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Attorneys for Plaintiff and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CARLOS CRUZADO, as an individual
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

ONTARIO T, INC., a California
 corporation doing business as JOHN
 ELWAY'S CROWN TOYOTA; and
 DOES 1 through 50, inclusive,

Defendants.

Case No.: CIVSB2027249

[Assigned to the Hon. David Cohn, Dept. S-26]

DECLARATION OF CARLOS CRUZADO
IN SUPPORT OF PLAINTIFF'S MOTION
TO APPROVE SETTLEMENT
AGREEMENT PURSUANT TO THE
PRIVATE ATTORNEYS GENERAL ACT

Date: February 22, 2022

Time: 10:00 a.m.

Dept.: S-26

Complaint Filed: December 10, 2020

Trial Date: Not Set

DECLARATION OF CARLOS CRUZADO

I, Carlos Cruzado, declare as follows:

1. I am an individual over the age of 18. I am the named Plaintiff in the above-referenced action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant Ontario T, Inc., doing business as John Elway's Crown Toyota ("Crown Toyota") as a Retail Car Salesperson. My employment ended on or about August 19, 2020.

3. During my employment with Crown Toyota, I was paid primarily on a commission basis and did not receive an hourly wage for completing non-productive tasks. As such, I was underpaid for all hours worked. In addition, due to the underpayment of wages, the wage statements I received were inaccurate, as they did not list all hours worked.

4. Given the commission-based payment arrangement, I did not receive proper rest breaks. Any rest breaks I took were not "paid" breaks.

5. I was also required to use my personal cell phone in order to perform my job. Crown Toyota printed my cell phone number on company business cards, and as a result, business-related calls were routinely sent to my cell phone.

6. I understand that the claims alleged in this action were brought on a representative basis behalf of other aggrieved employees who worked for Crown Toyota. I do not believe I have any interests that are adverse to the other employees that are part of the PAGA settlement.

7. I have spent a significant amount of time discussing this matter with my attorneys on many occasions and explaining my understanding of Crown Toyota's practices. To date, I have performed a number of tasks in my role as the representative. This includes the following:

- i. Meeting with my attorneys and having telephone conversations with them to discuss the case and Crown Toyota's practices at various stages of the lawsuit;
- ii. Gathering documents related to the case;
- iii. Reviewing the files and pleadings, including the PAGA letter, complaint, my personnel file and paystubs, and my declaration;

- iv. Reviewing and signing the settlement agreement;
- v. Responding to any questions from my attorneys on a regular basis;
- vi. Remaining available during the mediation and having discussions with my attorneys during the mediation.

In total, I have spent approximately 40 hours in connection with this lawsuit.

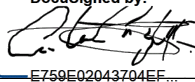
8. I have reviewed the Joint Stipulation of PAGA Settlement and Release of Claims and I believe that the settlement is in the best interest of all aggrieved employees who worked for Crown Toyota. I believe the proposed settlement is reasonable and fair, and adequately compensates the employees for the violations alleged in the complaint.

9. I am aware and have been aware from the inception of the case, that there is the risk that if I do not win my case, then I could be liable for Crown Toyota's litigation costs. I accepted that risk in this case.

10. I also understood that filing this lawsuit is a public record and I accepted that burden. As such, I risked my future employment in order to bring this action. Moreover, this lawsuit, which is a public record, is something that potential employers can look into, and which may cause a negative impact of my employment prospects.

11. I am proud of the result and accomplishment of this lawsuit. I feel that it is a positive accomplishment of this lawsuit and understand that other people will benefit because of the actions that I have taken. I feel that I took upon myself the risk of this lawsuit and achieved a result for my other former co-workers who did not have to file suit.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 21, 2022, at 5:53 pm, California.

DocuSigned by:


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Carlos Cruzado