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 HECTOR MARTINEZ

[additional counsel listed on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF ORANGE**

HECTOR MARTINEZ, individually and as an
 aggrieved employee and Private Attorney
 General,

Plaintiff,

vs.

COLLEGE WORKS ISM, INC.; COLLEGE
 WORKS PAINTING, INC.; CWPNC, INC.;
 EMPAUS, INC.; EMPCC, INC.; EMPFL,
 LLC; EMPIE, INC. d.b.a. EMPIRE WORKS
 RECONSTRUCTION AND PAINTING,
 EMPIE, INC.; EMPJAX, LLC; EMPNC, INC.;
 EMPPBI, LLC; EMPSD, INC.; MJP EMPIRE,
 INC.; NATIONAL SERVICES GROUP, INC.;
 and DOES 1 through 50, inclusive
 Defendants. California corporation; EMPIE,
 INC. d.b.a. EMPIRE WORKS
 RECONSTRUCTION AND PAINTING, a
 Nevada corporation; and DOES 1 through 50,
 inclusive,

Defendants.

Case No.: 30-2021-01184079-CU-OE-CXC

*Assigned for All Purposes to Hon. Randall J.
 Sherman, Dept. CX105*

CLASS ACTION

**DECLARATION OF HECTOR
 MARTINEZ ATER DAVIS IN
 SUPPORT OF MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION AND PAGA SETTLEMENT**

Date: **XXX**, 2025
 Time: 10:00 a.m.
 Dept: CX-105

Complaint Filed: February 16, 2021
 SAC Filed: January 31, 2022
 Trial Date: Not set

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8 SDP, EMPIRE COMMUNITY PAINTING
9 MANAGEMENT, INC., COLLEGE WORKS ISM,
10 INC., COLLEGE WORKS PAINTING, INC.,
11 CWPNC, INC., EMPAUS, INC., EMPCC, INC.,
12 EMPFL, LLC., EMPIE, INC. d.b.a. EMPIRE WORKS
13 RECONSTRUCTION AND PAINTING, EMPIE,
14 INC., EMPJAX, LLC, EMPNC, INC., EMPPBI, LLC,
15 EMPSD, INC., MJP EMPIRE, INC., and NATIONAL
16 SERVICES GROUP, INC.
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DECLARATION OF HECTOR MARTINEZ

I, Hector Martinez, declare as follows:

1. I am over 18 years of age and a resident of California. I am the Class and PAGA representative in the Action entitled *Hector Martinez v. S D P, et al.*, Orange County Superior Court, Case No. 30-2021-01184079-CU-OE-CXC. I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I was employed by Defendants SDP, College Works ISM, Inc., College Works Painting, Inc., CWPNC, Inc., Empaus, Inc., EMPCC, Inc., EMPFL, LLC, EMPIE, Inc. dba Empire Works Reconstruction and Painting Empire, Inc., EMPJAX, LLC, EMPNC, Inc., EMPPBI, LLC, EMPSD, Inc., MJP Empire, Inc., and National Services Group, Inc. (collectively, "Defendants") as a Painter from approximately May 2020 to approximately August 2020. I was classified as a non-exempt employee and was paid an hourly rate for the work I performed.

3. In or about November 2020, I decided to seek legal advice about my experiences working for Defendants and about pursuing my grievances against Defendants. I contacted Protection Law Group, LLP, and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant was held accountable for not paying its employees for all hours worked and non-compliant meal and rest breaks. I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California. Thereafter, I consulted with the attorneys at Protection Law Group, LLP and discussed my situation, complex wage-and-hour class actions in general, and what it meant to be a named Plaintiff, Class and PAGA Representative.

4. After speaking with my attorneys, I agreed to serve as the Class and PAGA Representative. I was aware that serving as a Class and PAGA Representative could involve additional work including my deposition being taken and that I might have to miss time from work. I still agreed to serve as the Class and PAGA Representative in order to help others recover these wages and penalties for what I believe were the Labor Code violations that had been committed against us.

5. After agreeing to serve as a Class and PAGA representative I spoke with

1 my attorneys extensively on a wide variety of subjects about my employment with Defendants
2 including how things were run on a day-to-day basis, Defendants' policies and practices relating
3 to meal and rest periods, how I was compensated, and the training I was provided, both with
4 respect to my job duties generally, and with respect to Defendants' employment practices.

5 6. In addition to these initial conversations, I had several follow up discussions with
6 my attorneys throughout the case when they encountered a problem or needed additional
7 information. I tried to make myself available and provide my attorneys with any additional
8 information they needed.

9 7. At my counsel's request, I searched for and produced documents I had related to
10 my employment with Defendants and spent several hours looking for any old documents I'd kept
11 from my employment in order to help with the prosecution of the case. Prior to both mediations I
12 had extensive discussions with my attorneys regarding Defendants' employment policies and
13 practices. I helped my attorneys prepare the mediation briefs by providing specific examples based
14 on my experiences working for Defendants including times I was unable to receive my meal and
15 rest breaks and the reasons I was unable to take my breaks.

16 8. When the case settled, I reviewed the Settlement Agreement and discussed its
17 terms with my attorneys. In addition, I kept in contact with my attorneys throughout the settlement
18 process and provided additional information when Class Counsel reached out to me.

19 9. In total, between performing my own research, searching for and gathering
20 documents, reviewing and verifying discovery, communicating with my attorneys, reviewing the
21 settlement and discussing its terms, I estimate I spent at least 21 hours working on this matter.

22 10. I believe I took on a substantial risk agreeing to serve as the Class and PAGA
23 representative in this matter despite being made aware that there was no certainty regarding the
24 outcome of the case or how long the case would ultimately take.

25 11. Since filing this Action, I have understood I was representing the Class and the
26 California Labor and Workforce Development Agency and considered the interests of the Class
27 and LWDA just as I would consider my own interests. I understood that I must put these interests
28 before my own and that even if we were able to successfully recover any penalties most of these

penalties would be paid to the State.

12. I am aware that the lawsuit is public and that my name would be associated with the lawsuit. Although I was concerned and afraid about being the Class and PAGA representative in this public lawsuit, I decided to put my own interests aside and bring a lawsuit that would be beneficial not just for myself but for all employees and the State.

13. I have not yet suffered any adverse consequences as a result of this lawsuit, but neither have I received any benefit for representing the Class for the help I provided my attorneys.

14. In addition to the substantial time that was spent on this matter, I have also agreed to a much broader general release of all claims I may have against Defendants, rather than the more limited release agreed to by the Class.

15. I believe that I have done everything that my attorneys have asked of me and have tried, to the best of my ability, to represent the Class, the State, and Aggrieved Employees. I think my efforts helped get the result obtained in this case. Accordingly, I respectfully request that the Court award me a Class Representative Enhancement payment in the amount of \$10,000.00 for my active participation in this case.

16. Taking into consideration the time I have dedicated to the litigation, the risks I took in order to recover on behalf of not just myself but others, and the general release I have entered on my own behalf, I believe that this amount is reasonable.

17. I am not related to anyone associated with Protection Law Group, LLP.

18. I have not entered into any undisclosed settlement agreements, nor have I received any undisclosed compensation in this case. The only compensation I will receive is whatever amount the Court awards as enhancement and my share of the Class and PAGA payment.

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

Executed on 2/13/2025.

Signed by:

181C4C66DE66431

Hector Martinez