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Attorneys for Plaintiff

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

PABLO SERGIO NEVAREZ, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

ON-TIME AIR CONDITIONING & HEATING,
LLC, a California limited liability corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No. 21CV375216

CLASS ACTION

[Assigned for all purposes to: Hon. Sunil R.
Kulkarni, Dept. 1]

**DECLARATION OF PABLO SERGIO
NEVAREZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

FINAL APPROVAL HEARING

Date: November 3, 2022

Time: 1:30 p.m.

Dept: 1

DECLARATION OF PABLO SERGIO NEVAREZ

I, Pablo Sergio Nevarez, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of On-Time Air Conditioning & Heating, LLC (“On-Time”). I worked at On-Time for approximately four years, from August 2016 to August 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of On-Time’s policies and practices that have been alleged as unlawful in the Class Action Complaint (“Complaint”) and Private Attorneys General Act (“PAGA”) Notice sent to On-Time and the Labor & Workforce Development Agency (“LWDA”).

4. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with On-Time, including, but not limited to, my belief that On-Time had a policy and practice of not providing its employees with California compliant meal and rest periods and requiring its employees to work “off-the-clock” prior to clocking in for the workday, during meal periods, and after clocking out for the workday. Additionally, I provided my counsel with documentation in the form of annotated wage statements in support of the claims brought against On-Time. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at On-Time.

5. I filed this lawsuit 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 On-Time, my coworkers and I were asked to work long hours because of the amount of work,

1 sometimes without taking meal and rest breaks. I also observed my co-workers working long hours
2 without taking breaks.

3 6. My attorneys explained to me the risks and benefits of bringing forward a class
4 action matter. I understood the risks, both professionally and financially, associated with pursuing
5 a class action case and acting as the Class Representative. I further understood that pursuing the
6 case as a class action, rather than individually, meant that it would take substantially longer as a
7 result of the multi-step approval process as mandated by the California Courts. Although I was
8 made aware that there was a possibility that I could receive nothing at the end, I believed that it
9 was important to ensure that On-Time followed the law with respect to all of its hourly-paid, non-
10 exempt employees. Additionally, I understood that it was my responsibility to act in the best
11 interests of the Class and not just myself. In that respect, I understood my duties and
12 responsibilities to the proposed Class and carried out and will continue to carry out those duties as
13 necessary.

14 7. I have invested a lot of personal time and energy while this lawsuit has been
15 pending. I made it a priority to be actively involved because I wanted to assist my attorneys and
16 their staff in prosecuting this case. I communicated with my attorneys and their staff via phone
17 calls and e-mail since this case was filed. Some of these phone calls lasted up to 45 minutes.

18 8. I made myself available during the mediation for this case and I kept in regular
19 contact with my attorneys before and after the mediation to ensure that any questions the attorneys
20 had could be answered.

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

23 10. I believe the settlement is a good settlement and I would recommend that the Court
24 approve it. I am glad that I had the opportunity to represent the class in this lawsuit and that I was
25 able to recover money through a settlement for the class.

26 11. I estimate that I spent at least 45 hours searching for and collecting documents
27 related to my employment, speaking with my attorneys and their staff throughout the litigation,
28 helping my attorneys and their staff prepare for mediation, reviewing documents submitted in this

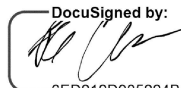
1 case, discussing the particulars and reasonableness of the settlement, and reviewing/signing
2 documents related to the settlement.

3 12. I did not make the decision to file a class action lightly. I was concerned by the
4 attention a publicly filed lawsuit, and especially a class action, would attract. For example, I knew
5 that my name would be associated with a lawsuit that I filed and I was aware that it could be
6 possible to perform background checks of publicly filed documents on the Internet, sometimes
7 with nothing more than a simple Google search. I am mindful that future employers might find
8 out that I sued a former employer, and this could hurt my employability.

9 13. I respectfully request that the Court award me a \$10,000 service payment. I am
10 receiving no additional compensation other than the compensation provided for in the settlement.
11 Based on my involvement in this case and the benefits provided to my former co-workers, I can
12 say I helped stand up for the other workers who may have been too afraid to say anything to
13 management because they did not want to risk losing their jobs or risk the stigma of suing an
14 employer. I was not afraid to take that risk because I strongly care about helping out my current
15 and former co-workers.

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

18 Executed on October 12, 2022 at San Jose, California.

19 DocuSigned by:
20 

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Pablo Sergio Nevarez

Nevarez v. On-Time Air Conditioning & Heating, LLC, et al.
21CV375216

I, Min Jee Kim, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com.

On **October 12, 2022**, I served the foregoing **DECLARATION OF PABLO SERGIO NEVAREZ IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Karina B. Sterman (SBN 193182)
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 James W. Hill (SBN 293971)
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 Facsimile: (310) 553-0687

Attorneys for Defendant

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on **October 12, 2022**, at Los Angeles, California.

Min Jee Kim
Type or Print Name

Signature