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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550]

SUPER DUPER BURGERS WAGE AND
HOUR CASES

Included actions:

Martinez v. Back of the House, Inc., et al.,
No. RG21113642 (Alameda County Super. Ct.)

Martinez v. Back of the House, Inc., et al.,
No. CGC-21-594380 (San Francisco County
Super. Ct.)

Lopez v. Back of the House, Inc., et al.,
No. CGC-19-579624 (San Francisco County
Super. Ct.)

Judicial Council Coordination Proceeding No.:
CJC-22-005249

Honorable Ethan P. Schulman
Department 304

CLASS ACTION

**DECLARATION OF ERICKSON
MARTINEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Notice of Motion and Renewed Motion for
Preliminary Approval of Class Action
Settlement; Declaration of Proposed Class
Counsel (Tara Zabehi); and [Proposed] Order
filed concurrently herewith]

Date: March 4, 2025
Time: 11:00 a.m.
Department: 304

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1 for the time I spent performing work off-the-clock before the start of my shifts, after the end of
2 my shifts, or during my meal periods.

3 7. I decided to seek legal advice about my work experiences with Defendants. I
4 contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I
5 could to make sure Defendants were accountable for not paying employees for all hours worked
6 and non providing compliant meal and rest breaks. I investigated wage-and-hour lawsuits and
7 did some research into the class action and employment law firms in California for
8 approximately **5 hours**. I consulted with the attorneys at Lawyers *for* Justice, PC for **9 hours**
9 discussing my situation, wage-and-hour class actions in general, and what it meant to be a named
10 plaintiff and class representative.

11 8. I have spent over **17 hours** meeting with my attorneys regarding the matter and
12 fulfilling my responsibilities as a named plaintiff and class representative, which included
13 gathering documents concerning my employment with Defendants, reviewing documents with
14 my attorneys and answering their questions, providing information regarding the duties of hourly
15 and non-exempt employees, preparing for my deposition, and helping develop a strategy as to
16 what documents and information to obtain from Defendants. I checked in with my attorneys and
17 their staff to make sure that they had my most current information and any additional
18 information that I had obtained.

19 9. As the matter progressed, I was available to answer any questions my attorneys
20 had, and available to speak and meet with my attorneys whenever they needed me. I responded
21 to them as quickly as possible and gave them as much information and identified as many
22 documents as I could. I spent at least **8 additional hours** speaking with my attorneys about the
23 case, identifying potential witnesses, providing my attorneys with documents and information
24 concerning the case, and also describing policies, practices, and procedures of Defendants.

25 10. As far as the settlement is concerned, I was available to review documents and
26 answer any questions my attorneys had. I spent about **3 hours** reviewing the settlement
27 agreement and discussing the potential settlement with my attorneys before signing the
28 settlement agreement.

11. I know that I am a class representative in this lawsuit and that I have the following

1 duties as the class representative:

- 2 a. Represent the interests of all members of the Class;
- 3 b. Always consider the interests of the Class just as I would consider my own
- 4 interests and put the interests of the class before my own interests;
- 5 c. Serve as the fiduciary of the Class;
- 6 d. Actively participate in the lawsuit, by for example, searching for documents,
- 7 keeping in contact with my attorneys, and answering their questions, which I
- 8 believe I have done so far; and
- 9 e. Follow the progress of the lawsuit and provide relevant facts and information
- 10 to my attorneys.

11 12. I believe that I have done everything that my attorneys have asked of me and have

12 tried, to the best of my ability, to represent the class.

13 13. I believe my interests in this matter align with the interests of the Class, and I do

14 not have any conflict of interests. Thus, I believe I am an adequate class representative.

15 14. I also have no interests adverse to those of the Settlement Administrator. I also

16 have no conflict of interest with the Settlement Administrator.

17 15. I think my efforts helped to get the result obtained in this case, and as a class

18 representative, I respectfully request that the Court award me a service payment in the amount of

19 \$10,000.00 for my active participation in this case. Taking into consideration the time that I

20 have dedicated to this case, I believe that this amount is reasonable.

21 16. I am not related to anyone associated with Lawyers *for* Justice, PC.

22 17. I have not entered into any undisclosed agreements, nor have I received any

23 undisclosed compensation in this case. The only compensation I will receive is whatever amount

24 the Court awards as a service payment, as well as my share of the settlement as a class member.

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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 this ²⁹ day of January 2025, at San Francisco, California.

4  Electronically Signed: 2025-01-30 01:19:03 UTC - 76.126.146.238
Nintex AssureSign® 13684-c43e-4852-b1fa-b275001159ad

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