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Attorneys for Plaintiff and the Class

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

JANELE ALDANA, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

DAL-TILE SERVICES, INC., a Delaware
corporation; MOHAWK INDUSTRIES, INC., a
Delaware corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. RG20071668

[Hon. Evelio Grillo, Department 21]

**DECLARATION OF JANELE ALDANA IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 15, 2023
Time: 10:00 a.m.
Department: 21

Reservation ID: 756487160578

Complaint Filed: August 25, 2020

1 I, Janele Aldana, declare as follows:

2 1. I am an individual over the age of 18. I am the 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 about February of 2018, I began working for Dal-Tile Services, Inc. I was employed as
7 a team lead as a non-exempt employee and paid hourly wages, including overtime. When I earned
8 overtime, the company issued me wage statements that listed overtime rates of one-half (0.5) the base
9 hourly rate of pay. Whenever I earned certain wages, like overtime or missed meal premiums, in
10 addition to my base hourly earnings, the company issued me wage statements that inaccurately stated the
11 total hours worked. For example, on August 6, 2020, my wage statement stated I had worked a total of
12 43.04 hours and earned \$1,234.82. Those totals would indicate that I made \$28.69 per hour, on average,
13 even though I had worked overtime and even though my base hourly rate was \$29.20. Moreover, none
14 of the wage statements the company issued to me showed the start date for the period being paid.

15 3. During the pendency of this lawsuit, I have done my best to represent the interests of the
16 employees that are part of the class. I have actively contributed to the litigation of this case. My
17 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
18 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
19 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
20 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
21 written notice to the Labor and Workforce Development Agency and the complaint and other papers
22 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
23 the settlement agreement, and (vii) reviewing and signing the declarations submitted to this Court in
24 support of the settlement. This lawsuit has been pending for almost 36 months, and I have easily spent at
25 least 1.5 hours per month, on average—and more than 50.0 hours total—in progressing the litigation on
26 behalf of the Class.

27 4. I understand that the class claims alleged in this action were brought on behalf of other
28 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an

1 individual case would have resolved much faster than a class action and involved much less financial
2 risk than a class action.

3 5. Throughout the lawsuit, I have been kept apprised of the status of this case. As the class
4 representative, I understand that it is my responsibility to act in the Class's best interest and not my own.
5 I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any
6 conflicts that exist between my interest and the interests of the Class that would impair or affect my
7 ability to serve as representative for the Class.

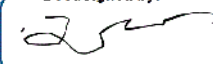
8 6. I have and continue to be willing to assist in the investigation of this matter as well as
9 make myself available for trial or any further proceeding in this matter as required to represent the
10 interests of the Class. I also understand my duties and responsibilities to the proposed class and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

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

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

22 9. As part of the settlement, I also agreed to sign a general release of claims and a waiver of
23 Civil Code section 1542.

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 14th day of July 2023, at Hayward, California.

26 DocuSigned by:

27 3CBE1586E4CA4EF...

28 Janele Aldana