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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO**

TESSA FRANKE, as an individual and on behalf
 of all others similarly situated, and as a private
 attorney general,

Plaintiff,

vs.

WHOLE FOODS MARKET CALIFORNIA,
 INC., a California corporation; and DOES 1
 through 50, inclusive,

Defendants.

Case No. CGC-20-586827

[Hon. Ethan P. Schulman, Department 304]

**DECLARATION OF TESSA FRANKE IN
 SUPPORT OF PLAINTIFF'S MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Date: February 9, 2023
 Time: 11:00 a.m.
 Department: 304

Complaint Filed: September 28, 2020

**ELECTRONICALLY
 FILED**

*Superior Court of California,
 County of San Francisco*

**01/18/2023
 Clerk of the Court**

BY: SANDRA SCHIRO
 Deputy Clerk

1 I, Tessa Franke, declare as follows:

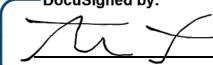
2 1. I am an individual over the age of 18. I am the named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. In around September of 2019, I began working for Whole Foods Market California, Inc. I
7 was employed as a dishwasher. As a non-exempt employee I was paid hourly wages and earned shift
8 differential wages. When I was paid shift differential wages, I am informed and believe that I was
9 provided with wage statements that failed to itemize the accurate total hours worked. The wage
10 statements showed hours that, when added up, did not equal my total hours worked.

11 3. I have taken all necessary steps to represent the interests of the Class, including by
12 providing information and documents to my counsel, discussing the claims and lawsuit with my counsel,
13 and answering any questions that have come up, including about how I was paid or what my wage
14 statements show or meant. I understand that I am responsible to the Class with respect to trying the case,
15 appearing in court, and working with Class Counsel. I am willing to act as a fiduciary for the Class. I
16 remain willing to devote my time to this lawsuit for the benefit of the Class. I do not believe I have any
17 interests that are adverse to the interests of the Class. I also am unaware of any such issues having been
18 raised or presented by anyone else.

19 4. I believe many employees would not sue their employer out of fear. I took on risks by
20 bringing this lawsuit, and I understand that other people will benefit because of the actions that I have
21 taken. I feel that it is a positive accomplishment, am proud of the result, and believe that the class
22 settlement is fair, adequate, and reasonable.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct. Executed this 6th day of January 2023, at San Francisco, California.

25 DocuSigned by:

26 D2F4F26D166D465...

27 Tessa Franke
28