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Attorneys for Plaintiff
MIGUEL CATALAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE-CIVIL COMPLEX CENTER

MIGUEL CATALAN, individually and on
behalf of others similarly situated, and as an
aggrieved employee and Private Attorney
General,

Plaintiff,

vs.

CALIFORNIA ROADSIDE SERVICE, LLC,
a California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2020-01165556-CU-OE-CXC

*Assigned for All Purposes to: Hon. William D.
Claster, Dept. CX104*

CLASS ACTION

**DECLARATION OF MIGUEL
CATALAN IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF JOINT
STIPULATION OF CLASS ACTION
AND PAGA SETTLEMENT**

Hearing Date: October 6, 2023
Hearing Time: 9:00 a.m.
Dept: CX104

Complaint Filed: October 16, 2020
FAC Filed: December 21, 2020
Trial Date: None Set

DECLARATION OF MIGUEL CATALAN

I, Miguel Catalan, respectfully declare as follows:

1. I am the Plaintiff in this Action. I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I am aware that on October 16, 2020, a Class Action lawsuit was filed on my behalf with this Court, *Catalan v. California Roadside Service, LLC*, Orange County Superior Court, Case No. 30-2020-01165556-CU-OE-CXC, alleging ten causes of action for wage and hour violations against Defendant California Roadside Service, LLC ("Defendant") I am aware that on December 21, 2020, a First Amended Complaint adding an eleventh cause of action under the Private Attorneys General Act ("PAGA") was filed.

3. I am providing this declaration in support of the approval of the Joint Stipulation of Class Action and PAGA Settlement.

4. I was employed by Defendant from approximately July 2019 to approximately December 2019 in the state of California. During my employment with Defendant, I was employed as an hourly-paid, non-exempt employee, working as a tow truck driver. I was classified as an hourly, non-exempt employee and was paid an hourly rate for the work I performed.

5. In or about September 2020, I decided to seek legal advice about my experiences working for Defendant and about pursuing my grievances against them. I contacted Class Counsel and spoke with their attorneys. Afterwards, I investigated complex wage-and-hour class actions and actions pursuant to the Private Attorneys General Act of 2004 ("PAGA") on my own and then reached out to Class Counsel again to discuss my situation, and what it meant to be a named plaintiff and Class and PAGA Representative. I wanted to take steps to make sure that Defendant was held accountable for not compensating its hourly employees for all time worked and failing to comply with California's wage and hour laws.

6. After speaking with my attorneys and investigating complex wage-and-hour actions and in general, I agreed to serve as a Class and PAGA Representative in the Action.

1 7. As part of becoming a Class and PAGA Representative, I understood that I had a
2 responsibility to the Class, Aggrieved Employees, and State of California.

3 8. My duties were explained to me by my attorneys. I understood that in representing
4 the interests of other employees, I must consider their interest above my own interests in the
5 Action. I am not aware of any interests that I have had that are contrary to the interests of the
6 proposed Class Members, and that even if I were able to successfully recover any penalties from
7 the PAGA claims, most of these penalties would be paid to the State. I also do not know of any
8 conflict of interests that would keep me from adequately representing the Class or the Aggrieved
9 Employees.

10 9. I was also aware that becoming a Class and PAGA Representative could involve
11 additional work including searching for documents, my deposition being taken, and that I might
12 have to take time off to participate in the Action. I still agreed to serve as the Class and PAGA
13 Representative in order to help others recover these wages and penalties.

14 10. After agreeing to serve as the Class and PAGA Representative, I spoke with my
15 attorneys extensively. Since my case was filed, I have spent considerable time meeting with my
16 attorneys regarding the Action and fulfilling my responsibilities as the Class and PAGA
17 Representative which included searching for documents I might have related to the Action,
18 reviewing documents with my attorneys, discussing issues regarding Defendant's policies,
19 practices, and procedures, and providing guidance regarding the duties of other non-exempt
20 employees and generally my employment with Defendant. I also helped my attorneys develop a
21 strategy as to what documents and information to obtain from Defendant. I routinely checked in
22 with my attorneys and their staff to make sure they had all of my most current information and
23 any additional information that I had obtained.

24 11. I wanted to do whatever I could to make sure Defendant paid me and other
25 employees what I believe was owed to us for all the hours we worked and for what I believe were
26 non-compliant meal and rest breaks. I believed that this Action could help not only myself but
27 others who I believe had similar difficulties working for Defendant.
28

1 12. When I was told I had to provide a declaration regarding my experiences in
2 Opposition to Defendant's Petition to Compel Arbitration, I spent several hours with my attorneys
3 working on my declaration. I provided information about my experiences when I was employed
4 by Defendant and provided an executed declaration about those experiences.

5 13. As the Action moved forward, I provided substantial information regarding
6 Defendant's policies, practices, and procedures. I had several additional phone calls with my
7 attorneys throughout the Action and attempted to respond promptly whenever Counsel contacted
8 me or needed additional information. I spoke with my attorneys for many hours, including
9 extensively before the mediation and attempted to provide any help I could on the Action. I
10 proactively monitored the status of the Action and reached out to my Counsel regarding ongoing
11 developments.

12 14. When the Action settled, I reviewed the Settlement Agreement and discussed its
13 terms with my attorneys. When I had additional questions about the settlement, I contacted my
14 attorneys and reviewed the provisions of the Settlement Agreement where I was unclear. I kept
15 in contact with my attorneys throughout the settlement process and will continue to actively
16 participate in the Action and monitor the Action until it is finalized.

17 15. I believe I took on a substantial risk in agreeing to serve as the Class and PAGA
18 Representative despite being made aware that there was no certainty regarding the outcome of
19 the Action or how long it would take to recover the wages owed to myself and the other Class
20 Members and Aggrieved Employees.

21 16. Although I was concerned and afraid about being the representative in this public
22 lawsuit, I decided to put my own interests aside and bring a lawsuit that would be beneficial not
23 just for myself, but for all employees. I have not yet suffered any adverse consequences as a result
24 of this lawsuit, but neither have I received any benefit for representing the Class, the Aggrieved
25 Employees, or for the help I provided my attorneys.

26 17. I have not entered into any undisclosed settlement agreements, nor have I received
27 any undisclosed compensation in the Action. The only compensation I will receive is whatever
28

1 amount the Court awards as a Class Representative Service Payment, as well as my share of the
2 settlement fund as a Class Member.

3 18. Furthermore, as part of the Settlement Agreement, I have agreed to a much broader
4 individual release than the more limited release made by other Class Members.

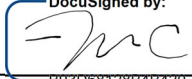
5 19. I believe that I have done everything that my attorneys have asked of me and have
6 tried to the best of my ability to represent the Class Members, State of California, and Aggrieved
7 Employees. I think my efforts helped to get the result obtained in the Action, and as the Class and
8 PAGA Representative, I respectfully request that the Court award me a Class Representative
9 Enhancement Award in the amount of \$5,000.00 for my active participation in the Action. Taking
10 into consideration the time I have dedicated to the litigation, the risks I took in order to recover
11 on behalf of not just myself but others, and the general release I have entered on my own behalf,
12 I believe that this amount is reasonable.

13 20. I am not related to anyone associated with Protection Law Group, LLP.

14 21. As part of the Settlement, I understand that the Parties selected ILYM Group, Inc.
15 (“ILYM”), as the neutral third-party Settlement Administrator to provide notice to the Class
16 Members and to distribute the Settlement Agreement pursuant to its terms. I have no actual or
17 potential conflicts of interests with ILYM.

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

20 Executed on 8/30/2023

21
22 DocuSigned by:
23 
24 B93D68128B4B420...
25 Miguel Catalan
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27
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