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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 HUBER
ABARCA-RUEDA IN SUPPORT OF
PLAINTIFFS’ MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

DECLARATION OF PLAINTIFF HUBER ABARCA-RUEDA

I, Huber 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 am a former employee of Foley Family Wines, Inc., Foley Family Farms, LP, Ferrari-Carano Vineyards and Winery, LLC (collectively, “Defendants”). I worked for Defendants from approximately 1993 to approximately February 2021 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Defendants’ 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”).

4. I initiated this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By originating this lawsuit as a class representative, I hoped that I might be able to change Defendant’s policies to better protect the working conditions of my co-workers. I also 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 have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 54 hours on this case. I made it a priority to be actively involved because I wanted to do everything I can to assist my attorneys in prosecuting this case.

7. Throughout this case, I spent a lot of time speaking to my attorneys about the case and provide them with information, which helped them identify instances of potential violations.

1 Additionally, leading up to the mediation in June 2022, I had multiple lengthy phone calls with
2 Wilshire Law Firm regarding the claims at issue and what was to transpire at the mediation.

3 8. Throughout the case, I also spent time looking for documents relevant to the case to
4 send to my attorneys. I spent a significant amount of hours looking for these documents, including
5 when I first contacted my attorneys to file a case, before the case was filed, and before my case
6 was mediated. I also spent time reviewing legal documents in this case, including the retainer and
7 settlement agreement and discussed, in detail, the terms with my attorneys.

8 9. Additionally, I made myself fully available on the day of mediation and was in
9 continuous contact with my attorneys to assist with any questions or issues that may have arisen.

10 10. I believe the settlement is a good settlement and I would recommend that the Court
11 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
12 had the opportunity to represent the class in this lawsuit and that I was able to recover money
13 through a settlement for the class.

14 11. I did not make the decision to file a class action lightly. I was concerned by the
15 attention a publicly filed lawsuit would attract. My name would be associated with a lawsuit that
16 I filed against my former employer. I am mindful that prospective employers might find out that
17 I sued Defendants. Nevertheless, I felt that important rights were at stake that hurt everyone, and
18 something ought to be done about it.

19 12. I also understand that there was financial risk in bringing this lawsuit. For example,
20 I knew that if I did not prevail in this lawsuit that I could potentially be responsible for Defendants'
21 attorneys' fees and costs.

22 13. I understand that the settlement agreement provides a service payment to me in the
23 amount of \$15,000.00. 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. For
25 example, I was only able to find a new job several months after my employment with Defendants
26 ended. During this time, I had difficulty paying for my car loan and my daily expenses. To help
27 with these payments, I incurred debt which I am still paying off.

14. In addition, the settlement requires that I enter into a general release, which I understand is broader than the release that will bind other class members. I am receiving no compensation additional to that provided for in the settlement.

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

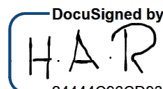
16. I reviewed (and ultimately signed) the Ferrari-Carono Settlement and the Foley Settlement in full and my attorneys answered all the questions I had. I believe the settlement terms and allocations are fair, adequate, and reasonable given the strength of the class claims and Defendants' defenses.

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

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

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

Executed on 8/5/2024, at Windsor, California.

DocuSigned by:

 24444C96CD93424
 Huber Abarca-Rueda

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

I, Rebecca Padilla, am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

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Attorneys for Defendant
Ferrari-Carano Vineyards and Winery, LLC

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed this **August 5, 2024** at Los Angeles, California.

Rebecca Padilla
Type or Print Name

Signature _____