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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

JESUS AGUILAR, on behalf of the State of
California, as a private attorney general,

Plaintiff,

vs.

B.I. INCORPORATED, a Corporation; and
DOES 1 through 50, inclusive,

DEFENDANTS.

Case No: C21-01170

**DECLARATION OF JESUS AGUILAR IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE PAGA SETTLEMENT**

Hearing Date:
Hearing Time:

Judge: Hon. Judge Edward Weil
Dept.: 39

1 I, JESUS AGUILAR, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above PAGA action filed against B.I. INCORPORATED, a Corporation (hereinafter, "Defendant").

5 2. I am submitting this declaration in support of Plaintiff's Motion to Approve PAGA
6 Settlement.

7 3. I seek to represent the State of California and a group of PAGA Members consisting of
8 all current and former non-exempt employees employed by Defendant in California at any time during
9 the period between April 13, 2020, through and including January 8, 2023. I worked for Defendant as
10 a non-exempt employee from November of 2018 to January of 2021. Defendant provides offender
11 monitoring technology and community reentry services for parolees and probationers throughout
12 California, including Contra Costa County where I worked. As a non-exempt employee compensated
13 on an hourly basis, I was entitled to legally mandated meal and rest periods, minimum wage and
14 overtime compensation. During my employment, Defendant failed to, among other things, provide
15 compliant meal and rest periods, furnished inaccurate itemized wage statements, and failed to pay for
16 all hours worked. Throughout my employment, I was subject to Defendant's written policies and
17 procedures.

18 4. I and the PAGA Members, that I am seeking to represent, were subject to the same alleged
19 unlawful employment policies and practices at issue in this action, including but not limited to,
20 Defendant's failure to provide compliant meal and rest periods, furnish accurate itemized wage
21 statements, and failure to pay for all hours worked. Factually, Defendant's policies and practices apply
22 to myself and all PAGA Members, and Defendant's liability can be determined by facts common to
23 all.

24 5. Further, there is no conflict between my interests and the interests of the PAGA Members
25 that I am seeking to represent. My interests are entirely coextensive with the interests of the PAGA
26 Members. I allege that I was injured by the same company-wide policies and practices to which the
27 PAGA Members were subjected and seek the same relief. I have already demonstrated my ability to

1 advocate for the interests of the state and the PAGA Members by initiating this litigation,
2 communicating with Plaintiff's Counsel about the claims as they apply to myself and others,
3 undertaking extensive document evaluation and evaluating the proposed settlement to assure that it is
4 fair.

5 6. I understood at the time that I filed this action, that as a representative, I owed a duty to
6 the state and the PAGA Members to faithfully prosecute this action with their best interests at the
7 forefront of every decision. I understood that I could not make any decision in this action for the sole
8 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
9 sacrifice my personal best interests for the benefit of the interests of the PAGA Members. Nevertheless,
10 I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my
11 former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe
12 that I faithfully executed the duties of a representative throughout this litigation and will continue to
13 do until this litigation is fully and finally resolve.

14 7. I believe that the proposed settlement before the court is fair, reasonable, and adequate,
15 and made in the best interest of the state and the PAGA Members. I further support the fees being
16 requested by Plaintiff's Counsel in this matter. Consequently, I respectfully, and humbly, ask the
17 Court to grant approval of the Settlement and all of its terms.

18 I declare under the penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed June 14, 2023, at San Francisco (location/City), California.

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21 By: 
22 JESUS AGUILAR
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