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[additional counsel on signature page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

ALEX FURTADO, an Individual, on behalf of)
himself and all others similarly situated,

Plaintiff,

vs.

BAMIA 2, LLC, a California limited liability)
company; REEF GLOBAL, INC., a Florida)
Corporation; REEF TECHNOLOGY, INC., a)
corporate form unknown; and DOES 1-100,)
Inclusive,
Defendants.

Case No. **21STCV37585**

*[Assigned for all purposes to the
Honorable Elihu M. Berle, Department
006]*

**DECLARATION OF ALEJANDRO
VALENZUELA**

Date: TBD

Time: TBD

Dept: 6

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21 *Attorneys for Plaintiffs*

1 I, Alejandro Valenzuela, 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 Enhancement Award.
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 Defendant Bamia 2 LLC ("Bamia 2") in California from April of 2021 to
10 September of 2021. I was classified by Bamia 2 as a non-exempt employee during that time
11 period.
12

13 4. I retained the my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with the
18 settlement administrator. I am not aware of any other pending matter or action asserting claims
19 that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
22 I felt that my legal rights as an employee and others like me were violated. For example, I was
23 not paid wages for all the time I worked. For instance, I was required to work off the clock from
24 time to time during what should have been my meal period due to staffing shortages. Also, due
25 to my heavy workload, my meal periods were often late, short or completely missed. Even
26 though I did receive some meal period premium payments for these violations, I did not receive
27

1 all the payments I was entitled to. Moreover, I never received a rest break premium payment
2 even though I often did not receive compliant rest breaks.

3 6. I spoke to my attorneys several times and discussed how Bamia 2 implemented its
4 company policies and procedures. I also assisted my attorneys in their investigation into my
5 claims by providing them documents and answering their questions. I reviewed the complaint
6 before it was filed and after it was filed I was given access to an electronic file sharing program
7 that alerted me via email when important documents were filed so that I could review them and
8 keep up with the developments in the case which I understood was one of my duties as a class
9 representative. I would also contact my attorneys from time to time if I had any questions about
10 the case.
11

12 7. Even though this action is in the process of settling, I was and remain prepared to
13 perform all the duties of a class representative. I understand that as a class representative I have
14 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
15 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
16 benefit of the class members and surrender any right to compromise the group action for an
17 individual gain.
18

19 8. I understood that being a plaintiff/class representative in this case meant that I
20 was seeking damages not only for myself but also other current and/or former non-exempt
21 employees working for Bamia 2 in California. I felt that these individuals were not aware of
22 their labor law rights and even if they were they would probably be apprehensive about speaking
23 up or even simply because of the time, effort and risk involved in filing a class action lawsuit.
24

25 9. I understood that being a part of this lawsuit involved risks. For example, my
26 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
27

1 pay for all or part of the attorney fees and costs paid by Bamia 2 to defend this lawsuit. Also, I
2 knew there was a risk that future employers, if they ever found out about this lawsuit, could hold
3 it against me or downgrade me as a potential hire. As a Plaintiff in this case it would not be
4 difficult for a future employer to become aware that I sued a former employer for labor law
5 violations. Ultimately I decided these risks were worth it and decided to fight for my rights and
6 the rights of others regardless of the risks, time and effort I spent on this case.
7

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

11 11. A mediation took place on November 15, 2022 with John Adler, a well-respected
12 and experienced mediator of wage and hour class actions. Following the mediation session, the
13 parties agreed to settle the action. I communicated with my attorneys regarding the terms of the
14 settlement which was reached between the parties and understood that I was representing absent
15 class members and therefore wanted the best possible result to be obtained for the class members
16 and I believe a very positive result was in fact achieved via settlement.
17

18 12. I have been actively involved with this class action lawsuit performing the duties
19 described above. Although I did not keep time records, I was in regular contact with my
20 attorneys, reviewed court filings, and spent a significant amount of time on the issues presented
21 during the lawsuit and in the settlement process. I estimate that I spent approximately 30-40
22 hours working on this case up until this point. I believe I have been diligent and have done what
23 is expected of a named plaintiff and a proposed class representative to date, and will continue to
24 do so. I have and always will maintain the best interest of the class members.
25

26 13. My attorneys explained to me that the settlement process involves a two-step
27

1 review by the Court to determine whether the settlement is fair before approving the settlement.
2 I know this process also involves notifying all class members of the settlement terms and of their
3 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
4 settlement.

5
6 14. I believe I did the right thing by filing this case on behalf of the class members who,
7 subject to court approval, are in line to receive monetary payments as a result of this case and
8 settlement. This is money they may never have ever gotten if I did not pursue this action on their
9 behalf. I feel significant personal satisfaction to know that I played a role in the class members
10 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
11 the requested Class Representative Enhancement Award of \$10,000 from the settlement is fair
12 compensation for the work I performed and the risks I undertook.

13
14 15. As part of the settlement it was necessary for me to sign a general release of all
15 claims I may have against Bamia 2. I believe the Class Representative Enhancement Award I
16 have requested provides me with some compensation for this agreed release.

17
18 16. In light of all the time and effort I have spent on this case, the risk I undertook by
19 suing a former employer, the exposure to being responsible for paying Bamia 2's costs in the
20 event we did not win the case, the reputational risk that future employers may hold this lawsuit
21 against me, the general release, and in light of the size of the settlement, I believe the request for
22 \$10,000 as a Class Representative enhancement award is fair and reasonable.

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24 ///

25 ///

26 ///

27 ///

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 on Apr 30, 2023, at San Francisco CA.
4 (city, state)

5 
6 Alejandro Valenzuela (Apr 30, 2023 14:27 PDT)
7 Alejandro Valenzuela