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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA**

OCTAVIO ABARCA-RUEDA and HUBER
ABARCA-RUEDA, individually, and on behalf
of all others similarly situated,

Plaintiffs,

v.

FOLEY FAMILY WINES, INC., a corporation;
FOLEY FAMILY FARMS, LP, a limited
partnership; FERRARI-CARANO
VINEYARDS AND WINERY, LLC, a
California limited liability company; and DOES
1 through 10, inclusive,

Defendants.

Case No. SCV-268148

CLASS ACTION

*[Assigned for all purposes to Hon. Bradford
DeMeo, Dept. 17]*

**DECLARATION OF PLAINTIFF
OCTAVIO ABARCA-RUEDA IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF PLAINTIFF OCTAVIO ABARCA-RUEDA

I, Octavio Abarca-Rueda, 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. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. 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.

3. I worked for Foley Family Wines, Inc., Foley Family Farms, LP (“Defendants Foley”), Ferrari-Carano Vineyards and Winery, LLC (collectively, “Defendants”) from approximately 1993 to approximately February 2021 as an hourly-paid, non-exempt employee. I initiated this lawsuit because I believed that I was not provided with all of my meal and rest breaks and was not paid for all of the time that I worked.

4. The entire time I worked there, I was subject to all of Defendant’s policies and practices that have been alleged as unlawful in the Class Action Complaint and Private Attorneys General Act (“PAGA”) Notice sent to Defendants and the Labor & Workforce Development Agency (“LWDA”).

5. I wanted to improve the working conditions at Defendants, so I filed this lawsuit. I understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

6. I spent many hours of my personal time and energy assisting with this lawsuit. As detailed more fully below, I have spent approximately 52 hours on this case. I wanted to be actively involved and everything I can to assist my attorneys in prosecuting this case.

7. Throughout this case, I spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information. For example, I assisted my attorneys

1 in preparing for mediation by discussing the working conditions I experienced while working for
2 Defendants.

3 8. I spent numerous hours looking for documents throughout the case, including when
4 I first contacted my attorneys, before my attorneys filed the case, and before my case was mediated.
5 I also spent time reviewing legal documents in this case, including the retainer and settlement
6 agreement and discussed, in detail, the terms with my attorneys.

7 9. I was also available on the day of mediation and was in continuous contact with my
8 attorneys to discuss any questions or issues that may have arisen.

9 10. I believe the settlement is a good settlement and I would recommend that the Court
10 approve it because I believe that this settlement is fair, adequate, and reasonable. I faithfully
11 represented the class in this lawsuit and was able to recover money through a settlement for the
12 class.

13 11. I did not make the decision to file this lawsuit lightly. I was concerned by the
14 attention a publicly filed lawsuit would attract. My name would be associated with a lawsuit that
15 I filed against my former employer. I am mindful that prospective employers might find out that
16 I sued Defendants. Nevertheless, I felt that important rights were at stake that hurt everyone, and
17 something ought to be done about it. For example, it took me several months to find a new job
18 after working for Defendants. During this time, I had to use credit cards to pay for my bills and
19 day-to-day expenses, which I am still paying off.

20 12. I understand that the settlement agreement provides a service payment to me in the
21 amount of \$15,000.00. I believe this amount is fair compensation for my time and effort on this
22 case, for helping to prosecute this case, and the risks with respect to my future employment. In
23 addition, the settlement requires that I enter into a general release. I am receiving no compensation
24 additional to that provided for in the settlement.

25 13. I was not afraid to help my coworkers, as I know not all of them are able to take the
26 risks that I took when filing this lawsuit. In turn, I provided benefits to my coworkers that many of
27 them would not have had otherwise.

28 14. I reviewed and signed the Ferrari-Carono Settlement and the Foley Settlement in

1 full and my attorneys answered all the questions I had. I believe the settlement terms and
2 allocations are fair, adequate, and reasonable given the strength of the class claims and Defendants'
3 defenses.

4 15. I have no conflicts of interest with any class member or the Settlement
5 Administrator, Simpluris Class Action Settlement Administration.

6 16. I am not aware of any other pending matter or action asserting claims that will be
7 extinguished or adversely affected by the Settlement.

8 I declare under penalty of perjury under the laws of the State of California and the United
9 States that the foregoing is true and correct.

10 Executed on 8/2/2024, at Windsor, California.

11 DocuSigned by:

12 Octavio Abarca

13 166844E65DF4443...
Octavio Abarca-Rueda

Abarca-Rueda, et al. v. Foley Family Wines, Inc. et al.
SCV-268148

PROOF OF SERVICE