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on behalf of all others similarly situated

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

NANCY GARCIA, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

COMMON AREA MAINTENANCE
SERVICES, INC. a California dba CAM
SERVICES, INC.; CAM PROPERTY
SERVICES INC.; DAVID HERRERA, an
Individual, DOES 1 through 20, inclusive;

Defendants.

CASE NO. 20STCV19361

**DECLARATION OF NANCY
GARCIA IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 22, 2024

Time: 9:00 a.m.

Department: 6

Complaint Filed: May 14, 2020

DECLARATION OF NANCY GARCIA

I, NANCY GARCIA, declare:

1. My name is Nancy Garcia, and I am over the age of 18. I am the Named Plaintiff who filed the above-captioned lawsuit. I have personal knowledge of the facts contained herein, and if called as a witness, could and would competently testify to the following matters. I understand that this declaration is submitted in support of Plaintiff's Motion for Final Approval of Class Action Settlement.

2. I was employed by CAM Services, Inc. in October 2018 as an hourly, non-exempt administrative assistant. I worked at CAM Services, Inc.'s headquarters which was then located in Culver City, California. My responsibilities included answering the telephone, screening calls, preparing routine correspondence, processing proposals, and handling accounts payable and receivable. I was a full-time employee, and worked and scheduled to work at least 40 hours per week and 8 hours or more per day.

3. I filed this lawsuit in May 2020 against Defendants COMMON AREA MAINTENANCE INC., dba CAM Property Services, Inc., and DAVID HERRERA. An amended complaint was later filed to add Defendant CAM PROPERTY SERVICES, INC. The claims in the First Amended Complaint include: (1) Failure to Pay Overtime, (2) Failure to Provide Meal Periods, (3) Failure to Provide Rest Breaks, (4) Failure to Furnish Accurate Wage Statements, (5) Failure to Pay all Wages Earned, (6) Failure to Maintain Required Records, (7) Failure to Pay Earned Wages Upon Termination, and (8) Violation of Business and Professions Code § 17200 (Unfair Competition). In July 2020, I filed a second lawsuit pursuant to Labor Code § 2698 ("PAGA" Action), Case No. 20STCV27465. The two cases were subsequently consolidated into a Second Amended Complaint filed July 26, 2022.

4. While working for CAM Services, I didn't always get a proper meal or rest break and I was not paid with respect to meal and rest breaks that I didn't receive. I knew that I was entitled to at least a 30-minute lunch break before the end of the fifth hour of work. This was common knowledge among the other employees as well. Sometimes I didn't receive my meal period until after the fifth hour because of work constraints. Other times, my meal period was cut

1 short, interrupted, and occasionally not at all. I complained about not receiving lunch periods to my
2 co-workers, but was told that I shouldn't say anything if I wanted to continue working. Even so, I
3 complained to management about not being able to take a timely lunch break or get a full one-hour
4 break and nothing was done.

5 5. During my employment at CAM Services, Inc., I was also regularly denied a 10-
6 minute rest break. This was also due to my work load and being told by management that we were
7 too busy for me to take a break. When I did take a break, it was usually late or not the full 10
8 minutes. I also occasionally worked overtime for which I was not compensated. If there was a rush
9 or we were up against a deadline, I was expected to work late, past the end of my shift without
10 compensation. Other employees experienced the same working conditions as I did at CAM
11 Services, Inc. As mentioned above, it was known throughout the company not to say anything to
12 management about not receiving breaks or overtime pay. The work environment at CAM Services,
13 Inc., was very stressful and I was forced to go out on medical leave.

14 6. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
15 employee of CAM Services, Inc., especially with regard to missed meal and rest breaks and not
16 being paid for missed breaks or overtime. As a result, I believe the class members and myself are
17 owed additional compensation from CAM Services, Inc. because we were not provided proper
18 lunch and rest breaks and CAM Services, Inc., did not pay us for missed lunch breaks, late lunches,
19 or shortened lunches. Likewise, we were not compensated for missed rest breaks, late rest breaks
20 or shortened rest breaks. Like myself, there were a lot of us who also worked overtime and we were
21 not paid for our overtime. CAM Services, Inc.'s management knew that I was not receiving proper
22 meal and rest breaks or paid the overtime I worked, because I complained about it. I even
23 complained about it to David Herrera, Chief Operating Officer of CAM Services, Inc. My
24 complaints were ignored and I never received compensation for missed or shortened meal and rest
25 breaks. I don't believe that my co-workers were either.

26 7. While working for Defendants, I did not believe I received all of my compliant meal
27 and rest periods and did not believe I was properly compensated for the time I worked. Based on
28 these facts, I decided to bring this lawsuit and agreed to act as the class representative in this matter.

1 I understood that I could bring my own individual wage claims but decided that it would be best
2 for other current and former employees of Defendants if I acted as their representative.

3 8. In other words, I chose to forego bringing my wage claims individually, which could
4 have been resolved much earlier, in order to help benefit other class members. Waiting for a
5 settlement in this case has been a hardship for me. Also, acting as the representative and as a
6 Plaintiff in a lawsuit against my former employer was a personal sacrifice that I was willing to take
7 for the benefit of the other employees of Defendants as it is my understanding this lawsuit could
8 not have been prosecuted or settled unless I or some other employee decided to serve as a named
9 plaintiff and pursue the case. In deciding to serve as a named plaintiff, I understood that my name
10 would be publicly attached to this lawsuit and that my work experiences to some extent would be
11 set forth in a public court file. I recognized that I would need to devote a certain amount of time
12 that I could have spent otherwise. I also recognized that my bringing the lawsuit carried some
13 degree of risk. Despite this, I decided to serve as the named plaintiff without any promise of
14 recovery or compensation.

15 9. I am familiar with the work involved in prosecuting this case and did a number of
16 things to assist my attorneys in this case. Specifically, I have participated in numerous meetings
17 and communications with my lawyers regarding this case. I am familiar with the allegations and
18 defenses of the claims in this case. I am familiar with the major events in this case, including the
19 investigation and discovery performed by my lawyers. I was deposed in the case over several hours,
20 assisted my lawyers in preparing for the depositions of David Herrera, CAM Services, Inc.'s Person
21 Most Knowledgeable, and Human Resource Manager, Argelia Karaptian, participated in a
22 mediation which resulted in this settlement, and the preparation of settlement papers and the need
23 to obtain court approval of the proposed settlement. I participated in all stages of the litigation and
24 provided my lawyers with information and documents regarding my employment with CAM
25 Services and responded to written discovery.

26 10. I believe that the proposed settlement obtained on behalf of the other employees is
27 excellent in view of the issues and risks involved with the case.

28 11. I believe I have fulfilled my duties as a named plaintiff and class representative,

1 which required a significant amount of time and effort during the course of this case. These efforts
2 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
3 communicating with my attorneys to stay informed of ongoing developments in the case; (b)
4 searching for and providing documents and other materials relating to my work experience; (c)
5 responding to requests for information relating to my work experience; (d) responding to discovery
6 including sitting through several days of deposition preparation and attending my deposition; (e)
7 participating in the mediation and reviewing filings and key documents including drafts of the
8 complaint and the settlement agreement; and (f) assisting with the approval process. These tasks
9 required my dedication of at least 50 to 60 hours of my time, which time I honestly could have
10 spent on family, personal time, or work. My understanding is that future tasks may require several
11 more hours of my time. I believe I have been diligent and that I have acted above and beyond that
12 of which is expected of a named plaintiff to date and will continue to do so.

13 12. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the
14 named plaintiff and class representative for the claims that were brought in the lawsuit. I believe
15 that amount is fair and reasonable in view of the work I have and will continue to perform, as need,
16 on behalf of the class members. I believe that my role in this lawsuit has resulted in a valuable
17 benefit to the other employees who were afraid to speak up about what was happening at CAM
18 Services, Inc. and I accepted the potential risk of being liable for the opposing parties' costs if we
19 were unsuccessful in this lawsuit. I believed in this case, so I was willing to be the named plaintiff
20 to risk this and pursue this class action. I also accepted the risk that news of this lawsuit could also
21 potentially impact my ability to secure other work.

22 13. I will continue to assist my counsel and my fellow class members as this case
23 progresses forward and am ready and able to serve as the class representative in this action
24 regardless of outcome or burden placed on me to do so.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct. Executed 02 / 26 / 2024, at Los Angeles, California.

27 *Nancy Garcia*

28 _____
Nancy Garcia