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OFELIA ORTEGA on behalf of herself
and all similarly aggrieved employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

OFELIA ORTEGA, on behalf of herself
and all similarly aggrieved employees,

Plaintiff,

v.

SUNLIGHT BERRY FARMS, INC.; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV002558

**DECLARATION OF OFELIA ORTEGA
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: October 28, 2022

Time: 8:30 a.m.

Dept.: 14

Complaint Filed: September 24, 2020

FAC Filed: January 1, 2021

SAC Filed: January 6, 2022

DECLARATION OF OFELIA ORTEGA

I, Ofelia Ortega, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am the Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I was employed by Defendants Sunlight Berry Farms, Inc. and Naturipe Berry Growers, Inc. (together, "Defendants") from about May 5, 2020 to about May 19, 2020.

3. During my employment with Defendants, I was not paid for all hours worked, including overtime wages, was not paid wages on time, did not receive pay for missed meal and rest breaks, did not receive all wages at the end of my employment, and did not receive accurate wage statements. For example, Defendants required me to attend mandatory orientation and safety training but did not pay me for the time spent doing for this work. During work shifts, I was not allowed to leave the premises during my rest breaks. I remained subject to Defendants' control and as such, I did not receive off-duty rest breaks. I also regularly worked shifts of about four hours where I did not receive a rest break of at least 10 minutes. In addition, I often worked shifts of five hours or more without receiving a meal break within the first five hours of my shift. Defendants did not pay me premium compensation for the missed and/or late meal and rest breaks. Defendants also consistently failed to pay me overtime wages at one and a half times my regular rate of pay. As a result of the above, the wage statements I received from Defendants were inaccurate. Finally, Defendants did not pay all wages owed on my last day of work. Instead, Defendants waited until the next regular payroll cycle to pay my final wages.

4. I understand that this action was brought on behalf of all other non-exempt employees in the State of California, and I am acting as a representative for the Settlement Class. As class representative, I understand that it is my responsibility to act in the best interest of the Settlement Class and not my own. I agree that I will not put my own interests ahead of that of the Settlement Class, and that I will not settle out my claims separately or independently from the Settlement Class. Moreover, I am not aware of any conflicts that exist

1 between my interests and the interests of the Settlement Class that would impair or affect my
2 ability to serve as representative for the Settlement Class.

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

8 6. I have discussed the terms of the settlement with my attorneys, and based on
9 the information provided, I believe the settlement to be fair, adequate, and reasonable for
10 myself and for the entire Settlement Class.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13 Executed on this August _____, 2022, at Salinas, California.

14 

15 _____
Ofelia Ortega