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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

MONICA MONTALBO, individually, and
on behalf of other members of the general
public similarly situated;

Plaintiff,

vs.

HM.CLAUSE, INC. DBA HARRIS
MORAN SEED COMPANY, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

MONICA MONTALBO, individually, and
on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiff,

vs.

HM.CLAUSE, INC., DBA HARRIS
MORAN SEED COMPANY, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CV-20-004516 [Lead]
[Consolidated with Case No. CV-20-005703]

ASSIGNED FOR ALL PURPOSES TO:

JUDGE: SONNY S. SANDHU

DEPT.: 24

CLASS ACTION

**DECLARATION OF MONICA
MONTALBO IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Plaintiff's Notice of Motion and Motion for
Preliminary Approval of Class Action
Settlement; Declaration of Proposed Class
Counsel (Edwin Aiwazian); and [Proposed]
Order filed concurrently herewith]

Date: October 14, 2021

Time: 8:30 a.m.

Department: 24

Complaint Filed: October 13, 2020

Trial Date: None Set

DECLARATION OF MONICA MONTALBO

I, **Monica Montalbo**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by HM.Clause, Inc. dba Harris Moran Seed Company (“HM.Clause”) as an hourly-paid, non-exempt employee from approximately May 2018 to approximately July 2019. I decided to seek legal advice about my work experiences with HM.Clause and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there, including Arby Aiwarzian. I wanted to do whatever I could to make sure HM.Clause was held accountable for not paying its employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated representative and class action lawsuits on my own and did some research into the leading employment firms in California for approximately 6 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 9 hours discussing my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act (“PAGA”) in general, and what it meant to be a named plaintiff, class representative, and, eventually, a PAGA representative.

3. Since becoming involved in this matter, I have spent over 16 hours meeting with my attorneys regarding the case and fulfilling my responsibilities as a class and PAGA representative, which included gathering documents concerning my employment with HM.Clause, reviewing documents with my attorneys, answering questions and providing guidance regarding the duties of non-exempt and hourly-paid employees, and helping develop a strategy as to what documents and information to obtain from HM.Clause. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. As the case progressed, I was available to answer any questions my attorneys had, and available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many

documents as I could. I spent at least 14 additional hours speaking with my attorneys about the case, identifying potential witnesses, providing my attorneys with documents and information concerning the case, and also describing policies, practices, and procedures of HM.Clause.

5. As far as the settlement is concerned, I was available to review documents and answer any questions my attorneys had. I spent about 3 hours reviewing the settlement agreement and about 2 hours asking questions and discussing the potential settlement with my attorneys before signing the settlement agreement.

6. I believe that I have done everything that my attorneys have asked of me and have tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees and the State of California. I think my efforts helped to get the result obtained in this case, and as a class and PAGA representative, I respectfully request that the Court award me an enhancement award in the amount of \$7,500.00 for my active participation in this case. Taking into consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

7. I am not related to anyone associated with Lawyers *for* Justice, PC.

8. I have not entered into any undisclosed agreements, nor have I received any undisclosed compensation in this case. The only compensation I will receive is whatever amount the Court awards as an enhancement award, as well as my share of the settlement fund as a class member and as an aggrieved employee.

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

09/20/2021

Executed this ____ day of September 2021, at Modesto, California.

Electronically Signed 2021-09-20 19:54:35 UTC - 172.58.35.26
AssureSign® 59f13ace-62bd-4770-b774-ada69013eb880

Monica Montalbo