

David P. Myers (SBN 206137)
dmyers@myerslawgroup.com
Robert M. Kitson (SBN 214091)
rkitson@myerslawgroup.com
Jason Hatcher (SBN 285481)
jhatcher@myerslawgroup.com
THE MYERS LAW GROUP, A.P.C.
9327 Fairway View Place, Suite 100
Rancho Cucamonga, CA 91730
Telephone: (909) 919-2027
Facsimile: (888) 375-2102

Attorneys for Plaintiff CHARLES RODRIGUEZ on behalf of himself
and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CHARLES RODRIGUEZ, an individual, on
behalf of himself and all others similarly
situated

Plaintiff,

vs.

US BANK NATIONAL ASSOCIATION, dba
US BANK; and DOES 1 through 100,
inclusive

Defendants.

Case No. BC617356

CLASS ACTION

Assigned to: *Hon. Amy D. Hogue; Dept. 7*

**DECLARATION OF ALI MALIK IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: March 9, 2022

Time: 11:00 a.m.

Courtroom: 7

Action Filed: *April 15, 2016*

Related Case: 19STCV17516

1 Larry W. Lee (State Bar No. 228175)
2 Kristen M. Agnew (State Bar No. 247656)
3 Nicholas Rosenthal (State Bar No. 268297)
4 **DIVERSITY LAW GROUP, P.C.**
5 515 S. Figueroa Street, Suite 1250
6 Los Angeles, CA 90071
7 (213) 488-6555
8 (213) 488-6554 facsimile

9 William L. Marder (State Bar No. 170131)
10 **Polaris Law Group LLP**
11 501 San Benito Street, Suite 200
12 Hollister, CA 95023
13 Tel: (831) 531-4214
14 Fax: (831) 634-0333

15 Attorneys for Plaintiff Ali Malik, Atefeh Yousefi,
16 and all others similarly situated.
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DECLARATION OF ALI MALIK

I, Ali Malik, declare as follows:

1. I am an individual over the age of 18 and am a resident of California. I am the named Plaintiff 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 was employed by US Bank National Association ("Defendant" or "US Bank") as a personal banker from approximately July 2016 to September 2018. Throughout my employment with US Bank, I was a non-exempt employee.

3. During my employment with US Bank, I worked at the Burlingame, San Mateo, and Daly City locations.

4. During my employment, I was instructed by my managers that on days when two or fewer employees were staffed at a location, we could not leave the premises for our rest breaks. These were known as "captive" rest breaks. I spent my "captive" rest breaks in either the vault room of the bank or occasionally in the manager's office.

5. Based on my experience and observations, it was standard security policy and practice for employees to be subject to "captive" rest breaks when there were two or fewer employees staffed at a location.

6. Sometimes during my "captive" rest breaks I would be asked to assist a customer, provide an authorization to cash a check, or count money.

7. Because of the confined quarters and the fact that the room was part of the workplace, during "captive" rest breaks, I was unable to make personal phone calls, go outside and enjoy fresh air, sleep, or just relax in privacy without having to think about work.

8. On June 24, 2018, I received an e-mail from an individual named Miles Owens. Based on the contents of the e-mail, I understood that Mr. Owen was a fellow California non-exempt retail banking employee for US Bank. Mr. Owen's e-mail explained that California law required that employees be permitted to leave their employer's premises during their rest periods. He went on to explain that it was his belief that US Bank's "captive" rest break policy was illegal.

9. As a result of Mr. Owens' email, I brought this lawsuit because I developed an

1 understanding that US Bank's "captive" rest break policy impacted a large number of employees
2 and I felt that a class action was the best method of ensuring that these individuals obtain the
3 monies they are owed.

4 10. I understand that this action was brought on behalf of other similarly situated
5 employees who worked for Defendant within the State of California, and thus I am acting as a
6 representative for the Class. As class representative, I understand that it is my responsibility to act
7 in the Class's best interest. I am not aware of any conflicts that exist between my interest and the
8 interests of the Class that would impair or affect my ability to serve as representative for the Class.
9 I understand my duties and responsibilities to the proposed class and will carry out those duties as
10 necessary.

11 11. I have and continue to be willing to assist in the investigation of this matter as well
12 as make myself available for trial or any further proceeding in this matter as required to represent
13 the interests of the Class. I have met with my attorneys and discussed the case, as well as provided
14 information and documents for this case. I have spent a considerable amount of time meeting and
15 corresponding with Class Counsel and providing documentation to Class Counsel.

16 12. I also understand that as part of this settlement, I am providing a general release of
17 claims and a waiver of the protections of Civil Code § 1542.

18 13. I have discussed the terms of the settlement with my attorneys, and based on the
19 information provided, I believe the settlement to be fair, adequate, and reasonable for myself and
20 for the entire Class.

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

23 Executed on this ⁰⁶ day of November 2021, at ^{Daly City}, California.

24 DocuSigned by:

Ali Malik

3A181229A2CB4A5...

Ali Malik

PROOF OF SERVICE

I am employed in the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is 9327 Fairway View Place, Ste. 100, Rancho Cucamonga, California 91730.

On November 29, 2021, I served the foregoing document described as **DECLARATION OF ALI MALIK IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action as follows:

Joan B. Tucker Fife
jfife@winston.com
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111
Attorneys for Defendant US Bank National Association
SERVICE BY CASEANYWHERE

Tristan R. Kirk
tkirk@winston.com
Emile C. Woodhead
ewoodhead@winston.com
WINSTON & STRAWN LLP
333 South Grand Avenue, Suite 3800
Los Angeles, CA 90071
Attorneys for Defendant US Bank National Association
SERVICE BY CASEANYWHERE

Larry W. Lee
lwlee@diversitylaw.com
Kristen M. Agnew
kagnew@diversitylaw.com
Nicholas Rosenthal
nrosenthal@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
Attorneys for Plaintiff Ali Malik and Atefeh Yousefi
SERVICE BY EMAIL

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PROOF OF SERVICE

1 I am “readily familiar” with the firm’s practice of services of process. Under that
2 practice, this document would be deposited:

3 **(VIA E-SERVICE)** I caused the document(s) to be served by CASEANYWHERE
4 by transmitting a true and correct copy to CASEANYWHERE to serve the parties listed
5 above; and

6 **(BY EMAIL)** I caused the document(s) to be sent to the person(s) at the electronic
7 address(es) listed above.

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

10 Executed on November 29, 2021 at Rancho Cucamonga, California.

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12 _____
13 Yvonne Medina
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