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Attorneys for Plaintiff JOSE DE LA TORRE,
individually and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JOSE DE LA TORRE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

USA WASTE OF CALIFORNIA, INC., and
DOES 1-50, inclusive,

Defendant.

Case No. 20STCV16032

ASSIGNED FOR ALL PURPOSES TO
JUDGE: ELIHU M. BERLE, DEPT. 6

**DECLARATION OF PLAINTIFF JOSE DE
LA TORRE IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND PAGA SETTLEMENT**

Date: March 27, 2025
Time: 9:00 a.m.
Dept.: 6

DECLARATION OF JOSE DE LA TORRE

I, JOSE DE LA TORRE hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant USA WASTE OF CALIFORNIA, INC. ("Defendant") in approximately March 2017 as a Non-Exempt Employee working as a field technician and worked during the liability period for Defendant until my separation from Defendant's employ in approximately June 2019.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not reimbursed for business expenses incurred, and not timely paid wages upon my separation from Defendant's employ all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendant and suffered similar harms due to Defendant's common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and approval. I closely reviewed the complaint to ensure accuracy and completeness. As a result, I caused my attorneys to file the class action complaint alleging claims for the allegations alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the

complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the litigation, and to discuss my attorneys' progress in prosecuting the claims.

7. Since I believe I was not accurately paid wages, not timely paid wages, and therefore not provided accurate itemized wage statements, not provided meal and rest periods, not provided with all wages earned and owed upon my separation from employment, and not reimbursed for the business expenses I incurred, I believe that I have been similarly injured as to all other class members in the settlement who worked for Defendant during the class period. I believe the claims asserted in the Complaint is also shared by the other Class Members. I worked with various other non-exempt employees and I believe we were all treated the same and subject to the same unlawful policies.

8. On February 20, 2020, I, through my attorneys, submitted a notice with the Labor & Workforce Development Agency ("LWDA") alleging that Defendants WASTE MANAGEMENT INC. and WASTE MANAGEMENT OF CALIFORNIA, INC. violated Labor Code sections 201-203, 510, 512, 558, 226, 266.3, 226.7, 266.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1, 1198, and 2802, pursuant to Labor Code section 2699

9. On April 24, 2020, I, through my attorneys, filed this action against Defendant for Defendant's alleged failure to: (a) pay wages including overtime, (b) provide meal periods for every work period exceeding more than ten (10) hours per day and failure to pay an additional hour's of pay or accurately pay an additional hour's of pay in lieu of providing a meal period; (c) provide rest breaks for every four hours or major fraction thereof worked and failure to pay an additional hour's of pay or accurately pay an additional hour's of pay in lieu of providing a rest period; (d) pay all wages earned and owed upon separation from Defendant's employ, (e) provide accurate itemized wage statements, (f) reimburse necessary business expenses and (g) for unfair competition ("UCL").

10. On August 19, 2020, I, through my attorneys, submitted an amended notice with the LWDA adding Defendant USA WASTE OF CALIFORNIA, INC to the action. On November 29, 2023, another amended notice was sent to the LWDA to remove the Defendants WASTE MANAGEMENT INC. and WASTE MANAGEMENT OF CALIFORNIA, INC from

1 the action.

2 11. On January 9, 2024, I, through my attorneys, submitted a third amended notice
3 with the LWDA along with a proposed First Amended Complaint, adding a Class Action Claim
4 Pursuant To California Code Of Civil Procedure §382. The First Amended Complaint was filed
5 with this court on January 29, 2024.

6 12. Since I agreed to become a Class Representative, I have worked every step of the
7 way with my attorneys. During the course of the litigation I have always kept the best interest
8 of the Class Members on equal footing as mine.

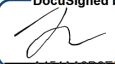
9 13. Notwithstanding the Motions to Intervene brought by Plaintiffs Beltran and
10 Arellano during the course of this litigation, I have been and still am willing to continue to
11 pursue the Class Members' claims vigorously on our collective behalf if the Settlement is not
12 finally approved. As a result, I firmly believe that I do not have any interests adverse to the
13 interests of the Class Members. I have maintained the Class Members best interest from the
14 inception of the case.

15 14. As one of the Class Representatives, I have spent numerous hours consulting
16 with my attorneys, providing documentation, consulting with other Class Members, responding
17 to questions by my attorneys, providing documents to my attorneys, working with my attorneys
18 to review documents received, helping my attorneys in preparing for the mediation and
19 attending the mediation via telephone. I was consulted about the status of the case and provided
20 constant feedback about the case from my attorneys including the mediation, settlement
21 negotiations and eventual settlement. I estimate I have spent approximately 41 hours working
22 on this case.

23 15. From the beginning of this case, I have freely chosen to accept the risks of
24 being one of the Class Representatives in this class action lawsuit. I also believe the requested
25 Class Representative Service Payment is fair and reasonable because my decision to accept the
26 risk of being a Class Representative in a class action under the Labor Code may affect my future
27 ability to get other jobs in this industry. I also understood and accepted the risk of potentially
28 being liable for the opposing parties' costs and attorneys' fees if I was unsuccessful in this
lawsuit. I voluntarily assumed these real and large risks and the case would not have been

brought without me and the other class members. I believe the Class Members will receive a good benefit by resolving their claims against Defendant under the terms of the settlement. As a result of my efforts, I also believe the Class Representative Service Award is reasonable, and I respectfully request the Court approve the amount of \$10,000.00 to each named Plaintiff as fair and reasonable.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on February 28, 2025, at Carson, California.

DocuSigned by:

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JOSE DE LA TORRE