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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

EDUARDO LEE, individually, and on behalf
of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act

Plaintiff,

v.

DEL MONACO FOODS, INC., an unknown
business entity; DEL MONACO SPECIALTY
FOODS, INC., an unknown business entity;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: 19CV347471

Honorable Sunil R. Kulkarni
Department 1

CLASS ACTION

**DECLARATION OF EDUARDO LEE IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

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

Date: March 10, 2022
Time: 1:30 p.m.
Department: 1

Complaint Filed: May 3, 2019
FAC Filed: November 12, 2019
SAC Filed: March 1, 2021
Trial Date: None Set

DECLARATION OF EDUARDO LEE

I, **Eduardo Lee**, 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 Del Monaco Foods, Inc. and Del Monaco Specialty Foods, Inc. (together, "Del Monaco") in an hourly-paid Warehouse Apprentice position and subsequently in an hourly-paid Prep positions from approximately April 2015 to approximately May 2017. I decided to seek legal advice about my work experiences with Del Monaco and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Del Monaco paid me and other employees what was owed to us and was held accountable for not properly compensating employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated class action lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 6 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 5 hours discussing my situation, 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. I have spent over 18 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 Del Monaco, reviewing documents with my attorneys and answering their questions, providing information regarding the duties of hourly-paid and non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Del Monaco. I routinely checked in with my attorneys and their staff to make sure that they were updated with my most current information and any additional information that I had obtained.

4. Throughout the case, I was available to answer any questions my attorneys had,

1 and available to speak and meet with my attorneys whenever they needed me. I responded to
2 them as quickly as possible and gave them as much information and identified as many
3 documents as I could. I spent at least 16 additional hours speaking with my attorneys about the
4 case, identifying potential witnesses, providing my attorneys with documents and information
5 concerning the case, and also describing policies, practices, and procedures of Del Monaco
6 Foods.

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

11 6. I believe that I have done everything that my attorneys have asked of me and have
12 tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees
13 and the State of California. I think my efforts helped to get the result obtained in this case, and
14 as a class and PAGA representative, I respectfully request that the Court award me a service
15 award in the amount of \$10,000.00 for my active participation in this case. Taking into
16 consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

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

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

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

24 11/15/2021

Executed this ____ day of November 2021, at Gilroy, California.

25 Electronically Signed 2021-11-15 17:38:28 UTC - 172.58.38.160
Lee Edwardo
AssureSign® e119108d-7ad7-4022-94d5-adde0170b034

26 Edwardo Lee