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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
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: September 9, 2021
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

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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 ("Defendant") 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. I understand that this action was brought on behalf of all other non-exempt 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 independently from the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

6. I have and continue to be willing to assist in the investigation of this matter, including meeting, conferring, discussing the case with my attorneys, providing any necessary information and documents, making myself available for trial or any further proceedings in this matter as required to represent the interests of the Class. I also understand my duties and responsibilities to the proposed Class and will carry out those duties as necessary.

8. I have discussed the terms of the Settlement Agreement with my attorneys, and based on the information provided, I believe the Settlement to be fair, adequate, and reasonable for myself and for the entire Class.

Executed on this 16th day of August, 2021, at San Jose, California.

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