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**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
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

[Filed concurrently with: Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities; Declaration of Justin F. Marquez in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement; and [Proposed] Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement]

PRELIMINARY APPROVAL HEARING

Date: June 16, 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. I also regularly communicated with my attorneys and staff members of Wilshire Law firm via telephone and text messages.

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

12 6. Throughout the course of the litigation, I maintained constant communication with
13 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
14 wanted to know what was being done to advance the interests of the Class or simply wanted an
15 update regarding the case. I understood that a recovery would not only benefit me but would
16 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
17 that my attorneys had about my employment.

18 7. This was especially true leading up to and during the mediation that took place on
19 November 18, 2021. In preparation for the mediation, I had extensive conversations with my
20 attorneys regarding the nuanced issues that we were going to advance during the negotiation
21 process with the mediator. During the mediation session, I was available to speak with my
22 attorneys, answer any questions that arose, and provide any additional documentation that was
23 necessary to assist the settlement discussions.

24 8. On April 11, 2022, I reviewed the Joint Stipulation re: Class Settlement (“Settlement
25 Agreement”) in full and discussed all the terms with my attorneys. My attorneys answered all the
26 questions I had regarding the Settlement Agreement. I believe the settlement terms and allocations
27 are fair, adequate, and reasonable given the strength of the class claims and On-Time’s defenses.
28 That same day, I signed the Settlement Agreement.

1 9. I estimate that I spent approximately 40 hours searching for and collecting
2 documents related to my employment, speaking with my attorneys throughout the litigation,
3 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
4 settlement, and reviewing/signing documents related to the settlement.

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

7 Executed on May²⁴, 2022 at San Jose, California.

8 DocuSigned by:

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Pablo Sergio Nevarez

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1 PROOF OF SERVICE