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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO (UNLIMITED)

COORDINATED PROCEEDINGS SPECIAL TITLE [RULE 3.550])	Judicial Counsel Coordinated Proceeding No. 4911
SEPHORA WAGE AND HOUR CASES)	<u>CLASS ACTION</u>
Included actions:)	DECLARATION OF PLAINTIFF JESSICA DURAN IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT
<i>Burnthorne-Martinez v. SEPHORA USA, Inc.</i> (San Francisco OGC-16-55-894))	
<i>Provencio v. SEPHORA USA, Inc.</i> (Santa Clara 16CV294112))	
<i>Hernandez et al. v. SEPHORA USA, Inc.</i> (San Francisco OGC-17-557031))	
<i>Duran v. Sephora USA, Inc.</i> (San Francisco CGC-17-561452))	

1 **DECLARATION OF JESSICA DURAN**

2 I, Jessica Duran, declare as follows:

3 1. I am one of named Plaintiffs in this action. I have personal knowledge of the facts set
4 forth herein, which are known to me to be true and correct, and if called as a witness, I could and
5 would testify competently thereto.

6 2. I was employed with Sephora USA, Inc. as an hourly non-exempt employee in various
7 in-store positions.

8 3. As a result of my concerns about wage and hour policies and practices by Sephora USA,
9 Inc., I retained Alejandro P. Gutierrez of the firm of Hathaway, Perrett, Webster, Powers, Chrisman &
10 Gutierrez, APC [now The Hathaway Law Firm, LLP] and Dan Palay and Brian Hefelfinger of the law firm
of Palay & Hefelfinger, P.C.

11 4. On January 29, 2019, the Court designated me as a representative of the members of the
12 Unpaid Bonus Class sub-class and the Wage Statement sub-class in this action, I have a fiduciary obligation
13 to act at all times in the best interests of the members of the subclasses. I also understand that, as a
14 representative of the members of the subclasses, I have agreed to prosecute this case to its conclusion, no
15 matter how long that may take. I agree to accept those responsibilities and will perform them to the best of
16 my ability.

17 5. I have spent many hours speaking to my counsel, asking questions, being educated on
18 my case and the classes that I chose to represent via phone calls, texts, and emails. When Sephora
19 advised their employees of my class action suit I then handled calls from current and former employees
explained the basis of the complaint and directed them to my attorneys.

20 6. I continued to ask questions, spent an enormous amount of time reviewing legal
21 documents. I took time off from work to be deposed over the course of a day and participated in a
22 mediation. I would estimate that I easily spent well in excess of 190 hours over the last 5 years gathering
23 and transmitting documents, asking and answering questions from my attorneys and class members,
24 reviewing documents prepared by my attorneys and those submitted by Sephora, preparing for
deposition and mediation and then participating in them.

25 7. As a result of this litigation, it is very possible that I would have to discuss this lawsuit
26 to potential employers, and that it could have an adverse effect on my employability in this or other
27 industries.

28 8. As a representative Plaintiff in this case, I spent many hours engaging in conversations

1 with my attorneys and others discussing aspects of the case and helping direct the investigation and
2 negotiations that were conducted in this case. I have spent many hours reviewing the evidence and
3 aiding in the decisions to proceed. I participated in all of the following: Provided information related to
4 the facts in this action; confirmed receipt of documents; discussed deposition schedule and prepared for
5 my deposition; prepared and reviewed responses to written discovery; discussed mediation and class
6 certification with my attorneys; reviewed the Complaints and duties of a Class Representative; attended
7 my deposition for 8 hours; reviewed the damages model; reviewed my deposition transcript; participated
8 in all-day mediation via Zoom; reviewed the motion for summary judgement; reviewed the Notice of
9 class action mailed to employees; reviewed Sephora's opposition to summary judgement; reviewed
10 settlement documents; reviewed amended settlement documents and signed; provided summary of my
11 efforts in the class action. I also reviewed many, many pages of data and records, along with the analysis
12 of the records done by both my counsel and the defense counsel. I spoke to various co-workers during
13 the course of this litigation. I worked with my attorneys to prepare our arguments, and responses to
14 Sephora's arguments. I reviewed the very long Stipulation of Settlement and asked my counsel for
15 clarification as to various points in it. I continue to the date of this declaration to receive inquiries about
16 the settlement and its administration. My participation in this action continues and based on my
17 experience, will likely last until Sephora satisfies the Settlement Agreement.

18 9. Participating in this case, the investigation, the briefing, the phone calls, and the
19 mediation, all required me to make time for the case, make travel plans, and also to arrange time away
20 from my work. During the course of the case, and my time as a Class Representative, I have remained
21 in close and frequent contact with Class Counsel. We have spoken or e-mailed about the litigation with
22 Sephora on a regular basis; as events would develop, I would discuss them with my attorneys.

23 10. I estimate I have spent over 190 hours being involved in this action.

24 11. Unlike the rest of the Class Members in this case, I understand that I am entering into a
25 full and complete release of all known and unknown claims (whereas the normal Class Members are
26 only releasing their wage-and-hour claims against the Defendant). I also risked my personal assets in
27 the prosecution of this claim because my fee agreement with Class Counsel obligates me to pay litigation
28 costs and there was always the risk that I would have to pay Defendant's costs and/or even attorneys'
fees, potentially, if we lost the case. I was informed that if I did not prevail, I could be held liable for
Defendant's attorney's fees and costs. Despite these risks, I chose to pursue what I believed was right.

12. In the negotiation of the settlement of this action, these issues were addressed. Based
upon my involvement in the litigation, the risk and the time I gave up, a "class representative

1 enhancement” or “incentive award” was negotiated. It is my understanding that such awards, generally
2 referred to as “incentive” awards, are given in class actions. They are intended to advance public policy
3 by encouraging individuals to come forward and perform their civic duty in protecting the rights of the
4 class and to compensate class representatives for their time, effort and inconvenience.

5 13. I feel that the amount being requested is fair and reasonable in light of the time, hours,
6 and anguish that I have put into this matter, together with the \$12,750,000.00 Settlement Amount that
7 my attorneys and I obtained from our efforts on behalf of the class. Moreover, my attorneys negotiated
8 a settlement whereby, because I am to receive an enhancement payment, I am also releasing *all of my*
9 *claims, known and unknown*, against Defendant. If the Court denies this request for a service
10 enhancement it will frustrate the intent of the parties in designing the settlement in this way. I
11 respectfully request the Court to award me the full \$20,000.00 service enhancement.

12 14. I regularly communicate with Alejandro P. Gutierrez of the Hathaway firm and Brian
13 Hefelfinger and Dan Palay of Palay Hefelfinger, APC to discuss this case. They have provided me with
14 numerous filings from the case, discovery and investigation materials, settlement documents, and other
15 case-related documents. I did not go to law school, do not have a law background, and do not always
16 immediately understand the legal terms or names of the documents filed on my behalf by my attorneys.

17 15. However, because I communicate regularly with my attorneys and ask lots of questions,
18 I do have a general familiarity with my legal rights and the facts surrounding my potential claims in this
19 matter. I understand that I am the representative for the class of potential plaintiffs who were or are
20 employed by the Defendant in this case.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct.

23 Executed this **1** th day of February 2022, in Oxnard , California.

24 **7**

25 
26 _____
27 Jessica Duran
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