

Justin F. Marquez (SBN 262417)  
justin@wilshirelawfirm.com  
 Benjamin H. Haber (SBN 315664)  
benjamin@wilshirelawfirm.com  
 Arrash T. Fattahi (SBN 333676)  
afattahi@wilshirelawfirm.com

**WILSHIRE LAW FIRM**

3055 Wilshire Blvd., 12th Floor  
 Los Angeles, California 90010  
 Telephone: (213) 381-9988  
 Facsimile: (213) 381-9989

Attorneys for Plaintiff

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

MANUEL GARDUNO, individually, and on  
 behalf of all others similarly situated,

*Plaintiff,*

v.

NEW GENERATION FRAMING, INC., a  
 California corporation; GOLDEN STATE  
 CONSTRUCTION & FRAMING, INC., a  
 California corporation; and DOES 1 through 10,  
 inclusive,

*Defendants.*

Case No. CV-21-000544

[Assigned to: Hon. Sonny S. Sandhu, Dept. 24]

**DECLARATION OF MANUEL  
 GARDUNO IN SUPPORT OF MOTION  
 FOR FINAL APPROVAL OF CLASS  
 ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: June 30, 2023

Time: 8:30 a.m.

Dept: 24

**DECLARATION OF MANUEL GARDUNO**

I, Manuel Garduno, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as a Class Representative.

3. I am a former employee of Defendants New Generation Farming, Inc. and Golden State Construction & Framing, Inc. ("Defendants"). I worked for Defendants from approximately October 2020 to approximately November 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to Defendants' policies and practices as detailed in my complaint.

4. I filed this lawsuit in 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 for Defendants, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. I also observed my co-workers working long hours without taking breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Defendants' policies to better protect the working conditions of my co-workers. I also understood it was my duty as a Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Defendants. Additionally, I provided my counsel with documentation in the form of pay statements and other policy documents that applied to my employment with Defendants. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

///

1           7.       I have invested a lot of personal time and energy while this lawsuit has been  
2 pending. I made it a priority to be actively involved because I wanted to do everything I can to  
3 assist my attorneys in prosecuting this case. I regularly communicated with my attorneys and  
4 their staff to discuss updates on the case and to provide my attorneys with additional information.

5           8.       I spent multiple hours looking for documents that my attorneys asked me to  
6 provide to help this case.

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

10          10.      I also reviewed pleadings filed in this case, including the settlement-related  
11 documents.

12          11.      I believe the settlement is a good settlement and I would recommend that the  
13 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad  
14 that I had the opportunity to represent the class in this lawsuit and that I was able to recover  
15 money through a settlement for the class. I have also observed my attorneys' work throughout  
16 this case and I believe they have been thorough, diligent, prompt, courteous, and professional.

17          12.      Standing up for myself and the rights of others was not an easy decision, and I am  
18 relieved that this is coming to an end. To date, I estimate that I have spent at least 40 hours on  
19 this case.

20          13.      I did not make the decision to file a class action lightly. I was concerned by the  
21 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be  
22 associated with a lawsuit that I filed against my former employer. I was aware that it is possible  
23 to perform background checks of publicly filed documents on the Internet and I am mindful that  
24 future employers might not like that I filed this case.

25          14.      I respectfully request that the Court award me a \$10,000 service payment. I am  
26 receiving no additional compensation other than the compensation provided for me in the  
27 settlement. Based on my involvement in this case and the benefits provided to my former co-  
28 workers, I can say I helped stand up for the other workers who may have been too afraid to say

1 anything to management because they did not want to risk losing their jobs or risk the stigma of  
2 suing an employer. I was not afraid to take that risk because I strongly care about helping out my  
3 current and former co-workers. I also continue to fear that any employer may find out that I  
4 participated in this lawsuit and hold it against me. In a competitive job market, this factor may  
5 weigh heavily against me. Nevertheless, I felt that important rights were at stake that hurt myself  
6 and other employees.

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

9 Executed on 6/6/2023 at Sacramento, California.

DocuSigned by:

Manuel Garduno

BA8E64598E134E7...

Manuel Garduno

*Manuel Garduno v. New Generation Framing, Inc., et al.*  
CV-21-000544

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., 12<sup>th</sup> Floor, Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com.

On **June 7, 2023**, I served the foregoing **DECLARATION OF MANUEL GARDUNO IN SUPPORT OF 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:

Attorneys for Defendants

- (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 **June 7, 2023**, at Los Angeles, California.

Signature