

1 JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
2 ADRIAN BARNES (SBN 253131)
abarnes@hammondlawpc.com
3 POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
4 ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
5 HAMMONDLAW, P.C.
1201 Pacific Ave. Suite 600
6 Tacoma WA 98402
(310) 807-1666
7 (310) 295-2385 (Fax)

Electronically FILED by
Superior Court of California,
County of Los Angeles
4/18/2024 1:58 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Nunez, Deputy Clerk

8 *Attorneys for Plaintiffs and the Putative Classes*

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

12
13 **ADAM FLIGSTEN and JONATHAN WANG,**
individually and on behalf of all others similarly
14 situated,

15 Plaintiffs,

16 vs.

17
18 **MUSICIANS INSTITUTE, INC.,** a California
Corporation,

19 Defendant.
20
21
22
23
24
25
26
27
28

CASE NO. 21STCV38365

**DECLARATION OF ADAM FLIGSTEN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND FOR ATTORNEYS'
FEES AND COSTS AND SERVICE
AWARDS FOR CLASS
REPRESENTATIVES**

Date: June 24, 2024
Time: 9:00 a.m.
Dept. 6

1 I, Adam Fligsten, declare as follows:

2 1. I am a named Plaintiff and putative Class Representative in this matter. I am over 18 years
3 of age. I have personal knowledge of the following facts and could and would testify competently to
4 them.

5 2. I have been employed as a music composition instructor by Musicians Institute since
6 March 2013 although I have not taught any courses since Fall 2021.

7 3. I first discussed this lawsuit with my attorneys at HammondLaw, P.C. in August 2021.
8 Over the course of several calls, we discussed my employment with Musicians Institute, my job duties
9 and responsibilities, the types of classes I taught, the hours I spent each week teaching classes, preparing
10 for classes, and grading homework; and Musicians Institute’s policies for paying instructors for their
11 class prep time and grading time. We also discussed Musicians Institute’s shift to remote work in March
12 2020 and home office expense reimbursement policies applicable to instructors. Finally, we discussed
13 the *Tagliarino* case that was brought by another Musicians Institute instructor in 2020 and what effect,
14 if any, it could have on my potential class claims.

15 4. Finally, during these initial conversations, we discussed what it meant to take on the role
16 of a class representative and the duties it entailed. Based on our conversations, I understood that as a
17 class representative I would act as a fiduciary to the Class and would be required to put the interests of
18 the Class Members before my own, which is what I have done throughout this case. My attorneys sent
19 me a written description of these duties, which I reviewed and agreed to.

20 5. Over the two months following those calls, I sent my attorneys relevant documents and
21 emails including copies of my pay stubs; course scheduling emails with the course title, dates, and times
22 of the classes or sessions I was scheduled to teach; communications with Musicians Institute about
23 getting paid for prep time including screen shots of pay request forms; communications I had with
24 Musicians Institute about receiving CARES Act funding to pay for software I needed to teach my
25 courses; communications related to returning to campus after the COVID shutdown; and a 2019 faculty
26 handbook. I also shared my correspondence with the Settlement Administrator in the *Tagliarino* case
27 disputing the number of work weeks included on the share form I was sent. I also reviewed and signed a
28 file request, which my attorneys submitted to Musicians Institute.

6. Altogether, I spent approximately 10 to 15 hours discussing the case with my attorneys,
gathering documents and emails, reviewing them, and sending them to my attorneys.

1 7. In August 2021, my attorneys sent me a draft PAGA Notice to review and approve. In
2 October 2021, my attorneys sent me a draft Complaint to review and approve. I spent approximately 1.5
3 hours reviewing these documents, providing feedback, and approving them for filing.

4 8. In January 2022, my attorneys told me that Musicians Institute had agreed to mediate. In
5 April 2022, my attorneys sent me a detailed mediation brief to review prior to the mediation. I attended
6 the mediation for about 30 minutes before work obligations forced me to leave. However, I made sure to
7 be available by phone after I logged off in case my attorneys had to reach me. Following the mediation,
8 my attorneys notified me that a settlement was not reached.

9 9. In July 2022, my attorneys sent me a copy of the Motion to Strike filed by Musicians
10 Institute, and explained to me that Musicians Institute was seeking to strike the portion of my lawsuit
11 that overlapped with a settlement that had been reached in the *Tagliarino* case in 2020. I spent
12 approximately 45 minutes reviewing the motion and discussing it with my attorneys.

13 10. In April 2023, my attorneys notified me that a class-wide settlement had been reached
14 with Musicians Institute. We discussed the general terms of the Settlement which I accepted on behalf
15 of the class as fair and reasonable. At approximately the end of July or early August 2023, I carefully
16 reviewed the long form Settlement Agreement my attorneys sent me before approving and signing it. In
17 support of the motion for preliminary approval, I also reviewed and signed a declaration attesting to the
18 fact that I have no conflict with the Class Members and have no relationship with the Settlement
19 Administrator. Reviewing and signing these documents took me about approximately 1.5 hours.

20 11. Throughout the case, I regularly communicated with my attorneys by phone and email to
21 stay up to date on the progress of the litigation. I estimate that these additional communications took
22 several hours over the life of the case.

23 12. Since the initiation of this lawsuit, I estimate that I have devoted at least 15 to 20 hours to
24 assist my attorneys with litigating this case. That does not include additional time I may spend on other
25 issues that may require my involvement before the case is concluded.

26 13. I was actively teaching courses for Musicians Institute when I brought this lawsuit. I knew
27 that by bringing this lawsuit, I would risk not being offered anymore courses, which were a stable source
28 of income for me. This fear was not just theoretical; in fact, I haven't been scheduled to teach any courses
since this case was filed. But, unlike a typical job where retaliation might be obvious, Musicians Institute
picks and chooses when to offer me courses on a semester-by-semester basis, so I can't be certain if I'm
being retaliated against because of my involvement in this case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14. Further, by prosecuting this action, I feared that I would suffer reputational harm and that my chances of employment with other institutions would be jeopardized if they learned during the application process that I was a named plaintiff in a class action case against a university. This caused significant concern for me as well.

15. Despite the fear of retaliation and risks my involvement in this suit poses, I brought this lawsuit because I believe that Musicians Institute was violating California law by systemically failing to pay me and other instructors for all the time we spent working each semester.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on 4/5/2024.

Adam Fligsten
ADAM FLIGSTEN