

Zack Broslavsky (State Bar No. 241736)
Jonathan A. Weinman (State Bar No. 256553)
BROSLAVSKY & WEINMAN, LLP
1500 Rosecrans Ave., Suite 500
Manhattan Beach, CA 90266
Phone: (310) 575-2550
Fax: (310) 464-3550

Dennis S. Hyun (State Bar No. 224240)
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff and the Class

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

DEISY SALAS, KRISTAL CARMONA,
ISRAEL LINTHROP, ALICIA KRUEGER-
AGUIRRE, individually, and on behalf of other
members of the general public similarly situated
and on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiffs,

vs.

J & S RESTAURANTS, INC., a California
corporation; TOPP END ENTERPRISES, INC., a
California corporation; RED FLASH, INC., a
California corporation; VALENCIA TPP, a
general partnership; YEASTIE BOYS, a general
partnership; and DOES 1 through 100,
inclusive,

Defendants.

THEODORE CHRISTOPHER MILLER,
NOLAN MALONE, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiffs,

Lead Case No.: 56-2019-00526959-CU-
OE-VTA (*Salas* Action)
(*Consolidated with 56-2020-00546726-
CU-OE-VTA*)

[Assigned to the Hon. Honorable
Henry J. Walsh, Dept. 42]

**DECLARATION OF THEODORE
CHRISTOPHER MILLER IN SUPPORT
OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

CLASS ACTION

Date: April 4, 2022
Time: 8:30 a.m.
Department: 42

Salas Complaint Filed: March 29, 2019
Salas FAC: August 2, 2019
Salas SAC: November 7, 2019
Salas TAC: October 29, 2020
Miller Complaint Filed: August 5, 2019
Miller FAC: September 29, 2019
Jury Trial Date: None Set

1 vs.

2 VENTURA COUNTY RESTAURANT
3 SERVICES INC. DBA TOPPERS PIZZA
4 PLACE, a California corporation; and DOES 1
5 through 100, inclusive,

6 Defendants.

1 I, Theodore Christopher Miller, hereby declare and state as follows:

2 1. I am an individual over the age of 18 years old, and reside in Los Angeles, California. I
3 am the named plaintiff in this matter. I have personal knowledge of the facts set forth below, and if
4 called to testify I could and would do so competently.

5 2. I was previously employed by Defendant Ventura County Restaurant Services, Inc., dba
6 Toppers Pizza Place as a pizza driver from approximately March 2017 through August 2020. I am
7 alleging that during my employment with Defendant, I did not receive minimum and overtime wages for
8 all time worked, including not being paid for the time period between me being clocked out and being
9 allowed to leave the premises after tips calculations and payments. I also worked more than 3.5 hours in
10 a shift without being provided with off-duty 10-minute rest breaks. I believe that the wage statements I
11 received were not accurate because of unpaid overtime and minimum wage, and non-payment of
12 premium wages for rest breaks. I was also paid a lump sum of \$2.10 per each delivery regardless of the
13 distance, which I allege resulted in an underpayment of my gas expenses. I was also deducted wages for
14 certain uniform items.

15 3. During the pendency of this lawsuit, I was required to provide assistance to my attorneys,
16 including providing them with information over the phone and sending supporting documentation by
17 email and/or text. I also assisted my attorneys with getting further supporting information and
18 documents from other current employees.

19 4. Throughout this case, I have been continuously kept informed of the status of the lawsuit.
20 From the time I first contacted my attorneys in June 200 through the present, I estimate that I spoke to
21 them on the phone, texted and/or emailed them at least 75 times. During the mediation itself, I spoke to
22 my attorney several times and then arranged for another current employee to directly speak to the
23 mediator as our supporting witness. I estimate that I spent approximately a total of 55 hours assisting
24 my attorneys with the case.

25 5. I understand that the class claims alleged in this action were brought on behalf of other
26 employees, and thus I am acting as a representative for the Class. As the class representative, I
27 recognize that it is my responsibility to act in the Class's best interest and not my own. I will not put my
28 own interests ahead of that of the Class. I am also not aware of any conflicts that exist between my

1 interest and the interests of the Class that would impair or affect my ability to serve as representative for
2 the Class.

3 6. I have been and continue to be willing to assist in the investigation of this matter as well
4 as make myself available for trial or any further proceeding in this matter as required to represent the
5 interests of the Class. I understand my duties and responsibilities to the proposed class and will carry
6 out those duties as necessary.

7 7. Based on my understanding of the case, I am of the opinion that settlement for the
8 amounts and on the terms set forth in the Settlement Agreement is fair, reasonable, and adequate and is
9 in the best interests of the Class.

10 8. I was aware that in cases like mine, that there is the risk that if I do not win my case, then
11 I could be liable for Defendant's costs.

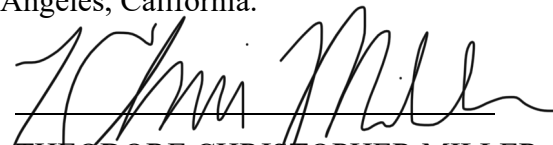
12 9. I took on the risk of having this lawsuit filed while I was still employed with Defendant
13 Ventura County Restaurant Services, Inc. I also understood that filing this lawsuit is a public record and
14 I accepted that burden. As such, I risked my future employment in order to bring this action. Moreover,
15 this lawsuit, which is a public record, is something that potential employers can look into, and which
16 may cause a negative impact of my employment prospects.

17 10. I feel proud of the results and accomplishment of this lawsuit. I understand that
18 thousands of individuals will benefit in this lawsuit because of the actions that I have taken.

19 11. I feel that I took upon myself the risk of this lawsuit and achieved a positive result for my
20 other former co-workers who did not have to file suit.

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

23 Executed on March 7, 2022, at Los Angeles, California.

24 
25 THEODORE CHRISTOPHER MILLER
26
27
28