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13 Attorneys for Plaintiff Emily Ferrer

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF SAN DIEGO

16 EMILY FERRER, on behalf of herself and other
17 aggrieved employees,

18 Plaintiff,

19 v.

20 FITNESS INTERNATIONAL, LLC, a
California Limited Liability Company; and
21 DOES 1 through 100, inclusive,

22 Defendants

CASE NO. 37-2020-00044088-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Joel R. Wohlfeil
Department C-73

**DECLARATION OF MANUEL
BANUELOS MACIAS IN SUPPORT OF
PLAINTIFFS' MOTION FOR APPROVAL
OF PRIVATE ATTORNEYS GENERAL
ACT SETTLEMENT**

Date: July 21, 2023
Time: 9:00 a.m.
Dept: C-73
Judge: Honorable Joel R. Wohlfeil
Reservation: 2974855
Complaint filed: December 2, 2020
Trial date: Not set

1 **DECLARATION OF MANUEL BANUELOS MACIAS**

2 I, Manuel Banuelos Macias, hereby declare as follows:

3 1. I am over eighteen years old and unless the context indicates otherwise, I have personal
4 knowledge of the following facts and if called as a witness, I could and would testify competently to
5 them. I make this declaration in support of the Motion for Court Approval of the Parties' PAGA
6 Settlement.

7 2. I was employed by Defendant Fitness International, LLC ("Defendant") at its gym in
8 Monterey Park, California as an hourly paid, non-exempt Janitor/Janitorial Personnel from
9 approximately June 2019 to March 2020.

10 3. I decided to file a lawsuit against Defendant, *Manuel Banuelos Macias v. Fitness*
11 *International, LLC*, No. 21STCV03796 (Los Angeles County Superior Court), because I had a number
12 of grievances against Defendant stemming from its labor policies. These grievances are set forth in detail
13 in my Complaint and my letter to California Labor and Workforce Development Agency ("LWDA").

14 4. Prior to filing the action, my attorneys and I had multiple conferences about the factual
15 bases for the claims that I wanted to pursue against Defendant.¹

16 5. During those conferences, my attorneys provided me with an overview of how those
17 claims would be litigated and generally educated me about the nature of complex/representative
18 litigation and my role as the representative Plaintiff.

19 6. After retaining my attorneys, I spent considerable time on the phone discussing the facts
20 of my case with my attorneys. I discussed the facts related to my employment with Defendant, including
21 discussing my job duties and responsibilities, my job position, the hours and days I worked, and how I
22 was compensated.

23 7. My attorneys provided me with a draft of the Complaint for my review and approval. I
24 closely reviewed the Complaint to ensure accuracy and completeness.

25 8. Following the filing of the Complaint, I collaborated with my attorneys on the
26

27 _____
28 ¹ Although the preservation of my attorney-client privilege requires that I refrain from revealing
the specifics of my communications with my attorneys, I understand that the privilege is not waived by
stating generally the matters that I have discussed with my attorneys.

1 prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the
2 litigation, and to discuss my attorneys' progress in prosecuting the claims.

3 9. I have worked to the best of my ability to prosecute this action on behalf of the LWDA,
4 always considering the interests of the LWDA just as I would consider my own interests. I believe
5 PAGA actions are an important tool to assure compliance with the Labor Code.

6 10. When I agreed to represent the LWDA as a deputized private attorney general, I
7 understood it was my duty to be readily available and to participate actively in this case.

8 11. I knew that I would be required to review documents, search for documents and produce
9 them to my attorneys, answer written questions, potentially answer oral questions and testify truthfully
10 under oath, and be available to appear in court, if necessary.

11 12. I understood that I needed to maintain awareness of the status and progress of the
12 lawsuit.

13 13. Since initiating this lawsuit until now, I have kept aware of the status of the lawsuit and
14 provided my attorneys with information used by them in the litigation.

15 14. I have carefully reviewed the terms of the proposed settlement. My attorneys explained
16 the specifics of how the settlement would work and I accepted the settlement only after I had spent time
17 evaluating the proposed outcome to assure that it was fair.

18 15. Based on my attorneys' evaluation and recommendation, and my own review, I believe
19 the settlement is fair and reasonable in light of PAGA's policies and purposes.

20 16. In summary, over the course of this litigation I have spent a significant amount of time
21 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
22 and related documents. I estimate that I have spent between 25 and 35 hours assisting my attorneys in the
23 prosecution of this lawsuit.

24 17. Throughout this case, I have not sought individual benefits from the lawsuit. Rather, I
25 maintained this lawsuit because I wanted to hold Defendant accountable for its unlawful conduct. I
26 believe that I have fulfilled my responsibilities, and I will continue to fulfill those responsibilities, to the
27 best of my ability, until the conclusion of the case.

28 18. I am committed to this case and will continue to make myself available as needed in the

1 settlement process.

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3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed on [Date] 3/9/2023, at [City] Los Angeles., California.

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6 DocuSigned by:

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8 Manuel Banuelos Macias
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