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Attorneys for Defendant METAL CONTAINER
CORPORATION

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

OSCAR NOGUERA, VALERIE
CAMPOS FLORES, DANIEL
MARTINEZ, VERA HOWARD and
EDMUNDO FLORES, individuals, on
behalf of themselves and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

METAL CONTAINER CORPORATION, a
Corporation; and DOES 1 through 50, inclusive,

Defendant.

Case No. RIC2003235
(Consolidated with RIC2004156)

**DEFENDANT'S DECLARATION OF
MARLENE M. MOFFITT IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA SETTLEMENT**

[Assigned for all purposes to The Honorable
Sunshine Sykes, Dept. 6]

Date: March 30, 20222
Time: 8:30 a.m.
Dept: 6

Action Filed: August 17, 2020
Trial Date: None Set

1 I, Marlene M. Moffitt, declare:

2 1. I am an attorney at law duly authorized to practice before this Court and am a Shareholder
3 with the law firm Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree"), counsel of record
4 for Defendant Metal Container Corporation ("MCC") in the above-captioned case. I have personal
5 knowledge of the matters stated in this declaration. If called upon as a witness, I could and would
6 competently testify thereto.

7 2. Chrysalis was chosen as the cy pres recipient for the parties' settlement in this action
8 because of the basic-needs assistance and resource connections—including job search assistance and
9 referrals, employment preparation classes, resume writing services, computer/technology access, and
10 employment counseling—it offers to vulnerable individuals in California, where this lawsuit and the
11 alleged unlawful conduct took place. Therefore, assignment of uncashed funds to this organization
12 would promote justice and serve the purposes of the underlying action, which is to protect employee
13 rights. As such, the organization qualifies as a cy pres recipient under California Code of Civil
14 Procedure § 384.

15 3. I do not have a financial interest in Chrysalis, nor does Ogletree or MCC. I verified this by
16 running a conflicts check at Ogletree which would have revealed any interest (beneficial or adverse)
17 that Ogletree had with Chrysalis. I also verified this with MCC by asking its Assistant General
18 Counsel about potential interests of any of its officers, directors, or managers.

19 4. I am not aware of any class, representative, or other collective action in any other court in
20 this or any other jurisdiction that asserts claims similar to those asserted in this action and that has
21 overlapping classes or groups of individuals at issue with this action.

22 I declare under penalty of perjury pursuant to the laws of the State of California and the
23 United States of America that the foregoing is true and correct and that this declaration was
24 executed on this 4th day of March 2022, in San Diego, California.

25
26 

27 Marlene M. Moffitt