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Attorneys for Plaintiffs Brandon Gay and Israel Berber and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

DANIELA GARIBAY, individually, and
on behalf of other members of the general
public similarly situated,

Plaintiff,

vs.

PACIFIC STEEL GROUP, a California
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: CIVDS2011129

Honorable Christian Towns
Department S26

CLASS ACTION

**DECLARATION OF PLAINTIFF
BRANDON GAY IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, FEES AND COSTS
AWARD, AND ENHANCEMENT
PAYMENTS**

Date: April 22, 2024

Time: 8:30 a.m.

Department: S26

DECLARATION OF BRANDON GAY

I, **Brandon Gay**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am and one of the named plaintiffs in the action entitled *Brandon Gay, et al. v. Pacific Steel Group*, United States District Court for the Northern District of California Case No. 20-cv-08442-HSG (“*Gay Action*”) and the above-captioned action (collectively, the “*Actions*”). I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Pacific Steel Group (“*Defendant*”) from approximately October 2016 to approximately August 2019 as an hourly-paid, non-exempt employee. I decided to seek legal advice about my work experiences with Defendant and about pursuing my grievances. I contacted Lawyers for Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant was held accountable for not properly compensating their employees for all hours worked, non-compliant meal and rest breaks, and failure to reimburse expenses. I consulted with the attorneys and staff at Lawyers for Justice, PC discussing my situation, complex wage-and-hour class actions in general, and what it meant to be a named plaintiff and class representative. Prior to commencing the *Gay Action*, I was informed of and came to understand what my duties and responsibilities would be as a plaintiff, and also, if class certification were to be obtained and if I were to be appointed as a representative of the class, what my duties and responsibilities would be in that event.

3. Throughout these matters, I have spent time speaking with my attorneys regarding the matters and fulfilling my responsibilities as a class representative, which included gathering documents concerning my employment with Defendant, reviewing documents with my attorneys, answering questions, providing guidance regarding the duties of other non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Defendant. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

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1 4. In addition, I assisted my attorneys in preparing responses to Defendant's
2 Interrogatories (Set One), Requests for Admission (Set One), and Requests for Production of
3 Documents (Set One), and producing responsive documents.

4 5. Throughout these matters, I was available to answer any questions my attorneys
5 had, and available to speak and meet with my attorneys whenever they needed me. I responded to
6 them as quickly as possible and gave them as much information and identified as many documents
7 as I could. I spent time speaking with my attorneys about the cases, identifying potential witnesses,
8 providing my attorneys with documents and information concerning the cases, and also describing
9 policies, practices, and procedures of Defendant.

10 6. As far as the settlement is concerned, I was available to review documents and
11 answer any questions my attorneys had. I reviewed the Term Sheet and the Settlement Agreement
12 and discussed the questions I had regarding the potential settlement with my attorneys before
13 signing the settlement papers.

14 7. I think my efforts helped to get the result obtained in the Actions, and as a potential
15 class representative, I respectfully request that the Court award me an enhancement award of
16 \$10,000.00 for my efforts in pursuing and participating in the Actions, as well as my broader
17 release of claims. Taking into consideration the time that I have dedicated to the Actions, I believe
18 that this amount is reasonable.

19 8. I am not related to anyone associated with Lawyers *for* Justice, PC, Capstone Law
20 APC, Diversity Law Group, P.C., Polaris Law Group, Hyun Legal, APC, or Law Offices of Choi
21 & Associates.

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1 9. I have not entered into any undisclosed agreements, nor have I received any
2 undisclosed compensation in this matter. The only compensation I will receive is whatever amount
3 the Court awards as an enhancement award, as well as my share of the settlement as a class member
4 and aggrieved employee.

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

7 Executed on 10/16/2024, at San jose, CA, California

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An electronic signature box containing a handwritten signature and a timestamp. The text "Electronically Signed" is at the top left, and "2024-10-17 23:22:52 UTC - 67.164.38.179" is at the top right. The signature is in the center. At the bottom left is "Nintex AssureSign®" and at the bottom right is a long alphanumeric string "8fa5c0fa-30c1-4b56-9060-b20cd14924c5".

Brandon Gay

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Attorneys for Plaintiffs Brandon Gay, Israil Berber, and Darren Morris

☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY ELECTRONIC SERVICE:** I caused the document(s) to be transmitted electronically via One Legal eService to the individuals listed above, as they exist on that database. This will constitute service of the document(s).

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

Executed this **March 28, 2025**, at Los Angeles, California.

Stacy Winberg

Type or Print Name

/s/ Stacy Winberg

Signature