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Attorneys for Plaintiff Atlas Vargas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF VENTURA

Atlas Vargas, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

SKYSKOPES, INC., a Delaware Corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 56-2020-00544196-CU-OE-VTA

Assigned for all Purposes to the Hon. Judge
Mark Borrell (Dept. 40)

Motion Reservation #: 2562304

**DECLARATION OF ATLAS VARGAS ISO
PLAINTIFF'S MOTION FOR APPROVAL
OF PRIVATE ATTORNEYS GENERAL
ACT (PAGA) SETTLEMENT**

Hearing Date: May 27, 2021

Hearing Time: 8:30 a.m.

Location: Dept. 40

Complaint Filed: August 11, 2020

FAC Filed: October 15, 2020

Trial Date: None Set

1 I, Atlas Vargas, declare:

2 1. I am the named Plaintiff in this action against SkySkopes, Inc. ("Defendant" or
3 "SkySkopes"). I have been working with my attorneys Alexander I. Dychter and S. Adam
4 Spiewak of Dychter Law Offices, APC, and Walter L. Haines, Esq., of United Employees Law
5 Group, PC ("UELG"), on this case, including the allegations of violations arising under the
6 California Private Attorneys General Act (the "PAGA") since June of 2020. I have personal
7 knowledge of the matters stated herein and if called and sworn as a witness, I could and would
8 competently testify under oath thereto.

9 2. I am aware that I have represented and will continue to represent adequately the
10 interests of all putative PAGA Members (*i.e.* the "aggrieved employees") in this matter. The
11 proposed settlement group is comprised of all Drone Pilots (*aka* "UAV" pilots) working for
12 Defendant in the State of California during the time period of August 11, 2019 through April 8,
13 2021. To my knowledge, my claims under PAGA are typical of the other "aggrieved employees"
14 and involve the same common issues, as alleged in the lawsuit. I have no interests that are
15 inconsistent with any other proposed settlement group member/aggrieved employees.

16 3. I have always considered the interests of the other aggrieved employees just as I
17 have my own interests and understand that I must put the interests of the other aggrieved
18 employees before my own. I have participated, and will continue to participate, in this lawsuit up
19 to and through the time of Judgment. I have volunteered to represent the State of California and
20 the aggrieved employees in this case brought under the PAGA so that other aggrieved employees
21 can benefit from the enforcement of the law and money from the settlement without being
22 immersed in litigation. I also understand that this litigation has impacted SkySkopes' practices in
23 accordance with California law so that their compliance increased after they were notified of the
24 allegations.

25 4. I believe that the Settlement obtained for the benefit of both the State of California
26 and the aggrieved employees is fair and reasonable in view of the risks involved with the case,
27 including the delay and uncertainty presented by continuing to trial, as well as Defendant's asserted
28 defenses that Drone Pilots were properly compensated and paid for all work time, were provided

1 with compliant meal periods when out in the field, and provided internet service.

2 5. I am requesting that the Court approve a “service award” in the amount of Five
3 Thousand Dollars (\$5,000.00), which I believe is warranted here for several reasons:

- 4 • **First**, I was able to achieve a good settlement on behalf of the other approximately 82
5 aggrieved employees, acting as a deputy for the State of California. I believe that my role
6 in helping these other pilots vindicate their legal rights against SkySkopes and get money
7 that, if not for this lawsuit, they would not have received has been crucial, justifying the
8 requested 'service award' for my efforts and risk, as detailed below.
- 9 • **Second**, from the inception of this case (*starting in early June 2020*), I have devoted a
10 significant amount of time and energy to communicating with my lawyers on a regular
11 basis and assisting them with the prosecution of this lawsuit in every way they have asked,
12 including:
 - 13 ➤ spending several hours at the beginning with both UELG and Dychter Law Offices (Mr.
14 Dychter and Mr. Spiewak) to explain my overall situation and respond to all questions
15 from my lawyers, providing all documents related to my work and compensation;
 - 16 ➤ searching through my emails and text messages to share and produce important
17 communications regarding my allegations in this case, responding to all questions via
18 telephone and emails from my lawyers before mediation and at various other points in
19 preparing the case, including when my attorneys were evaluating the strengths and
20 weaknesses of the case; and
 - 21 ➤ reviewing the draft settlement agreement and speaking to my attorneys about the
22 settlement.
- 23 • **Third**, I took significant risks in deciding to pursue this PAGA litigation against
24 SkySkopes. If a settlement had not been reached, and I did not prevail on my claims
25 against SkySkopes, I might have had to pay litigation costs incurred by SkySkopes. Any
26 judgment against me for costs would have imposed a substantial financial burden on me
27 and my family. I not only faced this financial risk but also took the risk that, because I had
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1 brought a class action lawsuit (as originally alleged) and PAGA action against my former
2 employer, prospective employers might not want to hire me.

3 Also, I have heard stories of persons being “blacklisted” for suing an employer and knew
4 that bringing my lawsuit against SkySkopes exposed me to that risk, especially in today’s
5 world of employers “googling” people’s names and the increasingly standard practice of
6 employers performing pre-hire background checks. I also am aware that the State of
7 California maintains a “PAGA Portal,” where prospective employers can easily search to
8 see if someone applying for employment has filed a PAGA action and that this could
9 negatively affect my ability to gain future employment.

10
11 I declare under penalty of perjury, under the laws of the State of California, that the
12 foregoing is true and correct. Executed this 3rd day of May 2021, at Los Angeles, California.

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Atlas (May 3, 2021 19:21 PDT)

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