

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANDY DIAZ, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

ACUITY BRANDS LIGHTING, INC., a
Delaware corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: CIVDS2015583

[Assigned for all purposes to the Hon. David
Cohn, Dept. S-26]

**DECLARATION OF ANDY DIAZ IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: September 17, 2021

Time: 10:00 a.m.

Dept.: S-26

Complaint Filed: July 29, 2020

Trial Date: None

1 I, Andy Diaz, declare as follows:

2 1. I am an individual over the age of 18. I am the named plaintiff in the above-
3 referenced action. I have personal knowledge of the facts set forth below and if called to testify I
4 could and would do so competently.

5 2. I was employed by Acuity Brands Lighting, Inc. (the "Company" or "Defendant")
6 during the approximate period of September 2012 to June 2020. Throughout my employment
7 with the Company, I was an hourly, non-exempt employee.

8 3. Concurrent with the payment of wages, the Company provided a wage statement
9 to me. When I was paid shift differential wages, my wage statements did not display the accurate
10 number of hours that I worked during the pay period. The total of my hours displayed on the
11 wage statements appeared to double-count the shift differential hours and identify an incorrect
12 total number of hours worked.

13 4. I understand that the class claims alleged in this action were brought on behalf of
14 other similarly situated employees, and that I am acting as a representative for the class. As the
15 class representative, I understand that it is my responsibility to act in the best interest of the class,
16 and not my own. I am not aware of any conflicts that exist between my interest and the interests
17 of the class that would impair or affect my ability to serve as representative for the class.

18 5. I have done my best to represent the interests of the employees that are part of the
19 class. I have actively contributed to this case. This includes: (1) participating in numerous
20 telephonic meetings with my attorneys and their staff; (2) providing my attorneys with
21 information and documents regarding my employment with the Company; (3) preparing for and
22 making myself available for the mediation; (4) reviewing and executing the Memorandum of
23 Understanding; and (6) reviewing and executing the settlement agreement.

24 6. I am aware and have been aware from the inception of the case, that there is the
25 risk that if I do not win my case, then I could be liable for Defendant's litigation costs. I accepted
26 that risk in this case. I also understood that an individual case would have resolved much faster
27 than a class action and involved much less financial risk than a class action.

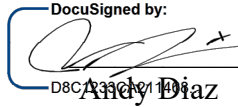
28 7. I am proud of the result and accomplishment of this lawsuit. I feel that it is a

1 positive accomplishment and understand that other people will benefit because of the actions that
2 I have taken.

3 8. I have reviewed the terms of the Settlement Agreement with my attorneys, and I
4 believe that the class settlement is fair, adequate, and reasonable.

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

7 Executed on this 12 day of August 2021, at Los Angeles, California.

8 DocuSigned by:
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12 Andy Diaz
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