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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SALVADOR VENEGAS and SERGIO
LAINEZ, on behalf of themselves and on
behalf of all persons similarly situated,
and on behalf of the State of California, as
private attorney generals,

Plaintiff,

vs.

WWF OPERATING COMPANY, LLC, a
Limited Liability Company; DANONE
NORTH AMERICA PUBLIC BENEFIT
CORPORATION, a Corporation; DANONE
US, LLC, a Limited Liability Company; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO.: **21STCV20991**

[Consolidated with Case No.
21PSCV00643 and Case No.
21PSCV01017]

**DECLARATION OF SALVADOR
VENEGAS IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Judge: Hon. Maren Nelson
Dept.: 17

Action Filed: June 4, 2021
Trial Date: Not set

1 I, Salvador Venegas, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for the Defendants ("Danone") from April of 2016 to December of 2020 and I
10 was classified by Danone as an hourly, non-exempt employee during that time period.

11 4. I retained counsel who are experienced in both class action & PAGA representative
12 action litigation and claims against employers for violations of the California Labor Code. I have
13 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
14 of having any actual or potential conflicts of interest with another member of the class in this
15 case nor am I aware of having any actual or potential conflicts of interest with ILYM, the
16 settlement administrator. I am not aware of any other pending matter or action asserting claims
17 that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit for the benefit of myself and other current
20 and former hourly, non-exempt employees who worked for Danone and be a class representative
21 because I felt that my legal rights as an employee and others like me were violated. For example,
22 numerous times throughout my employment with Danone, I was required to clock out and
23 continue to work during what should have been my off-duty meal period. As such, I was not paid
24 minimum or overtime wages for this work done off the clock during my meal periods. I also did
25 not receive all the meal break premium payments I was entitled to for having my meal breaks
26
27

1 interrupted by work-related issues. As to rest breaks, I should have been able to leave the work
2 premises and enjoy a duty-free rest period if I chose to do so but Danone had a policy that
3 required employees to remain on the company premises. In addition, I was not paid for off the
4 clock work in that I was required to wait in line in order to submit to Covid-19 screening prior to
5 clocking into the timekeeping system for the work day. I also had to use my cell phone to
6 respond to calls and texts from my supervisors regarding scheduling issues but Danone did not
7 reimburse me for the cost associated with using my personal cell phone for these work-related
8 issues.
9

10 6. This class action case was filed on June 4, 2021. Before the complaint was filed I
11 spoke to my attorneys several times and discussed how Danone implemented its company
12 policies and procedures. I also assisted my attorneys in their investigation into my claims by
13 providing them documents and answering their questions. I reviewed the complaint before it
14 was filed and after it was filed I was given access to an electronic file sharing program that
15 alerted me via email when important documents were filed so that I could review them and keep
16 up with the developments in the case which I understood was one of my duties as a class
17 representative. I also prepared for my deposition and was deposed by the lawyers for Danone on
18 June 2, 2022.
19

20 7. Even though this action is in the process of settling, I was and remain prepared to
21 perform all the duties of a class representative. I understand that as a class representative I have
22 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent hourly,
23 non-exempt employees who worked for Danone during the class period. I have understood that
24 as a fiduciary, I have a duty to prosecute this action for the benefit of the members of the class
25 and surrender any right to compromise the group action for an individual gain.
26

8. I understood that being a plaintiff/class representative in this case meant that I was seeking damages not only for myself but also other hourly, non-exempt employees who worked for Danone in California during the class period. I felt that this group of employees were not aware of their labor law rights and even if they were they would probably be apprehensive about speaking up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

9. I understood that being a part of this lawsuit involved risks. For example, my attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part of the attorney fees and costs paid by Danone to defend this lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this lawsuit, could hold it against me or downgrade me as a potential hire. As one of the named Plaintiffs in this case it would not be difficult for a future employer to become aware I sued a former employer for labor law violations. Ultimately I decided these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks, time and effort I spent on this case.

10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up to date on important developments by reviewing court filings that were made available to me electronically as I described above.

11. A mediation took place on March 9, 2022 with Tripper Ortman, an experienced mediator of wage and hour class actions. The mediation did not result in a settlement at that time. After additional discovery, motion work and depositions (including my deposition), the parties agreed to settle the action based on a mediator's proposal. I communicated with my attorneys regarding the terms of the settlement which was reached between the parties and understood that I was representing absent class members and therefore wanted the best possible

1 result to be obtained for the class and I believe a very positive result was in fact achieved via
2 settlement.

3 12. I have been actively involved with this class action lawsuit performing the duties
4 described above. Although I did not keep time records, I was in regular contact with my
5 attorneys, reviewed court filings, prepared for and sat for my deposition, and spent a significant
6 amount of time on the issues presented during the lawsuit and in the settlement process. I
7 estimate that I spent approximately 50-60 hours working on this case up until this point. I believe
8 I have been diligent and have done what is expected of a named plaintiff and proposed class
9 representative to date, and will continue to do so. I have and always will maintain the best
10 interest of the class.
11

12 13. My attorneys explained to me that the settlement process involves a two-step
13 review by the Court to determine whether the settlement is fair before approving the settlement.
14 I know this process also involves notifying all class members of the settlement terms and of their
15 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
16 settlement.
17

18 14. I believe I did the right thing by filing this case on behalf of the class who are in
19 line to receive monetary payments as a result of this case and settlement. I also believe that the
20 requested Class Representative Service Payment of \$10,000 from the settlement is fair
21 compensation for the work I performed and the risks I undertook.
22

23 15. As part of the settlement it was necessary for me to sign a general release of all
24 claims I may have against Danone. I believe the Class Representative Service Payment I have
25 requested provides me with some compensation for this agreed release.

26 16. I have not entered into any undisclosed agreements nor have I received any
27

undisclosed compensation in this case. The only compensation I will receive is whatever amount the Court awards as a service payment, as well as my share as a class member of the settlement fund.

17. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Danone's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release, and in light of the size of the settlement, I believe the request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

Executed on Dec 14, 2022, at San Bernardino.
(city, state)



Salvador Venegas (Dec 14, 2022 16:33 PST)

Salvador Venegas