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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
RUDOLPH OLLARSABA 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. As discussed herein, I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged, especially considering that

1 the average class member will receive a payment of over \$3,700 – which is equivalent to nearly a
2 full month of work.

3 3. I was employed by Defendant from about August 2019 through March 2020.
4 During my employment, there were several practices that I believe violated California law.
5 Therefore, once I was terminated by the company, I researched attorneys and contacted
6 Fernandez & Lauby LLP. Although I did not think I was being paid correctly, I was unsure if I
7 wanted to bring a lawsuit because of the risk of stepping forward as a whistle blower, since this
8 could jeopardize my livelihood in the industry and make it difficult to find future jobs.
9 Nevertheless, because I did not think that myself or the other employees were being paid
10 correctly for the work we performed, I retained Fernandez & Lauby to move forward with a case.

11 4. After retaining Fernandez & Lauby, I understood that I had two options: I could
12 pursue my individual case – including claims for harassment, discrimination, and wrongful
13 termination (as discussed below) – and attempt to maximize my personal recovery, or I could
14 bring a class/representative action and put the interests of the class ahead of my own. The
15 decision of whether to bring my individual claims or to bring a class action put me in a tough
16 spot, because on the one hand, I wanted to hold the company accountable for how they treated
17 me and, on the other hand, I wanted to help other employees that were not paid correctly. And I
18 knew that, if I wanted to bring a class action, I would need to put the interests of the class first to
19 better serve the class. In the end, in the interest of helping all employees that were subjected to
20 the wage violations, I decided to help everyone by bringing a class/representative action.

21 5. Since first initiating this action, I estimate that I have spent at least sixty (60)
22 hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways,
23 including helping to explain and discuss the company’s practices and their general practices and
24 procedures, locating and analyzing company documents, and communicating with other class
25 members. These efforts occurred through numerous in-person meetings with Class Counsel,
26 telephone conferences, letters, emails, and text communications. I also assisted in preparation
27 for mediation and helped obtain a positive result for the class.
28

1 6. I respectfully request that the Court approve the agreed-upon service award. I
2 agreed to set aside my personal interests and to put the interests of the class ahead or on par with
3 my own. In doing so, and by successfully bringing this case as a class action, I helped to obtain
4 a highly beneficial settlement for the class members that resulted in nearly one month of pay for
5 the average class member.

6 7. I also believe that the requested service award is fair and reasonable given that I
7 have faced substantial risks and made numerous sacrifices to obtain this class action settlement.

8 8. For example, filing this lawsuit and being a whistle blower was stressful on a day-
9 to-day basis as I have constantly worried about the risk that this case could impact my ability to
10 find future jobs. And I was also concerned that this could hurt my chances to find work in the
11 pump industry. Unfortunately, these risks became a reality as I believe that I lost job
12 opportunities as a direct result of this lawsuit. I was also unable to find a similar job in the
13 industry and, in order to finally get a job, I had to switch industries altogether.

14 9. Additionally, as a condition of this class action settlement, I was required to
15 compromise on and waive my separate individual claim for harassment, discrimination, and
16 wrongful termination. Notably, I believe that I was harassed, discriminated against, and
17 ultimately terminated by PumpMan due to my Native American heritage. And this termination
18 occurred in March 2020, which was terrible timing in two respects. First, it happened right as
19 the COVID-19 pandemic was ramping up, which made unemployment and my financial
20 situation extremely stressful and difficult for my family. Second, the termination also occurred
21 right as I was in the process of purchasing a new home and, unfortunately, the deal fell out of
22 escrow because the loan was not approved due to the wrongful termination and my related
23 unemployment. Although I wanted to pursue these claims to recover significant lost wages and
24 compensation for pain and suffering, the proposed class action settlement required me to waive
25 all of my claims in order to all of the other employees that were underpaid by Pumpman.
26 Ultimately, I agreed to compromise on the value of my individual claims. I believe that these
27 actions, as well as the time I spent on the case and other risks I faced, justify the request for a
28 \$10,000 service award.

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

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4 Executed on Oct 21, 2021, at Riverside (city), California.

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6 By: 
7 Rudolph Ollarsaba
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