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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA**IN AND FOR THE COUNTY OF SAN BERNARDINO**ELAINE MUNOZ, individually and on behalf
of all persons similarly situated

Plaintiffs,

vs.

AMTCR CALIFORNIA, LLC, a California
limited liability company, and Does 1 through
50, Inclusive,

Defendants.

Case No. CIVDS2001914

**DECLARATION OF PLAINTIFF ELAINE
MUNOZ IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 24, 2021

Time: 10:00 a.m.

Judge: Hon. David Cohn

Dept.: S-26

I, ELAINE MUNOZ, declare as follows:

1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class Settlement and in support of my application for a service award. I have personal knowledge of all the facts stated herein. I could and would competently testify under oath to these facts in court if requested to do so.

1 2. I retained Class Counsel in September of 2019, and filed the lawsuit in January 2020. I
2 filed the case on behalf of myself and a class of current and former non-exempt and misclassified
3 exempt who worked for defendant AMTCR California, LLC (hereinafter "Defendant"). I worked for
4 Defendant between February 2018 and August 2019.

5 3. I filed the case because I believed my rights and the rights of Defendant's other non-
6 exempt and misclassified managers were violated by Defendant. As a non-exempt employee between
7 February 2018 and March 2019, I believe Defendant's failed to, among other things, provide me with
8 legally complaint wage statements, and meal and rest periods. As an exempt store manager, I believe
9 Defendant's violated my rights by paying me less than the required amount to meet the California test
10 for exemption.

11 4. Before I was initiated the case as a Plaintiff, and Class Representative, I spoke at length
12 with my attorneys. We discussed my work experience and how company policies were applied to me
13 and other employees. I provided the attorneys with documents they had requested to review, and we
14 both asked and answered many questions regarding my experience working for Defendant and my
15 responsibilities as a Plaintiff and proposed Class Representative. I also had a chance to review, and
16 did review, the complaint before it was filed.

17 5. After speaking with my attorneys, I knew that I was representing myself and other
18 employees in this case and that there were significant risks involved. One significant risk is that if we
19 lost the case, I could be held personally liable for paying all or part of the money Defendants paid their
20 attorneys to defend this case. There is also the risk that a future employer could hold it against me that
21 I sued a former employer. I also knew that I was making a sacrifice in that I could have pursued my
22 claims only on an individual basis, likely obtaining a recovery greater than the portion of the class
23 settlement I stand to receive from this settlement. My attorneys explained to me that the net settlement
24 value of my individual claims may be greater than my ultimate recovery from the net class settlement
25 amount. I decided to go through with the case because I believed violations occurred and most
26 employees would not know what their rights are and even if they did they would be apprehensive to
27 file a lawsuit against their employer for fear of retaliation.

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

5 7. A mediation was held on January 11, 2021. Even though I could not attend, I was
6 available by telephone to speak with my attorneys and did speak with them regarding the mediation
7 before it took place, as well as during the mediation itself. I was very satisfied with the terms of the
8 settlement that was agreed to by the parties. I reviewed and signed the Memorandum of Understanding
9 on or around January 12, 2021 and when the settlement papers were ready, I again spoke with my
10 attorneys and reviewed the settlement agreement which I ultimately signed in March 2021.

11 8. Since I retained Class Counsel almost 2 years ago, I have been actively involved with
12 this class action lawsuit performing the duties described above. While I did not keep formal time
13 records, I was in regular contact with my attorneys, attended hearings, reviewed important court filings
14 and spent considerable time on the issues presented during the litigation and in the settlement process.
15 I estimate that I spent around 55 – 60 hours working on this case. This includes time I spent traveling
16 to and from my home in San Bernardino and Sand Diego to meet with my attorneys.

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

22 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
23 now stand to receive substantial monetary payments as a result of this case and settlement. I also
24 believe that the requested enhancement of \$10,000 from the settlement is fair compensation for the
25 work I performed, the sacrifice I have made in not pursuing this case individually, the broad release I
26 agreed to, and the risks I undertook.

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

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed on 8/2/2021, at 7:00am, California

7
8 By: 
9 ELAINE MUNOZ DocuSigned by:
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