

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
SEPIDEH ARDESTANI, ESQ. SBN 274259
sepideh@gaineslawfirm.com
GAINES & GAINES, APLC
27200 Agoura Rd., Suite 101
Calabasas, CA 91301
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Hector Vieyra on behalf of himself and all "Aggrieved Employees" pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER**

HECTOR VIEYRA, on behalf of himself
and all "Aggrieved Employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

SPEARMAN CLUBS, INC., a Delaware
corporation, and DOES 1 through 10,
inclusive,

Defendants.

RAFAEL RAMIREZ,

Plaintiffs,

v.

SPEARMAN CLUBS, INC. DBA
LAGUNA NIGUEL RQCQUET CLUB, a
California corporation, and DOES 1
through 50, ALL INCLUSIVE,

Defendants.

CASCASE NO: 30-2020-01156371-CU-OE- CXC
and CASE NO: 30-2020-01141764-CU-WT-CJC

*Assigned for all purposes to:
Hon. William Claster, Dept. CX104*

**DECLARATION OF HECTOR VIEYRA IN
SUPPORT OF MOTION FOR AN ORDER
AND JUDGMENT APPROVING
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS' FEES, COSTS,
ENHANCEMENT AWARDS AND GENERAL
RELEASE PAYMENT, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES**

Date: June 18, 2021

Time: 9:00 a.m.

Dept.: CX104

Reservation ID#: 73530301

Dates Actions Filed: May 28, 2020 (Ramirez)
August 21, 2020 (Vieyra)

1
2
3 I, Hector Vieyra, hereby declare and state as follows:

4 1. I am one of the named Plaintiff in this lawsuit against Spearman Clubs, Inc., a
5 Delaware corporation ("Defendants") and I submit this declaration in support of Plaintiffs'
6 Unopposed Motion for an Order and Judgment Approving Settlement of Claims Brought Pursuant
7 to the Private Attorneys General Act of 2004. I am a competent adult and was employed by
8 Defendants as a non-exempt employee in California during the relevant time period. I have
9 personal knowledge of the facts set forth herein, and if called as a witness to testify to them, I
10 could and would do so competently.

11 2. I contacted my current attorneys when I questioned the employment practices of
12 Defendants prior to commencing this lawsuit. I accepted the opportunity to act as a representative
13 on behalf of other employees of Defendants in this action whom I believed were being subjected
14 to labor law violations. Although presented with the opportunity, I did not pursue any case on an
15 individual basis and instead did so as a representative action so that I could help other employees
16 recover for what I believed were Defendants' improper practices.

17 3. Specifically, I questioned Defendants' policies of failing to provide meal periods
18 and rest periods to its non-exempt California employees. Through many discussions with my
19 lawyers, and through my own research on the Internet, I learned these may be illegal practices and
20 Defendants' non-exempt employees might have recourse for them.

21 4. By bringing this lawsuit, and throughout its course, I have put the interests of other
22 employees ahead of my own. I understood that I could possibly earn an incentive award if this
23 case resolved itself favorably, but I also knew that I could also be responsible for paying
24 Defendants' attorneys' fees and costs if it did not. My goal in bringing this lawsuit was to obtain
25 a recovery on behalf of all employees of Defendants, and even more importantly, to put an end to
26 what I believed were illegal practices on the part of Defendants. I believe I have achieved both
27 through this lawsuit and settlement.

-2-

5. I am very happy about the results of this litigation. I am satisfied that Defendants are compensating other aggrieved employees and the State for penalties that I believe we are due.

6. At the onset of this case, I spent time through numerous phone calls with several of my attorneys explaining what I understood to be Defendants' policies and practices and how they were applied to other employees. I kept actively involved with the status of this case throughout the litigation process, tracking the status of the case and participating as much as possible.

7. While I have not maintained detailed time records of my activities in connection with this litigation, I believe that I have spent a total of approximately 15-20 hours assisting my attorneys with the preparation of this case and doing work and investigation of the facts independent from my attorneys both before and during this case.

8. Before this litigation commenced, and throughout its course, I spent approximately 3-4 hours gathering, organizing, and reviewing documents and information for this lawsuit. I sifted through many of my own documents and reviewed information produced by Defendants as part of this litigation.

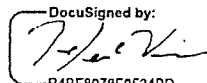
9. I communicated with my attorneys several times per month to track my case's status. I have taken an active involvement in this matter throughout its course.

10. Taking the initiative with this case was very risky for me, both professionally and financially. I put principal first and took a tremendous risk by filing this lawsuit. I am quite confident that pursuing this lawsuit will result in future reputational harm to me. There is a stigma associated with suing one's former employer. I suspect I may be adversely affected when it comes to obtaining future employment – employers who discover that I sued Defendants in a representative action will likely avoid hiring me.

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

May 12, 2021

3 Executed on this ____ day of May, 2021 at 2:52, California.

4 DocuSigned by:


5 B4BF8078F06248D...
HECTOR VIEYRA