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Attorneys for Plaintiffs and others similarly situated

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

RUDOLPH OLLARSABA and AGUSTIN
SELVA, individually, on a representative
basis, and on behalf of all others similarly
situated;

Plaintiffs,

vs.

PUMPMAN, LLC, a California Limited
Liability Company; PUMPMAN
INTERMEDIATE HOLDINGS, LLC, a
Delaware Limited Liability Company; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVDS2008889

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

**DECLARATION OF PLAINTIFF
AGUSTIN SELVA IN SUPPORT OF
CLASS ACTION SETTLEMENT**

I, Rudolph Ollarsaba, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all
matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for final approval of the class
action settlement reached in this matter. I believe that the settlement is a great result for all of the
employees of PumpMan since the average payment is over \$3,700, which is more than most
employees earned for 3 weeks of work.

1 3. I was employed by Defendant from about 2018 through March 2020. During this
2 time, I thought that there were several areas where the company was not following California
3 law. However, it was not until I was terminated in March 2020 that I began to research these
4 issues to see if the company violated California law. It was around this time that Rudolph
5 Ollarsaba contacted me to discuss the issues at PumpMan, and he put me in touch with his
6 attorneys at Fernandez & Lauby. At that time, I retained Fernandez & Lauby to assist with
7 claims against PumpMan.

8 4. I understood that I had two options to pursue my claims against PumpMan. First,
9 I could pursue my individual claims, including for meal/rest breaks, unpaid wages, and others.
10 And, with these individual claims, I could also bring my claims for wrongful termination since I
11 believed that I was discriminated against and terminated because of my national origin. Second,
12 instead of focusing on my individual claims, I could agree to join the pending class action and
13 help all of my past coworkers obtain the money and damages they were entitled. This was a hard
14 decision because I wanted to pursue my individual claims, but I also wanted to help all of the
15 other employees that were subjected to violations of California law. Ultimately, I decided that it
16 was better to put the interests of my past workers ahead of my individual interests, and I decided
17 to help those employees by joining the pending class action.

18 5. I respectfully request that the Court approve the agreed-upon service award for
19 the following reasons.

20 6. First, since joining this case, I estimate that I have spent 40-50 or more hours on
21 work to help with the case and benefit the other class members. This includes time meeting
22 and/or speaking with my attorneys, discussing the issues with other class members, helping
23 explain the company's policies and practices, and locating documents relevant to the case. These
24 efforts occurred through meetings with Class Counsel, telephone conferences, letters, emails, and
25 text communications. I also helped my attorneys prepare for the mediation which resulted in a
26 great settlement for the other class members.

27 7. Second, in bringing this case, I was concerned by the fact that I could be
28 "blackballed" as a whistleblower, and this was a substantial risk that weighed heavily on my

1 mind every day, leading to substantial anxiety and stress. I also believe that this was not just a
2 theoretical risk; instead, I firmly believe that I have lost out on job opportunities because of this
3 lawsuit, and I have not found other employment since my termination in March 2020.

4 8. Third, as part of this class action settlement, I was required to waive any and all
5 potential harassment, discrimination, and/or wrongful termination claims against the company.
6 As discussed above, I believe that I was mistreated and ultimately terminated because of my
7 national origin, and I was faced with the decision of either (1) accepting the class action
8 settlement and losing the ability to pursue my individual claims, or (2) refusing to sign and
9 pursuing my individual claims, which would jeopardize and potentially end any negotiations.
10 This was an extremely hard decision, because I believed there were substantial lost wages and
11 other damages I could pursue, especially since I was terminated right when COVID-19 hit, and
12 being unemployed during that time was extremely stressful and worrisome given that it was
13 nearly impossible to find other work or income. And, on that point, I have not had any other job
14 since being terminated by PumpMan. Despite these facts, I decided to put the interests of the
15 other class members ahead of my own and agreed to the class action settlement, waiving my
16 right to the individual claims.

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

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20 Executed on Oct 23, 2021, at Covina (city), California.

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22 By: 
23 Agustin Selva
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