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PERFECTO CHAVEZ GONZALEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PERFECTO CHAVEZ GONZALEZ,
individually and on behalf of others similarly
situated, and as an aggrieved employee and
Private Attorney General,

Plaintiff,

vs.

NIEVES LANDSCAPE, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 21STCV15266

*Assigned for All Purposes to the Hon. Carolyn
Kuhl, Dept. 12*

**DECLARATION OF PLAINTIFF
PERFECTO CHAVEZ GONZALEZ IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: October 10, 2024
Time: 11:30 a.m.
Dept: 12

Complaint Filed: April 22, 2021
FAC Filed: January 16, 2024
Trial: None Set

DECLARATION OF PERFECTO CHAVEZ GONZALEZ

I, Perfecto Chavez Gonzalez, respectfully declare as follows:

1. I am over 18 years of age and a resident of California. I am the Class and PAGA Representative in the action entitled *Gonzalez v. Nieves Landscape, Inc.*, Los Angeles County Superior Court, Case No. 21STCV15266. I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I am aware that on April 22, 2021, I filed a Class Action lawsuit with this Court entitled, *Gonzalez v. Nieves Landscape, Inc.*, Los Angeles County Superior Court, Case No. 21STCV15266, alleging eight causes of action for wage and hour violations against Defendant Nieves Landscape, Inc. ("Defendant").

3. I am aware that on September 7, 2021, I filed a representative action alleging a single cause of action for violation of California Labor Code § 2699, et seq. against Defendant in an action entitled *Gonzalez v. Nieves Landscape, Inc.*, Los Angeles County Case No. 21STCV32969.

4. I am providing this declaration in support of the approval of the Joint Stipulation of Class Action and PAGA Settlement.

5. I was employed by Defendant from approximately June 2019 to approximately October 2020 in the state of California. During my employment with Defendant, I was employed as an hourly-paid, non-exempt employee, working as Driver and Manager. I was classified as an hourly, non-exempt employee and was paid an hourly rate for the work I performed.

6. In or about January 2021, I decided to seek legal advice about my experiences working for Defendant and about pursuing my grievances against them. I contacted Class Counsel and spoke with their attorneys. Afterwards, I investigated complex wage-and-hour class actions and actions pursuant to the Private Attorneys General Act of 2004 ("PAGA") in general for approximately 3 hours on my own. I then reached out to Class Counsel again and discussed my situation, and what it meant to be a named plaintiff and Class and PAGA Representative for approximately 2 hours. I wanted to take steps to make sure that Defendant was held accountable

1 for not compensating its hourly employees for all time worked and failing to comply with
2 California's wage and hour laws.

3 7. After speaking with my attorneys and investigating complex wage-and-hour
4 actions and PAGA actions in general, I agreed to serve as a Class and PAGA Representative in
5 the Action.

6 8. As part of becoming a Class and PAGA Representative, I understood that I had a
7 responsibility to the Class, Aggrieved Employees, and State of California.

8 9. My duties were explained to me by my attorneys. I understood that in representing
9 the interests of other employees, I must consider their interest above my own interests in the
10 Action. I am not aware of any interests that I have had that are contrary to the interests of the
11 proposed Class Members, and that even if I were able to successfully recover any penalties from
12 the PAGA claims, most of these penalties would be paid to the State. I also do not know of any
13 conflict of interests that would keep me from adequately representing the Class or the Aggrieved
14 Employees.
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16 10. I was also aware that becoming a Class and PAGA Representative could involve
17 additional work including searching for documents, my deposition being taken, and that I might
18 have to take time off to participate in the Action. I still agreed to serve as the Class and PAGA
19 Representative in order to help others recover these wages and penalties.

20 11. After agreeing to serve as the Class and PAGA Representative, I spoke with my
21 attorneys extensively.

22 12. Since my cases were filed, I have spent over 35 hours meeting with my attorneys
23 regarding the litigation in both actions and fulfilling my responsibilities as a Class and PAGA
24 Representative which included searching for and gathering documents I might have related to the
25 Actions, reviewing documents with my attorneys regarding Defendant's policies, practices, and
26 procedures, answering questions regarding my recollection of my onboarding with Defendant and
27 completion of documents at the beginning of my employment, answering questions regarding the
28 duties of non-exempt employees, helping develop a strategy as to what documents and information

1 to obtain from Defendant, and generally discussing my employment with Defendant. I also helped
2 my attorneys develop a strategy as to what documents and information to obtain from Defendant.
3 I routinely checked in with my attorneys and their staff to make sure they had all of my most
4 current information and any additional information that I had obtained.

5 13. I wanted to do whatever I could to make sure Defendant paid me and other
6 employees what I believe was owed to us for all the hours we worked and for what I believe were
7 non-compliant meal and rest breaks. I believed that this Action could help not only myself but
8 others who I believe had similar difficulties working for Defendant.

9 14. As the Action moved forward, I provided substantial information regarding
10 Defendant's policies, practices, and procedures. I had several additional phone calls with my
11 attorneys throughout the Action and attempted to respond promptly whenever Counsel contacted
12 me or needed additional information. I spoke with my attorneys for many hours, including
13 extensively before the mediation and attempted to provide any help I could on the Action. I
14 proactively monitored the status of the Action and reached out to my Counsel regarding ongoing
15 developments.
16

17 15. As far as the settlement is concerned, I was available to review documents and
18 answer any questions from my attorneys. I spent approximately 2 hours reviewing the Settlement
19 Agreement and about 1 hour asking questions and discussing the potential settlement with my
20 attorneys before signing. I reviewed the Settlement Agreement and discussed its terms with my
21 attorneys. When I had additional questions about the settlement, I contacted my attorneys and
22 reviewed the provisions of the Settlement Agreement where I was unclear. I kept in contact with
23 my attorneys throughout the settlement process and will continue to actively participate in the
24 Action and monitor the Action until it is finalized.

25 16. I believe I took on a substantial risk in agreeing to serve as the Class and PAGA
26 Representative despite being made aware that there was no certainty regarding the outcome of
27 the Action or how long it would take to recover the wages owed to myself and the other Class
28 Members and Aggrieved Employees.

1 17. Although I was concerned and afraid about being the representative in this public
2 lawsuit, I decided to put my own interests aside and bring a lawsuit that would be beneficial not
3 just for myself, but for all employees. I have not yet suffered any adverse consequences as a result
4 of this lawsuit, but neither have I received any benefit for representing the Class, the Aggrieved
5 Employees, or for the help I provided my attorneys.

6 18. I have not entered into any undisclosed settlement agreements, nor have I received
7 any undisclosed compensation in the Action. The only compensation I will receive is whatever
8 amount the Court awards as a Class Representative Service Payment, as well as my share of the
9 settlement fund as a Class Member.

10 19. Furthermore, as part of the Settlement Agreement, I have agreed to a much broader
11 individual release than the more limited release made by other Class Members.

12 20. I believe that I have done everything that my attorneys have asked of me and have
13 tried to the best of my ability to represent the Class Members, State of California, and Aggrieved
14 Employees. I think my efforts helped to get the result obtained in the Action, and as the Class and
15 PAGA Representative, I respectfully request that the Court award me a Class Representative
16 Enhancement Award in the amount of \$7,500.00 for my active participation in the Action. Taking
17 into consideration the time I have dedicated to the litigation, the risks I took in order to recover
18 on behalf of not just myself but others, and the general release I have entered on my own behalf,
19 I believe that this amount is reasonable.

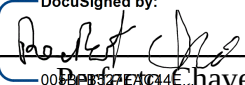
20 21. I am not related to anyone associated with Protection Law Group, LLP.

21 22. As part of the Settlement, I understand that the Parties selected APEX Class Action
22 Settlement Administrators ("APEX"), as the neutral third-party Settlement Administrator to
23 provide notice to the Class Members and to distribute the Settlement Agreement pursuant to its
24 terms. I have no actual or potential conflicts of interests with APEX.

25 23. I aver that I am not aware of any other pending matter or action asserting claims
26 that will be extinguished or adversely affected by the Settlement Agreement.
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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on 4/27/2024.

4 DocuSigned by:
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6 Perfecto Chavez Gonzalez
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