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Attorneys for Plaintiff SERGIO ABUNDIS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF LOS ANGELES**

SERGIO ABUNDIS, an individual, on behalf  
of himself and on behalf of all persons similarly  
situated,

PLAINTIFF,

vs.

IMAGE 2000, a California Corporation; and  
DOES 1 through 50,  
Inclusive,

DEFENDANTS.

Case No. 21STCV19193

**DECLARATION OF SERGIO ABUNDIS IN  
SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT**

Date: February 9, 2023

Time: 10:00 a.m.

Judge: Hon. Yvette Palazuelos

Dept.: 9

1 I, SERGIO ABUNDIS, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class  
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion  
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for Class  
5 Counsel Award and Class Representative Service Award. I have personal knowledge of all the facts  
6 stated herein. I could and would competently testify under oath to these facts in court if requested to do  
7 so.

8 2. I retained Class Counsel in October of 2020 and filed the lawsuit in May 2021. I filed the  
9 case on behalf of myself and all persons who worked for Defendant in California in California as an  
10 hourly paid or non-exempt employees during the period between May 20, 2017, to January 21, 2022.

11 3. I work for Defendant as a non-exempt employee, paid on an hourly basis, eligible to earn  
12 certain non-discretionary compensation, and entitled to legally mandated meal and rest periods,  
13 minimum wages, and overtime wages, in Los Angeles County, from October of 2012 to October of  
14 2020.

15 4. I filed the case because I believed my rights as an employee were violated by Defendant  
16 and also the rights of other employees that worked for Defendant. Among other claims, I believe  
17 Defendant miscalculated the regular rate for purposes of overtime compensation and redeemed sick pay,  
18 maintained unlawful meal and rest period policies and practices, failed to pay for all hours worked,  
19 issued inaccurate itemized wage statements, failed to reimburse for required expenses, and failed to pay  
20 all wages when due.

21 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with  
22 my attorneys. We discussed my work experience and how company policies were applied to me and  
23 other employees. I provided the attorneys with documents they requested. We reviewed the documents  
24 together and asked and answered many questions regarding my experience working for Defendant, the  
25 litigation process, and about class actions generally.

26 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit  
27 and as proposed a Class Representative. I understood that pursuing this action as a class action rather  
28 than merely seeking my individual claims substantially increased the risk to me. Those risks included

1 the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class action if  
2 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by  
3 the attorneys and the Court because I needed to prove that I was an adequate class representative.  
4 Further, I understood that I would lose some autonomy over my individual claims that I could not make  
5 decisions for my sole benefit and that I needed to make every litigation decision with the best interests  
6 of the Settlement Class in mind.

7 7. I also understood that the pursuing this litigation created a very public record of my  
8 grievances with Defendant which produced the risk that a future employer could hold it against me that  
9 I sued a former employer.

10 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on  
11 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to  
12 receive from this settlement. My attorneys explained to me that the net settlement value of my individual  
13 claims may be greater than my ultimate recovery from the net class settlement amount.

14 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because  
15 I believed violations occurred and most employees would not know what their rights are and even if  
16 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

17 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status  
18 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,  
19 because I wanted to keep up with developments in the case which I understood was one of my duties as  
20 a class representative.

21 11. **Review and Approval of Settlement:** A mediation was held on November 19, 2021.  
22 Even though I could not attend, I was available by telephone to speak with my attorneys and did speak  
23 with them regarding the mediation before it took place, as well as during the mediation itself. I also  
24 spoke with my attorneys after the mediation and discussed the mediator's proposal which was ultimately  
25 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I  
26 reviewed and signed the Memorandum of Understanding on November 22, 2021, and when the  
27 settlement papers were ready, I again spoke with my attorneys and reviewed the settlement agreement  
28 which I signed on January 18, 2022. After signing the settlement agreement, the parties subsequently

1 negotiated an amendment to the settlement agreement, which I signed on May 11, 2022. The parties  
2 further negotiated the agreement and made a second amendment to the settlement agreement which I  
3 signed on July 27, 2022.

4 12. **Participation:** Since I retained Class Counsel approximately twenty-seven months ago, I  
5 have been actively involved with this class action lawsuit performing the duties described above. While  
6 I did not keep formal time records, I was in regular contact with my attorneys, attended hearings,  
7 reviewed important court filings, and spent considerable time on the issues presented during the  
8 litigation and in the settlement process. I estimate that I spent approximately 15 hours working on this  
9 case.

10 13. Also, my attorneys explained to me that the settlement process involved a two-step review  
11 by the Court to determine whether the settlement was fair before ordering that the settlement be funded  
12 and paid. I knew this process also involved notifying all class members of the settlement terms and of  
13 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the  
14 settlement.

15 14. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who  
16 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe  
17 that the requested Class Representative Service Award in the amount of \$5,000 from the settlement is  
18 fair compensation for the (1) the work I performed, (2) the sacrifices made not pursuing this case  
19 individually, and (3) the risks I undertook.

20 15. In light of all the time and effort I have spent on this case, the sacrifice I have made, the  
21 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's  
22 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request  
23 for \$5,000 as a service award is fair and reasonable.

24 16. Further, I support my attorneys' application for a Class Counsel Award in the amount of  
25 \$178,333.33, comprised of \$158,333.33 for attorneys' fees (one-third of the Total Settlement Amount)  
26 and up to \$20,000 for reimbursement of actually incurred litigation expenses.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct. Executed on Jan 13, 2023, at 01, California.

3 *Sergio Abundis*  
4 By: Sergio Abundis (Jan 13, 2023 09:03 PST)  
5 SERGIO ABUNDIS  
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