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7 Attorneys for Plaintiff JANICE INSIXIENGMAY on behalf
 8 of herself and similarly situated employee

9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 JANICE INSIXIENGMAY, individually and
 13 on behalf of all other similarly situated
 14 employees,

15 Plaintiff,

16 vs.

17 HYATT CORPORATION DBA HYATT
 18 REGENCY SACRAMENTO, a Delaware
 Corporation; and DOES 1 to 100, inclusive,

19 Defendants.

Case No. 2:18-cv-02993-TLN-DB

CLASS ACTION

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

Date: November 16, 2023
 Time: 2:00 p.m.
 Courtroom: 2, 15th Floor
 Judge: Hon. Troy L. Nunley

Filed: October 4, 2018
 FAC Filed: April 7, 2020
 SAC Filed: April 6, 2023
 Trial Date: None Set

1 I, Janice Insixiengmay, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support
4 of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement.

5 2. I have worked for Defendant Hyatt Corporation dba Hyatt Regency Sacramento
6 ("Defendant") since approximately April 2015 as a non-exempt employee. I was subject to all of
7 Defendant's policies and practices that have been alleged as unlawful in the Complaint and the notices
8 sent to the Labor and Workforce Development Agency, including Defendant's policy and practice
9 regarding calculating the regular rate of pay, which failed to include the value of all types of premium
10 pay for the purpose of paying overtime, meal and rest premiums, and paid sick time, as well as the meal
11 and rest period scheduling practices and working conditions I contend caused myself and other
12 employees to miss meal and rest periods.

13 3. I have actively participated in the litigation of this case for the benefit of all Class
14 Members. Prior to obtaining an attorney, I performed several hours of research trying to find a quality
15 attorney to handle the claims. I also performed several hours of research on the potential claims, so I
16 could be sure I could have an informed discussion with the attorneys about the claims and have a better
17 idea of what to expect in litigation and how to help the case proceed. After securing Shimoda &
18 Rodriguez Law, PC, I continued to be actively involved in the case to help ensure a positive outcome.

19 4. My attorneys explained to me the risks and benefits of bringing a class action and a
20 claim under the Private Attorneys General Act ("PAGA"). I understood that pursuing the case as a
21 class and PAGA action meant that it would take substantially longer than pursuing my claims
22 individually, whether in Court or with the California Labor Commissioner, and that I risked getting
23 nothing in the end, but I believed it was important to make sure that Defendant followed the law for
24 everyone. I understood that I took on the risk, both professionally and financially, in pursuing the case
25 as a class and PAGA action rather than pursuing my claims individually. As a Class Representative, I
26 also took on the risk of having to pay Defendant's costs if we were unsuccessful in bringing our claims.

27 5. During the course of this litigation, I have given detailed accounts of all the facts related
28 to my employment. I provided my attorneys with extensive documentation that I believe supported the

1 claims brought against Defendant. I met with and assisted my attorneys in understanding these
2 documents and providing context for Defendant's payroll process as it applied to me and how I believed
3 it applied to Defendant's other employees. I have worked at the company for nearly ten (10) years, so I
4 was able to discuss the similarities of the wage and hour policies and practices among all Class
5 Members.

6 6. The work I performed for this case included an extensive review of documents and
7 payroll practices to show and explain to my attorneys what was happening and why I thought it was
8 unlawful. For example, I provided over 700 pages of documents to my attorneys including payroll
9 records, policies, and relevant correspondence with Defendant. I spent a substantial amount of time
10 going over the facts with my attorneys and providing context for the documents I produced. I reviewed
11 the paystubs my attorneys to help them identify all the different types of premium pay that existed and
12 what the criteria was for the amounts being paid. The review became even more detailed when my
13 attorneys asked me questions about the payroll data sample that was produced in discovery and, later,
14 the further payroll data productions that were included in the informal document exchange for
15 mediation. I also spent a substantial amount of time identifying and speaking to potential witnesses
16 who could speak to my attorneys to give their own insights and provide declarations. I also responded
17 to written discovery and had my deposition taken. Overall, I have spent an enormous amount of time
18 assisting in the prosecution of this case over approximately the past five (5) years.

19 7. I participated in the negotiations and settlement discussions in this case, including
20 participating in mediation by phone, speaking with my attorneys to answer questions, provide any
21 additional information needed to assist the negotiations, and discussing the potential terms of the
22 Agreement to evaluate its adequacy. Throughout the course of this litigation, I have asked questions
23 when I needed clarification about various aspects of this case to make sure there were continually steps
24 taken to advance the interests of Class Members.

25 8. Although I have already spent a substantial amount of time on this case and assisting my
26 attorneys, I expect the amount of time I spend on this case will increase if preliminary approval is
27 granted because Class Members will likely reach out to me about the Settlement and the process for
28 receiving payment, especially since I am a current employee.

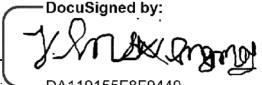
1 9. I have not received any benefits as a result of filing this lawsuit. In fact, in order to
2 avoid any potential issues regarding standing, I opted out of a settlement in the *Crump* lawsuit, which
3 was also a wage and hour class action against Hyatt. I know several other Class Members who worked
4 at the Sacramento location who received payment from the *Crump* class action settlement. I have,
5 however, experienced substantial burdens as a result of filing the lawsuit that other Class Members
6 were not subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay
7 Defendant's costs if the Court or jury rules against us on the claims. My understanding is that this is a
8 substantial risk because the costs associated with litigation, in general, are very high and this cost is
9 multiplied many times over in complex litigation like class actions. I have spent a substantial amount
10 of time in this case, securing a monetary benefit for many individuals who have not had to do anything
11 whatsoever to have the opportunity to receive it. I have been employed full/part-time during the
12 majority of the time this case has been pending. As a result, the time I have spent on this case has to
13 occur after hours or on my days off. Rather than spend this time with friends and family, I have spent
14 this time for the benefit of Class Members. Finally, as part of the Settlement, I am the only individual
15 providing a general release of all my individual claims and waiving the protections of California Civil
16 Code section 1542 for unknown claims. No other Class Member is subject to such a broad release.

17 10. I have reviewed the final Joint Stipulation Regarding Class Action and PAGA
18 Settlement and Release, discussed the terms with my attorney, and asked my attorney any questions I
19 had. I believe the terms of the Settlement and allocations are fair and reasonable given the facts of the
20 case.

21 11. I understand that any Class Representative Enhancement Payment I may receive is for
22 my participation as a Class Representative and it is not contingent on my support or approval of the
23 Agreement.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on October 5, 2023, in Sacramento, California.

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DocuSigned by:

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