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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ANDREW ZUBIA, DANA MARIE GANAL,
CHRISTIAN HERNANDEZ, and MICHAEL
WOODS individually, on a representative
basis, and on behalf of all others similarly
situated;

Plaintiffs,

vs.

PROCTER & GAMBLE COMPANY, an Ohio
Corporation; PROCTER & GAMBLE
DISTRIBUTING LLC, and Ohio Company;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: 20STCV44506
*[Assigned to Hon. Lawrence P. Riff, Dept. 7,
for all purposes]*

**DECLARATION OF ANDREW ZUBIA
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Complaint filed: November 18, 2020

I, Andrew Zubia, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for preliminary approval of the class action settlement reached in this matter. As discussed herein, I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

1 3. I was employed by Defendants from approximately May 2019 (when, as I
2 understand it, Defendants took over the facility from my previous employer) through August
3 2019. During my employment for Defendants, there were several issues that concerned me and
4 which I thought did not comply with California law, such as not being paid properly for all hours
5 worked, not providing proper wage statements, and not getting proper meal periods and rest
6 breaks. Even though I believed the company might be violating California law, I did not take
7 action while employed because I did not want to risk losing my job or being treated differently as
8 a whistleblower. However, in July 2019, I was terminated shortly after attempting to engage in a
9 good faith interactive process to accommodate medical issues I was experiencing. After that
10 happened, and even though I was unsure if I wanted to bring a lawsuit because of the risk of
11 stepping forward as a whistleblower (since this could jeopardize my livelihood in the industry
12 and make it difficult to find future jobs), I retained Lauby, Mankin & Lauby LLP to move
13 forward with a case because I did not think that myself or the other employees were being treated
14 correctly.

15 4. After retaining my attorneys, I understood that I had two options: I could pursue
16 my individual case alleging wage an hour issues to maximize my personal recovery, or I could
17 bring a class/representative action and put the interests of the class ahead of my own. The
18 decision of whether to bring my individual claims or to bring a class action put me in a tough
19 spot, because on the one hand, I wanted to hold the company accountable for how they treated
20 me and, on the other hand, I wanted to help other employees that were not paid correctly. And I
21 knew that, if I wanted to bring a class action, I would need to put the interests of the class first
22 to better serve the class. In the end, in the interest of helping all employees that were subjected
23 to the wage violations, I decided to help everyone by bringing a class/representative action.

24 5. I believe that Defendant's illegal wage and hour practices that form the basis for
25 the claims in this matter affected all of its hourly employees in a similar manner as they affected
26 me.
27
28

1 6. I was employed by Defendants in a non-exempt position during the alleged class
2 and PAGA periods and the claims that I made in this action are typical and impacted the entire
3 class of represented employees.

4 7. I believe that I have no conflicts of interest with other class members, or the other
5 named Plaintiffs in this action, and have agreed to place class interests above my own.

6 8. I understand that that the obligations of being an adequate class representative
7 include significant responsibilities and a fiduciary duty to represent the Class. I have responded
8 truthfully and promptly to any information requests made by my attorneys, reviewed and
9 explained facts, verified claims in the case and participated fully I the litigation.

10 9. I had an individual case alleging wrongful termination and related causes of
11 action arising from specific facts related to my firing that was separate and apart from the class
12 claims. That case was settled separately after the class settlement was reached because I wanted
13 to make sure the class case was resolved and not affected in any way by my personal lawsuit.

14 10. Since first initiating this action, I estimate that I have spent at least fifty (50)
15 hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways,
16 including helping to explain and discuss the company's practices and their general practices and
17 procedures, and locating and analyzing company documents. These efforts occurred through
18 telephone conferences with Class Counsel, letters, and email communications. I also assisted in
19 preparation for mediation and helped obtain a positive result for the class.

20 11. Moreover, in bringing this case, I was concerned that I could be "blackballed" as
21 a whistleblower, and this was a substantial risk that weighed heavily on my mind every day,
22 leading to substantial anxiety and stress.

23 12. For the reasons stated above, I respectfully request that the Court approve the
24 agreed-upon service award of \$7,500 for serving as a Class Representative.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on September 12, 2023, at Perris,
27 California.

28 By:


Andrew Zubia (Sep 12, 2023 05:30 PDT)

Andrew Zubia