

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 CONTRA COSTA

RAUL FRIAS-ESTRADA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

TREK RETAIL CORPORATION, a Wisconsin
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No. MSC20-01916

CLASS ACTION

[Assigned to: Hon. Edward G. Weil, Dept. 39]

**DECLARATION OF RAUL FRIAS-
ESTRADA IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

FINAL APPROVAL HEARING

Date: February 16, 2023

Time: 9:00 a.m.

Dept: 39

DECLARATION OF RAUL FRIAS-ESTRADA

I, Raul Frias-Estrada, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents. I submit this declaration in support of my motion for final approval of class action settlement.

2. 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 serving as the Class Representative.

3. I am a former employee of Trek Retail Corporation ("Trek"), where I worked as an hourly-paid, non-exempt employee from approximately December 2019 to approximately June 2020. Throughout the entirety of my employment, I was subject to Trek's policies and practices that were alleged in the Class Action Complaint and subsequent First Amended Class and Representative Action Complaint.

4. I filed this lawsuit because I was concerned that, among other things, I was not paid for all hours worked, not provided all of my meal and rest breaks, and not provided reimbursements for all business-related expenses I incurred. By bringing this lawsuit, I hoped that I might be able to change Trek's policies and practices 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.

5. I have actively participated in the litigation of this action. Prior to commencing this case, I provided Wilshire Law Firm and my attorneys a detailed account of my employment with Trek, including my experience with not receiving full meal periods and rest periods and being required to perform work "off-the-clock" during my employment. I provided my counsel with documentation in support of the claims that were brought in this case. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in better

1 understanding the policies and practices at Trek. I also regularly communicated with my attorneys
2 and staff members of Wilshire Law Firm via telephone, text messages, and e-mails.

3 6. My attorneys explained to me the risks and benefits of bringing forward a class
4 action matter. I understood the risks, both professionally and financially, associated with pursuing
5 a class action case and acting as the Class Representative. I also understood that pursuing the case
6 as a class action rather than an individual case meant that it would likely take longer to receive any
7 recovery as a result of the multi-step approval process that the courts require. I was also made
8 aware that there was a possibility that I could receive nothing at the end, but I believed that it was
9 important to still file the case to help ensure that Trek followed the law with respect to all of its
10 hourly-paid and non-exempt employees. Additionally, I understood that it was my responsibility
11 to act in the best interests of the Class and not just myself. In that respect, I understood my duties
12 and responsibilities to the proposed Class and carried out and will continue to carry out those duties
13 as necessary.

14 7. Throughout the course of the litigation, I maintained constant communication with
15 my attorneys and their staff members to discuss matters relevant to the lawsuit. I estimate that I
16 had approximately 15-20 phone calls with my attorneys and/or their staff, and several of the calls
17 lasted longer than 30 minutes. I also exchanged numerous text messages and e-mail
18 communications with my attorneys. I asked questions when I wanted to know what was being
19 done on the case. I always understood that a recovery would not only benefit me but would also
20 benefit my fellow co-workers. I made myself available to my attorneys at all times to answer any
21 questions that they had about my employment.

22 8. This was especially true leading up to and during the mediation that took place on
23 October 1, 2021. In preparation for the mediation, I had extensive conversations with my attorneys
24 regarding the issues that we were going to address during the mediation and negotiation process.
25 During the mediation session, I was also available to speak with my attorneys, answer any
26 questions that arose, and provide additional documentation that was necessary to assist the
27 settlement discussions.

28 9. I also reviewed the MOU, Settlement and amendment to the Settlement in full, and

1 I discussed the terms with my attorneys. My attorneys answered all the questions I had regarding
2 the settlement documents. I believe the settlement terms and allocations are fair and reasonable
3 given the strengths of the claims and Trek's defenses.

4 10. I estimate that I spent **at least 40 hours** searching for and collecting documents
5 related to my employment, speaking with my attorneys and their staff throughout the litigation,
6 helping my attorneys prepare for mediation, discussing the particulars of the settlement, and
7 reviewing/signing documents related to the settlement.

8 11. I did not make the decision to file a class action lightly. I was concerned by the
9 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
10 associated with a lawsuit that I filed against my former employer. I was aware that it is possible
11 to perform background checks of publicly filed documents on the Internet, sometimes with
12 nothing more than a simple Google search. I am mindful that prospective employers might find
13 out that I sued Trek, and this could hurt my employability. Nevertheless, I felt that important rights
14 were at stake that hurt everyone, and something ought to be done about it.

15 12. I also understand that there was financial risk in bringing this lawsuit. For
16 example, I knew that if I did not prevail in this lawsuit that I could potentially be responsible for
17 Trek's attorney costs and fees.

18 13. Standing up for myself and the rights of others was not an easy decision, and I am
19 relieved that this is coming to an end. However, I continue to fear that any potential future
20 employer may find out that I participated in this lawsuit and hold it against me. In a competitive
21 job market, this factor may weigh heavily against me.

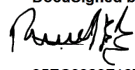
22 14. I understand that the settlement agreement provides a service payment to me in the
23 amount of \$10,000. I believe this amount is fair compensation for my time and effort on this
24 case, for helping to prosecute this case, and the risks with respect to my future employment. In
25 addition, the settlement requires that I enter into a general release, which I understand is broader
26 than the release that will bind other class members. I am receiving no compensation additional to
27 that provided for in the settlement.

28 15. I respectfully request that the Court award me a \$10,000 service payment. Based

1 on my involvement in this case and the benefits provided to my former co-workers, I can say I
2 helped stand up for the other workers who may have been too afraid to say anything to management
3 because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was
4 not afraid to take that risk because I strongly care about helping out my former co-workers.

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

7 Executed on 1/23/2023 at San Ramon, California.

8 DocuSigned by:

9 95EC0920F167479...
10 Raul Frias-Estrada

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

PROOF OF SERVICE

Frias-Estrada v. Trek Retail Corporation, et al.
MSC20-01916

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Ashley Narinyans, 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., 12th Floor, Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

On **January 24, 2023**, I served the foregoing **DECLARATION OF RAUL FRIAS-ESTRADA IN SUPPORT OF PLAINTIFF'S 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:

Jennifer N. Lutz, Esq. (SBN 190460)
jlutz@pettitkohn.com
Rio F. Schwarting, Esq. (SBN 323363)
rschwarting@pettitkohn.com
Michelle Guerrero
mguerrero@pettitkohn.com
Kimberly Woodpp
kwood@pettitkohn.com
PETTIT KOHN INGRASSIA LUTZ & DOLIN PC
11622 El Camino Real, Suite 300
San Diego, California 92130
Telephone: (858) 755-8500
Facsimile: (858) 755-8504

Attorneys for Defendant Trek Retail Corporation

(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 ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the email addresses listed above using File & ServeXpress.

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

Executed on **January 24, 2023**, at Los Angeles, California.

Ashley Narinyans

Type or Print Name



Signature