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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

VICTOR PEREZ, individually, and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

THE BIG COMPANY, INC. DBA CAPO  
FIRESIDE, a California corporation; and DOES  
1 through 10, inclusive,

*Defendants.*

Case No. CIVDS 2009691

**CLASS ACTION**

*[Assigned for all purposes to Hon. David  
Cohn, Dept. S26]*

**DECLARATION OF PLAINTIFF  
VICTOR PEREZ**

**FINAL APPROVAL HEARING**

Date: February 15, 2022

Time: 10:00 a.m.

Dept: S-26

**DECLARATION OF PLAINTIFF VICTOR PEREZ**

I, Victor Perez, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am a named Plaintiff in this action and submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve our request of a \$7,500 service payment for being a Class Representative.

3. I worked for Defendant The BIG Company, Inc. dba CAPO Fireside ("Defendants") in Hesperia, California as a driver and a chimney installation technician from approximately October 2018 to April 6, 2019. At all times, Defendants paid me an hourly wage and classified me as eligible for overtime pay.

4. I filed this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Defendant's policies to better protect the working conditions of my co-workers. I also understood it was my duty as a Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy while this lawsuit has been pending. I made it a priority to be actively involved because I wanted to do everything I can to assist my attorneys in prosecuting this case. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

7. Throughout this case, I spent a lot of time on the phone and emailing with my attorneys to get updates about the case and provide them with information. Since I first got involved in this case, I had approximately 8 phone calls with my attorneys. Some of these phone calls lasted about 45 minutes, and a few lasted 3 hours. Because I regularly kept in contact with my attorneys, I estimate that I spent at least 19 hours on telephone calls and emailing with my attorneys.

1           8.       Throughout the case, I also spent time looking for documents relevant to the case  
2 to send to our attorneys. I spent approximately over 5 hours looking for these documents.

3           9.       Before finalizing the settlement, I discussed in detail the terms with my attorneys.  
4 I estimate that I spent approximately 3 hours discussing the settlement agreement and subsequent  
5 developments in the case with my attorneys.

6           10.      I believe the settlement is a good settlement and I would recommend that the  
7 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am  
8 glad that I had the opportunity to represent the class in this lawsuit and that I was able to recover  
9 money through a settlement for the class.

10          11.      I have observed my attorneys' work throughout this case. They have been  
11 thorough, diligent, prompt, courteous, and professional, and I believe they are fully entitled to the  
12 award of fees that they have requested for their hard work.

13          12.      I did not make the decision to file a class action lightly. I was concerned by the  
14 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be  
15 associated with a lawsuit that I filed against my former employer. I was aware that it is possible  
16 to perform background checks of publicly filed documents on the Internet, sometimes with  
17 nothing more than a simple Google search. I am mindful that prospective employers might find  
18 out that I sued Defendant, and this could hurt my employability. Nevertheless, I felt that  
19 important rights were at stake that hurt everyone, and something ought to be done about it.

20          13.      Standing up for myself and the rights of others was not an easy decision, and I am  
21 relieved that this is coming to an end. I estimate that I spent at least 27 hours on this case. I  
22 continue to fear that any potential future employer may find out that I participated in this lawsuit  
23 and hold it against me. In a competitive job market, this factor may weigh heavily against me.

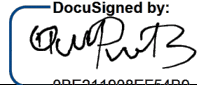
24          14.      I understand that the settlement agreement provides a service payment to me in the  
25 amount of \$7,500. I believe this amount is fair compensation for my time and effort on this case,  
26 for helping to prosecute this case, and the risks with respect to my future employment.

27          15.      I respectfully request that the Court award me a \$7,500 service payment. Based  
28 on my involvement in this case and the benefits provided to my former co-workers, I can say I

1 helped stand up for the other workers who were too afraid to say anything to management  
2 because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was  
3 not afraid to take that risk because I strongly care about helping out my former co-workers.

4 I declare under penalty of perjury under the laws of the State of California and the  
5 United States that the foregoing is true and correct.

6 Executed on 1/20/2022, at Los Angeles, California.

7  
8   
9 Victor Perez 0DE211988EF54B9...

**PROOF OF SERVICE**

*Victor Perez v. The Big Company, Inc. dba Capo Fireside*  
CIVDS 2009691

STATE OF CALIFORNIA            )  
                                                  ) ss  
COUNTY OF LOS ANGELES    )

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12<sup>th</sup> Fl., Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com. On **January 21, 2022**, I served the foregoing document described as:

**DECLARATION OF PLAINTIFF VICTOR PEREZ**

[✓] **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

[✓] **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

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*Attorneys for Defendant The Big Company, Inc.*  
*dba Capo Fireside*

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

Executed this **January 21, 2022**, at Los Angeles, California.

Min Jee Kim  
\_\_\_\_\_  
Type or Print Name

  
\_\_\_\_\_  
Signature