 I understood that I took on the risk, both professionally and financially, in pursuing the case as a
9 representative PAGA action.

10 7. A mediation took place on January 24, 2024 with Kevin T. Barnes, a well-respected and
11 experienced mediator. The mediation resulted in an agreement to settle the action. I communicated with
12 my attorneys regarding the terms of the settlement which was reached between the parties and understood
13 that the recovery in this case was for the benefit of my fellow coworkers, not just for me, and therefore
14 wanted the best possible result to be obtained for the aggrieved employees.

15
16 8. I have been actively involved with this lawsuit. Although I did not keep time records, I
17 was in regular contact with my attorneys, reviewed court filings, and spent a significant amount of time
18 on the issues presented during the lawsuit and in the settlement process. I estimate that I spent
19 approximately 30-40 hours working on this case up until this point.

20
21 9. I reviewed the final PAGA Settlement Agreement and I believe it is fair and reasonable
22 given the facts of the case.

23
24 10. As part of the settlement it was necessary for me to sign a general release of all claims I
25 may have against Laseraway. I believe the litigation enhancement payment I have requested provides
26 me with some compensation for this agreed release and is also fair compensation for the service I

27 ///

28 ///

1 performed and the risks I undertook.

2 Executed on Jun 18, 2024, at Weaverville, CA
3 (city, state)

4 
5 Kerry Hurley (Jun 18, 2024 14:39 PDT)
6 Kerry Hurley

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On August 13, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF KERRY HURLEY IN SUPPORT OF MOTION TO APPROVE PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 13, 2024, at Woodland Hills, California.



Michelle Tanzer