

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo Johnson (State Bar #343881)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff EDUARDO YBARRA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

EDUARDO YBARRA, an individual, on
behalf of himself and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

HELZBERG'S DIAMOND SHOPS, LLC, a
Missouri Limited Liability Company; and
DOES 1-50, Inclusive;

Defendants.

Case No. 21CV003531

**DECLARATION OF EDUARDO YBARRA IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 4, 2022

Time: 3:00 p.m.

Reservation ID: 978588771577

Judge: Hon. Brad Seligman

Dept.: 23

1 I, EDUARDO YBARRA, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
4 wage and hour class and representative action filed against HELZBERG'S DIAMOND SHOPS, LLC
5 (hereinafter "Defendant").

6 2. This declaration is being submitted in support of Plaintiff's Motion for Preliminary
7 Approval of Class Action and PAGA Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims of the Class Members that I am
10 seeking to represent.

11 4. I worked for Defendant as a non-exempt employee in California between October of
12 2020 to July of 2021. At all times during my employment, I earned an hourly wage, including
13 overtime, and performance-based incentive compensation, and was entitled to legally compliant meal
14 and/or rest periods. Throughout my employment, I was subject to Defendant's written policies and
15 procedures.

16 5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, including,
17 time spent waiting for and undergoing mandatory loss prevention security checks, failed to provide
18 compliant meal and rest periods, failed to pay overtime, meal premiums, and sick pay, at the correct
19 regular rate of pay, failed to furnish accurate itemized wage statements, failed to pay all wages when
20 due and failed to reimburse employees for mandatory business expenses.

21 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
22 to represent because I was subject to the same alleged unlawful employment policies and practices at
23 issue in this action, including but not limited to, Defendant's failure to provide compliant meal and
24 rest periods, failure to pay for all hours worked, and failure to pay all wages when due. Factually,
25 Defendant's policies and practices apply class wide, and Defendant's liability can be determined by
26 facts common to all members of the Class.

1 7. Further, there is no conflict between my interests and the interests of the class that I am
2 seeking to represent. My interests are coextensive with the interests of the Class. I allege that I was
3 injured by the same company-wide policies and practices to which the proposed Class was subjected
4 and seek the same relief. I have already demonstrated my ability to advocate for the interests of the
5 Class by initiating this litigation, participating in mediation, and evaluating the proposed settlement to
6 assure that it is fair.

7 8. I understood at the time that I filed this action, that as a Class Representative, I owed a
8 duty to the putative class members to faithfully prosecute this action with their best interests at the
9 forefront of every decision. I understood that I could not make any decision in this action for the sole
10 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
11 sacrifice my personal best interests for the benefit of the interests of the putative class members.
12 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
13 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
14 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
15 litigation and will continue to do until this litigation is fully and finally resolved.

16 9. I believe that the proposed settlement before the Court is fair, reasonable and adequate,
17 and made in the best interest of the Settlement Class Members. Consequently, I respectfully ask the
18 Court to grant preliminary approval of the Settlement and all of its terms.

19 I declare under the penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed Sep 8, 2022, at Discovery bay, California

21 
22 By: Eduardo Ybarra (Sep 8, 2022 10:41 PDT)
23 EDUARDO YBARRA
24
25
26
27
28