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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

GABRIEL BARRERA, on behalf of the State
of California and other aggrieved persons,

Plaintiff,

v.

PARADISE CHEVROLET CADILLAC, a
California corporation; and DOES 1 through 10,
inclusive,

Defendant.

Case No.: CVSW2107199

PAGA REPRESENTATIVE ACTION

*[Assigned for all purposes to Judge Harold
Hopp, Dept. 1]*

**DECLARATION OF GABRIEL
BARRERA IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: December 11, 2023
Time: 8:30 a.m.
Dept.: 1

Complaint filed: August 18, 2021
Trial date: Not Set

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 based on 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 Paradise Chevrolet Cadillac (“Paradise Chevrolet”). I worked at Paradise Chevrolet from approximately August 2018 to approximately May 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Paradise Chevrolet’s policies and practices that have been alleged as unlawful in Private Attorneys General Act (“PAGA”) Notice sent to Paradise Chevrolet 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 Paradise Chevrolet, including, but not limited to, my belief that Paradise Chevrolet had a policy and practice of not providing its employees with California compliant meal and rest periods, which did not pay premiums for. Additionally, I provided my counsel with information and wage statement documentation in support of the claims brought against Paradise Chevrolet. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at Paradise Chevrolet. I also regularly communicated with my attorneys and staff members of Wilshire Law Firm via telephone and text messages.

5. My attorneys explained to me the risks and benefits of bringing forward a representative action matter. I understood the risks, both professionally and financially, associated

1 with pursuing a representative action case and acting as the Representative. I further understood
2 that pursuing the case as a representative action, rather than individually, meant that it would take
3 substantially longer as a result of the multi-step approval process as mandated by the California
4 Courts. Although I was made aware that there was a possibility that I could receive nothing in the
5 end, I believed that it was important to ensure that Paradise Chevrolet followed the law with respect
6 to all of its hourly-paid, non-exempt employees. Additionally, I understood that it was my
7 responsibility to act in the best interests of the aggrieved employees and not just myself. In that
8 respect, I understood my duties and responsibilities to the proposed aggrieved employees and
9 carried out and will continue to carry out those duties as necessary.

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

16 7. This was especially true leading up to and during the mediation that took place on
17 December 20, 2022. In preparation for the mediation, I had extensive conversations with my
18 attorneys regarding the nuanced issues that we were going to advance during the negotiation
19 process with the mediator. During the mediation session, I was available to speak with my
20 attorneys, answer any questions that arose, and provide any additional documentation that was
21 necessary to assist the settlement discussions.

22 8. On or about June 30, 2023, I reviewed the PAGA Settlement Agreement and
23 Representative Notice ("Settlement Agreement") in full and discussed all the terms with my
24 attorneys. My attorneys answered all the questions I had regarding the Settlement Agreement. I
25 believe the settlement terms and allocations are fair, adequate, and reasonable given the strength
26 of the representative claims and Paradise Chevrolet's defenses. That same day, I signed the
27 Settlement Agreement.

28 9. I estimate that I spent approximately 40 hours searching for and collecting

documents related to my employment, speaking with my attorneys throughout the litigation, helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the settlement, and reviewing/signing documents related to the settlement.

10. I believe the settlement is a good settlement and I would recommend that the Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I had the opportunity to represent the representative in this lawsuit and that I was able to recover money through a settlement for the representative.

11. I have observed my attorneys' work throughout this case. They have been thorough, diligent, prompt, courteous, and professional, and I believe they are fully entitled to the award of fees that they have requested for their hard work.

12. I did not make the decision to file a representative action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a representative action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I am currently employed, but I am mindful that my current and prospective employers might find out that I sued Advance Structural, and this could hurt my employability. Nevertheless, I felt that important rights were at stake that hurt everyone, and something ought to be done about it.

13. I understand that the settlement agreement provides a service payment in the amount of \$10,000 to me. I believe this amount is fair compensation for my time and effort on this case, for helping to prosecute this case, and for the risks with respect to my future employment. In addition, the settlement requires that I enter into a general release, which I understand is broader than the release that will bind other representative members.

14. I respectfully request that the Court award me a \$10,000 service payment. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who were too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk because I strongly care about helping out my former co-workers.

15. I do not have any interest, financial or otherwise, in the third-party administrator, Phoenix Class Action Administration Solutions.

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

3 Executed on 8/17/2023 at Lake Elsinore, California.

4 DocuSigned by:

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6 Gabriel Barrera

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Los Angeles, CA 90010-1137

PROOF OF SERVICE

Barrera v. Paradise Chevrolet Cadillac, et al.
CVSW2107199

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Sandy S. Sespene, 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 ssespene@wilshirelawfirm.com.

On October 23, 2023, I served the foregoing **DECLARATION OF GABRIEL BARRERA IN SUPPORT OF PLAINTIFF'S MOTION TO APPROVE PAGA 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:

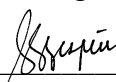
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Attorneys for Defendant

(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 23, 2023, at Los Angeles, California.



Sandy S. Sespene