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Attorneys for Plaintiff, ANTHONY W. FORD
on behalf of himself and all others similarly situated

FILED
Superior Court of California
County of Los Angeles

DEC 17 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By Isaac Lovo Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ANTHONY W. FORD on behalf of himself and
all others similarly situated

Plaintiff,

vs.

DOUGLAS EMMETT MANAGEMENT, LLC,
a Delaware limited liability company, and
DOES 1 through 50, inclusive,

Defendants.

Case No. BC705955

ASSIGNED FOR ALL PURPOSES TO:
JUDGE: HON. John Shepard Wiley, Jr.
DEPT: 9

**DECLARATION OF ISANDRA
FERNANDEZ IN SUPPORT OF
REQUEST FOR DISMISSAL OF CLASS
ACTION CLAIMS WITHOUT
PREJUDICE PURSUANT TO CRC 3.770
AND INDIVIDUAL CLAIMS WITHOUT
PREJUDICE**

1 **DECLARATION OF ISANDRA FERNANDEZ, ESQ.**

2 I, Isandra Fernandez, declare as follows:

3 1. I am an attorney duly licensed to practice before the courts of the State of
4 California and am co- counsel of record for Plaintiff Anthony W. Ford ("Plaintiff") in this
5 action. I submit this declaration in support of Plaintiff's Request for Dismissal in the above-
6 entitled action. I have personal knowledge of the matters set forth herein and, if called upon to
7 do so could and would testify competently thereto.

8 2. Plaintiff is submitting a request for dismissal of the claims of the putative class
9 members and individual claims against Defendant Douglas Emmett Management, LLC without
10 prejudice (the "Request for Dismissal"). In regards to the dismissal of the class action claims and
11 as required by California Rules of Court, rule 3.770(a), Plaintiff's counsel hereby submits this
12 declaration in support of the Request for Dismissal.

13 3. On May 10, 2018, Plaintiff filed the Complaint in Los Angeles County Superior
14 Court alleging the following claims against Defendant: (1) failure to pay all lawful wages
15 including overtime; (2) failure to provide compliant meal periods; (3) failure to provide
16 compliant rest breaks; (4) failure to reimburse employee expenses; (5) failure to timely pay
17 wages; (6) failure to furnish accurate itemized wage statements; and (7) unfair competition
18 pursuant to Business and Professions Code section 17200 *et seq.*

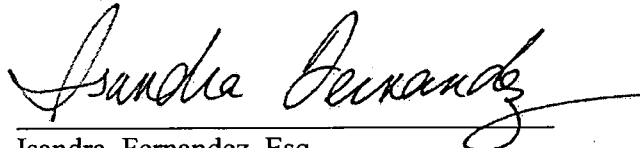
19 4. Counsel for Defendant provided Plaintiff's counsel with an arbitration agreement
20 that Mr. Ford signed while employed by Defendant and which contains a class action waiver and
21 subjects Plaintiff to arbitration of his individual claims exclusively.

22 5. In light of Morris v Ernst & Young, LLP, 834 F. 3d 975 (9th Cir. 2016)
23 ("*Morris*"), in which the U.S. Supreme Court ruled that class action waivers in arbitration
24 agreements are enforceable, Plaintiff has no other option but to dismiss the class action claims
25 and pursue his individual claims in arbitration.

26 6. No consideration, either direct or indirect, was provided to Plaintiff or his counsel,
27 in exchange for the dismissal of the class action claims alleged in this lawsuit.
28

1 7. No notice either formal or informal has been given to any of the potential class
2 members regarding the existence of this action by Plaintiff.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed this 14^h day of December 2018 in Miami, Florida.

6
7 
8 Isandra Fernandez, Esq.

1 PROOF OF SERVICE, COUNTY OF ORANGE

2 I am a resident of the State of California, County of Orange. I am over the age of eighteen
3 years and not a party to the within action. My business address is 9880 Research Drive., Suite
4 200, Irvine, California 92618.

5 On December 14, 2018, I served on the interested parties in this action the following
6 document(s) entitled:

- 7
- 8 • **DECLARATION OF ISANDRA FERNANDEZ IN SUPPORT OF**
 - 9 **REQUEST FOR DISMISSAL OF CLASS ACTION CLAIMS**
 - 10 **WITHOUT PREJUDICE PURSUANT TO CRC 3.770 AND INDI**
 - 11 **VIDUAL CLAIMS WITHOUT PREJUDICE**

12 [XX] BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the
13 persons at the addresses listed in the Service List below and placed the envelope for collection
14 and mailing, following our ordinary business practices. I am readily familiar with the firm's
15 practice for collecting and processing correspondence for mailing. On the same day that the
16 correspondence is placed for collection and mailing, it is deposited in the ordinary course of
17 business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

18 SERVICE LIST

19 Rafael Gonzalez, Esq.
20 Nathan E. Klouda, Esq.
21 MULLEN HENZELL, LLP
22 112 East Victoria Street
23 Santa Barbara, CA 93101
24 Tel: 805-966-1501
25 Fax: 805-966-9204
26 rgonzalez@mullenlaw.com
27 nklouda@mullenlaw.com

28 [XX] STATE: I declare under penalty of perjury, under the laws of the State of
California, that the above is true and correct

Executed on December 14, 2018, at Irvine, California

Maribel Martinez