

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

DIANA SOUKHAPHONH,
individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

HOT TOPIC, INC., a California
corporation,

Defendant.

Case No. 2:16-cv-05124-DMG
(AGRx)

**DECLARATION OF DIANA SOUKHAPHONH IN SUPPORT OF CLASS
REPRESENTATIVE INCENTIVE AWARD**

I, Diana Soukhaphonh, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an adult over the age of 18 and a resident of the State of Delaware. I am the Class Representative in the lawsuit entitled *Diana Soukhaphonh v. Hot Topic, LLC*, currently pending in the United States District Court for the Central District of California. I make this Declaration in support of Plaintiff's Motion for Class Certification and Appointment of Class Counsel. The statements made in this Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.

2. I have assisted Class Counsel with the litigation of this case by detailing

the circumstances surrounding my receipt of a promotional text message from Hot Topic on November 4, 2015 and my response in requesting Hot Topic to STOP any such additional messaging. Specifically, I described to my lawyers the date I received the text message, my effort to cease all future text messages from Defendant, and provided information relating to the content of the messages I received. I also reviewed numerous documents produced by Defendant concerning my on-line ordering history and interactions with Defendant's on-line system and detailed with my counsel that I did not agree in writing or otherwise ever to allow Defendant to send me any text messages.

3. I also worked with my attorneys in July 2016 to assist them in preparing the Class Action Complaint. I carefully reviewed the Class Action Complaint for accuracy and approved it before it was filed on July 12, 2016.

4. During the three (3) year course of this litigation, I kept in regular contact with my lawyers. Specifically, I conferred with them regularly by phone and e-mail to discuss the status of the case. We also discussed various motions that were currently pending, document and deposition discovery, and mediation.

5. I also coordinated with my lawyers to assist them with document requests and to respond to Defendant's formal written questions.

6. Additionally, I traveled from my home in Delaware and back, prepared for my deposition with Class Counsel, and I was deposed by Defendant's counsel

on May 1, 2017, in Los Angeles, California for approximately two hours. In addition, I prepared for and sat for a second deposition lasting several hours on March 29, 2019.

7. My efforts in furtherance of my role as Plaintiff required me to miss 4 days from work and required me to leave early from my workplace on at least one occasion.

8. At all times I was fully prepared, absent a settlement of the case, to attend and testify at trial.

9. Based on the interactions and my relationship with my attorneys, I believe they have fairly and adequately represented me and the Class and will continue to do so.

10. Throughout this litigation, I understood that, as a Class Representative, I had an obligation to protect the interests of other Class Members and not act just for my own personal benefit. I spent dozens of hours devoted to this case and I have done my best to protect the interests of other Class Members by staying informed, and by retaining and working closely with my class action attorneys.

I declare under penalty of perjury that the above and foregoing is true and accurate.

Executed this 22 day of November, 2019 at Middletown, Delaware.


Diana Soukhaphonh