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Attorneys for Plaintiff Smith, the Class, and Aggrieved Employees

[Additional counsel information on next page]

**SUPERIOR COURT FOR 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: CGC-19-580062

CLASS ACTION

**DECLARATION OF PHUOC TRUONG
IN SUPPORT OF NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: September 9, 2021

Time: 1:30 p.m.

Dept.: 1

Complaint filed: March 18, 2020

Trial Date: None

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.

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1 I, PHUOC TRUONG, hereby declare and state as follows:

2 1. I am one of the named Plaintiffs in this lawsuit against Defendant Watlow
3 Electric Company ("Defendant") and I submit this declaration in support of Plaintiffs'
4 Notice of Motion and Motion for Preliminary Approval of Class Action Settlement. I
5 am a competent adult and worked for Defendant as a non-exempt employee during the
6 Class Period. I have personal knowledge of the facts set forth herein, and if called as a
7 witness to testify to them, I could and would do so competently.

8 2. I contacted my current attorneys when I questioned the employment
9 practices of Defendant prior to commencing this lawsuit. I accepted the opportunity to
10 act as a representative plaintiff on behalf of the State of California and other employees
11 of Defendant who I believed were being subjected to labor law violations. Although
12 presented with the opportunity, I did not to pursue this case on an individual basis and
13 instead did so as a representative action so that I could help other employees recover for
14 what I believed were Defendant's illegal practices.

15 3. Specifically, I questioned Defendant's policies of failing to provide all
16 meal and rest periods and issuing paychecks that forced me to incur check cashing fees.
17 Through discussions with my lawyers, I learned these may be illegal practices and
18 Defendant's employees might have recourse for them.

19 4. By bringing this lawsuit, and throughout its course, I have put the interests
20 of the class ahead of my own. I do not have any interests adverse to the class. I have
21 taken all necessary steps to represent the interests of the class, including by providing
22 information and documents to my attorney. I understood that I could possibly earn an
23 enhancement payment if this case resolved itself favorably, but always knew that I could
24 also be responsible for paying Defendant's attorneys' fees and costs if it did not. My
25 goal in bringing this lawsuit was to obtain a recovery on behalf of a group of employees
26 and the State, and even more importantly, to put an end to what I believed were illegal
27

1 practices on the part of Defendant. I believe I have achieved both through this lawsuit
2 and settlement.

3 5. I am very happy about the results of this litigation. I am satisfied that
4 Defendant is compensating class members wages and penalties I believe we are due. In
5 particular, I believe that Defendant did not provide off-duty meal and rest breaks to me
6 and other employees, and did not pay us any premium compensation for our on-duty
7 meal and rest periods. We also did not receive accurate wage statements.

8 6. I also received paychecks from Defendant that were drawn from Harris
9 Bank, which does not have California locations and could not be cashed in California
10 without incurring fees.

11 7. At the onset of this case, I spent time through numerous phone calls with
12 several of my attorneys explaining what I understood to be the policies and procedures
13 of Defendant and how they were applied to me and others I worked with. During the
14 course of this litigation, up through and following the settlement process, I kept actively
15 involved with its status, tracking the status of the case and participating as much as
16 possible.

17 8. While I have not maintained detailed time records of my activities in
18 connection with this litigation, I believe that have spent a total of approximately 15
19 hours assisting my attorneys with the preparation of this case, and doing work and
20 analysis independent from my attorneys both before and during this case, including
21 conducting an independent investigation of the facts.

22 9. Before this litigation commenced, and throughout its course, I have spent
23 approximately 5 or more hours gathering, organizing, and reviewing documents and
24 information for this lawsuit. I sifted through many of my own documents and reviewed
25 information produced by Defendant as part of this case. I have also talked to my
26 attorneys several times to discuss the case and reviewed pleadings and documents,
27 including the Settlement Agreement.

10 I declare, under penalty of perjury, under the laws of the State of California that
11 the foregoing is true and correct.

DocuSigned by:
Phuoc Truong
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PHUOC TRUONG