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7 Attorneys for Plaintiff Ericka Kraut
8 and all other similarly situated current
and former employees of Defendants

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10 SUPERIOR COURT OF STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN BERNARDINO
12

13 ROCIO ROSALES and ERICKA KRAUT, as
14 individuals and on behalf of others similarly
15 situated,

16 Plaintiffs,

17 vs.

18 DT EMPLOYER, LLC, a California limited
19 liability company; *et al.*,

20 Defendants.
21
22

Case No.: CIVSB2132004

Assigned for all purposes to:
Hon. David S. Cohn
Dept. S26

**DECLARATION OF PLAINTIFF
ERICKA KRAUT IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date:
Hearing Time:
Department:

DECLARATION OF ERICKA KRAUT

I, Ericka Kraut, declare as follows:

1. I am an adult, over the age of eighteen years, and am a Named Plaintiff in the within action. Unless clearly indicated otherwise by context, I have personal knowledge of the facts set forth herein, and if called upon, could and would testify competently thereto.

2. I submit this Declaration in support of Plaintiff's motion for preliminary approval of class action settlement.

3. I was employed and worked for DT Employer in Ontario, California, from 2017 to 2021. I worked in Housekeeping, where I was subjected to the Labor Code violations alleged in this action, including, but not limited to, being denied meal periods and rest breaks, and having to work off the clock.

5. Since I retained Rastegar Law Group, APC ("RLG") in 2021, I have actively participated in and assisted RLG ("Class Counsel") with the prosecution of this case. My participation includes the following: (a) meeting with Class Counsel and undergoing a lengthy intake process; (b) searching for and providing relevant documents to Class Counsel; (c) keeping myself informed of developments in the case; (d) assisting Class Counsel with proposed draft discovery; (e) conferring numerous times with my Class Counsel; (f) maintaining regular contact with Class Counsel throughout the litigation to keep up to date on developments in the case; (g) reviewing documents from Class Counsel; (h) preparing for and responding to questions from Class Counsel; (i) preparing for and making myself available to Class Counsel (j) participating in decisions concerning this case, including settlement negotiations involving Class Counsel; (k) reviewing and discussing the settlement documents with Class Counsel; and (l) reviewing and discussing this declaration with Class Counsel.

6. As a named Plaintiff and Class Representative, I made sure that I understood everything that was going on in my case so I could make the best-informed decisions on behalf of the class and myself.

7. In agreeing to serve as a named Plaintiff and Class Representative, I realized I would be undertaking risks and giving up rights that other class members would not be facing.

1 8. In addition to having to pay my own litigation costs, I realized that I could be
2 responsible for paying the Defendant's litigation costs if we did not win at trial.

3 9. Moreover, in bringing this action as a class action, I agreed to postpone the
4 prosecution of my individual Labor Code claims against Defendant.

5 10. Despite these risks, I felt strongly about standing up for the rights of my fellow
6 coworkers that I decided to bring and participate in this lawsuit.

7 11. I believe that the requested \$10,000.00 Class Representative Service Award for
8 serving as a Class Representative is reasonable given the substantial time and effort I have
9 expended on behalf of the class, the risks I faced and the rights I gave up in agreeing to serve as a
10 named Plaintiff and Class Representative over the three years since I retained RLG. The class
11 members will receive the opportunity to participate in the settlement and to recover payment for
12 alleged wage and hour violations. Because I put myself on the line, each class member does not
13 have to expend his or her own time and resources to pursue legal remedies individually. This
14 action would not have been possible without the active participation of Ms. Rosales and myself,
15 and our willingness to place ourselves at risk for the sake of the other class members.

16 12. I understand that without efforts by me and the other named Class Representative,
17 this lawsuit would not have been brought on behalf of Defendant's non-exempt employees.
18 Throughout the entire litigation, I did the best I could to represent the class and to look out for its
19 best interests. As the Class Representative, I will always consider the interests of the class
20 members just as I would consider my own interests, and I understand that in some situations I
21 must put the interests of the class members before my own interests. I will continue to actively
22 participate in the lawsuit, as necessary. I recognize and accept that any resolution of this lawsuit is
23 subject to court approval and must be in the best interests of the class as a whole.

24 13. To the best of my knowledge, I do not have any actual or potential conflicts of
25 interest with any Class Members. I am not related to anyone associated with RLG.

26 I declare under penalty of perjury pursuant to the laws of the State of California that the
27 foregoing is true and correct, and that this declaration was executed on Oxt 14, 2024.
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Ericka Kraut, Declarant

