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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

DORCELI RIVAS, an individual, and on behalf
of herself and on behalf of all persons similarly
situated,

Plaintiffs,

vs.

SITAJI, a California Corporation; and DOES 1
through 50, Inclusive,

Defendants.

Case No. CVRI2101761

**DECLARATION OF DORCELI RIVAS IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

Date: October 11, 2023

Time: 8:30 a.m.

Judge: Hon. Harold W. Hopp

Dept.: 1

1 I, DORCELI RIVAS, 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 action filed against SITAJI (hereinafter "Defendant").

5 2. This declaration is being submitted in support of Plaintiff's motion for Final Approval of
6 Class Action and PAGA Settlement.

7 3. I retained Class Counsel in December 2020 and filed the lawsuit in April 2021. I filed
8 the case on behalf of myself and a class of current and former non-exempt California employees
9 employed by Defendant during the period from April 15, 2017 to March 11, 2022.

10 4. I worked for Defendant as a non-exempt employee in Riverside County from September
11 2019 to May 2020.

12 5. I filed the case because I believed my rights as an employee were violated by Defendant
13 and also the rights of other employees that worked for Defendant. Among other claims, I believe
14 Defendant failed to pay me for all time worked and failed to provide legally compliant meal and rest
15 periods.

16 6. Before I initiated the case as the plaintiff and Class Representative, I spoke at length with
17 my attorneys. We discussed my work experience and how company policies were applied to me and
18 other employees. I provided the attorneys with documents they requested. We reviewed the documents
19 together and asked and answered many questions regarding my experience working for Defendant, the
20 litigation process, and about class actions generally.

21 7. During these conversations, I learned about my responsibilities as the plaintiff in the
22 lawsuit and as the proposed Class Representative. I understood that pursuing this action as a class
23 action rather than merely seeking my individual claims substantially increased the risk to me. Those
24 risks included the possibility of being held liable for Defendant's attorneys' fees and costs in a complex
25 class action if I lost the case. I also understood that as the Class Representative, I would be under
26 increased scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
27 representative. Further, I understood that I would lose some autonomy over my individual claims that

1 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
2 the best interests of the Settlement Class in mind.

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

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

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

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

17 12. **Review and Approval of Settlement:** A mediation was held on March 11, 2022. Even
18 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
19 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
20 with my attorneys after the mediation and discussed the proposed settlement. I was very satisfied with
21 the terms of the settlement that was agreed to by the parties. When the settlement papers were ready, I
22 again spoke with my attorneys and reviewed the settlement agreement which I signed on June 8, 2022.

23 13. **Broad General Release:** I understand that the Class Representative Service Award is
24 intended, in part, to compensate me for my release of the Released Class Claims. Additionally, unlike
25 the other Class Members, I also granted Defendant and the Released Parties a broad general release and
26 waiver of claims pursuant to California Civil Code section 1542 and released Defendant and all
27 additional Released Parties from all claims, demands, rights, liabilities and causes of action of every
28

1 nature and description whatsoever, known or unknown, asserted or that might have been asserted,
2 whether in tort, contract, or for violations of any federal, state or other governmental statute, law,
3 regulation or ordinance.

4 14. **Participation:** Since I retained Class Counsel nearly three years ago, I have been actively
5 involved with this class action lawsuit performing the duties described above. While I did not keep
6 formal time records, I was in regular contact with my attorneys, reviewed important court filings, and
7 spent considerable time on the issues presented during the litigation and in the settlement process. I
8 estimate that I spent approximately 20 to 30 hours working on this case.

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

14 16. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
15 now stand to receive substantial monetary payments as a result of this case and settlement. I also
16 believe that the requested Class Representative Service Award in the amount of \$10,000.00 from the
17 settlement is fair compensation for the (1) the broad general release I executed, (2) the work I
18 performed, (3) the sacrifices made not pursuing this case individually, and (4) the risks I undertook.

19 17. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
20 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
21 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
22 for \$10,000.00 as a service award is fair and reasonable.

23 18. Further, I support my attorneys' application for a Class Counsel Award in the amount of
24 up to \$95,000.00, plus costs and expenses of up to \$15,000 for reimbursement of actually incurred
25 litigation expenses.

26
27 I declare under the penalty of perjury under the laws of the State of California that the foregoing
28

is true and correct. Executed Sep 15, 2023, at DORICELI Rivas, California

By: 
Doriceli Rivas (Sep 15, 2023 11:42 PDT)
DORCELI RIVAS