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Attorneys for Plaintiff Jose Maldonado and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

JIMMY MACIEL, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

SHAMBAUGH & SON, L.P., a Texas
Limited Partnership; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: 20STCV30747

*[Assigned to Hon. Judge Elihu M. Berle, Dept
6, for all purposes]*

**DECLARATION OF PLAINTIFF JIMMY
MACIEL IN SUPPORT OF CLASS
ACTION SETTLEMENT**

Complaint filed: August 24, 2021

I, Jimmy Maciel, state and declare:

1. I am the plaintiff in the above-captioned action and have personal knowledge of
all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for final approval of the class
action settlement reached in this matter. As discussed herein, I believe that the settlement is fair
and reasonable and constitutes a fair resolution of the claims alleged.

3. During my employment with Defendant, I thought that there were issues with my pay
as well as my meal periods and rest breaks. Because of these issues, I started researching
California law and contacted attorneys regarding how I was treated.

1 4. I then contacted Lauby, Mankin & Lauby LLP and understood that I had two
2 options: (1) I could bring a class action to help all of the employees, but I would have to put their
3 interests ahead of my own, or (2) I could bring my individual case and claims and attempt to
4 maximize my individual recovery. This decision was very difficult because I wanted to
5 maximize my individual recovery, but I also wanted to help everyone else that was wronged by
6 the company. And, if I brought this as a class action, I was worried that I might get labeled as a
7 whistleblower, which might make it hard to find a job in the future. In the end, I decided that –
8 despite the risks – it was important to bring these claims as a class action to hold the company
9 accountable for how they treated their employees.

10 5. I respectfully request that the Court approve the agreed-upon service award for
11 the following reasons.

12 6. First, I have spent substantial time working on this case, and I estimate that I have
13 spent no less than 50 hours engaged in activities to benefit the class. I have assisted my attorneys
14 in numerous ways, including helping to explain and discuss the company's practices and their
15 general practices and procedures, locating and analyzing company documents, and
16 communicating with other class members. These efforts occurred through numerous telephone
17 conferences, letters, emails, and text communications. I also assisted in preparation for mediation
18 and helped obtain a positive result for the class.

19 7. Second, I respectfully request that the Court approve the agreed-upon service
20 award because I agreed to set aside my personal interests and to put the interests of the class
21 ahead or on par with my own. In doing so, and by successfully bringing this case as a class
22 action, I helped to obtain a highly beneficial settlement for the class members.

23 8. I also believe that the requested service award is fair and reasonable given that I
24 have faced substantial risks and made numerous sacrifices to obtain this class action settlement.

25 9. For example, filing this lawsuit and being a whistle blower was stressful on a
26 day-to-day basis as I have constantly worried about the risk that this case could impact my ability
27 to find future jobs. This stress lasted for the entire case, and I'm worried that bringing this case
28 might continue to make it hard to find a job in the future since the case information is all online.

10. Bringing this case also came with a major financial risk in bringing this case because, if I lost the case, I would be required to pay the company's costs, which could be thousands of dollars, and there was a chance they could try to make me pay attorneys' fees also.

11. Therefore, I believe that the requested \$5,000 service award is justified based on the time I spent on the case, the risk and stress I faced, and all the work I did to help secure this highly beneficial class action settlement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Mar 24, 2023, at Lynwood, California.

By:  Jimmy (Mar 24, 2023 09:51 PDT)
Jimmy Maciel