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Attorneys for PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN JOAQUIN

GABRIEL MENDEZ, GEORGE GOSCH,
JOHN DIAN, MICHAEL KNIGHTON,
individuals, on behalf of themselves and on
behalf of all person similarly situated,

Plaintiffs,

vs.

BONDZ, INC., a California Corporation; and
DOES 1-50, Inclusive,

Defendants.

Case No. STK-CV-UOE-2020-0007486

**DECLARATION OF GABRIEL MENDEZ IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: September 14, 2023

Time: 9:00 a.m.

Judge: Hon. George J. Abdallah, Jr.

Dept.: 10A

1 I, GABRIEL MENDEZ, 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 Plaintiffs' Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for Class
5 Counsel Fees, Litigation Expenses Payment and Incentive Award. I have personal knowledge of all the
6 facts stated herein. I could and would competently testify under oath to these facts in court if requested
7 to do so.

8 2. I retained Class Counsel in June of 2020 and filed the lawsuit in September of 2020. I
9 filed the case on behalf of myself and a class of all current and former non-exempt employees, employed
10 by BONDZ, Inc. ("Defendant") in California.

11 3. I worked for Defendant Bondz, Inc. ("Defendant") as a non-exempt truck driver in
12 California from approximately October 2018 to March 2020. At all times during my employment with
13 Defendant, I was entitled to legally mandated meal and rest periods, minimum wages, and to be
14 furnished with accurate wage statements as required by California law.

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 failed to pay for all time worked, failed to provide compliant meal and rest periods, failed to
18 furnish accurate itemized wage statements, and failed to pay all wages upon separation.

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

24 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
25 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
26 than merely seeking my individual claims substantially increased the risk to me. Those risks included
27 the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class action if
28 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by

1 the attorneys and the Court because I needed to prove that I was an adequate class representative.
2 Further, I understood that I would lose some autonomy over my individual claims that I could not make
3 decisions for my sole benefit and that I needed to make every litigation decision with the best interests
4 of the Settlement Class in mind.

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

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

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

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

19 11. **Review and Approval of Settlement:** A mediation was held on October 6, 2022. Even
20 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
21 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
22 with my attorneys following the mediation and regularly through the months of continued negotiations.

23 12. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
24 reviewed and signed the Memorandum of Understanding on October 24, 2022, and when the settlement
25 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
26 signed on February 25, 2023.

27 13. **Participation:** Since I retained Class Counsel over three years ago, I have been actively
28 involved with this class action lawsuit performing the duties described above. While I did not keep

1 formal time records, I was in regular contact with my attorneys, attended hearings, reviewed important
2 court filings, and spent considerable time on the issues presented during the litigation and in the
3 settlement process. I estimate that I spent approximately 25-30 hours working on this case.

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

9 15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
10 now stand to receive substantial monetary payments because of this case and settlement. I also believe
11 that the requested Incentive Award in the amount of \$10,000 from the settlement is fair compensation
12 for the (1) the broad general release I executed, (2) the work I performed, (3) the sacrifices made not
13 pursuing this case individually, and (4) the risks I undertook.

14 16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
15 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
16 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
17 for \$10,000 as a service award is fair and reasonable.

18 17. Further, I support Class Counsels' requested Attorneys' Fee in the amount of \$60,000 and
19 Litigation Expenses in the amount of \$15,000.00.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed on Aug 19, 2023, at CA, California.

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23 By:  Gabriel Menendez (Aug 19, 2023 15:33 PDT)
24 GABRIEL MENDEZ
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