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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ERNESTO RIVERA, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

v.

FIBER CARE BATHS, INC., a California
corporation; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: CIVSB2114174
[Consolidated with Case No. CIVSB2114736]

Assigned for All Purposes to:
Honorable David Cohn
Department S-26

CLASS ACTION

**DECLARATION OF ERNESTO RIVERA
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES AND COSTS, AND
ENHANCEMENT AWARDS**

Hearing Date: May 31, 2023
Hearing Time: 10:00 a.m.
Hearing Place: Department S-26

Complaint Filed: May 18, 2021
Trial Date: None Set

1 ARMOND M. JACKSON (SBN 281547)
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I, **ERNESTO RIVERA**, hereby declare as follows:

1. I am over eighteen (18) years of age and a resident of California. I am one of the plaintiffs in the above-captioned case, and I have personal knowledge of the facts and events set forth herein. If called upon to testify, I could and would competently testify.

2. I was employed by Defendant Fiber Care Baths, Inc. (“Defendant”) as an hourly, non-exempt employee from approximately 2019 to 2020. During my employment, it was the case I was forced to forgo receiving compliant breaks (*i.e.*, missed, cut, short, late) due to the nature of my work, heavy workloads, and pressures from dispatch. Following my employment, I sought legal advice concerning my time with Defendant to explore the possibility of filing a lawsuit to redress my grievances. Pursuant to this, I contacted Justice Law Offices and spoke with the attorneys there, including Douglas Han, Esq., to receive legal advice about my work experience. During this time, Mr. Han informed me about other common wage-and-hour violations I may have faced (*i.e.*, not being reimbursed for all business expenses). Once I realized what had happened, I wanted to do whatever I could to ensure Defendant paid what was owed and stopped its improper, uniform practices.

3. Mr. Han explained the possibility of starting a class action lawsuit. But Mr. Han indicated I may have to sacrifice my potential individual claims in exchange for pursuing on behalf of all employees. I was informed of the risks and sacrifices associated with as a representative (*i.e.*, risking a judgment of attorneys' fees and costs entered against thus, I struggled with the decision to bring my own claims versus seeking a claim on of the Class and informed Mr. Han I would be in touch.

4. After my initial consultation, I investigated class action lawsuits and did some research of the leading class action and employment law firms in California for about two (2) weeks. I then spoke with the attorneys at Justice Law Corporation for around one and one-half (1.5) hours to further discuss my situation, class action lawsuits in general, and what it meant to be a class action representative. Considering the type of violations I faced, I decided starting a class action lawsuit to stop Defendant's improper, uniform practices was worth sacrificing potential

1 individual claims I may have.

2 5. I initially filed a wage-and-hour class action lawsuit against Defendant in the
3 Superior Court of California, County of San Bernardino, alleging eight (8) causes of action.
4 Shortly afterwards, Manuel Villegas, another former employee of Defendant and represented by
5 Jackson Law, APC, filed a similar wage-and-hour class action lawsuit against Defendant in the
6 Superior Court of California, County of San Bernardino, alleging ten (10) causes of action.
7 Manuel Villegas' lawsuit also included a cause of action for violation of Labor Code section
8 2698, *et seq.* (Private Attorneys General Act of 2004 ("PAGA")). Manuel Villegas and I agreed
9 it would be more effective to work together to litigate our separate lawsuits against Defendant
10 due to the similarities of our allegations. After engaging in discovery, investigations, and
11 negotiations, the Parties remotely participate in mediation with the hopes of reaching a global
12 resolution. Under the auspices of the mediators, the Parties managed to negotiate an excellent
13 global settlement via a mediator's proposal. In line with the settlement, the Parties stipulated to
14 consolidate both lawsuits and designated my lawsuit as the lead case.

15 6. Since starting my case, I spent over sixty (60) hours meeting with my attorneys
16 concerning the case and performing my responsibilities as a class representative. These many
17 responsibilities included, among other things: (a) gathering my employment documents (*i.e.*,
18 personnel records) to give my attorneys an idea of the policies, practices, and procedures I was
19 exposed to; (b) reviewing documents with my attorneys and answering their questions and
20 inquiries; (c) providing the names and contact information of several putative class members for
21 my attorneys to locate and interview to corroborate the allegations; (d) speaking with other
22 current and former employees of Defendant to gather support for my claims; (e) providing
23 guidance regarding other employees' duties and responsibilities to help determine commonality
24 and typicality; (f) discussing my employment experience (and work environment created by
25 Defendant); (g) reviewing the operative complaint, pleadings, and Settlement Agreement (and
26 exhibits); (h) helping my attorneys develop a strategy to obtain additional documents from
27 Defendant and other sources; and (i) preparing for and making myself available all day to
28 remotely participate in and provide my input for mediation. I also routinely checked in with my

1 attorneys and their staff to ensure they had my most current information and any additional
2 material I obtained from speaking to current and former employees of Defendant.

3 7. Throughout this case, I made myself available to meet and speak with my
4 attorneys whenever they needed me. I responded to my attorneys as quickly as possible and
5 gave them as much information as I could (*i.e.*, names and contact information of several
6 putative class members, various violations I experienced and witnessed, policy documents I was
7 given during my employment). I spent at least seven to eight (7-8) additional hours discussing
8 the case with my attorneys (*i.e.*, applicable legal theories to explore, pertinent information to
9 request, importance of the documents produced, relative strength of certain allegations) and
10 sending them relevant documents and information. The aid I provided my attorneys played an
11 important role in allowing this matter to settle as opposed to being litigated for several more
12 months, or even years. Even if the Parties had reached a similar settlement after further
13 litigation, it would have been undercut by additional costs and expenses incurred.

14 8. The description of my work experience coupled with authorizing the receipt of
15 my employment documents helped my attorneys develop their legal theories and determine the
16 extent and frequency of the alleged day-to-day violations. In addition, by providing the names
17 and contact information of putative class members, my attorneys located and interviewed them,
18 allowing my attorneys to corroborate the legal theories already developed. Collectively, this
19 information refined my attorneys' understanding of the policies, practices, and procedures in
20 place and informed them of the legal theories to further develop and emphasize at mediation. In
21 other words, my assistance was integral to better preparing my attorneys for mediation, thereby
22 increasing the likelihood of negotiating an exceptional settlement.

23 9. During discovery, I spent over an entire day digging through emails seeking
24 documents and information that would be responsive to potential discovery requests. In fact,
25 discovery was another essential component that contributed to the settlement of this case. For
26 instance, the several consultations with my attorneys assisted them with determining the
27 relevant documents to request and gather from Defendant and other sources (*i.e.*, personnel
28 records, policy documents, sampling of time and pay records, etc.). By extension, obtaining an

1 appropriate sampling of time and pay records aided my attorneys with accurately calculating
2 potential damages for mediation purposes, giving them the necessary leverage to negotiate an
3 excellent settlement. I was also informed I may be called in for a deposition at one point. While
4 I was ultimately not deposed, I was ready and willing to spend as much time as necessary to
5 give my testimony regarding the violation I experienced and witnessed.

6 10. Regarding the settlement, I was available to answer any questions my attorneys
7 had. During mediation, I made myself accessible all day via phone call and Zoom to respond to
8 any inquiries and provide my input regarding the negotiations. When my attorneys asked me to
9 review the Settlement Agreement (and exhibits), I took about two and one-half (2.5) hours to
10 review it. I then spent around one and one-half (1.5) hours asking questions and discussing the
11 terms and provisions of the settlement with my attorneys before signing it.

12 11. Before starting my case, my attorneys explained to me that I may have
13 difficulties finding employment in the future compared to employee candidates who have not
14 been a part of class action and/or PAGA lawsuits. This was in addition to the possibility of
15 having a judgment entered against me for attorneys' fees and costs. Consequently, it was a
16 serious risk being a part of a class action and PAGA lawsuit. However, I did not allow this to
17 deter me from seeking justice on behalf of my former coworkers.

18 12. For the better part of nearly two (2) years, I have done everything my attorneys
19 have asked of me and tried to represent the Class to the best of my abilities. I believe my efforts
20 greatly contributed to the excellent results obtained herein. Therefore, as a class representative, I
21 request the Court award me an Enhancement Award of \$10,000 for my active participation and
22 sacrifices in this matter.

23 13. Serving as a class representative is not something I took lightly throughout the
24 litigation of this matter. Considering the time dedicated, benefits conferred to the Class, lack of
25 personal benefits received (*i.e.*, forgoing potential individual claims to be a part of a class action
26 and PAGA lawsuit instead of filing a quicker individual lawsuit), risking a judgment of
27 attorneys' fees and costs entered against me, and losing a potential source of income, I believe
28 the Enhancement Award is reasonable and justified.

14. I am not related to anyone associated with Justice Law Corporation nor have I entered any undisclosed agreements or received any undisclosed compensation in this case.

I declare that under the penalty of perjury under the laws of California the foregoing is true and correct. Executed this 04/12/2023 at Adelanto, California.

Ernesto Rivera

Ernesto Rivera