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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

JOSE ERNESTO LUCAS, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC, a
Delaware limited liability company; SPICE
WORLD INC., a Florida corporation; SPICE
WORLD, LLC, a Florida limited liability
company; and DOES 1 through 10, inclusive,

Defendants

Lead Case No. 21CECG01943
(Consolidated with cases 21CECG03840,
22CECG00586)

[Assigned to Hon. Jonathan Skiles, Dept. 403]

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

**DECLARATION OF JOSE MAGALLAN
IN SUPPORT OF MOTION FOR AN
ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AND
JUDGMENT**

Date: July 11, 2024

Time: 3:30 p.m.

Dept.: 403

Judge: Hon. Jonathan Skiles

JOSE MAGALLAN, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC d/b/a
SPICE WORLD, INC., a Delaware Limited
Liability Company; and DOES 1 Through 10,
inclusive,

Defendants.

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Attorneys for Plaintiff Jose Magallan

1 I, Jose Magallan, declare as follows:

2 1. I am one of the Plaintiffs / Class Representative in the above-captioned lawsuit.
3 I have personal knowledge of all matters stated in this declaration, and could competently testify
4 if called as a witness, except as to the matters stated upon information and belief, and as to those
5 matters, I believe them to be true.

6 2. I am not related to any attorney working on the case, I am not aware of any
7 interests I have that are averse to the interests of any class member, and I do not have any
8 conflicts that would keep me from adequately representing the class. I have been and remain
9 committed to prosecuting this case vigorously on behalf of the class. I agreed to become a
10 representative and named plaintiff in this case to represent other employees who experienced
11 similar violations as me.

12 3. **Work Undertaken:** The substantial work I performed to bring and prosecute this
13 action includes: (1) searching for and finding an attorney to handle this case; (2) initiating the
14 case in 2021 and being an active participant throughout; (3) numerous conferences with my
15 attorneys; (4) searching for and providing information and documents to my attorneys, including
16 relevant text messages and emails with, and paystubs from, Spice World; (5) beginning to
17 prepare for my deposition, although not taken; (6) being available on the day of mediation; and
18 (7) consenting to the Settlement, and then reviewing and signing the Memorandum of
19 Understanding and Settlement Agreement. I estimate that I spent approximately 45 hours since
20 2021 bringing and participating in this action. Beyond the time spent, this case has weighed on
21 my mind for the three years it has been underway.

22 4. **Risks Undertaken:** I understood that by bringing this case, I risked having a
23 judgment entered against me for some or all of Spice World's costs if the case was lost. I also
24 understood the potential negative impact bringing a lawsuit might have on future employment
25 prospects. Other potential employers can and might easily Google my name and see that I filed
26 this lawsuit and decide not to hire me because they are afraid I will sue them for workplace
27 violations too. Despite these risks, I decided to file this lawsuit because I felt it was the right
28 thing to do.

1 5. **Excellent Result for the Class:** When I decided to bring this case as the
2 representative for all other non-exempt California Spice World employees, I understood I was
3 not only seeking compensation for myself, but also for them, and that by doing this, I would
4 delay having my own claims resolved. I agreed to do this for these employees who were not
5 aware of their rights, or afraid to complain to management for fear of losing their jobs. It feels
6 good knowing that because my case settled, 311 other employees will receive about \$730 each.
7 Given that, as I recall, my coworkers were making about \$15.00 per hour, this will be like them
8 receiving a paycheck for 48 hours—or over a week—of work.

9 6. I am aware of the agreed-upon division of attorneys' fees. On June 1, 2021, I
10 consented in writing to the division of attorneys' fees between Cohelan Khoury & Singer (66
11 2/3%) and Davtyan Law Firm, Inc. (now D.Law, Inc.) (33 1/3%). On March 16, 2022, I
12 consented in writing to the division of attorneys' fees between Moon & Yang, APC (now Moon
13 Law Group, PC) (50%) (to be divided with referring/co-counsel subject to separate agreement)
14 and Cohelan Khoury & Singer (50%) (to be divided with referring/co-counsel subject to separate
15 agreement).

16 7. I declare under penalty of perjury under the laws of the United States and the
17 State of California the foregoing is true and correct. Executed on 6/13/2024 in the City
18 of Tulare, California.



Jose Magallan