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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

MARTIN ORTIZ, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

TARA MATERIALS, INC., a Georgia
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No. 37-2021-0001473-CU-OE-CTL

[Assigned to: Hon. Eddie Sturgeon, Dept. C-67]

**DECLARATION OF MARTIN ORTIZ IN
SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: May 26, 2023

Time: 9:00 a.m.

Dept: C-67

DECLARATION OF MARTIN ORTIZ

I, Martin Ortiz, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$2,500 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Tara Materials, Inc. I worked at Tara Materials from approximately September 2000 to approximately April 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to the company's policies and practices that have been alleged as unlawful in the complaint.

4. I filed this lawsuit in because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks. While working at Tara Materials, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. I also observed my co-workers working long hours without taking breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Tara Material's policies to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Tara Materials. Additionally, I provided my counsel with documentation in the form of pay statements and other policy documents that applied to my employment with Tara Materials. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

7. I have invested a lot of personal time and energy while this lawsuit has been pending. I made it a priority to be actively involved because I wanted to do everything I can to

1 assist my attorneys in prosecuting this case. I regularly communicated with my attorneys and
2 their staff to discuss updates on the case and to provide my attorneys with additional information.

3 8. I spent numerous hours looking for documents that my attorneys asked me to
4 provide to help this case.

5 9. I also made myself available during the mediation for this case and I kept in
6 regular contact my attorneys before and after the mediation to ensure that any questions the
7 attorneys had could be answered.

8 10. I also reviewed pleadings filed in this case, including the settlement-related
9 documents.

10 11. I believe the settlement is a good settlement and I would recommend that the
11 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad
12 that I had the opportunity to represent the class in this lawsuit and that I was able to recover
13 money through a settlement for the class. I have also observed my attorneys' work throughout
14 this case and I believe they have been thorough, diligent, prompt, courteous, and professional.

15 12. Standing up for myself and the rights of others was not an easy decision, and I am
16 relieved that this case is coming to an end. In total, I estimate that I spent at least 35 hours on
17 this case.

18 13. I did not make the decision to file a class action lightly. I was concerned by the
19 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
20 associated with a lawsuit that I filed against my former employer and I am mindful that future
21 employers might find out that I sued a former employer, and this could hurt my employability.

22 14. I respectfully request that the Court award me a \$2,500 service payment. I am
23 receiving no additional compensation from this case other than the compensation provided for in
24 the settlement. Based on my involvement in this case and the benefits provided to my former co-
25 workers, I can say I helped stand up for the other workers who may have been too afraid to say
26 anything to management because they did not want to risk losing their jobs or risk the stigma of
27 suing an employer. I was not afraid to take that risk because I strongly care about helping out my
28 current and former co-workers. I also continue to fear that a future employer may find out that I

1 participated in this lawsuit and hold it against me. Nevertheless, I felt that important rights were
2 at stake that hurt myself and other employees.

3 I declare under penalty of perjury, under the laws of the State of California and the United
4 States of America, that the foregoing is true and correct.

5 Executed on 5/4/2023 at El Cajon, California.

6 DocuSigned by:

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9 Martin Ortiz

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