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Attorneys for Plaintiff Daniel Jimenez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

JAIME VERA et. al, and on behalf of all others
similarly situated,

Plaintiff,

vs.

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

Defendants

Case No.: CIVSB2119357

[Assigned for all purposes to Hon. Jessica Morgan
Dept. S-26]

CLASS ACTION

**DECLARATION OF PLAINTIFF DANIEL
JIMENEZ IN SUPPORT OF MOTIONS FOR
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: October 14, 2024
Time: 8:30 a.m.
Courtroom: Dept. S-26
Judge: Hon. Jessica Morgan

Action Filed: July 6, 2021
Trial Date: September 8, 2025

DECLARATION OF DANIEL JIMENEZ

I, DANIEL JIMENEZ, declare as follows:

1. I am a named Plaintiff in this case. I am a former employee of the named defendant, GENERAL COATINGS CORPORATION (“Defendant”). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness. I could and would testify competently to the following:

JOB DUTIES AND EXPERIENCES

2. I worked for Defendant during the Settlement Class Period. My employment began on or about September 2019 and ended on or about October 2023. I held a job position of general laborer/painter that is at issue in this case and included within the class.

3. My job duties included mixing the paint, priming the walls, using paint rollers and spray paint to help complete work projects.

4. Issues I experienced included time worked off the clock, some short, late, and missed meal periods, some missed rest breaks, no reimbursement for expenses I incurred for my work, and the late final pay and wage statement problems related to those issues.

DUTIES OF A CLASS REPRESENTATIVE

5. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if approved as a class representative in this matter, I have an obligation to do my best to look out for the interests of other class members, the current and former employees of Defendant who I am seeking to represent. I understand that my obligations to the class exist even when the class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. After my inclusion in this matter, I have never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain the best settlement they could within reason, and I believe that they have attempted to do so.

1 6. This case was filed about three years ago. I took on the role as a proposed class
2 representative when the case was already ongoing, due to the need for a new plaintiff to assume the role
3 as a proposed class representative. I have made myself available whenever my attorneys wanted to
4 discuss aspects of my employment with Defendant, and I remain committed to seeing this matter
5 through to the end.

6 7. I have conferred with my attorneys about the settlement proposed in this case. I am not
7 an accountant, but I understand the factors and risks that need to be considered when evaluating a
8 settlement.

9 8. Summing it all up in the simplest terms, I am asking to be stand-in for other
10 employees of Defendant. Because of that, I cannot quit on the Class, and I cannot put myself and my
11 interests before the Class. I accept these duties and request that I be approved as the class
12 representative for purposes of this amended Settlement.

13
14 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

15 9. I was an hourly non-exempt employee of Defendant and was subject to the same pay
16 structure and rules as all the other hourly non-exempt employees of Defendant.

17 10. I am not aware of anything special about me that would raise unique defenses to my
18 claims, as opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my
19 claims are based upon the same facts that relate to the rest of the Class.

20 11. I do not believe that I have any conflicts with Class Members included in this proposed
21 Settlement. I do not have any intention to take any action that would place me in a position that is hostile
22 to other Class Members.

23
24 SERVICE AS A CLASS REPRESENTATIVE

25 12. I believe that were it not for my stepping forward and taking on the duties of protecting
26 the interests of other Defendant employees, it is likely that the interests of the class would neither have
27 been prosecuted, nor benefited. To my knowledge, other than the litigation encompassed by this
28 proposed Settlement, there is no other litigation, on a class or individual basis, concerning the claims in

1 this lawsuit. Nor has Defendant pointed to any.

2 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
3 search for information online these days, I will face an increased risk that future employers will
4 discover information about this lawsuit online and have a negative reaction to learning that I sued an
5 employer. This may make it harder for me to obtain future employment or change jobs for a better
6 opportunity.

7 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
8 also during its litigation to ensure a fair result for the employee class. This involved ongoing
9 communications and participation with my counsel during the course of this case.

10 15. My participation began with bringing issues in this matter to my counsel's attention,
11 and explaining the factual background that was used to prosecute the claims in this case.

12 16. For example, I reviewed documents which I already had, I provided relevant documents
13 to my counsel, and I explained those documents and related facts to my counsel to assist them in their
14 review. I also assisted in identifying other potential witnesses, including other employees, who might
15 likewise have been of assistance.

16 17. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
17 with my attorneys as well as I was able to ensure that its terms are likewise fair and adequate.

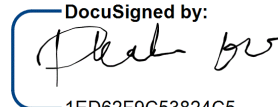
18 18. In sum, I believe I have provided well over 20 hours of my time during the course of
19 this litigation to ensure a good outcome for the best interests of the class.

20 19. I do not believe that I have any conflicts with Class Members included in this proposed
21 Settlement.

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

24 Executed on 6/27/2024, in California.

DocuSigned by:



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DANIEL JIMENEZ, "Declarant"

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party
4 to the within suit; my business address is 725 S. Figueroa, Suite 3100, Los Angeles, CA 90017.

5 On the date indicated below, I served the document described as: **DECLARATION OF PLAINTIFF**
6 **DANIEL JIMENEZ IN SUPPORT OF MOTIONS FOR APPROVAL OF CLASS AND**
7 **REPRESENTATIVE ACTION SETTLEMENT** on the interested parties in this action by sending ☐ the
8 original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service
9 list:

10 Sarah Brite Evans
11 sevans@higgslaw.com
12 HIGGS, FLETCHER & MACK
13 401 West A Street, Suite 2600
14 San Diego, California 92101
15 Facsimile: (619) 696.1410

16 *Counsel for Defendant*

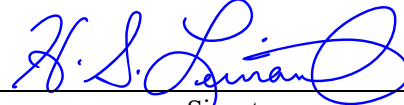
17 ☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in
18 the ordinary course of business at Los Angeles, California. I am “readily familiar” with this firm’s
19 practice of collection and processing correspondence for mailing. Under that practice, sealed
20 envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business
21 with postage thereon fully prepaid at Los Angeles, California.

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

25 ☐ **BY ELECTRONIC SERVICE:** Pursuant to the Court’s Order directing Electronic Service, the
26 above-named document(s) has (have) been electronically served on counsel of record by an approved
27 electronic service provider. The transmission of these documents was reported complete and a copy of
28 the service confirmation will be maintained, along with the original document(s) and proof of service
in our office.

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 this **July 5, 2024** at Los Angeles, California.

22 H. Scott Leviant
23 _____
24 Type or Print Name

22 
23 _____
24 Signature