

Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com

Benjamin H. Haber (SBN 315664)
benjamin@wilshirelawfirm.com

Maxim Gorbunov (SBN 343128)
mgorbunov@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 Michael Allen Rios

Electronically FILED by
Superior Court of California,
County of Los Angeles
5/31/2024 10:16 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Drew, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

MICHAEL ALLEN RIOS, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

YOSHI, INC., a corporation, and DOES 1
through 10, inclusive,

Defendants.

ANDRE BROWN, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

YOSHI, INC., and DOES 1 through 100,
inclusive

Defendants.

Case Nos.: 21STCV13691 (*Rios*);
21STCV19677 (*Brown*)

CLASS ACTION

[Assigned for all purposes to: Hon. Elihu M.
Berle, Dept. 6]

**SUPPLEMENTAL DECLARATION OF
MICHAEL ALLEN RIOS IN SUPPORT
OF PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Rios Complaint filed: April 9, 2021
Brown Complaint filed: May 24, 2021
Trial date: Not set

1 **SUPPLEMENTAL DECLARATION OF MICHAEL ALLEN RIOS**

2 I, Michael Allen Rios, declare as follows:

3 1. I have personal knowledge of the facts set forth in this declaration and could and
4 would competently testify to them under oath if called as a witness.

5 2. I am a named Plaintiff in this action and submit this declaration in support of
6 Plaintiffs' Motion for Final Approval of Class Action Settlement.

7 3. This declaration supplements the declaration I previously submitted to this Court on
8 January 12, 2023.

9 4. Because I believe I have provided invaluable assistance during the course of this
10 case, I am hopeful that the Court will approve my request of a \$15,000 service payment for my role
11 as a lead Class Representative.

12 5. As detailed in my previous declaration, I have spent a substantial amount of time on
13 this case. I have spent time searching for and collecting documents related to my employment,
14 regularly speaking with my attorneys throughout the litigation, reviewing discovery and documents
15 received from Yoshi, Inc. ("Yoshi"), helping my attorneys prepare for mediation, discussing the
16 settlement, and reviewing/signing documents related to the settlement. I estimate that, as of today,
17 I have spent at least 75 hours on this case since I first contacted Wilshire Law Firm to investigate
18 my claims.

19 6. I initially filed this case in April 2021 after I left Yoshi because I believed I was not
20 being paid for all hours worked and did not receive all of my meal and rest periods while I worked
21 for Yoshi. By filing this case as a class action, I understood that I would be bringing claims on
22 behalf of myself and other employees. I also understood that class actions take longer to resolve
23 than individual actions, and I therefore took the risk in delaying potential recovery to me that could
24 have been faster to obtain if I pursued this case on an individual basis.

25 7. Since this case was filed in April 2021, I have had financial difficulties and have
26 needed to borrow money from family, friends, and loan providers to pay for basic living expenses,
27 including gas, rent, groceries, and utilities. I also needed to take a loan to pay for my wife's school
28 tuition. Even though I could have pursued quicker recovery on an individual basis only or accepted

1 a settlement payment, I chose to pursue the claims through this class action to benefit other members
2 of the class. I am relieved that this case is coming to an end so that other employees and I can be
3 compensated.

4 8. Additionally, in advance of the mediation, I was offered an individual settlement
5 from Yoshi that was in excess of my requested enhancement fee award. I ultimately rejected the
6 settlement offer in order to advance the interests of the other class members.

7 9. I also understand that a significant number of employees signed releases related to
8 their employment with Yoshi. However, I choose not to do so in order to best serve as a class
9 representative in this case.

10 10. This case has also caused me stress and anxiety because I did not know when, if ever,
11 I would be able to receive compensation for the claims. I also have felt anxiety knowing that my
12 name is associated with a lawsuit that I filed against one of my former employers. However, even
13 though other employees may have been afraid to bring this lawsuit, I was not afraid to do so and I
14 know that my actions have helped other employees because they will receive some compensation
15 from Yoshi and because Yoshi will have improved their policies as a result of this lawsuit.

16 11. I again respectfully request that the Court award me the \$15,000 service payment as
17 allowed in the Settlement Agreement. I also thank the Court for its efforts in handling this lawsuit.

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

20 Executed on 5/31/2024 at Los Angeles, California.

21 DocuSigned by:
22 
23 29685C1D04524B4...
24 Michael Allen Rios
25
26
27
28

PROOF OF SERVICE

Rios v. Yoshi, Inc., et al.
21STCV13691

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, 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 rpadilla@wilshirelawfirm.com.

On May 31, 2024, I served the foregoing **SUPPLEMENTAL DECLARATION OF MICHAEL ALLEN RIOS IN SUPPORT OF PLAINTIFFS' 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:

Scott Edward Cole (SBN 160744)
sec@colevannote.com
Laura Grace Van Note (SBN 310160)
lvn@colevannote.com
Cody Alexander Bolce (SBN 322725)
cab@colevannote.com
COLE & VAN NOTE
555 12th Street, Suite 1725
Oakland, California 94607

Attorneys for Plaintiff Andre Brown

David P. Nemecek, Jr. (SBN 194402)
david@fortress-law.com
THE FORTRESS LAW FIRM, INC.
50 California Street, Suite 1500
San Francisco, CA 94111

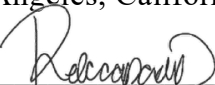
Attorneys for Defendant Yoshi, Inc.

(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 electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE.**

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

Executed on May 31, 2024, at Los Angeles, California.



Rebecca Padilla