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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN BERNARDINO**

JONHATAN BARAJAS, individually, and on
 behalf of all others similarly situated,

Plaintiff,

v.

FINAL PHASE CONSTRUCTION, INC., a
 California corporation; and DOES 1 to 10,
 inclusive,

Defendants.

Case No. CIVSB2118622

[Assigned to: Hon. Joseph T. Ortiz, Dept. S-17]

**DECLARATION OF JONHATAN
 BARAJAS IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: April 27, 2023

Time: 1:30 p.m.

Dept: S-17

DECLARATION OF JONHATAN BARAJAS

I, Jonhatan Barajas, declare as follows:

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

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Final Phase Construction ("Final Phase Construction"). I worked at Final Phase Construction from approximately May 2018 to approximately July 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to Final Phase Construction's policies and practices that have been alleged as unlawful in the Class Action Complaint ("Complaint") and Private Attorneys General Action ("PAGA") Notice sent to Final Phase Construction and the Labor & Workforce Development Agency ("LWDA").

4. I filed this lawsuit in 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. While working at Final Phase Construction, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. I also observed my co-workers working long hours without taking breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Final Phase Construction's policies to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Final Phase Construction. Additionally, I provided my counsel with documentation in the form of pay statements and other policy

documents that applied to my employment with Final Phase Construction. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

7. I have invested a lot of personal time and energy while this lawsuit has been pending. 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. I regularly communicated with my attorneys and their staff to discuss updates on the case and to provide my attorneys with additional information.

8. I spent multiple hours looking for documents that my attorneys asked me to provide to help this case.

9. I also made myself available during the mediation for this case and I kept in regular contact my attorneys before and after the mediation to ensure that any questions the attorneys had could be answered.

10. I also reviewed pleadings filed in this case, including the settlement-related documents.

11. I believe the settlement is a good settlement and I would recommend that the Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I had the opportunity to represent the class in this lawsuit and that I was able to recover money through a settlement for the class. I have also observed my attorneys' work throughout this case and I believe they have been thorough, diligent, prompt, courteous, and professional.

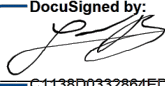
12. Standing up for myself and the rights of others was not an easy decision, and I am relieved that this is coming to an end. I estimate that I spent at least 40 hours on this case.

13. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I was aware that it is possible to perform background checks of publicly filed documents on the Internet, sometimes with a simple Google search. I am mindful that employers might find out that I sued a former employer, and this could hurt my employability. In fact, since my employment with Final Phase Construction ended in 2020, I have not gained meaningful employment with a different employer.

1 14. I respectfully request that the Court award me a \$10,000 service payment. I am
2 receiving no additional compensation other than the compensation provided for in the settlement.
3 Based on my involvement in this case and the benefits provided to my former co-workers, I can
4 say I helped stand up for the other workers who may have been too afraid to say anything to
5 management because they did not want to risk losing their jobs or risk the stigma of suing an
6 employer. I was not afraid to take that risk because I strongly care about helping out my current
7 and former co-workers. I also continue to fear that any employer may find out that I participated
8 in this lawsuit and hold it against me. In a competitive job market, this factor may weigh heavily
9 against me. Nevertheless, I felt that important rights were at stake that hurt myself and other
10 employees.

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

13 Executed on 4/4/2023 at Bloomington, California.

14 DocuSigned by:
15 

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17 Jonhatan Barajas

Barajas v. Final Phase Construction
CIVSB2118622

COUNTY OF LOS ANGELES

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Signature