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6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF SACRAMENTO**

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10
11 ADRIAN AGUIRRE, an individual, on
behalf of himself and on behalf of all persons
12 similarly situated,

13 Plaintiff,

14 vs.

15 HEADLANDS VENTURES, LLC., a
16 California Limited Liability Company; and
17 DOES 1 through 50, Inclusive,

18 Defendants.

Case No. **34-2021-00297290-CU-OE-GDS**

**DECLARATION OF ADRIAN
AGUIRRE IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: June 9, 2023

Hearing Time: 9:00 a.m.

*[Hearing scheduled by Order dated
January 27, 2023]*

Judge: Jill H. Talley

Dept: 27

Action Filed: March 24, 2021

Trial Date: Not Set

1 I, Adrian Aguirre, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of
4 Class Settlement and in support of my application for a Class Representative Service Payment.
5

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I worked for Defendant Headlands Ventures, LLC ("Headlands Ventures") in California
9 from July of 2017 to October of 2020. I was classified by Headlands Ventures as an hourly-paid,
10 non-exempt employee during that time period.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California
13 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
14 Court. I am not aware of having any actual or potential conflicts of interest with another class
15 member in this case nor am I aware of having any actual or potential conflicts of interest with
16 ILYM, the settlement administrator. I am not aware of any other pending matter or action
17 asserting claims that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
20 I felt that my legal rights as an employee and others like me were violated. For example, I was
21 paid non-discretionary bonus wages but Headlands Ventures failed to include this pay into my
22 regular rate for purposes of calculating my overtime rate in certain pay periods and I was
23 underpaid overtime as a result. Also, I was required to clock out and continue to work numerous
24 times throughout my employment during what should have been my off-duty meal period. I was
25 not paid any wages for this off the clock work. Also, my meal and rest breaks were often either
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1 late, short, or missed entirely due to the heavy workload in the store. I was not, however, paid the
2 meal and rest break penalty payments I was owed for these violations. In addition, I was
3 required to use my personal cell phone to respond to texts and calls from my supervisors
4 regarding scheduling and other work-related issues. Headlands Ventures did not, however,
5 reimburse me for the reasonable cell phone expenses I incurred for using my phone for work-
6 related issues.
7

8 6. This class action case was filed on March 24, 2021. Before the complaint was filed I
9 spoke to my attorneys several times and discussed how Headlands Ventures implemented its
10 company policies and procedures. I also assisted my attorneys in their investigation into my
11 claims by providing them documents and answering their questions. I reviewed the complaint
12 before it was filed and after it was filed I was given access to an electronic file sharing program
13 that alerted me via email when important documents were filed so that I could review them and
14 keep up with the developments in the case which I understood was one of my duties as a class
15 representative. I would also contact my attorneys from time to time if I had any questions about
16 the case.
17

18 7. Even though this action is in the process of settling, I was and remain prepared to
19 perform all the duties of a class representative. I understand that as a class representative I have
20 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
21 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
22 benefit of the class members and surrender any right to compromise the group action for an
23 individual gain.
24

25 8. I understood that being a plaintiff/class representative in this case meant that I
26 was seeking damages not only for myself but also other current and/or former hourly-paid, non-
27

1 exempt employees working for Headlands Ventures in California. I felt that these individuals
2 were not aware of their labor law rights and even if they were they would probably be
3 apprehensive about speaking up or even simply because of the time, effort and risk involved in
4 filing a class action lawsuit.

5
6 9. I understood that being a part of this lawsuit involved risks. For example, my
7 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
8 pay for all or part of the attorney fees and costs paid by Headlands Ventures to defend this
9 lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this
10 lawsuit, could hold it against me or downgrade me as a potential hire. As the only named
11 Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a
12 former employer for labor law violations. Ultimately I decided these risks were worth it and
13 decided to fight for my rights and the rights of others regardless of the risks, time and effort I
14 spent on this case.
15

16 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
17 kept up to date on important developments by reviewing court filings that were made available to
18 me electronically as I described above.

19 11. A mediation took place on April 21, 2022 with Jeff Ross, a well-respected and
20 experienced mediator of wage and hour class actions. Following the all-day mediation session,
21 the parties agreed to settle the action. I communicated with my attorneys regarding the terms of
22 the settlement which was reached between the parties and understood that I was representing
23 absent class members and therefore wanted the best possible result to be obtained for the class
24 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
25 signed the Memorandum of Understanding on April 22, 2022 and when the final settlement
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1 papers were ready, I closely reviewed the Settlement Agreement which I signed on October 19,
2 2022.

3 12. I have been actively involved with this class action lawsuit performing the duties
4 described above. Although I did not keep time records, I was in regular contact with my
5 attorneys, reviewed court filings, and spent a significant amount of time on the issues presented
6 during the lawsuit and in the settlement process. I estimate that I spent approximately 30-40
7 hours working on this case up until this point. I believe I have been diligent and have done what
8 is expected of a named plaintiff and a class representative to date, and will continue to do so. I
9 have and always will maintain the best interest of the class members.
10

11 13. My attorneys explained to me that the settlement process involves a two-step
12 review by the Court to determine whether the settlement is fair before approving the settlement.
13 I know this process also involves notifying all class members of the settlement terms and of their
14 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
15 settlement.
16

17 14. I believe I did the right thing by filing this case on behalf of the class members who,
18 subject to court approval, are in line to receive monetary payments as a result of this case and
19 settlement. This is money they may never have ever gotten if I did not pursue this action on their
20 behalf. I feel significant personal satisfaction to know that I played a role in the class members
21 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
22 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
23 compensation for the work I performed and the risks I undertook.
24

25 15. As part of the settlement it was necessary for me to sign a general release of all
26 claims I may have against Headlands Ventures. I believe the Class Representative Service
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1 Payment I have requested provides me with some compensation for this agreed release.

2
3 16. In light of all the time and effort I have spent on this case, the risk I undertook by
4 suing a former employer, the exposure to being responsible for paying Headlands Ventures'
5 costs in the event we did not win the case, the reputational risk that future employers may hold
6 this lawsuit against me, the general release, and in light of the size of the settlement, I believe the
7 request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

10 Executed on May 4, 2023, at Sacramento, Ca.
11 (city, state)

12 *Adrian Aguirre*

Adrian Aguirre (May 4, 2023 21:29 PDT)

13 Adrian Aguirre