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Attorneys for Plaintiff, Jose Elias Barajas

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ARMANDO DIAZ-GARCIA, as an individual,
and on behalf of all other similarly situated
employees,

Plaintiff,

vs.

AWESOME PRODUCTS, INC., a California
corporation and DOES 1-50, inclusive,

Defendant.

JOSE ELIAS BARAJAS, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

AWESOME PRODUCTS, INC., a California
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 30-2021-01193589-CU-OE-CXC
Consolidated with Case No.: 30-2021-01217438-
CU-OE-CXC

[Honorable Lon F. Hurwitz, Department CX103]

**DECLARATION OF PLAINTIFF JOSE
ELIAS BARAJAS**

*[Filed concurrently with Plaintiffs' Notice of
Motion and Motion for Preliminary Approval,
Declaration of Kane Moon, Declaration of
Armond Jackson, and [Proposed] Order]*

PRELIMINARY APPROVAL HEARING

Date: ~~October 6, 2023~~ December 15, 2023

Time: 1:30 PM

Dept: CX103

Complaint Filed: April 2, 2021

Trial Date: Not Set

1 DECLARATION OF PLAINTIFF JOSE ELIAS BARAJAS

2 I, JOSE ELIAS BARAJAS, declare as follows:

3 1. I am the named Plaintiff in this case.

4 2. I am a former employee of Defendant Awesome Products, Inc. ("Defendant"). As such, I
5 have personal knowledge of, or believe and am informed of, the facts stated herein. If called as a
6 witness, I could and would testify competently to the following:

7 BACKGROUND OF EMPLOYMENT

8 3. I worked for Defendant from approximately July 2020 to August 2020, and my job title was
9 that of Forklift Operator.

10 4. Throughout my employment with Defendant, I typically worked five days per workweek
11 and roughly eight or more hours per workday.

12 5. Throughout my employment with Defendant, I believed its wage and hour practices placed
13 employees, including me, at a disadvantage because I was not paid for all hours I was required to work
14 off the clock and for all hours I worked on the clock; and I was not able and/or permitted to take timely,
15 uninterrupted meal periods and rest breaks.

16 COMMONALITY AND PREDOMINANCE

17 6. Throughout my employment with Defendant, I believed its wage and hour practices also
18 affected other hourly employees of Defendant because such employees were also not paid for all hours
19 they were required to work off the clock and for all hours they worked on the clock, and such employees
20 were also not able and/or permitted to take timely, uninterrupted meal periods and rest breaks. This was
21 true for other hourly employees who worked during the same or different shifts and on the same or
22 different days.

23 7. I believe Defendant failed to compensate me and other hourly employees for all time
24 worked, as well as failed to provide legally compliant meal periods and rest breaks. I therefore believe
25 me and other hourly employees were subjected to the same or similar illegal wage and hour practices.

26 TYPICALITY AND ADEQUACY

27 8. I was employed by Defendant in a non-exempt position during the alleged Class Period.
28

1 9. I brought this class action on behalf of myself and all other employees who are or were
2 classified as non-exempt during the alleged Class Period.

3 10. I believe the violations alleged in this case impacted not only me but the entire Class.

4 11. I believe that I have no conflicts of interest with other Class Members.

5 12. Before initiating this case, Class Counsel advised me that, if I were to become Class
6 Representative, I would have significant responsibilities to both the Class and Court. I understood and
7 continue to understand that my responsibilities include responding truthfully, completely and promptly to
8 any information requests made by my attorneys; making myself available for any meetings, proceedings
9 or other court hearings at which I am needed; and, above all, placing the interests of the Class above my
10 own.

11 13. I brought this case in full recognition and acceptance of my responsibilities as Class
12 Representative, and I continue to appreciate the importance of my responsibilities as the settlement
13 process progresses.

14 REASONABLENESS OF CLASS REPRESENTATIVE SERVICE PAYMENT

15 14. Throughout and prior to initiating this case, I engaged in lengthy conversations with my
16 attorneys about all aspects of the case; identified relevant witnesses and provided several
17 documents to my attorneys, including policy documents and records I had received from
18 Defendant during my employment; promptly responded to all of my attorneys' inquiries about my
19 employment with Defendant; requested regular case updates from my attorneys; asked my
20 attorneys questions so that I understood how everything worked; discussed the mediation and
21 proposed settlement terms with my attorneys; and reviewed and signed the proposed Settlement. In
22 total, I have spent approximately twenty hours working on this case.

23 15. I understand the Joint Stipulation of Class and PAGA Action Settlement provides a Class
24 Representative Service Payment to me in the amount of \$7,500.00. I believe this amount is fair
25 compensation for initiating and helping to prosecute this case, for my effort and approximately twenty
26 hours of work on this case, and for the risks I undertook with respect to agreeing to be the named
27 Plaintiff in this case, including the negative impact this role may have on my future employability.
28

17. I believe the Settlement is fair, adequate and reasonable, and for this reason, I would recommend that the Court approve it.

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

DocuSigned by:
Jose Barajas
0DCDC86E543643C.
Jose Elias Barajas

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not
4 a party to the within action; my business address is 1055 W. Seventh St., Suite 1880, Los Angeles,
California 90017. On **September 7, 2023**, I served the foregoing document described as:

5 **DECLARATION OF PLAINTIFF JOSE ELIAS BARAJAS**

6 X by placing ___ the original X a true copy thereof enclosed in sealed envelope(s) addressed as
7 follows:

8 Christine D. Baran
9 Andrew C. Crane
10 Samantha E. Cardarelli
11 **FISHER & PHILLIPS LLP**
12 2050 Main Street, Suite 1000
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14 Armond M. Jackson
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17 ***Attorney for Plaintiff, Armando Diaz-Garcia***

18
19 [✓] **BY U.S. MAIL:** I deposited such envelope in the mail at Los Angeles, California. The
20 envelope was mailed with postage thereon fully prepaid. I am “readily familiar” with the
21 firm’s practice of collection and processing correspondence for mailing. Under that practice it
22 would be deposited with U.S. postal service on that same day with postage thereon fully
prepaid at Los Angeles, California in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

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

24 Executed this, **September 7, 2023** at Los Angeles, California.

25 _____
26 Janelle Jickain
Type or Print Name

/s/ Janelle Jickain
Signature