

COPY

1 Peter E. Garrell, Esq. (SBN 155177)
pgarrell@fortislaw.com
2 John M. Kennedy, Esq. (SBN 156009)
jkennedy@fortislaw.com
3 FORTIS LLP
650 Town Center Drive, Suite 1530
4 Costa Mesa, CA 92626
Telephone: (714) 839-3800
5 Facsimile: (714) 795-2995

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

OCT 14 2020

Sherril K. Carter, CLERK OF COURT
By Steven Drew, Deputy

6 Attorneys for Plaintiff ADRIANA HERNANDEZ,
Individually, and on behalf of all others similarly situated
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 ADRIANA HERNANDEZ, individually, and
on behalf of all others similarly situated,

Lead Case No. 19STCV16831
(Related to Case No. 19STCV15211)

12 Plaintiffs,

*Assigned for All Purposes to the Hon. Ann I.
Jones in Department 11*

13
14 v.

CLASS ACTION

15 2523 E. ANAHEIM, INC. dba XS
16 AFTERHOURS GENTLEMENS CLUB, a
California corporation; and DOES 1 through
17 100, inclusive,

**DECLARATION OF PROPOSED CLASS
REPRESENTATIVE ADRIANA
HERNANDEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
COLLECTIVE AND CLASS
SETTLEMENT**

18 Defendants.
19

[MOTION FOR PRELIMINARY APPROVAL;
DECLARATION OF PROPOSED CLASS COUNSEL
PETER E. GARRELL; DECLARATION OF
PROPOSED CLASS COUNSEL JOHN M.
KENNEDY; AND [PROPOSED] ORDER FILED
CONCURRENTLY HERewith]

20
21
22
23 DATE: TBD
TIME: TBD
24 PLACE: Department 11

25
26 Action Filed: May 15, 2019

BY FAX

DECLARATION OF ADRIANA HERNANDEZ

I, Adriana Hernandez, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case, and I have personal knowledge of the facts and statements set forth in this declaration, and, if called upon to testify, I could and would competently testify hereto.

2. Before the Covid-19 shutdown, I worked for Defendant 2523 E. Anaheim, Inc. dba XS Afterhours Gentlemen’s Club (“XS”) and Defendant GC Brothers Entertainment, LLC dba The Palms Gentlemen’s Club (“Palms,” collectively with XS referred to as the “Clubs”) as an entertainer and/or performer. I decided before filing my lawsuit to seek legal advice about my work experience at the Clubs and about possibly filing a lawsuit to address my grievances and concerning regarding potential wage-and-hour violations. I contacted Fortis LLP and spoke with attorney John M. Kennedy, Esq. I wanted to do whatever I could to make sure the Clubs paid me and other entertainers what we were owed under California law. After speaking with Mr. Kennedy, I investigated class action lawsuits on my own and did some research into leading class action and employment law firms in California. Thereafter, I consulted with Fortis LLP, discussing my situation, class action lawsuits in general, and what it meant to be a class representative.

3. Since becoming involved in this case, I have spent a significant amount of time, discussing my case with my attorneys and my responsibilities as a class representative. This included gathering documents concerning my employment with the Clubs, reviewing documents with my attorneys and answering their questions about policies and practices at the Clubs, speaking with other entertainers at the Clubs, answering questions and providing guidance regarding the duties of other entertainers, helping to identify other potential witnesses to assist in the investigation, and helping develop a strategy as to what documents to obtain from the Clubs in the written discovery requests prepared by my attorneys.

///

///

///

1 4. I also attended a mediation at Signature Resolution before Judge Richard Stone,
2 who I understood was retired. We spent approximately 6 hours at the mediation. I have also
3 routinely checked in with my attorneys and their staff (both by phone and in person meetings),
4 making sure that they have all of my most current information and any additional information that I
5 have obtained from speaking with other entertainers at the Clubs. I then reviewed the proposed
6 lengthy settlement agreement about which I had numerous questions for my attorneys, including
7 understanding the equation for compensating the performers, understanding the “PAGA” portion of
8 the settlement and why it was different from the other class member payments and how that
9 payment structure worked. I also participated in discussions concerning what I thought the best
10 notice to the class members would be – which was a notice in the dressing rooms coupled with the
11 mailing of forms to the performers, many of whom may have moved if they started to work for the
12 Clubs in 2015 or 2016, as well as posting on the Settlement Administrator website and the internet
13 at stripperweb.com. Thus, I wanted to ensure they would learn of their rights under the settlement
14 agreement.

15 ///

16 ///

17 ///

18

19

20

21

22

23

24

25

26

27

28

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

3 Executed on this 30th day of September 2020, at Valencia, California.

4
5 

6 Adriana Hernandez

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and
3 not a party to the within action. My business address is 650 Town Center Drive, Suite 1530, Costa
4 Mesa, California 92626. On October 13, 2020, I served the within document(s) described as:

5 **DECLARATION OF PROPOSED CLASS REPRESENTATIVE ADRIANA HERNANDEZ
6 IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF
7 COLLECTIVE AND CLASS SETTLEMENT**

8 on the interested parties in this action as stated below:

9 *Attorneys for Defendants 2523 E. Anaheim,
10 Inc. dba XS Afterhours Gentlemens Club
11 and The Palms Gentlemens Club:*

12 Steven J. Shapero
13 Martin M. Shapero
14 SHAPERO & SHAPERO
15 5950 Canoga Ave., Suite 404
16 Woodland Hills, CA 91367
17 Tel: (818) 710-1200
18 Fax: (818) 710-1447
19 *sshapero@shaperoandshapero.com*
20 *mshapero@shaperoandshapero.com*

21 BY ELECTRONIC TRANSMISSION VIA CASE ANYWHERE: I caused said
22 document(s) to be sent to the parties listed on the Electronic Service List maintained by
23 Case Anywhere in the manner set forth in the Court’s Order Authorizing Electronic Service
24 dated July 29, 2019.

25 BY MAIL: By placing a true copy of the foregoing document(s) in a sealed envelope
26 addressed as set forth above. I am readily familiar with this firm's practice for collection
27 and processing of correspondence for mailing. Under that practice it would be deposited
28 with the U.S. Postal Service on that same day with postage thereon fully prepaid in the
ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing contained in affidavit.

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

Executed on October 13, 2020, at Costa Mesa, California.

Lisa Dancel
(Type or print name)

/s/ Lisa Dancel
(Signature)