

KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq. (SBN 260264)
kelsey@kingsleykingsley.com
LIANE KATZENSTEIN LY, Esq. (SBN 259230)
liane@kingsleykingsley.com
ZACHARY D. GREENBERG, Esq. (SBN 331501)
zach@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Telephone: (818) 990-8300
Fax: (818) 990-2903

Attorneys for Plaintiff and the Certified Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF IMPERIAL

JESUS A. RIOS, an individual, on behalf of
himself and others similarly situated,

PLAINTIFF,

v.

ALL STAR SEED; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. ECU08770

[Case Assigned for All Purposes to Hon.
Jeffrey B. Jones in Dept. 7]

**DECLARATION OF JESUS A. RIOS IN
SUPPORT OF FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 5, 2021

Time: 8:30 a.m.

Dept.: 7

Trial Date:	None Set
Complaint Filed:	June 18, 2015
FAC Filed:	July 28, 2015

DECLARATION OF JESUS A. RIOS

I, Jesus A. Rios, state and declare as follows:

1. I am a competent adult, over the age of eighteen, and the named Plaintiff in the above-captioned matter. The following is based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. I am a former employee of Defendant ALL STAR SEED (“All Star” or “Defendant”). I worked as a Production Leadman for All Star, starting approximately on September 9, 2009. I earned roughly \$14.50 per hour.

3. I brought this action, on behalf of myself and all other Proposed Class Members (“Proposed Class”), because I believe that All Star failed to pay wages and/or overtime, provide lawful meal periods, and issue lawful itemized wage statements, among other violations, to me and other employees.

4. I understand that I am representing other employees and I believe that I am able to represent them well.

5. I first researched attorneys who are very experienced with this type of lawsuit. Once I retained Kingsley & Kingsley, APC (“Class Counsel”), I compiled relevant documents from my employment to assist my attorneys in litigating this case. I worked with my attorneys to develop the facts and legal claims in this lawsuit. The lawsuit was filed on June 28, 2015.

6. Throughout this litigation, I have spent countless hours assisting Class Counsel on behalf of the Proposed Class to facilitate this Settlement (“Settlement Agreement”). Initially, my additional work in connection with this matter included researching competent counsel, providing information to my attorneys regarding my employment with Defendant, staying in regular contact with my attorneys to discuss the status of the case and responding promptly to my attorneys’ various communications regarding this matter.

7. However, I also invested plenty of additional time and resources which ultimately culminated in this Settlement Agreement.

8. I currently live outside of California. Therefore, to represent the Proposed Class’ best interests, I have traveled to/from California and have driven long distances to assist Class

1 Counsel in this case.

2 9. This case has gone through a lengthy and convoluted procedural history.

3 10. There have been a series of mediations in this case that have been rescheduled and
4 I personally attended mediations in this case and participated in lengthy settlement negotiations.
5 This case settled on the eve of trial after I had travelled to California and prepared to testify only
6 to have Defendant back out of the Settlement.

7 11. Ultimately, after preparing for trial a second time and travelling to California to
8 testify, the case settled on the first day of trial.

9 12. I have diligently represented the Proposed Class' best interests even when it was
10 difficult for me

11 13. I have always kept the Class Members interests at heart in this litigation.

12 14. I am prepared to continue assisting with this litigation and am committed to
13 achieving the best possible results for the Class.

14 15. I believe that this class action Settlement Agreement obtained on behalf of the
15 Proposed Class is fair and reasonable in light of the issues involved in this case. As mentioned
16 above, I reviewed and discussed the Settlement Agreement with my attorneys and asked them
17 questions about it to ensure that I understood its terms and what it would mean for all of the class
18 members.

19 16. I believe that I have fairly represented the absent Proposed Class and request that
20 the Court finally approve this settlement and confirm me as Class Representative.

21 17. I am not aware of any conflicts of interest that prevent me from being confirmed as
22 Class Representative in this lawsuit. I am not related in any way to my attorneys or to any other
23 member of the firm that is representing me. I have no business dealings or other involvement
24 beyond this lawsuit and this representation. I have not been promised any money or inducement to
25 serve as Class Representative in this lawsuit.

26 18. It is my opinion that the Settlement Agreement provides for a fair and adequate
27 enhancement for me as a Class Representative, in the amount of \$12,000.00. I believe that this is
28 fair and reasonable in light of all the work that I have performed in my role as Class Representative.

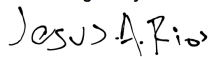
1 As Class Representative, I have actively participated in all stages of the litigation, as detailed
2 above, and have always maintained the best interests of the Class while performing my Class
3 Representative duties.

4 19. It is also my opinion that the Class Representative enhancement is fair, reasonable,
5 and adequate because, in addition to the many hours spent participating in the prosecution of this
6 case, I accepted the potential risk of being liable for Defendant's attorneys' fees and costs if we
7 were unsuccessful in this lawsuit. Likewise, I risk the potential stigma of being a Class
8 Representative in a class action labor dispute, which may affect my future employability.

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

11
12 Executed this 17 day of November, 2020 at El Centro, CA.

13 DocuSigned by:

14 

15 5DCBD9B7CBF5457
16 JESUS A. RIOS
17
18
19
20
21
22
23
24
25
26
27
28

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On November 19, 2020, I served all interested parties in this action the following documents described as: **DECLARATION OF JESUS A. RIOS IN SUPPORT OF FINAL APPROVAL OF CLASS SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Scott C. Lacunza
JACKSON LEWIS, PC
200 Spectrum Center Drive, Suite 500
Irvine, CA 92618
Scott.lacunza@jacksonlewis.com

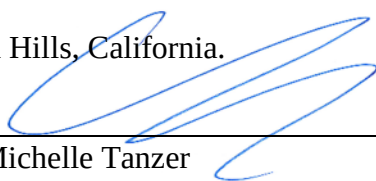
☐ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE:** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/271>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 19, 2020, at Woodland Hills, California.



Michelle Tanzer