

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MARIO ROMERO, as an individual and on behalf
of all others similarly situated, and as a private
attorney general,

Plaintiff,

vs.

SAN FRANCISCO C&C/MEL'S DRIVE IN,
form unknown; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20STCV41738

[Hon. Carolyn B. Kuhl, Department 12]

**DECLARATION OF MARIO ROMERO IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 11, 2023
Time: 10:30 a.m.
Department: 12

Complaint Filed: October 27, 2020

1 I, Mario Romero, declare as follows:

2 1. I am an individual over the age of 18. I am the named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

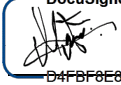
6 2. Until December of 2019, I worked as a server and bartender for Mel's Drive In. During
7 about five years of employment, I was paid on an hourly basis as a non-exempt employee. I routinely
8 was not permitted to take duty-free rest periods when working shifts of at least 3.5 hours, and I routinely
9 was not provided duty-free meal periods when working shifts of more than 5.0 hours. I worked more
10 than 8.0 hours in a workday and 40.0 hours in a workweek. I also regularly earned non-discretionary
11 incentives, including mandatory service charges, which the restaurant collected from customers. I am
12 informed and believe that the restaurant did not consider such compensation when calculating my
13 overtime and double-time rates. I also am informed and believe that I was paid sick pay wages at my
14 base rate of pay, rather than my regular rate of pay. As a result of these practices, I am informed and
15 believe that I was not timely paid all of my wages. In addition to receiving itemized wage statements
16 that thus did not show all accurate hourly rates of pay, hours worked, gross wages earned, and net wages
17 earned, I am informed and believe that I also received itemized wage statements that failed to show the
18 name of the legal entity that was the employer.

19 3. I have taken all necessary steps to represent the interests of the Class, including by
20 providing information and documents to my counsel, discussing the claims and lawsuit with my counsel,
21 and answering any questions that have come up, including about how I was paid or what my wage
22 statements show or meant. I understand that I am responsible to the Class with respect to trying the case,
23 appearing in court, and working with Class Counsel. I am willing to act as a fiduciary for the Class. I
24 remain willing to devote my time to this lawsuit for the benefit of the Class. I do not believe I have any
25 interests that are adverse to the interests of the Class. I also am unaware of any such issues having been
26 raised or presented by anyone else.

27 4. I believe many employees would not sue their employer out of fear. I took on risks by
28 bringing this lawsuit, and I understand that other people will benefit because of the actions that I have

1 taken. I feel that it is a positive accomplishment, am proud of the result, and believe that the class
2 settlement is fair, adequate, and reasonable.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed this 14th day of December 2022, at Los Angeles, California.

5  DocuSigned by:
6 D4FBF8E837244E1...

Mario Romero