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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

MIGUEL ATENCIO, FRANCISCO
NOGUERA, NICOLE LABEUCHERIE,
and EMIR LOUDHABACHI, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

STACHS LLC, a Limited Liability
Company; EAZE TECHNOLOGIES,
INC., a Corporation; and DOES 1
through 50, inclusive,

Defendants.

Lead Case No. **CGC-21-594434**

**DECLARATION OF MIGUEL ATENCIO
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: June 4, 2024

Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer

Courtroom: 302

Action Filed: August 11, 2021

Trial Date: Not Set

1 I, Miguel Atencio, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and in support of my application for a Class Representative Service Payment.
5

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I worked for the defendants ("Stachs") in California from October of 2020 to January of
9 2021 and during that time period I was paid by the hour and classified by Stachs as a non-exempt
10 employee.
11

12 4. I retained my attorneys who are experienced in both class action and representative
13 action litigation and claims against employers for violations of the California Labor Code. I have
14 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
15 of having any actual or potential conflicts of interest with another class member in this case nor am
16 I aware of having any actual or potential conflicts of interest with ILYM Group, Inc., the settlement
17 administrator. I am not aware of any other pending matter or action asserting claims that will be
18 extinguished or adversely affected by this settlement.
19

20 5. I decided to pursue this action and be a plaintiff/class representative because I felt
21 that my legal rights as an employee and others like me were violated. For example, I often did
22 not receive compliant meal and rest breaks which were often late, short or missed entirely – and
23 when these break violations occurred I did not receive all the meal or rest break penalty payments
24 I was entitled to. I was also not paid for all time worked, such as when I had to work while
25 clocked out during my meal breaks. Also, my pay stubs were inaccurate for multiple reasons,
26 including not stating the total amount of hours I worked.
27
28

1 6. I spoke to my attorneys several times and discussed how Stachs implemented
2 its company policies and procedures. I also assisted my attorneys in their investigation into my
3 claims by providing them documents and answering their questions. I reviewed the complaint
4 before it was filed and was given access to an electronic file sharing program that alerted me via
5 email when important documents were filed so that I could review them and keep up with the
6 developments in the case which I understood was one of my duties as a class representative. I
7 could also access court filings from this case on my attorney's law firm website.
8

9 7. Even though this action is in the process of settling, I was and remain prepared to
10 perform all the duties of a class representative. I understand that as a class representative I have
11 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
12 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
13 benefit of the class members and surrender any right to compromise the group action for an
14 individual gain.
15

16 8. I understood that being a plaintiff/class representative in this case meant that I was
17 seeking damages not only for myself but also other individuals working for Stachs in California
18 who make up the class. I felt that these individuals were not aware of their labor law rights and
19 even if they were they would probably be apprehensive about speaking up or even simply because
20 of the time, effort and risk involved in filing a class action lawsuit.
21

22 9. I understood that being a part of this lawsuit involved risks. For example, my
23 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
24 pay for all or part of the attorney fees and costs paid by Stachs to defend this lawsuit. Also, I knew
25 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
26 me or downgrade me as a potential hire. Since I am a plaintiff in this case which is in the public
27 record, it would not be difficult for a future employer to become aware that I sued a former
28

1 employer for labor law violations. Ultimately I decided these risks were worth it and decided to
2 fight for my rights and the rights of others regardless of the risks, time and effort I spent on this
3 case.

4 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
5 kept up to date on important developments by reviewing court filings that were made available to
6 me electronically as I described above.

7
8 11. A mediation took place on October 12, 2023 with Lynn Frank, a well-respected and
9 experienced mediator of wage and hour class actions. Following the mediation the parties were
10 able to reach an agreement to settle the action based on a mediator's proposal. I communicated
11 with my attorneys regarding the terms of the settlement which was reached between the parties and
12 understood that I was representing absent class members and therefore wanted the best possible
13 result to be obtained for the class members and I believe a very positive result was in fact achieved
14 via settlement.

15
16 12. I have been actively involved with this lawsuit performing the duties described above.
17 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
18 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
19 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
20 until this point. I believe I have been diligent and have done what is expected of a plaintiff and a
21 proposed class representative to date, and will continue to do so. I have and always will maintain
22 the best interest of the class members.

23
24 13. My attorneys explained to me that the settlement process involves a two-step review
25 by the Court to determine whether the settlement is fair before approving the settlement. I know
26 this process also involves notifying all class members of the settlement terms and of their rights to
27 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.
28

14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel significant personal satisfaction to know that I played a role in the class members being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the requested Class Representative Service Payment of \$12,000 from the settlement is fair compensation for the work I performed and the risks I undertook.

15. As part of the settlement it was necessary for me to sign a general release of all claims I may have against Stachs. I believe the Class Representative Service Payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying for the defendants' costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for \$12,000 as a Class Representative Service Payment is fair and reasonable.

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

Executed on Apr 27, 2024, at San Francisco , Ca.
(city, state)


Miguel A. Atencio (Apr 27, 2024 14:34 MDT)