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Attorneys for Plaintiff

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

SANTIAGO GUTIERREZ, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

M.M.C.L., INC. dba CALIFORNIA
LANDCARE, a California corporation; and
DOES 1 through 100,

Defendants.

Case No. 30-2021-01182371-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Randall J. Sherman, Dept. CX05]*

**DECLARATION OF SANTIAGO
GUTIERREZ IN SUPPORT OF APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: October 28, 2022

Time: 10:00 a.m.

Dept.: CX105

Reservation No.: 73797124

Action Filed: February 2, 2021

Trial Date: None Set

DECLARATION OF SANTIAGO GUTIERREZ

I, SANTIAGO GUTIERREZ, declare as follows:

1. I am an individual over the age of 18 and am the named plaintiff in this matter. This declaration is submitted in support of approval of the proposed class action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so. Because I do not speak or read English fluently, I was interviewed in Spanish for this declaration with the assistance of an interpreter, who reviewed it with me and translated its contents between English and Spanish.

2. I worked for M.M.C.L., Inc. dba California Landcare (“Defendant”) as a non-exempt employee from approximately August 2019 until approximately March 24, 2020. Throughout my employment with Defendant, my duties included landscaping and maintenance work, such as trimming trees, planting seeds, and uprooting plants and flowers.

3. During my employment, Defendant did not pay me all the minimum and overtime wages that I believe I was owed. Specifically, Defendant did not track my time worked, so even though I typically worked longer than 8 hours in a workday, I was only paid for an 8-hour schedule. I would also regularly arrive at Defendant’s office location prior to the scheduled start time of my shifts in order to pick up and load company trucks to prepare for the workday, but I was not paid for this time. In addition, Defendant only allowed me to take a single 1-hour meal period during my workdays that I could only take at the direction of my supervisor, which regularly took place after I had already completed five hours of work. I was never provided with a second meal period or any rest periods throughout the day. Further, once I arrived at Defendant’s jobsites, I was required to stay on the premises at all times during my workday, even during meal periods. Defendant’s supervisors reprimanded and/or threatened me and other employees with termination if we left the jobsite during our meal periods. During my employment with Defendant, I was also required to use my personal cell phone to call my supervisors to discuss work and job assignments, but I was never reimbursed for a portion of my phone bill. I was also required to buy a hat with the company’s logo on it, but I was not

1 reimbursed for this cost either. Finally, the wage statements that I received from Defendant did
2 not include the company's address on them.

3 4. I brought this lawsuit because I felt that Defendant was not following the law,
4 and I wanted Defendant to comply with the law and treat its employees fairly. I feel that I have
5 taken on a greater burden than any of the other class members because I have been actively
6 involved in the litigation, and because it is my name that is attached to the lawsuit. Although I
7 was aware of the risks of attaching my name to a publicly filed lawsuit, I chose to move forward
8 with the case anyway. Through my efforts, Defendant has agreed to a settlement that will
9 benefit current and former employees of Defendant and I believe that I should be compensated
10 for carrying the burden of this litigation for the benefit of the other employees.

11 5. I have been actively involved in this case since before it was even filed. Among
12 other things, I gathered relevant documents for use in the lawsuit and provided copies of my
13 wage statements and other factual information to my attorneys, had various phone calls with my
14 attorneys to discuss the claims in the lawsuit and Defendant's practices, assisted my attorneys to
15 help them prepare for mediation, reviewed and provided input regarding the settlement in this
16 case, and otherwise assisted my attorneys in moving this case towards resolution. I estimate that
17 I have spent approximately 10 to 15 hours in total on these activities.

18 I declare under penalty of perjury under the laws of the state of California and the
19 United States that the foregoing is true and correct. Executed on Apr 12, 2022, 2022 at
20 Santa ana, California.

21  2, 2022 19:22 PDT

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