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12 *Class Counsel*

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 YESENIA MELGAR, on Behalf of Herself and
16 All Others Similarly Situated,

17 Plaintiff,

18 v.

19 ZICAM LLC and MATRIXX INITIATIVES,
20 INC.

21 Defendants.

22 Case No. 2:14-cv-00160-MCE-AC

23 **DECLARATION OF YESENIA**
24 **MELGAR**

25 Date: November 15, 2018
26 Time: 2:00 p.m.
27 Courtroom 7, 14th Floor

28 Hon. Morrison C. England, Jr.

1 I, Yesenia Melgar, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as a
3 witness, I could and would competently testify thereto under oath.

4 2. I am a citizen of California who currently lives in Long Beach, California. I am the
5 plaintiff in this case. I submit this declaration in support of my request that the Court approve the
6 settlement and award an incentive award to me in the amount of \$10,000.

7 3. Since I retained Bursor & Fisher, P.A. in December, 2013, I have discussed the case
8 with my lawyers regularly. Each time there has been a major development in this case, I have
9 communicated with Tim Fisher or Julia Luster from the firm. The amount of time I spent on this
10 case has been substantial and has overlapped with my work and personal obligations. I am proud
11 of the settlement in this case and am gratified to know that more than 100,000 class members will
12 receive money from the settlement. When I decided to file this case, I knew that there was no
13 guarantee that we would win. Nevertheless, I believed that the case was meritorious and was
14 prepared to go the distance to represent the Class and fight to obtain relief for all of us.

15 4. In addition to regularly speaking with my lawyers, I have also reviewed many
16 documents in this case including the complaints and discovery responses. I carefully reviewed the
17 original complaint and the amended complaint before they were filed. I also spent significant time
18 reviewing the defendants' discovery requests. The defendants served 18 document requests and 25
19 interrogatories, and I worked closely with my lawyers to prepare the responses to those discovery
20 requests. I also conducted a thorough search for documents responsive to the document requests
21 served by the defendants.

22 5. I had my deposition taken for nearly five hours on March 6, 2015. Prior to the
23 deposition, I spent significant time with my lawyers preparing for the deposition. Following the
24 deposition, I consulted with my lawyers and helped prepare a declaration in support of the Motion
25 for Class Certification. On March 31, 2016, when the Motion for Class Certification was granted,
26 the Court designated me as the Class Representative. I remained in regular contact with my
27 lawyers following class certification as the case moved towards trial and began to prepare myself
28

1 to testify if there was a trial. I also regularly communicated with my lawyers during the settlement
2 process as they needed me to review and approve the settlement papers.

3 6. I support this settlement and request that the Court approve an incentive award for
4 me in the amount of \$10,000.

5 I declare under penalty of perjury under the laws of the United States and the State of
6 California that the foregoing is true and correct. Executed on September 17, 2018 at Long Beach,
7 California.



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Yesenia Melgar