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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

JOSE SALDANA, individually, and on behalf
of other members of the general public
similarly situated; THOMAS JOHNS,
individually, and on behalf of other aggrieved
employees pursuant to the California Private
Attorneys General Act;

Plaintiffs,

vs.

INTERNATIONAL E-Z UP INC., a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: RIC1902873

Honorable Craig G. Riemer
Department 1

CLASS ACTION

**DECLARATION OF JOSE PADILLA ON
BEHALF OF PROPOSED CY PRES
RECIPIENT CALIFORNIA RURAL
LEGAL ASSISTANCE, INC.**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Awards; Declaration of Class Counsel
(Edwin Aiwarzian); Declarations of Class
Representatives (Jose Saldana and Thomas
Johns); Declaration of Settlement
Administrator (Norman Alcantara); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: November 16, 2021
Time: 8:30 a.m.
Department: 1

Complaint Filed: May 10, 2019
FAC Filed: March 25, 2021
Trial Date: None Set

1 **DECLARATION OF JOSE PADILLA**

2 I, Jose Padilla, declare:

3 1. I am the Executive Director for California Rural Legal Assistance, Inc, a non-profit
4 charitable organization funded by the Legal Services Corporation, from members of the California Bar,
5 California law firms, cy pres awards, private foundations and the California State Bar Association. I
6 have personal knowledge of the facts stated herein and could testify about them if called upon to do so.

7 2. I submit this declaration to support the designation of California Rural Legal Assistance
8 Inc. as a cy pres recipient in Jose Saldana v. International E-Z Up Inc., Riverside County Superior Court,
9 Case No. RIC1902873. California Rural Legal Assistance Inc. (hereinafter CRLA) is an ideal candidate
10 to receive unclaimed or other class action or collective action funds. CRLA is a nonprofit organization
11 providing civil legal services to California's rural indigent population. CRLA's mission is to fight for
12 justice and individual rights alongside the most exploited communities of our society. CRLA is a
13 nonprofit organization that supports projects and work that will benefit class members in this matter or
14 similarly situated low-wage workers who suffer violations of the labor code and applicable wage order.
15 CRLA promotes the enforcement of the law consistent with the objectives and purposes of the
16 underlying cause of action protecting workers against performing labor off the clock.

17 3. Established in 1966, CRLA meets its mission by serving low-income individuals residing
18 in over 26 rural California counties. In 2020, despite the extreme conditions imposed by the Covid-19
19 pandemic that limited our access to clients, our 16 field office locations and six programs, covering from
20 El Centro in the south to Santa Rosa in the north, reached close to 30,000 individuals through a
21 combination of advocate determination and advocacy strategies that (1) increased access to high-quality,
22 no-cost legal services; (2) ensured the equitable and fair distribution of resources in rural communities;
23 and (3) protected the rights of low-income individuals to seek justice under the law. The organization
24 has gained a national reputation for its aggressive and imaginative advocacy on behalf of farmworkers,
25 the rural poor, including children, racial, cultural and linguistic minorities, and more recently lesbian,
26 gay, bisexual and transgender (LGBT) individuals.

27 4. CRLA focuses its service delivery and community support through five priority areas:
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1 Labor/Employment, Education, Health and Human Well-Being (including combatting environmental
2 racism), Housing, and Leadership Development. Our work has brought about significant gains in
3 educational funding for the children of migrant farmworkers in California, improvements in water
4 supply and access in the Central Coast, recovery of unpaid worker wages from and penalties against
5 employers who violate state and federal wage and hour laws, reductions in pesticide use and exposure
6 for all Californians, adequate controls over local increases in water rates for poor communities, and the
7 improved enforcement of housing elements in rural areas.

8 5. The Legal Services Corporation's "2017 Justice Gap Report" revealed that 75% of the
9 rural low-income households have at least one civil legal problem a year, while 25% of these low-
10 income families experience six or more civil legal problems in a year. The same Report lists the three
11 most common types of civil legal problems faced by low-income rural residents as health; consumer and
12 finance; and employment issues. CRLA has a long and distinguished history of representing indigent
13 Californians and children in rural areas and small cities throughout the state. In CRLA's statewide
14 service area there is one legal aid attorney for every 15,900-poor people. During 2020, despite the
15 obstacles imposed due to the pandemic, CRLA serviced 1,173 labor and employment law cases that
16 impacted 3,828 individuals and entire workforces.

17 6. CRLA is the only legal aid organization in Riverside County that represents farmworkers
18 in labor and employment matters. From 2011 to 2020 CRLA worked on 370 Riverside County labor and
19 employment cases to the benefit of 1,423 individuals as well as their workplaces. In 2020 alone, despite
20 the pandemic, CRLA serviced 15 Riverside labor and employment cases impacting 49 individuals as
21 well as our client's employers. CRLA not only represents Riverside County's farmworkers in
22 employment and labor matters, we also are the only legal aid organization in Riverside County that
23 advises farmworkers of their employment rights and how to enforce those rights under state and federal
24 laws. In Riverside County CRLA is the legal aid organization that provides services that private firms
25 cannot because much of this work is not fee generating.

26 7. CRLA represents low-income workers in their claims involving wage and hour
27 violations, egregious sexual assault and harassment, retaliatory firings after complaining about
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1 violations or invoking their rights, extremely unsafe working conditions, and fraudulent recruitment and
2 payroll activities. Employers of seasonal workers frequently pay subminimum wages, do not pay
3 overtime wages, and refuse to provide itemized paystubs, pay their workers late, and make excessive
4 and illegal deductions for transportation, toilets, and other necessary items. CRLA represents workers
5 illegally fired for complaining about being sprayed with pesticides or using unsafe equipment, or for
6 taking pregnancy leave. CRLA clients often face potentially lethal practices such as the use of unsafe
7 vehicles in the fields or as transport vehicles, deadly exposures to pesticides with no follow-up medical
8 care, and processing speeds that increase injury.

9 8. CRLA also regularly conducts workers' rights trainings focusing on minimum wages,
10 overtime, meal and rest periods and worker health and safety rights. Our staff can conduct these
11 trainings in English and Spanish as well as indigenous languages so that a broad range of workers are
12 reached. CRLA offices all provide representation at administrative hearings before the California Labor
13 Commissioner, where fees are not available, and workers are provided with a faster, more efficient
14 method of recovering wages due them. The private bar rarely provides representation to workers in these
15 hearings because recovery amounts are low and don't yield an adequate basis for a contingency fee.
16 However, employers are often represented and CRLA advocates can even the playing field by ensuring
17 representation at settlement conferences and hearings for low wage, often unsophisticated workers. We
18 also provide training to the private bar and other legal services providers on representing low-wage
19 workers in state and federal court.

20 9. There are particular challenges associated with immigrant workers and non-English
21 speakers. These workers make up the majority of the cases CRLA litigates. Without CRLA's advocacy,
22 California's rural poor, immigrant workers and non-English speaking workers would be ill-equipped or
23 unable to assert their legal rights. Consequently, CRLA is a nonprofit organization whose representation
24 and advocacy on the behalf of low-income workers in labor and employment matters in Riverside
25 County and throughout rural California impacts class members and similarly situated persons consistent
26 with the objectives and purposes of the underlying causes of action in this matter. Cy pres funding
27 allows CRLA to perform much of the work detailed above, and if appointed as the cy pres beneficiary in
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1 this lawsuit, CRLA plans to specifically use such funds to assist low-income individuals in rural
2 California on issues relating to labor, employment and overall working conditions.

3 10. CRLA's finance, management and operations systems allow us to provide the Court with
4 proper accounting, at intervals the Court deems appropriate, to verify all awarded cy pres funds are
5 properly used within the spirit of the interests of class members in this matter.

6 11. We appreciate your consideration of our organization for this award.

7 I declare under penalty of perjury under the law of the State of California that the foregoing is
8 true and correct.

9 Respectfully submitted,

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11 DATED: October 21, 2021

12 By: Jose Padilla
13 JOSE PADILLA, Executive Director
14 California Rural Legal Assistance, Inc.
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