

Nazo Koulloukian, SBN 263809
 nazo@koullaw.com
 KOUL LAW FIRM
 3435 Wilshire Blvd., Suite 1710
 Los Angeles, CA 90010
 Telephone: (213) 761-5484
 Facsimile: (818) 561-3938

Sahag Majarian, II, Esq. SBN 146621
 Sahagii@aol.com
 LAW OFFICES OF SAHAG MAJARIAN II
 18250 Ventura Blvd.
 Tarzana, CA 91356
 Telephone: (818) 609-0807
 Facsimile: (818) 609-0892

Attorneys for Plaintiff Laura Barboza, and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

LAURA BARBOZA, an individual, and) Case No.: CIVSB2129090
 DAMON POTTER, an individual, on behalf of)
 themselves, all others similarly situated, all)
 aggrieved employees, and the State of)
 California as a Private Attorneys General,)

Plaintiffs,

vs.

RUDOLPH FOODS COMPANY, INC., an)
 Ohio Corporation; and DOES 1 through 20,)
 inclusive,)

Defendants.)

**DECLARATION OF PLAINTIFF LAURA
 BARBOZA IN SUPPORT OF MOTION
 FOR PRELIMINARY APPROVAL OF
 CLASS AND REPRESENTATIVE
 ACTION SETTLEMENT AGREEMENT**

DECLARATION OF LAURA BARBOZA

I, LAURA BARBOZA, declare as follows:

1. I am the named Plaintiff in this lawsuit. I am over 18 years of age and have personal knowledge of the facts described in this declaration. If called as a witness, I could and would testify competently to these facts.

2. I submit this declaration in support of Plaintiff's Motion for Preliminary Approval of Class and Representative Action Settlement Agreement.

3. I am a former employee of Defendant Rudolph Foods Company, Inc. ("Defendant") where I worked from March of 2019 until June of 2021.

4. During the time that I have been employed by Defendant, I have followed the same timekeeping, scheduling and payroll policies and practices of other employees of Defendant whom I observed and interacted with during my employment.

5. I worked in Defendant's food packing warehouse. While I worked for Defendant, I believe that I was underpaid because I had to wait in long lines to clock in and out and I also do not believe that my overtime was paid correctly. I missed many meal and rest breaks and sometimes had to work while I was clocked out for lunch. I recall it getting unsafely hot in my work area and I was not provided with the opportunity to take any cool down rest periods and there was no seating. I was also required to use my personal phone for work but Defendant did not reimburse me for this use.

6. Because I believed I suffered these wage and hour violations working for Defendant and believe that other employees of Defendant suffered similar violations, I wanted to file a lawsuit on behalf of myself and similarly situated employees against Defendant. I worked actively with my attorneys since filing this case.

7. Before filing this lawsuit, my attorneys made me aware of the obligations I had serving as a class representative in this case. By deciding to serve as a class representative in this case, I understood and agreed to pursue not only my own wage and hour claims, but the claims of all other class members, and, if necessary, to put their interests ahead of my own. I decided to file this case as a class action partly because I believed that similarly situated employees were unlikely to be aware of their rights or to pursue their claims individually because of the relative amount of money in dispute.

1 8. My attorneys explained the risks associated with this lawsuit, and that the case could take
2 years to resolve, and therefore required a long-term commitment on my part, which it did. I also
3 understood that future employers may not hire me if they knew I had sued Defendant and that I could
4 potentially be responsible for paying Defendant's attorneys' fees and costs if Defendant prevailed in this
5 lawsuit. However, I accepted those risks because I believed filing this lawsuit was the right thing to do.

6 9. As a class representative in this case, I also understood that it was my job to act as a
7 fiduciary to absent class members. Therefore, I wanted the best possible result to be obtained for the
8 class and I believe a great result was, in fact, achieved through this settlement.

9 10. I have no interests that are antagonistic to the class members in this case.

10 11. I believe that I have adequately served as a class representative in this case and will
11 continue to do so until its conclusion.

12 12. Before this lawsuit was filed, I had several conversations with my attorneys. Among other
13 things, I discussed with them Defendant's practices and how they applied to myself and class members.
14 I also spent significant time gathering documents for my attorneys, provided them with information, and
15 answered their questions so that they could analyze everything I provided them and assess the strength
16 of our claims. Although I did not keep exact records of the time I spent working on my case, I would
17 estimate that I spent at least 20-30 hours.

18 13. After filing of the lawsuit, I spent considerable time assisting my attorneys in litigating
19 this case. Among other things, I reviewed and provided input on key pleadings; was kept apprised of
20 developments in the case; reached out to my coworkers to talk to my attorneys about their experience
21 working for Defendant; and had ongoing contact with my attorneys. I also made myself available all day
22 for mediation which resulted in the settlement of this lawsuit.

23 14. After discussing the risks, benefits, and alternatives of continued litigation, I agreed to
24 settle this lawsuit on behalf of myself and other class members. I have been advised of the terms of the
25 settlement of this case, and in light of the risks and uncertainties in proceeding with this lawsuit, I believe
26 it is fair and reasonable and in the best interests of my coworkers.

1 15. I am aware that Defendant denies the allegations in this lawsuit and that there has been
2 no determination that Defendant is actually liable for any of the alleged violations. I also understand that
3 there are many risks and uncertainties involved in continuing to pursue this case.

4
5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed at Cabazon, California.

7
8 3/7/2023

9 DATE

DocuSigned by:



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LAURA BARBOZA