

Larry W. Lee (State Bar No. 228175)
 Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
 515 S. Figueroa St., Suite 1250
 Los Angeles, California 90071
 (213) 488-6555
 (213) 488-6554 facsimile
 lwlee@diversitylaw.com
 ktulyathan@diversitylaw.com

Attorneys for Plaintiff Smith, the Class, and Aggrieved Employees

[Additional counsel information on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SANTA CLARA**

CLARENCE SMITH, as an individual and
 on behalf of all others similarly situated,

Plaintiffs,

v.

WATLOW ELECTRIC
 MANUFACTURING COMPANY, a
 Missouri corporation; and DOES 1 through
 50, inclusive,

Defendants.

CASE NO. 20CV365250
 Consolidated with Case No. 20CV362069

[Assigned for all purposes to the Hon. Sunil R.
 Kulkarni, Dept. 1]

**DECLARATION OF CLARENCE SMITH IN
 SUPPORT OF PLAINTIFFS' MOTION FOR
 FINAL APPROVAL OF CLASS ACTION
 SETTLEMENT**

Date: May 26, 2022
 Time: 1:30 P.M.
 Dept.: 1

PHUOC TRUONG, on behalf of himself
 and all "aggrieved employees" pursuant to
 Labor Code § 2698 et seq.,

Plaintiff,

v.

WATLOW ELECTRIC
 MANUFACTURING COMPANY, a
 Missouri corporation, and DOES 1 through
 10, inclusive,

Defendants.

Complaint filed: March 18, 2020
 Trial Date: None

1 William L. Marder (State Bar No. 170131)
2 **POLARIS LAW GROUP, LLP**
3 501 San Benito Street, Suite 200
4 Hollister, California 95023
5 (831) 531-4214
6 (831) 634-0333 facsimile
7 bill@polarislawgroup.com

8 Attorneys for Plaintiff Smith, the Class, and Aggrieved Employees

9 Daniel F. Gaines, SBN 251488
10 daniel@gaineslawfirm.com
11 Alex P. Katofsky, SBN 202754
12 alex@gaineslawfirm.com
13 Sepideh Ardestani, SBN 274259
14 sepideh@gaineslawfirmc.om

15 **GAINES & GAINES, APLC**
16 27200 Agoura Rd., Suite 101
17 Calabasas, CA 91301
18 Telephone: (818) 703-8985
19 Facsimile: (818) 703-8984

20 Attorneys for Plaintiff Truong and Aggrieved Employees

DECLARATION OF CLARENCE SMITH

I, Clarence Smith, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am one of the named Plaintiffs in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant Watlow Electric Manufacturing Company as a janitor from on or about September 13, 2017, until on or about January 28, 2020. Throughout my employment with Defendant, I was an hourly, non-exempt employee.

3. During my employment with Defendant, I was not provided with off-duty meal and rest breaks that complied with California law. I also did not receive any premium compensation in lieu of the noncompliant meal and rest breaks.

4. During my employment with Defendant, I also worked overtime and was paid overtime wages. However, whenever overtime wages were paid, I was issued inaccurate wage statements that did not identify the correct overtime rates of pay or total hours worked in the pay period.

5. During the pendency of this lawsuit, I was required to provide assistance to my attorneys in connection with the assistance/prosecution of this class action. I estimate that I spent between 20 to 22 hours in connection with the assistance/prosecution of the class claims in this lawsuit. This includes engaging in interviews and numerous telephonic discussions with my counsel regarding the case; searching for, reviewing, and providing various documents relating to my claims; reviewing the various files and pleadings in this case, including my PAGA letter, the complaint, and the settlement agreement and related documents, as well as my declarations. Throughout this case, I have continuously been kept apprised of the status of this case.

6. I understand that this action was brought on behalf of other similarly situated employees in the State of California, and that I am acting as one of the representatives for the Class. As one of the Class Representatives, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class, and that I will not settle out my class claims in this lawsuit separately or

1 independently from the Class. Moreover, I am not aware of any conflicts that exist between my
2 interests and the interests of the Class that would impair or affect my ability to serve as
3 representative for the Class.

4 7. I have and continue to be willing to assist in the investigation of this matter, as
5 well as make myself available for trial or any further proceedings in this matter as required to
6 represent the interests of the Class. I also understand my duties and responsibilities to the
7 proposed Class and will carry out those duties as necessary.

8 8. I have discussed the case with my attorneys on a number of occasions, provided
9 information and documents to my attorneys to help with the prosecution of the case, and reviewed
10 documents in the case, including the Amended Joint Stipulation of Class Action and PAGA
11 Settlement and Release. Based on my discussion with my attorneys, my review of the settlement
12 agreement, and the information provided, I believe the Settlement to be fair, adequate, and
13 reasonable for myself and for the entire Class.

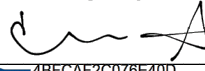
14 9. I understand that I could have been liable for Defendant's legal costs had
15 Defendant prevailed. I also understand that this lawsuit was filed in the public court records,
16 which may affect my ability to obtain future employment.

17 10. I also executed a general waiver of any and all claims, known and unknown,
18 including a waiver of Civil Code § 1542, which was not required of other Class members.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed on this 27 day of April, 2022, at San Jose, California.

22 DocuSigned by:

23 

24 Clarence Smith