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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

13 **(UNLIMITED JURISDICTION)**

14 COORDINATED PROCEEDINGS SPECIAL
15 TITLE [RULE 3.550]

16 SEPHORA WAGE AND HOUR CASES

17 Included actions:

18 *Burnthorne-Martinez v. SEPHORA USA, Inc.*
19 (San Francisco OGC-16-55-894)

20 *Provencio v. SEPHORA USA, Inc.*
21 (Santa Clara 16CV294112)

22 *Hernandez et al. v. SEPHORA USA, Inc.*
23 (San Francisco OGC-17-557031)

24 *Duran v. Sephora USA, Inc.*
25 (San Francisco CGC-17-561452)

Judicial Counsel Coordinated Proceeding
No. 4911

CLASS ACTION

**DECLARATION OF PLAINTIFF ROSE
PROVENVIO IN SUPPORT OF
COORDINATED PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS AND
SERVICE AWARDS**

Date: April 6, 2022

Time: 2:00 p.m.

Judge: Hon. Andrew Y.S. Chang

Dept.: 613

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¹ Formally known as HATHAWAY, PERRETT, WEBSTER, POWERS, CHRISMAN & GUTIERREZ, APC.

1 1. I have personal knowledge of the facts set forth in this declaration. If called as a
2 witness, I could and would competently testify to the matters stated in this declaration.

3 2. I am one of the representative Plaintiffs in the above-referenced wage and hour
4 class action against Defendant Sephora USA, Inc. (“Defendant” or “Sephora”). I make this
5 declaration in support of Coordinated Plaintiffs’ Motion for Attorneys’ Fees, Costs and Service
6 Awards (the “Motion”). I understand they will be filing a Motion for Final Approval in March
7 2022.

8 3. I ask that the Court grant final approval of the proposed class action settlement with
9 Defendant, grant Class Counsels’ request in the motion for payment of attorneys’ fees and
10 litigation costs, and also grant my request for a reasonable service award for the risks and efforts
11 undertaken by me on behalf of Class Members that resulted in what I believe is a very good
12 settlement.

13 4. I was employed with Sephora, USA Inc. as an hourly employee in various in-store
14 positions during the time period covered by this lawsuit. I was a cashier until about January 2013. I
15 was a color consultant from about January 2013 to August 2014. I was a personal beauty
16 consultant from late 2014 to the end of my employment. I was always paid by the hour.

17 5. I retained Kevin R. Allen as my attorney in February 2016 and we filed my class
18 action complaint on March 29, 2016.² My understanding of the lawsuit comes primarily from the
19 documents I reviewed and conversations with my attorneys. Our complaint sought damages and
20 penalties associated with allegations that Defendant did not compensate us for time spent in
21 security checks when entering and exiting the stores. We were clocked out for these security
22 inspections and believed we should have been compensated since we were subject to Sephora’s
23 control during this time. I also brought class claims for meal and rest break violations since these
24 same security inspections applied to breaks when I left the store and resulted in short or interrupted
25 breaks. I was also required on occasion to show up to work for a shift only to be sent home without
26 being paid all of the reporting time I am informed I was owed. My class complaint also alleged

27 _____
28 ² At the time Kevin Allen was of counsel to a firm called Velton Zegelman, PC (“VZ”). I understand that VZ
shut down and that Kevin Allen has worked for his own firm – Allen Attorney Group PC – since August 2013.

1 claims arising from Sephora's use of a pay card; in my experience I could never withdrawal of my
2 wages without being charged a fee of some sort. My complaint was later coordinated with three
3 other class action complaints filed by other employees who had similar grievances against Sephora.

4 6. I was informed at the start that it could have been quicker and easier for me to
5 pursue my individual wage claim through the DLSE's wage claim process. I understood Class
6 actions can take many years to litigate because of the need to get a class certified and the resources
7 a company like Sephora have to throw into the defense of the litigation. I brought this lawsuit as a
8 class action because I wanted to help my coworkers, many of whom were either too afraid to
9 complain or unaware of the labor laws. I am very proud of the benefit I secured for so many of my
10 coworkers at Sephora. I am informed that this lawsuit could not have gone forward as a class
11 action if the other class representatives and I had not agreed to act as plaintiffs.

12 7. I understood I owed the class certain duties as a class representative that I would not
13 have had to worry about if I had pursued my case individually or through the DLSE. I had to make
14 sure my decisions were made with their best interest in mind, not mine or my attorney's. I had to
15 make sure I knew what was going on the case and what claims we were pursuing. I had help out
16 whatever way was needed when it came to discovery and mediation and trial. My role was also to
17 make sure my attorneys, who I trust, were not acting in their own self-interest and that there were
18 no conflicts between myself, my attorneys and the other plaintiffs and their attorneys. I knew at the
19 end of the day I could end up with nothing, could have to pay Defendant's costs or, if we won,
20 could end up receiving the same proportional share of the settlement proceeds as any other class
21 member who worked the same number of days/shifts for Sephora that I did. I understood that I
22 could be eligible for a small extra payment, called a service award, but it was made very clear to
23 me that this would be subject to court approval based on the time I spent and risks I undertook. I
24 was also told that judges are free to reduce awards and that there are even a few who refuse to
25 approve incentive awards in any amount as a matter of principal.

26 8. I understood that there were certain risks and drawbacks to bringing this case as a
27 class action. In deciding to serve as a named plaintiff and, at that time, a "proposed" class
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1 representative, I understood my name would be publicly attached to this lawsuit and my work
2 experiences would be set forth in a public court file. Future employers who “google” my name
3 could see that I Sephora and what I sued them for and could be reluctant to hire me out of fear I
4 would sue them too. I also understood that I would need to invest a considerable amount of time
5 assisting in the prosecution of this case. I was ultimately responsible for my litigation costs and, if
6 we lost, I could have been required to pay Defendant’s litigation costs as well. I accepted all of
7 these risks. Knowing all of this, I decided to serve as a named plaintiff and proposed class
8 representative without promise of any recovery or compensation.

9 9. My attorneys asked me to estimate how much time I spent prosecuting this case
10 since its inception over five years ago. I estimate that I spent at least 90 hours working on this case.
11 This time includes over a hundred conversations with my lawyer Kevin Allen; time spent
12 reviewing the retainer, pleadings, and written discovery requests that my attorney propounded on
13 the Defendant; time spent reviewing discovery responses from Sephora and searching for
14 responsive documents; time spent preparing for deposition and being deposed; time spent helping
15 my attorney prepare for mediation including reviewing the different drafts of the mediation brief,
16 damages analysis, and answering questions about working conditions; time spent participating in
17 the mediation; time spent following the negotiations after the mediation (which seemed to last
18 forever) and discussing strategy with my attorney; time spent reviewing and discussing the
19 settlement agreement paperwork and notice of settlement, as well as each of the revisions of those
20 documents; and time spent reviewing the preliminary approval motion the supplemental brief in
21 support of that motion; and, finally, preparing this declaration in support of the final approval
22 motions.

23 10. I am very happy that I invested this time into the case. However, this case was very
24 stressful for me. I had a new baby to deal with during the litigation and other personal/professional
25 issues that I would prefer not to go into here. Each hour I spent on the case was one less I had to
26 spent with my family or performing other work I could have gotten paid for doing. I devoted
27 myself to this case on behalf of other workers I felt were similarly wronged by Defendant, making
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1 myself available to my attorney. If the case had gone to trial I understood that I would have needed
2 to miss many weeks or even months of work so I could attend trial in person every day which
3 would have required me to arrange for daycare and to miss work, all at a great personal cost to
4 myself. I understand that even if we had won Sephora would likely have appealed every order and
5 judgment they could and tied the case up for many years. I believe I have been diligent in pursuing
6 this case and I have acted in manner expected of a named plaintiff and proposed class
7 representative. I believe I have maintained the best interests of the Class. I have done so to date and
8 will continue to do so.

9 11. I have reviewed the proposed settlement and, based my involvement in this case,
10 and the issues and risks involved in this case, I believe the proposed Settlement of \$12,750,000.00
11 is a very good result. Pursuant to the Settlement we are applying for a service award of \$20,000.00.
12 This is a lot of money to me but the process has also been very difficult, stressful and time
13 consuming. I am informed this is paid to me in light of the time I spent on the case and risks I
14 undertook. I believe that the requested service award is fair and reasonable for a variety of reasons,
15 especially in light of the work I have and will continue to perform on behalf of the Class. This
16 lawsuit resulted in a valuable benefit to the Class Members who will receive a significant money
17 payout from this Settlement because of my involvement. This lawsuit is not providing coupons or
18 pennies on the dollar to Class Members – it is providing a significant recovery of wages and
19 penalty payments owed to them by law, which may help them in their lives especially at this
20 difficult time.

21 12. I signed a general release for any and all claims related to my employment with
22 Defendant. I decided to pursue my claims against Defendant as a class action because of the
23 greater impact it could have by helping former co-workers who dealt with the same wage and hour
24 issues I did.

25 13. I am aware that my attorney and the other attorneys/firms for the class
26 representatives are applying for \$4,250,000.00 in attorney's fees and that they invested almost
27 \$300,000.00 in litigation costs into this case which they are asking to be reimbursed for. My
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1 attorney informed that the firms have agreed to split whatever fees are collected with 38.25% going
2 to my counsel Kevin R. Allen, 38.25% to the firms representing Alyssa Burthorne-Martinez, 10%
3 to the firms representing Jessica Duran, and 13.5% to the firms representing Lacey Hernandez and
4 Brenda Morales. I provided my signed consent in writing and approve the fee split. I believe the
5 fee split is fair and that the total amount being requested as a fee award is fair and reasonable in
6 light of the successful outcome of the case and the risks they took in prosecuting it for so many
7 years.

8 14. I participated in this settlement by not requesting exclusion from the settlement. I
9 also have not objected to the settlement. I support the settlement fully.

10 15. Based on the time, service, risk, stress, potential stigma, loss of benefits and
11 excellent outcome of this case, I believe that the requested service award for me is fair and
12 reasonable.

13 I declare under penalty of perjury under the laws of the United States and the State of
14 California that the foregoing is true and correct.

15 Executed February 17, 2022 at San Jose, California.

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Rose Provencio (Feb 17, 2022 13:22 PST)

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220217 DECL of Rose Provencio iso MFA

Final Audit Report

2022-02-17

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