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10 *Attorneys for Plaintiff and the Class*

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 JULIA BERNSTEIN, LISA MARIE SMITH,  
16 and ESTHER GARCIA, on behalf of  
17 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 VIRGIN AMERICA, INC.; ALASKA  
21 AIRLINES, INC. and Does 1-10, inclusive;

22 Defendants.  
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Case No. 15-cv-02277-JST

**DECLARATION OF LISA MARIE  
SMITH IN SUPPORT OF  
PLAINTIFFS' MOTION TO  
APPROVE PLAN OF ALLOCATION,  
AWARD SERVICE AWARDS TO  
CLASS REPRESENTATIVES, AND  
AWARD ATTORNEYS' FEES AND  
EXPENSES**

1 I, LISA MARIE SMITH, hereby declare as follows:

2 1. I submit this declaration in support of Plaintiffs' Motion to Approve the Plan of  
3 Allocation, Award Service Awards to Class Representatives, and Award Attorneys' Fees and  
4 Expenses.

5 2. I am over the age of 18 and am one of the named plaintiffs and class  
6 representatives in this action. I make this statement based on my personal knowledge and if  
7 called to testify, I would testify as follows.

8 3. I was first hired by Virgin America in 2008 as a Guest Service Teammate. In or  
9 around August 2011, I was hired as a flight attendant for Virgin. I remained employed as a flight  
10 attendant during Alaska Airlines' acquisition of Virgin and I am still currently working for  
11 Alaska as a flight attendant.

12 4. Starting in August 2015, counsel and I had multiple meetings during which we  
13 discussed my work experience at Virgin and my interest in joining the lawsuit. As a current  
14 Virgin flight attendant, I provided counsel with documents and information to help them build the  
15 case.

16 5. In October 2015, I authorized counsel to file an amended complaint, adding me as  
17 a named plaintiff in this action. Once the case was filed, I met with counsel to help with the  
18 completion of written discovery, including responses to two sets of interrogatories, responses to  
19 admission requests, and responses to three document requests. I also provided written  
20 declarations in support of motions filed with the Court.

21 6. As soon as the amended complaint that included my name was filed, Virgin began  
22 investigating me for baseless issues, such as uniform violations and performance concerns. All of  
23 a sudden, I was on the radar of Virgin management in a way that I never had been before. I  
24 became fearful of losing my job at Virgin because of my active participation in this class action.

25 7. In March 2016, I attended mediation with counsel to see if we could settle the case  
26 at that time. In preparation for mediation, I had several meetings with counsel during which I  
27 provided additional information and answered many questions. I had to ensure I was not flying  
28 that day because I attended the entire mediation, which took most of the day.

1           8.       I also had a series of meetings with counsel to prepare for my deposition. My  
2 deposition occurred during the day on June 2, 2016. The deposition took a full day, not including  
3 my previous preparation time with counsel. During the deposition, I was fully attentive to the  
4 deposition and was unable to fly that day.

5           9.       As a current Virgin employee throughout this litigation, I have had to balance my  
6 role as a class representative fighting for our pay with my role as a Virgin employee, when at  
7 times I was concerned about being subject to different or retaliatory treatment from Virgin  
8 management.

9           10.      In March 2018, I attended in person the hearing before Judge Tigar on our  
10 summary judgment motion and Virgin's motion to decertify the class. In January 2021, I also  
11 virtually attended the oral argument before the Ninth Circuit Court of Appeals. I also regularly  
12 discussed the outcome and status of all major motions and court appearances with Class counsel.

13           11.      I have been closely involved in this action since the outset. My participation in  
14 this case has included my gathering, reviewing, and submitting to counsel thousands of pages of  
15 documents related to my work at Virgin and current happenings at the airline. Counsel and I have  
16 had extensive and multiple meetings since 2015. As a current Virgin (and now Alaska)  
17 employee, I frequently had updates or new information that I shared with counsel to help them  
18 fight for us. I have responded to an overwhelming amount of written discovery and worked with  
19 counsel to prepare for mediation and my deposition. I sat for a full day deposition. I have  
20 discussed case strategy and settlement strategy with counsel. As a current employee, I have been  
21 in frequent contact with many class members and have served as a liaison between counsel and  
22 class members. I have spoken at length with counsel during the appeal process and strategies for  
23 making sure the Class gets paid fairly. I have made myself available whenever the lawyers have  
24 requested and I have consistently contacted counsel on my own when I have had information for  
25 them or needed questions answered so that I could best serve in my role as a representative.

26           12.      Throughout all my work on this case, I have been aware that I have not only been  
27 acting for myself, but on behalf of all Virgin flight attendants. Every week I spend on average an  
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1 hour answering questions from class members about the status of the case and what to expect  
2 next. I take my role as a representative very seriously and always try to respond promptly and  
3 accurately to my fellow class members.

4 13. I have been actively involved in this case for the past seven-and-a-half years and  
5 have read many of the court filings to stay up to date on this case. I know that the Class has  
6 waited so long for this case to be completed, and I believe that we have reached a good and fair  
7 result after all these years.

8 14. Since joining this litigation in 2015, I have spent over 500 hours working with  
9 class counsel on this case. My time has been spent as follows: pulling documents and gathering  
10 case-related information, responding to written discovery requests, attending phone and in-person  
11 meetings with Class counsel, preparing for and attending mediation, preparing for and attending  
12 my deposition, attending hearings, reviewing case-related filings, reviewing documents and  
13 information produced by Defendants, and communicating extensively with Class counsel  
14 regarding strategy, settlement, ongoing developments and issues relating to the case during and  
15 after the Class Period, and communicating extensively with Class counsel and class members  
16 about the status of the case.

17 15. Throughout the course of my involvement with this case, I have worked to be an  
18 effective representative, to stay informed on all the major developments in this case, and to  
19 volunteer my ideas and assistance to counsel. I have placed the interests of the class members  
20 before my own interests and have worked with counsel to achieve what I believe is a great result  
21 for the class members.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 17th day of May 2023, in Spokane, Washington.

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27 Lisa Marie Smith  
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