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10 Attorneys for Individual and Representative
11 Plaintiffs NATHAN FLOWERS and DONDAY ORR

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14 UNLIMITED JURISDICTION

15 NATHAN FLOWERS *et al.*,

16 Plaintiffs,

17 v.

18 LOS ANGELES COUNTY
19 METROPOLITAN TRANSPORTATION
20 AUTHORITY; and DOES 1-50,

21 Defendants.

Civil Case No. BC515136

CLASS ACTION

ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE WILLIAM F. HIGHBERGER,
DEPARTMENT 10

DECLARATION OF DONDAY ORR

1 I, Donday Orr, declare:

2 1. I make this statement based on my personal knowledge. I am prepared and
3 competent to testify to the matters set forth in this declaration.

4 2. I have been employed as an operator by the Los Angeles County Metropolitan
5 Transportation Authority (“Defendant”) from February 2007 to the present.

6 3. I understood when I became a named plaintiff in this case that there was some
7 personal risk to me as a named plaintiff, because there have been other wage-and-hour actions
8 in which a defendant had prevailed and the named plaintiffs had been held liable, jointly and
9 severally, for the defendant’s attorneys’ fees. I also understood that some plaintiffs suing their
10 employers have faced retaliation from their employers, up to and including termination of
11 their employment, even though there are laws prohibiting retaliation. Nevertheless, I believed
12 that prosecution of the lawsuit was in the interests of justice.

13 4. I have spent a lot of time working with my attorneys on this case. Throughout
14 the time that I have spent in connection with this case, I have understood that I act as a
15 representative of other, unnamed class members, and that as such a representative, I owe a
16 duty of good faith to the unnamed class members, and that I will not act just in my own self-
17 interest. My main concern is that all class members be treated fairly.

18 5. I have taken an active role in this litigation by conferring with my counsel and
19 assisting in gathering information and documents for the prosecution of the lawsuit. I have
20 conferred with my counsel numerous times during the course of the lawsuit. During those
21 discussions, my counsel advised me about this lawsuit and class action lawsuits generally, and
22 I provided relevant information. I also reported to my counsel information that I learned from
23 other operators regarding their work experiences. I have spent time explaining the relevant
24 policies and practices, locating witnesses, reviewing documents, and providing information to
25 assist with the prosecution of the lawsuit and in the settlement negotiations. I prepared for my
26 deposition and was deposed. I have been actively involved in following what has been
27 occurring in the case and I have provided information and documents in order to assist in the
28 lawsuit on several occasions. All told, I estimate that I have devoted at least 80 hours of my

1 personal time to assist in the prosecution of the lawsuit.

2 6. I have been advised by my counsel throughout the settlement discussions that
3 have occurred in this case and that resulted in the settlement. I have reviewed the settlement
4 agreement filed October 1, 2019, as modified by the Stipulation and Order Regarding
5 Settlement filed March 13, 2020, and I believe that the terms are fair, adequate, and
6 reasonable to the settlement class.

7 7. I believe that I am similarly situated with the members of the settlement class
8 in that I, like other class members, was employed by Defendant as an operator during the class
9 period, and experienced the same policies and practices at issue in this lawsuit. In connection
10 with this lawsuit, I feel that I am a good representative of the other class members. My interest
11 in assisting with the prosecution (and settlement) of the lawsuit is to secure a fair and
12 reasonable resolution for all of the members of the class with respect to violations of the labor
13 laws, and to ensure that all class members are treated fairly. I have not been promised any
14 special monetary reward or treatment for doing so. I have no interest adverse to the members
15 of the class as a whole. I believe that my individual claims are typical of the claims of the
16 members of the class as a whole

17 8. I have read the foregoing and the facts set forth herein are true and correct to
18 the best of my own personal knowledge.

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

21 Executed on June 24, 2020.

22
23 
Donday Orr (Jun 25, 2020 11:46 PDT)

24 _____
DONDAY ORR