

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
4 **GAINES & GAINES, APLC**
27200 Agoura Rd., Suite 101
5 Calabasas, CA 91301
Telephone: (818) 703-8985
6 Facsimile: (818) 703-8984

7 Attorneys for Plaintiff Yesenia Aguayo on behalf of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES—NORTHWEST DISTRICT**

10
11 YESENIA AGUAYO, on behalf of herself
and all “aggrieved employees” pursuant to
12 Labor Code § 2698 *et seq.*,

13 Plaintiffs,

14 v.

15 ALL VALLEY WASHER SERVICE, INC.,
a California corporation, and DOES 1
16 through 10, inclusive,

17 Defendants.

CASE NO: 21VECV00026

*Assigned to the Hon. Bernie C. La Forteza, Dept.
U*

**DECLARATION OF YESENIA AGUAYO IN
SUPPORT OF UNOPPOSED MOTION AND
MOTION FOR AN ORDER APPROVING
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS’ FEES, COSTS,
GENERAL RELEASE PAYMENT, AND
REIMBURSEMENT OF SETTLEMENT
ADMINISTRATION EXPENSES, AND
DISMISSING ACTION WITH PREJUDICE**

Date: December 13, 2021

Time: 8:30 a.m.

Dept.: U

Complaint Filed: January 11, 2021

Trial Date: None

1 I, Yesenia Aguayo, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against All Valley Washer Service, Inc.
3 ("Defendant"), and I submit this declaration in support of Plaintiff's Unopposed Motion for An
4 Order Approving Settlement of Claims Brought Pursuant to the Private Attorneys General Act of
5 2004, Awarding Attorneys' Fees, Costs, General Release Payment, and Reimbursement of
6 Settlement Administration Expenses, and Dismissing Action with Prejudice. I am a competent
7 adult and was employed by Defendant as a non-exempt employee in California between November
8 2018 through January 2020. I have personal knowledge of the facts set forth herein, and if called
9 as a witness to testify to them, I could and would do so competently.

10 2. I contacted my current attorneys when I questioned the employment practices of
11 Defendant prior to commencing this lawsuit. I accepted the opportunity to act as a representative
12 on behalf of other employees of Defendant in this action whom I believed were being subjected to
13 labor law violations. Although presented with the opportunity, I did not pursue any case on an
14 individual basis and instead did so as a representative action so that I could help other employees
15 recover for what I believed were Defendant's improper practices.

16 3. Specifically, I questioned Defendant's policies of failing to provide all overtime
17 wages due to improper blending issues and failing to issue accurate and lawful wage statements
18 to its employees. Through many discussions with my lawyers, and through my own research on
19 the Internet, I learned these may be illegal practices and Defendant's non-exempt employees might
20 have recourse for them.

21 4. By bringing this lawsuit, and throughout its course, I have put the interests of other
22 employees ahead of my own. I understood that I could possibly earn an incentive award if this
23 case resolved itself favorably, but I also knew that I could also be responsible for paying
24 Defendant's attorneys' fees and costs if it did not.

25 5. My goal in bringing this lawsuit was to obtain a recovery on behalf of all employees
26 of Defendant, and even more importantly, to put an end to what I believed were illegal practices
27
28

1 on the part of Defendant after having worked for Defendant for close to two years. I believe I
2 have achieved both through this lawsuit and settlement.

3 6. I am very happy about the results of this litigation. I am satisfied that Defendant is
4 compensating other aggrieved employees and the State for penalties that I believe we are due.

5 7. Since the onset of this case and throughout the litigation, I have spent a lot of time
6 assisting my attorneys with this case, including numerous phone calls and emails to discuss what
7 I understood to be Defendant's policies and practices and how they were applied to other
8 employees. I kept actively involved with the status of this case throughout the litigation process,
9 tracking the status of the case and participating as much as possible.

10 8. While I have not maintained detailed time records of my activities in connection
11 with this litigation, I believe that have spent a total of approximately 15-20 hours assisting my
12 attorneys with the preparation of this case and doing work and investigation of the facts
13 independent from my attorneys both before and during this case.

14 9. Before this litigation commenced, and throughout its course, I spent approximately
15 2-3 hours gathering, organizing, and reviewing documents and information for this lawsuit. I
16 sifted through many of my own documents and reviewed information produced by Defendant as
17 part of this litigation.

18 10. I communicated with my attorneys several times per month to track my case's status,
19 and overall, I have maintained an active involvement in this matter throughout its course.

20 11. Taking the initiative with this case was very risky for me, both professionally and
21 financially. I put principal first and took a tremendous risk by filing this lawsuit. I am quite
22 confident that pursuing this lawsuit will result in future reputational harm to me. There is a stigma
23 associated with suing one's former employer. I suspect I may be adversely affected when it comes
24 to obtaining future employment – employers who discover that I sued Defendant in a
25 representative action will likely avoid hiring me.

26 ///

27 ///

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

November 12, 2021

3 Executed on this ____ day of November 2021 at westlake village, California.

4 DocuSigned by:

5 Maria Yesenia Aguayo

49D08454D44644A...

6 YESENIA AGUAYO
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28