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Kern County Superior Court
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN**

JOSE LOPEZ CUADRAS, individually, on
behalf of all others similarly situated, and on
behalf of the State of California and other
aggrieved persons; OMAR LOPEZ CUADRAS
and EDWIN LOPEZ CUADRAS, on behalf of
the State of California and other aggrieved
persons,

Plaintiffs,

v.

GUINN CORPORATION, a California
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: BCV-21-101520 JEB

CLASS ACTION

*[Assigned for all purposes to: J. Eric
Bradshaw, Dept. J]*

**DECLARATION OF PLAINTIFF OMAR
LOPEZ CUADRAS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF PLAINTIFF OMAR LOPEZ CUADRAS

I, Omar Lopez Cuadras, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a current employee of Guinn Corporation ("Defendant" or "Guinn"). I have worked at Guinn from approximately April 2010 to approximately November 2012 and from approximately May 2014 to the present as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Guinn's policies and practices that have been alleged as unlawful in the Class Action Complaint and Private Attorneys General Act ("PAGA") Notice sent to Argus and the Labor & Workforce Development Agency ("LWDA").

4. I initiated this lawsuit 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.

5. By participating in this lawsuit as one of the class representatives, I hoped that I might be able to change Guinn's policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 45 hours on this case. 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.

7. Throughout this case, I spent a lot of time on the phone and in person with my attorneys to get updates about the case and provide them with information. For example, during some of the phone calls and in person meetings, my attorneys and I were able to identify instances

1 when I was not paid correctly. Additionally, leading up to the mediation in November 2022, I had
2 multiple lengthy phone calls with Wilshire Law Firm regarding the claims at issue and what was
3 to transpire at the mediation.

4 8. Throughout the case, I also spent time looking for documents relevant to the case to
5 send to my attorneys. I spent numerous hours looking for these documents, including when I first
6 contacted my attorneys, before my attorneys filed the case, and before my case was mediated. I
7 also spent time reviewing legal documents in this case, including the retainer and settlement
8 agreement and discussed, in detail, the terms with my attorneys.

9 9. Additionally, I made myself fully available on the day of mediation and was in
10 continuous contact with my attorneys to assist with any questions or issues that may have arisen.

11 10. I believe the settlement is a good settlement and I would recommend that the Court
12 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
13 had the opportunity to represent the class in this lawsuit and that I was able to recover money
14 through a settlement for the class.

15 11. I did not make the decision to participate in a class action lightly. I was concerned
16 by the attention a publicly filed lawsuit, and especially a class action, would attract. My name
17 would be associated with a lawsuit that I filed against my former employer. I am mindful that
18 prospective employers might find out that I sued Guinn. Nevertheless, I felt that important rights
19 were at stake that hurt everyone, and something ought to be done about it.

20 12. I also understand that there was financial risk in bringing this lawsuit. For example,
21 I knew that if I did not prevail in this lawsuit that I could potentially be responsible for Guinn's
22 attorneys' fees and costs.

23 13. I understand that the settlement agreement provides a service payment to me in the
24 amount of \$10,000. I believe this amount is fair compensation for my time and effort on this case,
25 for helping to prosecute this case, and the risks with respect to my future employment. In addition,
26 the settlement requires that I enter into a general release, which I understand is broader than the
27 release that will bind other class members. I am receiving no compensation additional to that
28 provided for in the settlement.

14. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who were too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk because I strongly care about helping out my former co-workers.

15. I reviewed (and ultimately signed) the Class Action and PAGA Settlement Agreement in full and my attorneys answered all the questions I had. I believe the settlement terms and allocations are fair, adequate, and reasonable given the strength of the class claims and Guinn's defenses.

16. I have no conflicts of interest with any class member or the Settlement Administrator, CPT Group.

17. I am not aware of any other pending matter or action asserting claims that will be extinguished or adversely affected by the Settlement.

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

Executed on 7/7/2023, at Bakersfield, California.

DocuSigned by:

4B62EC829FC84DB
Omar Lopez Cuadras

PROOF OF SERVICE

Lopez Cuadras, et al. v. Guinn Corporation, et al.

BCV-21-101520-JEB

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

On July 7, 2023, I served the foregoing **DECLARATION OF PLAINTIFF OMAR LOPEZ CUADRAS IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

John T. Egley (SBN 232545)
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Attorneys for Defendant

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed this **July 7, 2023**, at Los Angeles, California.



Ashley Narinyans