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8 *Attorney for Plaintiff and the Proposed Class*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 FRANZ CHAVEZ HIDALGO, an individual;
12 on behalf of himself and all others similarly
13 situated;

14 Plaintiff,

15 v.

16 OROZCO'S AUTO SERVICE, INC., a
17 California Corporation; SERVANDO
18 OROZCO, an individual; CINDY OROZCO,
19 an individual; and DOES 1 to 100, inclusive;

20 Defendants.

Case Number: 22STCV21211

[Honorable Stuart M. Rice; Department 1]

**DECLARATION OF PLAINTIFF FRANZ
CHAVEZ HIDALGO IN SUPPORT OF
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

21 I, HECTOR JIMENEZ, declare as follows:

22 1. I submit this declaration in support of the Motion for Preliminary Approval of Class
23 Action Settlement.

24 2. I am over the age of eighteen and currently a resident of Los Angeles County, California.

25 3. The below is based upon my personal knowledge, and if called as a witness, could and
26 would competently testify regarding the statements in this Declaration.

27 4. Defendant OROZCO'S AUTO SERVICE, INC. ("Defendant") was a auto repair
28 business who hired me as a carpenter in 2019 as a service advisor. I was terminated or about August 3,
2020.

While employed, I worked as an hourly-paid employee at Defendant's location in
Pasadena, California. I earned approximately \$15+ per hour working as a service advisor. I trained at

1 Defendant's 3619 Atlantic Blvd, Long Beach, CA location, and worked at 3033 Long Beach Blvd.,
2 Long Beach, CA. I typically worked 8 or more hours per day, at times up to 6 days per week.

3 6. Throughout the course of my employment, I believe that, among other things, my
4 colleagues and I were not sufficiently paid minimum and/or overtime wages, were not provided timely
5 meal breaks and rest breaks in accordance with California laws, were not provided with accurate wage
6 and hour statements, and were not timely paid all wages due upon separation of our employment.

7 7. Accordingly, I contacted attorney Sarkis Sirmabekian, Esq. of Sirmabekian Law Firm,
8 PC about my potential employment claims. I spoke with Mr. Sirmabekian several times to discuss my
9 employment and the policies, procedures and practices of my employer. These discussions lasted
10 several hours. I decided to become a named plaintiff in the instant lawsuit.

11 8. From there, I spent considerable time going through all my personal belongings to gather
12 any relevant employment documents that I thought Mr. Sirmabekian would need and provided them to
13 Mr. Sirmabekian.

14 9. After I joined the lawsuit as a named plaintiff, I continued to spend hours at a time
15 discussing with Mr. Sirmabekian the nature of my work, my hours, breaks, the company's business
16 operations, organizational hierarchy, and other important matters.

17 10. I performed a number of tasks, including the following: (a) participating in a full day
18 mediation session; (b) provided information about witnesses and other Settlement Class Members; (c)
19 searched for and produced relevant documents; (d) reviewed documents; (f) participated in settlement
20 negotiations; (g) reviewed settlement documents; and (h) reviewed declarations in support of this
21 motion.

22 11. On May 11, 2022, I attended a mediation (remotely) in an attempt to resolve the case. I
23 took the entire day off of work so that I could participate in mediation. Prior to the mediation, I spent
24 time speaking with Mr. Sirmabekian about the mediation process and learning how it would work. I
25 provided any relevant information I had that I believed would help resolve this matter.

26 12. As a result of the negotiations that took place at the mediation, and after discussing the
27 risks, benefits, and alternatives of continued litigation, I agreed to settle the class claims for
28 \$130,000.00 on behalf of the Settlement Class Members, who were similarly employed by Defendant

1 during the relevant statutory period. I separately agreed to settle my individual claims for \$20,000.00
2 without any reliance on the class claims.

3 13. Following settlement, I also spent time answering questions from my attorney during
4 the approval process. These questions related to the company's recordkeeping of employee contact
5 information, and the completeness or lack thereof.

6 14. I understand that my counsel has respectfully requested that I be awarded a Class
7 Representative Enhancement Payment of \$5,000.00 for my work as a named plaintiff in this matter. I
8 respectfully believe that this amount is fair and reasonable for the time and energy I expended preparing
9 for this case gathering documents, meeting with my attorneys, speaking with other Settlement Class
10 Members, making myself available for discussions or meetings, travel time, and time I spent off work.

11 15. During the time that this Action has been pending, I actively participated in making
12 decisions in this case, including settlement. Also, I took on risk by agreeing to this lawsuit and have
13 my name be included in this lawsuit. I faced the real risk that future employers may not hire me because
14 I lent my name as the Class Representative in this case.

15
16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct. Executed on 3/22/2023, at Los Angeles, California.

18
19 DocuSigned by:

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20 FRANZ CHAVEZ HIDALGO
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PROOF OF SERVICE
(§ 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA

)

) ss.

COUNTY OF LOS ANGELES

)

I am a citizen of the United States of America; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 3435 Wilshire Boulevard, Suite 1710, Los Angeles, California 90010.

On the below-indicated date, I served the following document:

DECLARATION OF PLAINTIFF FRANZ CHAVEZ HIDALGO IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIM APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in said action by placing:

___X___ a true and correct copy,

and addressed as set forth on the attached Service List and delivered by one or more of the means set forth below:

☒ **BY ELECTRONIC SERVICE IN LIEU OF SERVICE BY MAIL, EXPRESS MAIL, OVERNIGHT DELIVERY, OR FACSIMILE TRANSMISSION:** In accordance with California Code of Civil Procedure section 1010.6, I caused the document to be sent to the person(s) below at the e-mail address(es) listed below.

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

EXECUTED: December 26, 2023

At Los Angeles, California

Grigor Gregg Sirmabekhian

Grigor Gregg Sirmabekhian

SERVICE LIST

Joanne K. Leighton, Esq. [SBN 165378] ARTIANO & ASSOCIATES, APC 3828 Carson Street, Suite 102 Torrance, California 90503 Email: <i>JLeighton@artianolaw.com</i> Email: <i>Tlee@artianolaw.com</i>	<i>Attorneys for Defendants OROZCO'S AUTO SERVICE, INC., SERVANDO OROZCO, and CINDY OROZCO</i>
Labor and Workforce Development Agency Department of Industrial Relations LWDA Attn. PAGA Administrator 1515 Clay Street, Ste. 801 Oakland, California 94612	<i>Labor and Workforce Development Agency ("LWDA") filed/served online at:</i> <i>https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html</i>