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Attorneys for Plaintiffs MARIE DEMARTINI, and JOSE SOTO
on behalf of themselves and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

MARIE DEMARTINI, WILLIE
AUSTIN, JR., and JOSE SOTO, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAFELITE FULFILLMENT, INC., DBA
SAFELITE AUTO GLASS, a Delaware
Corporation; SAFELITE SOLUTIONS,
LLC, a Delaware Corporation;
BARRETT BUSINESS SERVICES,
INC., a Maryland Corporation; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV20002076

Assigned for All Purposes To:
Hon. Sheila Lichtblau
Dept. H

**DECLARATION OF PLAINTIFF JOSE
SOTO IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 22, 2025
Time: 1:30 p.m.
Dept.: Courtroom H

1 Norman B. Blumenthal, State Bar No. 068687
2 Kyle R. Nordrehaug, State Bar No. 205975
3 Aparajit Bhowmik, State Bar No. 248066
4 Piya Mukherjee, State Bar No. 274217
5 Victoria Rivapalacio, State Bar No. 275115
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17 Attorneys for Plaintiff WILLIE AUSTIN JR., on behalf of
18 himself and all others similarly situated
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1 I, Jose Soto, declare as follows:

2 1. I am an individual over the age of 18 years old. I am the named plaintiff and
3 proposed Class Representative in this action. I have personal knowledge of all the facts in this
4 declaration and, if asked, I would testify to these facts under oath in court.

5 2. On or about July 1, 2021, I was assigned to work for Defendant Safelite Auto Glass
6 by Defendant Barrett Business Services, Inc. During my employment, I worked approximately 5-6
7 days a week, 40+ hours per week. I was employed as an hourly, non-exempt employee.

8 3. Because I thought that some of the practices at Safelite may not be lawful, I decided
9 to seek legal advice about my work experiences at Safelite and about filing a lawsuit to obtain relief
10 for my grievances. After speaking with my attorneys about my situation, class actions, and what it
11 meant to bring a class action, I decided to proceed with a lawsuit against my former employer. At
12 the time, I also agreed to represent all other similarly situated non-exempt employees who worked
13 for Defendant in California, and to obtain relief for the entire class.

14 4. With my attorneys' assistance, I filed two lawsuits against the Defendants- one on
15 behalf of the Class and another on behalf of the State to seek penalties. I understand that at the
16 time I brought my lawsuits there was already another case pending brought by my co-plaintiffs,
17 Marie DeMartini and Willie Austin Jr. and at some point the cases I filed were brought together
18 with the cases brought by Ms. DeMartini and Mr. Austin.

19 5. I retained my attorneys who are experienced in both class action and representative
20 action litigation and claims against employers for violations of the California Labor Code. I have
21 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
22 of having any actual or potential conflicts of interest with another class member in this case nor am
23 I aware of having any actual or potential conflicts of interest with ILYM Group, Inc., the settlement
24 administrator.

25 6. When I agreed to represent other employees similarly situated, I understood it was
26 my duty to be readily available and to actively participate in the case. I knew that I needed to keep
27 aware of the status and progress of the lawsuit. At all times, I worked to fulfill these duties on behalf
28 of other employees similarly situated, and I continue to do so through the settlement process.

1 7. I also understood the risks I could face due to my involvement as a named plaintiff.
2 I understood that if I did not prevail in the litigation, I could be held responsible for the payment of
3 Defendants' court awarded litigation costs and potentially attorneys' fees. Therefore, I realized
4 that I was taking a significant amount of risk in filing the lawsuit.

5 8. I also knew that my name could easily be located on a search of court records and
6 that any prospective employer may find out that I had sued my former employer.

7 9. Even though I knew I was taking risks, I knew I had to do what I believed was right
8 and pursue claims on behalf of other employees to vindicate our rights and attempt to recover the
9 wages owed to us. I am proud to know that I played a role in the Class Members being entitle dot
10 monetary payments as a result of the filing of this lawsuit.

11 10. I spent a substantial amount of time and effort pursuing my claims and the claims
12 of the other similarly situated employees from the time I retained my attorneys to this date.

13 11. In preparing for, and during, this litigation, I spent numerous hours devoted to
14 assisting with this case. I have been on numerous telephone calls discussing the facts of my case
15 with the attorneys and staff of James Hawkins APLC, and spent significant time discussing the
16 facts related to my employment with Safelite with my attorneys, including discussing my job duties
17 and responsibilities, and the hours and days that I worked. I also spent time looking through files
18 for all documents related to my employment with Safelite and Barrett which included wage
19 statements and separation paperwork. I further spent time on telephone calls discussing these
20 documents. I have also spent additional time assisting with the settlement, negotiations, and the
21 reviewing of settlement documents. I have also prepared and reviewed various declarations in
22 support of the proceedings. I estimate that over the course of this case I have spent approximately
23 25 hours involved in the litigation and resolution of this matter.

24 12. My attorneys forwarded me copies of the PAGA letter and complaints for review in
25 this case. I thoroughly reviewed the complaint and letters and discussed the contents with my
26 attorneys.

27 13. My attorneys provided me with a copy of the proposed Settlement Agreement which
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1 I reviewed carefully before signing it. As a term of the agreement, I have agreed to give a broad
2 release of all claims that I had or might have against Defendants arising from my employment. No
3 other similarly situated employee is required to give such a release, but I understand this is
4 sometimes asked of class representatives.

5 14. It is my opinion that the proposed settlement achieved is fair, adequate and
6 reasonable.

7 15. I understand that approximately 2,732 current and former employees of Defendants
8 will now receive cash payments they may not otherwise have recovered but for the initiation of this
9 case. I understand that no objections have been received and only three individuals requested
10 exclusion from the Settlement. I believe that this excellent result confirms that the settlement fair
11 and reasonable.

12 16. To date, I have not received any benefits as a result of prosecution of the action.

13 17. I am requesting the Court approve a \$10,000 service payment preliminarily
14 approved by the Court. I believe this amount is reasonable considering the amount of work and
15 time I spent with my attorneys to achieve this excellent settlement over the last four years. The time
16 and service I provided to the Class resulted in the parties ultimately agreeing to settle the case and
17 in a positive outcome for the entire Class, who will receive a share of the settlement funds in this
18 case. I estimate that over the course of this case,

19 18. As part of the Settlement, it was necessary for me to agree to a general release of
20 any claims I might have against Safelite. I understand that only the other Class Representatives
21 were required to agree to such a general release and that otherwise no other Class Members had to
22 enter into a general release. I believe that this general release provides additional consideration for
23 the Service Payment.

24 19. I further believe the amount of the Class Representative Service Payment is very
25 reasonable considering the financial and professional risks I took by bringing a class action lawsuit
26 against my former employer, including the potential of paying court-awarded litigation costs to
27 Defendants and the negative exposure to future employers. I also gave a broad release of all claims
28 against Defendants arising from my employment that other Class Members did not have to give.

1 20. I believe the Class Members, who might not have been aware of their rights if not
2 for this class action, will substantially benefit by resolution of their claims against Defendants for
3 the Gross Settlement Amount of \$3,000,000.

4 21. As the appointed Class Representative, I remain committed to this case and will
5 continue to participate as needed in the final approval and the settlement administration process.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct. Executed on 12/23/24 in San Clemente, California.
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Jose Soto (Dec 23, 2024 09:40 PST)

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