

AEGIS LAW FIRM, PC
SAMUEL A. WONG, State Bar No. 217104
KASHIF HAQUE, State Bar No. 218672
JESSICA L. CAMPBELL, State Bar No. 280626
KRISTY R. CONNOLLY, State Bar No. 328477
9811 Irvine Center Drive, Suite 100
Irvine, California 92618
Telephone: (949) 379-6250
Facsimile: (949) 379-6251
Email: kconnolly@aegislawfirm.com

Attorneys for Plaintiff Plaintiff Mario Javier Palacio Jr.,
individually and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

MARIO JAVIER PALACIO JR.,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

MTC DISTRIBUTING; and DOES 1-20,
inclusive,

Defendants.

Case No. CV-21-004716

Assigned for all purposes to
Hon. John D. Freeland
Dept. 23

DECLARATION OF PLAINTIFF MARIO
JAVIER PALACIO JR. IN SUPPORT OF
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT
REPRESENTATIVE ACTION SETTLEMENT

Date: May 16, 2023
Time: 8:30 a.m.
Dept.: 23

1 I, Mario Javier Palacio Jr., declare as follows:

2 1. I have personal knowledge of the facts set forth herein and if called upon to testify, I
3 could and would do so competently under oath.

4 2. I make this declaration in support of my Motion for Approval of Private Attorneys
5 General Act Representative Action Settlement.

6 3. I worked for Defendant MTC Distributing (“Defendant”) as a non-exempt employee
7 in the position of Equipment Operator.

8 4. Through my attorneys, I filed this action on August 27, 2021 on behalf of myself and
9 all other non-exempt employees of Defendant.

10 5. With respect to the work, I performed on the case, I participated in many conversations
11 with my attorneys, gathered and reviewed documents, and provided information related to my
12 working conditions and Defendant’s company structure and operations. Throughout the course of this
13 case, I contacted my attorneys regularly for updates on the status of the case.

14 6. For mediation, I assisted my attorneys in preparation and strategy. I spoke with my
15 attorneys about the status of the case, its strengths and weaknesses and believed that I assisted them
16 in evaluating the claims and the potential damages for use at that mediation.

17 7. After mediation, I reviewed the settlement agreement and discussed the terms with my
18 attorneys. Based on my review of the settlement terms, conversations with my attorneys, and my
19 understanding of Defendant’s operations, I believe the settlement in the case is fair and adequate and
20 in the best interest of the employees covered by the settlement.

21 8. Overall, I believe that I dedicated approximately 20 hours to pursue the PAGA
22 representative claims in this lawsuit.

23 9. When I decided to become involved in this lawsuit as a PAGA representative, I chose
24 to do so instead of pursuing my own claims in arbitration. I also understood that I might be responsible
25 for some or all of Defendant’s legal costs if the case was not successfully concluded. Even with
26 knowledge of these risks, I was willing to go forward and to act on behalf of the State and aggrieved
27 employees, but I was nervous about losing and having a judgment filed against me for costs, or losing
28 job opportunities in the future.

1 10. In addition, I have signed a general release with Defendant to give up my rights to
2 pursue any and all claims against Defendant as part of the Settlement, which is something that other
3 employees did not have to do.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct and that this declaration was executed on 04/19/2023 in California.

DocuSigned by:

mario Javier Palacio Jr

Mario Javier Palacio Jr.