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5 Attorneys for Plaintiffs, JESUS DIAZ and HECTOR GARCIA
on behalf of themselves and all others similarly situated
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
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11 JESUS DIAZ and HECTOR GARCIA on behalf
of themselves and all others similarly situated,

12 Plaintiffs,

13 vs.

14 CAL PLATE, INC. a California corporation,
15 and DOES 1 through 50, inclusive,

16
17 Defendants.

Case No.: 20STCV00696

ASSIGNED FOR ALL PURPOSES TO:
Judge: Hon. Elihu M. Berle
Dept.: 6

**DECLARATION OF HECTOR
GARCIA IN SUPPORT OF MOTION
FOR FINAL APPROVAL.**

18 **DECLARATION OF HECTOR GARCIA**

19 I, Hector Garcia, declare as follows:

20 1. I am a Named Plaintiff and proposed Class Representative in the matter styled, *Jesus*
21 *Diaz and Hector Garcia v. Cal Plate, Inc.*, Case no. 20STCV00696. I know the facts declared herein
22 to be true of my own personal knowledge and if called as a witness, I could and would competently
23 testify thereto.

24 2. I was employed by Cal Plate, Inc. from in or about 1998, through on or about April
25 2020. During my employment with Cal Plate, Inc., I was a non-exempt, hourly-paid employee and
26 worked in the "airmark" department engaged in various duties, including a machine operator.

27 3. Prior to retaining the law firm of James Hawkins APLC to redress the grievances that
28 I had against Cal Plate, Inc., James Hawkins APLC informed me of the advantages and

1 disadvantages of litigation, and of my responsibilities as both a Plaintiff and a Class Representative.

2 4. By deciding to litigate my claims as part of this class action, I agreed to pursue not
3 only my own potential wage and hour claims, but the claims of all similarly situated employees, and
4 if necessary, to put the interests of the class ahead of my own. I pledged to participate actively in the
5 lawsuit.

6 5. As a Class Representative, I am aware that I represent the interest of the class
7 members in this litigation and of my fiduciary duty to the putative class members. I am not aware of
8 any interests adverse to the interests of the proposed class members, and I am, and have been,
9 committed to vigorously prosecuting the case on behalf of the class. I have adhered to my
10 commitment and duty to the class including foregoing the opportunity to settle my individual claims
11 against Cal Plate, Inc. early on in this litigation.

12 6. As a Class Representative, I continuously interacted with my attorneys to discuss the
13 status of the case and I provided relevant oral and documentary information necessary to prosecute
14 the class claims. I provided information to my attorneys which helped in the discovery propounded
15 on Cal Plate, Inc.

16 7. By agreeing to bring this action, I formally accepted the responsibilities of
17 representing the interests of class members in California and willingly chose to assume risks and
18 potential costs that I alone might have to bear if judgement would have been rendered in favor of Cal
19 Plate, Inc.

20 8. As part of the Class Action Settlement, I also signed a general release releasing all
21 claims I have or may have against Cal Plate, Inc., which is far broader than the release by the class
22 members.

23 9. I also risked the potential stigma of being the named plaintiff in a representative
24 action labor dispute which could affect my further employability in the industry or with any
25 prospective employer who learns of my lawsuit against a former employer.

26 10. The incentive payment for being a class representative, subject to court approval, is
27 Six Thousand Dollars (\$6,000). I believe that this amount is fair and reasonable in light of the
28 efforts and risks of litigating this class action as a class representative which has resulted in a very

1 favorable outcome to the class members. This incentive payment is also in consideration for
2 executing a general release of all my claims against Cal Plate, Inc.

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

6 Executed this 29 day of Abril, 2022 at Irvine, California.

7
8
9 Hector Garcia
10 Hector Garcia