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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
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: June 14, 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. During the pendency of this lawsuit, I have done my best to represent the interests of the
20 employees that are part of the class. I have actively contributed to the litigation of this case. My
21 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
22 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
23 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
24 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
25 written notice to the Labor and Workforce Development Agency and the complaint and other papers
26 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
27 the settlement agreement, and (vii) reviewing and signing the declarations submitted to this Court in
28 support of the settlement. During the more than 30 months that this lawsuit has been pending, I have

1 easily spent at least 1.5 hours per month, on average—or more than 45.0 hours total—in progressing the
2 litigation on behalf of the Class.

3 4. I understand that the class claims alleged in this action were brought on behalf of other
4 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an
5 individual case would have resolved much faster than a class action and involved much less financial
6 risk than a class action.

7 5. Throughout the lawsuit, I have been kept apprised of the status of this case. As the class
8 representative, I understand that it is my responsibility to act in the Class's best interest and not my own.
9 I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any
10 conflicts that exist between my interest and the interests of the Class that would impair or affect my
11 ability to serve as representative for the Class.

12 6. I have and continue to be willing to assist in the investigation of this matter as well as
13 make myself available for trial or any further proceeding in this matter as required to represent the
14 interests of the Class. I also understand my duties and responsibilities to the proposed class and will
15 carry out those duties as necessary.

16 7. I have discussed the terms of the settlement agreement with my attorneys, and based on
17 my understanding of the case, I am of the opinion that settlement for the consideration and on the terms
18 set forth in the settlement agreement are fair, reasonable, and adequate, and in the best interests of the
19 Class.

20 8. I understood that filing this lawsuit is a public record and I accepted that burden. This
21 lawsuit is something that potential employers can look into, and which may cause a negative impact of
22 my employment prospects. I also understood that there were risks due to my involvement as a named
23 plaintiff in a representative lawsuit against a large employer. For instance, if I lost, I might have to face a
24 judgment for some of Defendant's legal costs. Even understanding all these risks, I was willing to move
25 forward and bring this case on behalf of the other employees.

26 9. As part of the settlement, I also agreed to sign a general release of claims and a waiver of
27 Civil Code section 1542.
28

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed this 17th day of May 2023, at Los Angeles, California.

3  DocuSigned by:
4 

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Mario Romero