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Attorneys for Plaintiff RAFAEL RAMIREZ,

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

RAFAEL RAMIREZ,

Plaintiffs,

v.

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

Defendants.

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.

) Case No.: 30-2020-01141764-CU-WT-
) CJC (related to CASE NO: 30-2020-
) 01156371-CU-OE-CXC)

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

) **DECLARATION OF RAFAEL**
) **RAMIREZ 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**

) Action filed: May 26, 2020
) Trial Date: None Set

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DECLARATION OF RAFAEL RAMIREZ

I, RAFAEL RAMIREZ, declare:

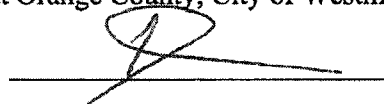
1. The matters set forth herein are true to my knowledge and I both could and would attest thereto.
2. I am the Plaintiff in a civil action, case #: 30-2020-01141764-CU-WT-CJC, which consists of 14 causes of action and the following are wage and hour causes of action: *Unpaid missed rest breaks (Labor Code Section 226.7 and IWC Wage Order No. 10-2001, 5-2001 section 12); Unpaid missed meal breaks (Labor Code Sections 226.7 and 512); Failure to pay for all overtime worked (Labor Code Sections 510 and 1194); Failure to pay minimum wage and pay for all wages earned (Labor Code Section 204, 1194 and 1197); Failure to maintain accurate payroll records (Labor Code Sections 226 and 1174); Failure to pay wages upon separation (Labor Code Sections 201 – 203); Civil Penalties Pursuant to Labor Code section 2699.*
3. The reason I filed the complaint is partially because of the following:
I was hired as a non-exempt hourly employee beginning in July 12, 2012, working as a maintenance worker. I earned \$14.00 per hour and worked from 6:00 a.m. until 3:00 p.m. on Fridays, Mondays and Tuesdays, and from 4:00 a.m. until 1:00 p.m. on Saturdays and Sundays. Therefore, I routinely worked more than eight hours per day and forty hours per week. Defendants forced me to take my rest break and meal break together consecutively and also refused to give breaks at reasonable times during working shifts in order for me to have meaningful resting breaks. Defendants failed to compensate me at the required rate for each occasion in which Defendant failed to provide me full 10 minutes rest breaks and 30 minutes meal breaks. As such, Defendant failed to pay for all the hours I worked and all wages I earned. Once I was fired on May 13, 2019, my last paycheck was inaccurate amount as to my wages.
4. When I worked for Defendant, I was subjected to many labor code violations including the same labor code claims as here in this action involving rest breaks, meal breaks, wage statements, failure to pay all wages due when I was fired.
5. I have and will continue to adequately represent the interests of all the Aggrieved past and present Employees since my claims are typical of the Aggrieved Employees and

1 involve the same common issues.

- 2 6. I have always considered the interests of the other Aggrieved Employees just as I have
3 my own interests and understand that I have to put the interests of the other employees
4 before my own. I have participated, and will continue to participate, in this lawsuit up to
5 and through the time of judgment. I have volunteered to represent the other employees
6 because of the importance of the case and so that other Aggrieved Employees can benefit
7 from the enforcement of the law and the savings of time, money and effort that should
8 result in the settlement of this case.
- 9 7. I believe that the PAGA Settlement obtained, is fair and reasonable in view of the issues
10 and risks involved with the case.
- 11 8. I believe that the Enhancement Award of \$2,500 for me is fair and reasonable. This
12 Enhancement Award takes into consideration the time, effort, risks, stress, sacrifice of
13 signing a release of certain claims of wage and hour claims, as well as the benefit
14 provided to all Aggrieved Employees as a result of my involvement in this litigation.
- 15 9. I have spent approximately 15 hours on this case. This includes the initial time I spent
16 investigating these claims and all work for my participation, meeting with my attorneys,
17 signing a MOU and all follow-up work with my attorneys. I believe I have been diligent
18 and acted above and beyond that which is expected of a PAGA Representative
19 throughout all stages of the litigation, up to and including final approval of PAGA
20 Settlement.
- 21 10. Based on the time, risk, stress, and the great outcome of this and monetary payout, I
22 believe that the requested enhancement for me is fair and reasonable. As such, I
23 respectfully request that the Court award the requested Enhancement Award of \$2,500.

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

26 Executed on this May 17, 2021, at Orange County, City of Westminster, California.

27 

28 RAFAEL RAMIREZ, Declarant