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9 Attorneys for Plaintiff SHAUNA BARNARD And All
Others Similarly Situated

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAUNA BARNARD, an individual, on
behalf of herself and all others similarly
situated, all other aggrieved employees, and on
behalf of the general public,

Plaintiff,

v.

COREPOWER YOGA LLC, a Colorado
Limited Liability Company, and DOES 1
through 50, Inclusive,

Defendant.

Case No. 43:16-03891 (HSG)

CLASS ACTION

**DECLARATION OF SHAUNA BARNARD
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FEES, COSTS AND INCENTIVE
PAYMENT**

Complaint Filed: May 3, 2016
Trial Date: None Set
Judge: Hon. Haywood S. Gilliam, Jr.
Date: February 15, 2018
Time: 2:00 p.m.

1 I, SHAUNA BARNARD, hereby declare as follows:

2 1. The following facts are within my personal knowledge and if called to testify, I
3 could and would competently testify thereto. I submit this Declaration in support of Plaintiff's
4 Motion for Fees, Costs and Incentive Payments in relation to the class action settlement between
5 myself, the Class and Defendant CorePower Yoga LLC ("Defendant" or "CPY").

6 2. I was employed by CPY as a yoga instructor from April 2014 to April 2017 and
7 worked in three CPY studios in Berkley and San Francisco.

8 3. In early 2016, prior to retaining an attorney and filing this lawsuit, I raised issues
9 of unpaid wages and unreimbursed business expenses directly with CPY. Specifically, I, along
10 with 13 co-workers provided written estimates of the amounts we felt were owed to us, itemized
11 by yoga classes taught, dates, hours worked, and unpaid amounts. CPY refused to pay
12 compensation for these unpaid hours or expenses we had incurred in providing yoga instruction
13 at CYP's direction.

14 4. After my efforts to have CPY address unpaid wages and unreimbursed business
15 expenses, I contacted David C. Hawkes to discuss what could be done for me as well as all the
16 other yoga instructors who were being treated the same way. I had multiple conversations with
17 Mr. Hawkes about the case and duties of a class representative before finally deciding that
18 litigation would be necessary to get CPY to pay all of its California instructors what they were
19 owed.

20 5. Undertaking a lawsuit in my name while still employed at CPY caused me great
21 concern that I would have my schedule reduced or that CPY would otherwise retaliate against
22 me. I was, and continue to be, concerned that being the named plaintiff in a wage case against an
23 employer might also affect my ability to seek future employment. The yoga industry is made of
24 a small group of people who know one another. News and rumors can spread quickly, including
25 news about an employee suing her employer. I also understood the risks of having a judgment
26 against me, including the possibility that I might have to pay costs to CPY if I lost the case. I had
27 to balance these personal concerns with the injustice being perpetrated on me and my fellow
28 yoga instructors at CPY.

1 6. At Mr. Hawkes' request, I provided a significant amount of information regarding
2 my claims and those of other yoga instructors employed by CPY. Mr. Hawkes provided me with
3 a draft complaint for my review. I helped fill in blanks and make some corrections to the factual
4 portions of the complaint. I approved the final version, which I understand was filed on May 3,
5 2016. I estimate that I spent a total of eight hours meeting and discussing the claims with Mr.
6 Hawkes prior to receiving a draft of the complaint and, thereafter, three hours reviewing, editing
7 and discussing the drafts of the complaint.

8 7. After the complaint was filed, Mr. Hawkes introduced me to Derek J. Emge and
9 we had further discussions about my lawsuit and class action litigation. I agreed to retain The
10 Emge Firm, LLP as well to represent my interests against CPY.

11 8. In June 2016, I had discussions with my counsel about an additional claim under
12 the Labor Code Private Attorney General Act of 2004 and reviewed a draft of a First Amended
13 Complaint that added this claim.

14 9. In July 2016, I learned that CPY had moved my case from state court to federal
15 court and that I would be required to produce documents and witness names that would help me
16 prove my case. I spent an estimated 18 hours talking with other yoga instructors, collecting
17 contact information for my attorneys and pulling together hundreds of pages of documents
18 relating to my work at CPY, including employee manuals, policy updates, emails, receipts, and
19 other documents requested by my attorneys.

20 10. In September 2016, I was provided with documents from the court that needed my
21 review and signature, including an ADR Certification and had discussions with my lawyers
22 about a proposed schedule of events that would be provided to the court.

23 11. In September 2016, I was provided a written Request for Production of
24 Documents. I reviewed the 56 requests and conducted a search for everything that was requested
25 through the beginning of October. Thereafter, I helped my lawyers finalize written responses. I
26 estimate that I spent 14 hours on these tasks.

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1 12. Beginning in late October and concluding on November 2, 2016, I had multiple
2 telephone conferences and an in-person meeting with my attorneys to get ready for my
3 deposition. I estimate that I spent 12 hours preparing for my deposition.

4 13. On November 3, 2016, I drove to San Francisco and sat for a full-day deposition.
5 I estimate that I spent 9 hours traveling and being deposed.

6 14. In the middle of November 2016, I received a copy of my deposition transcript
7 and conducted a thorough review, making note of corrections and changes that were necessary to
8 make my testimony complete. I estimate that I spent 5 hours on these tasks.

9 15. In November 2016, I worked with my lawyers to create written discovery of our
10 own, including Interrogatories and Requests for Production of Documents. I estimate that I spent
11 1.5 hours discussing possible documents that could be requested and reviewing drafts of the
12 requests.

13 16. In January 2017, I received a copy of all of the documents produced by CPY and
14 had multiple conversations with my attorneys about these and how they could be used to prove
15 our case. I estimate that these tasks took 3 hours to complete.

16 17. On January 9, 2017, I conferenced with my attorneys about the settlement
17 conference that was set for the January 11, 2017, including approaches and values. On the
18 morning of the settlement conference, I had a fever and was so horribly ill that I was not able to
19 attend in person.

20 18. In February, 2017, I received a copy of the deposition transcript for Lisa Bachicha
21 of CPY and reviewed to discuss her testimony with my attorneys, including my understanding of
22 issues she raised, policies she testified about and other questions to ask her on the next day of her
23 deposition.

24 19. In April 2017, I again assisted my attorneys by searching my Career Cloud
25 (CPY's on-line documents) for changes made to policies during the litigation, including written
26 policy updates and the elimination of some short-term policies likely meant to address the claims
27 in my lawsuit.

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