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Attorneys for Plaintiffs and the Class

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

CARLOS MUNGUIA and JOSE ESQUIVEL, as
individuals and on behalf of all others similarly
situated, and as private attorneys general,

Plaintiffs,

vs.

BLUE LINE FOODSERVICE DISTRIBUTION,
INC., a Michigan corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. 30-2020-01157719-CU-OE-CXC

[Hon. Lon F. Hurwitz, Department CX103]

**DECLARATION OF JOSE ESQUIVEL IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 6, 2023
Time: 1:30 p.m.
Department: CX103

1 I, Jose Esquivel, declare as follows:

2 1. I am an individual over the age of 18. I am a named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. In around September of 2019, I started working for Blue Line Foodservice Distribution,
7 Inc. During my employment, I was provided wage statements that do not show all applicable hourly
8 rates I earn or the total hours I work. When I earned overtime or sick pay in a workweek in which I also
9 earned XATA Pay, incentives, or bonuses, I was paid overtime at 1.5 times my base rate of pay or sick
10 pay at my base rate of pay.

11 3. During the pendency of this lawsuit, I have done my best to represent the interests of the
12 employees that are part of the class. I have actively contributed to the litigation of this case. My
13 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
14 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
15 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
16 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
17 written notice to the Labor and Workforce Development Agency and the complaint and other papers
18 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
19 the settlement agreement, and (vii) reviewing and signing the declarations submitted to this Court in
20 support of the settlement. During the three years that this lawsuit has been pending, I have easily spent at
21 least 1.5 hours per month, on average—or more than 50.0 hours total—in progressing the litigation on
22 behalf of the Class.

23 4. I understand that the class claims alleged in this action were brought on behalf of other
24 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an
25 individual case would have resolved much faster than a class action and involved much less financial
26 risk than a class action.

27 5. Throughout the lawsuit, I have been kept apprised of the status of this case. As the class
28 representative, I understand that it is my responsibility to act in the Class's best interest and not my own.

1 I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any
2 conflicts that exist between my interest and the interests of the Class that would impair or affect my
3 ability to serve as representative for the Class. Indeed, in order to pursue claims on behalf of the Class, I
4 did not accept a severance agreement (or the consideration offered) from the company at the end of my
5 employment.

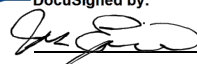
6 6. I have and continue to be willing to assist in the investigation of this matter as well as
7 make myself available for trial or any further proceeding in this matter as required to represent the
8 interests of the Class. I also understand my duties and responsibilities to the proposed class and will
9 carry out those duties as necessary.

10 7. I have discussed the terms of the settlement agreement with my attorneys, and based on
11 my understanding of the case, I am of the opinion that settlement for the consideration and on the terms
12 set forth in the settlement agreement are fair, reasonable, and adequate, and in the best interests of the
13 Class.

14 8. I understood that filing this lawsuit is a public record and I accepted that burden. This
15 lawsuit is something that potential employers can look into, and which may cause a negative impact of
16 my employment prospects. I also understood that there were risks due to my involvement as a named
17 plaintiff in a representative lawsuit against a large employer. For instance, if I lost, I might have to face a
18 judgment for some of Defendant's legal costs. Even understanding all these risks, I was willing to move
19 forward and bring this case on behalf of the other employees.

20 9. I am informed and believe that there were other individual claims that I could have
21 potentially pursued in litigation. Nonetheless, as part of the settlement, I agreed to sign a general release
22 of claims and a waiver of any rights I have under Civil Code section 1542. I understand the proposed
23 settlement does not require similar releases of any other employees.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing is
25 true and correct. Executed this 7th day of September 2023, at Rancho Cucamonga, California.

26 DocuSigned by:

27 D433398D19AC415...

28 Jose Esquivel