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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSE JAUREGUI and JAVIER DEL
REAL, individuals, on behalf of
themselves and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

CYTEC ENGINEERED MATERIALS
INC., a Delaware corporation, CYTEC
INDUSTRIES INC., a Delaware
corporation, CYTEC AEROSPACE
MATERIALS (CA) INC., a California
corporation, CYTEC PROCESS
MATERIALS (CA) INC., a Delaware
corporation, SOLVAY USA INC., a
Delaware corporation, SOLVAY
CHEMICALS, INC., a Delaware
corporation, and DOES 1 through 50,
inclusive,

Defendant.

Case No. **8:20-cv-02440-DOC-DFM**

**DECLARATION OF JAVIER DEL
REAL IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Date: April 25, 2022

Hearing Time: 8:30 a.m.

District Judge: Hon. David O. Carter
Ronald Reagan Federal Building and
United States Courthouse
Courtroom 9D

1 I, Javier Del Real, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of
4 Class Action Settlement and in support of my application for a Class Representative Service
5 Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for Defendants ("Cytec/Solvay") in California from approximately July 17,
10 2018 to October 15, 2020 and I was classified by Cytec/Solvay as a non-exempt employee
11 during that time period.
12

13 4. I retained the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP, who are
14 experienced in both class action litigation and claims against employers for violations of the
15 California Labor Code. I have no personal relationship or family ties to my attorneys or any
16 officer of the Court. I am not involved in any litigation against another member of the class in
17 this case and my attorneys are not working on my behalf in another capacity other than
18 representing me in this lawsuit.

19 5. I decided to file this class action lawsuit for the benefit of myself and other current
20 and former non-exempt employees who worked for Cytec/Solvay and be a class representative
21 because I felt that my legal rights as an employee and others like me were violated. For example,
22 from time to time I earned non-discretionary incentive compensation, such as shift differentials,
23 but this pay was not included into my regular rate for purposes of calculating my correct
24 overtime rate. I was underpaid overtime as a result. Also, I was not paid minimum wages for
25 work done off the clock. This would occur, for example, before my shift started where I was
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1 required to submit to a Covid-temperature check and also had to spend time putting on my
2 personal protective gear such as boots, fire retardant pants, hard hat, safety goggles, mask and
3 gloves. I was also required from time to time to clock out but still work during my meal period.
4 As for rest breaks, I often didn't have time to take one because there was so much work to do. I
5 should have received uninterrupted and duty free meal and rest periods but this was not always
6 the case. Moreover, I was not paid all the meal or rest break premium payments I was entitled to
7 when these violations occurred. I was also required to use my cell phone for work-related issues
8 but was not reimbursed by Cytec/Solvay for the cost associated with using my personal cell
9 phone for work-related issues.
10

11 6. This class action case was filed on October 14, 2020 by Plaintiff Jauregui. I joined the
12 case as part of the First Amended Complaint filed on May 5, 2021. Before the amended
13 complaint was filed I spoke to my attorneys several times and discussed how Cytec/Solvay
14 implemented its company policies and procedures. I also assisted my attorneys in their
15 investigation into my claims by providing them documents and answering their questions. I
16 reviewed the complaint before it was filed and after it was filed I was given access to an
17 electronic file sharing program that alerted me via email when important documents were filed
18 so that I could review them and keep up with the developments in the case which I understood
19 was one of my duties as a class representative. I would also call my attorneys from time to time
20 if I had any questions about the case. My attorneys were regularly available when I contacted
21 them.
22

23
24 7. Even though this action is in the process of settling, I was and remain prepared to
25 perform all the duties of a class representative. I understand that as a class representative I have
26 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent non-
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1 exempt employees who worked for Cytec/Solvay during the class period. I have understood that
2 as a fiduciary, I have a duty to prosecute this action for the benefit of the members of the class
3 and surrender any right to compromise the group action for an individual gain.

4
5 8. I understood that being a plaintiff/class representative in this case meant that I
6 was seeking damages not only for myself but also other current and/or former non-exempt
7 employees working for Cytec/Solvay in California. I felt that this group of current and former
8 employees were not aware of their labor law rights and even if they were they would probably be
9 apprehensive about speaking up or even simply because of the time, effort and risk involved in
10 filing a class action lawsuit.

11
12 9. I understood that being a part of this lawsuit involved risks. For example, my
13 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
14 pay for all or part of the attorney fees and costs paid by Cytec/Solvay to defend this lawsuit.
15 Also, I knew there was a risk that future employers, if they ever found out about this lawsuit,
16 could hold it against me or downgrade me as a potential hire. As one of the two named Plaintiffs
17 in this case it would not be difficult for a future employer to figure out I sued a former employer
18 for labor law violations. Ultimately I decided these risks were worth it and decided to fight for
19 my rights and the rights of others regardless of the risks, time and effort I spent on this case.

20
21 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
22 kept up to date on important developments by reviewing court filings that were made available to
23 me electronically as I described above.

24
25 11. A mediation took place on May 12, 2021 with Lou Marlin, an experienced
26 mediator of wage and hour class actions. Following the all-day mediation session, the parties
27 agreed to settle the action based on a mediator's proposal. I spoke with my attorneys regarding

1 the terms of the settlement which was reached between the parties and understood that I was
2 representing absent class members and therefore wanted the best possible result to be obtained
3 for the class and I believe a very positive result was in fact achieved via settlement. I reviewed
4 and signed the Memorandum of Understanding on May 12, 2021 and when the final settlement
5 papers were ready, I again spoke with my attorneys to review the Settlement Agreement which I
6 signed on July 14, 2021.

8 12. I have been actively involved with this class action lawsuit performing the duties
9 described above. Although I did not keep time records, I was in regular contact with my
10 attorneys, reviewed important court filings and spent a significant amount of time on the issues
11 presented during the lawsuit and in the settlement process. I estimate that I spent approximately
12 40-50 hours working on this case. I believe I have been diligent and have done what is expected
13 of a named plaintiff and class representative to date, and will continue to do so. I have and
14 always will maintain the best interest of the class.

16 13. My attorneys explained to me that the settlement process involves a two-step
17 review by the Court to determine whether the settlement is fair before approving the settlement.
18 I know this process also involves notifying all class members of the settlement terms and of their
19 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
20 settlement.

22 14. I believe I did the right thing by filing this case on behalf of the class who are in
23 line to receive monetary payments as a result of this case and settlement. I also believe that the
24 requested Class Representative Service Payment of \$10,000 from the settlement is fair
25 compensation for the work I performed and the risks I undertook.

26 15. As part of the settlement it was necessary for me to sign a general release of all
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1 claims I may have against the Cytec/Solvay. I believe the Class Representative Service Payment
2 I have requested provides me with some compensation for this agreed release.

3 16. I have not entered into any undisclosed agreements nor have I received any
4 undisclosed compensation in this case. The only compensation I will receive is whatever amount
5 the Court awards as a service payment, as well as my share as a class member of the settlement
6 fund.
7

8 17. In light of all the time and effort I have spent on this case, the risk I undertook by
9 suing a former employer, the exposure to being responsible for paying Cytec/Solvay's costs in
10 the event we did not win the case, the reputational risk that future employers may hold this
11 lawsuit against me, the general release, and in light of the size of the settlement, I believe the
12 request for \$10,000 as a Class Representative service payment is fair and reasonable.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.
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16 Executed on Mar 24, 2022, at Irvine, California.
17 (city, state)

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Javier Del Real (Mar 24, 2022 13:37 PDT)

19 Javier Del Real
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