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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
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: June 26, 2023
Time: 11:00 a.m.
Department: 304

Complaint Filed: September 28, 2020

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. During the pendency of this lawsuit, I have done my best to represent the interests of the
12 employees that are part of the class. I have actively contributed to the litigation of this case. My
13 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
14 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
15 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
16 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
17 written notice to the Labor and Workforce Development Agency and the complaint and other papers
18 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
19 the settlement agreement, (vii) reviewing and discussing discovery requests and responses with my
20 attorneys, and (viii) reviewing and signing the declarations submitted to this Court in support of the
21 settlement. During the 30 months that this lawsuit has been pending, I have easily spent at least 1.5
22 hours per month, on average—or at least 45.0 hours total—in progressing the litigation on behalf of the
23 Class.

24 4. I understand that the class claims alleged in this action were brought on behalf of other
25 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an
26 individual case would have resolved much faster than a class action and involved much less financial
27 risk than a class action.

10 7. I have discussed the terms of the settlement agreement with my attorneys, and based on
11 my understanding of the case, I am of the opinion that settlement for the consideration and on the terms
12 set forth in the settlement agreement are fair, reasonable, and adequate, and in the best interests of the
13 Class.

20 9. As part of the settlement, I also agreed to sign a general release of claims and a waiver of
21 Civil Code section 1542.

DocuSigned by:

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DECLARATION OF TESSA FRANKE IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT