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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF RIVERSIDE**
10

11 DANIEL LARA DIAZ, and GLENN FITE,
12 individually, on a representative basis, and
on behalf of all others similarly situated;

13 Plaintiffs,

14 vs.

15 SHAMROCK FOODS CO., an Arizona
16 Corporation; and DOES 1 through 20,
inclusive;

17 Defendants.
18
19

CASE NO. RIC2004126

*[Assigned to Hon. Craig Riemer, Dept 1, for
all purposes]*

**DECLARATION OF PLAINTIFF
GLENN FITE IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Complaint Filed: October 20, 2020

1 I, Glenn Fite, declare:

2 1. I am a Plaintiff in the above captioned action and have personal knowledge of all
3 matters stated herein and could competently testify thereto.

4 2. I make this declaration in support of the motion for approval of the Private
5 Attorneys General Act ("PAGA") settlement reached in this matter. As discussed herein, I
6 believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims
7 alleged.

8 3. I was employed by Defendant Shamrock Foods Co. from approximately August
9 15, 2018 through December 12, 2019. During my employment, I was bothered by many issues
10 at the company, including those relating to payment of wages for all hours worked, meal and rest
11 breaks, among other issues. Soon after my termination, I researched attorneys and contacted
12 Mallison & Martinez. Although I strongly believed that there were violations of California law, I
13 was unsure if I wanted to bring a lawsuit because of the risk of stepping forward as a whistle
14 blower, since this could jeopardize my livelihood in the industry and make it difficult to find
15 future jobs. Nevertheless, because I did not think that myself or the other employees were being
16 treated properly, I retained Mallison & Martinez, to move forward with a case.

17 4. After retaining Mallison & Martinez, I understood that I had two options: I could
18 pursue my individual case and attempt to maximize my personal recovery, or I could bring a
19 representative action and put the interests of similarly situated aggrieved employees ahead of my
20 own.

21 5. Since first initiating this action, I estimate that I have spent at least 55 hours
22 engaged in activities to benefit the aggrieved employees. I have worked extensively with my
23 attorneys discussing Defendant's policies, practices, and procedures, including its time keeping
24 and pay practices, the number of similarly situated workers, meal and rest break issues, and
25 many other topics. These efforts have occurred through numerous conference calls, emails, and
26 text communications. I also made myself available on standby to answer any questions on the
27 date of the mediation, discussed the terms of the memorandum of understanding reached that
28 day, and reviewed the final settlement agreement for fairness.

1 6. I respectfully request that the Court approve the agreed-upon service award. As a
2 result of putting the interests of the aggrieved employees ahead of my own, we were able to
3 obtain a highly beneficial settlement for myself and fellow workers. However, this settlement
4 came at the expense of my ability to move forward with my individual wrongful termination
5 claims. Indeed, as a condition of this PAGA settlement, I had no choice but to waive all claims
6 against the company. For that reason, I agreed to a separate individual settlement, through which
7 I will receive \$10,000 as compensation for my individual claims. This reflects a huge discount
8 from the amount I was seeking and expected to recover.

9 7. I was fully informed of the risks I faced and continue to face from attaching my
10 name to this lawsuit. I was concerned about future employers learning of my involvement and,
11 even though they are not supposed to retaliate against me, the reality is that I risked being
12 branded as a troublemaker. The stigma of being a PAGA action plaintiff follows me to this day:
13 any employer could easily discover my involvement in this case through simple internet
14 research. I considered this potential damage to my reputation, yet I did not let it dissuade me
15 from stepping forward to demand fair pay and labor rights for myself and my fellow workers.

16 I declare under penalty of perjury under the laws of the United States and the State of
17 California that the foregoing is true and correct. Executed on May 19, 2022 in Sacramento,
18 California.

Glenn Fite

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Glenn Fite