

BIBIYAN LAW GROUP, P.C.
David D. Bibiyan (Cal. Bar No. 287811)
david@tomorrowlaw.com
Vedang J. Patel (SBN 328647)
vedang@tomorrowlaw.com
Andrew T. Magaline (SBN 290413)
andrew@tomorrowlaw.com
1460 Westwood Boulevard
Los Angeles, California 90024
Telephone: (310) 438-5555
Facsimile: (310) 300-1705

Attorneys for Plaintiff, OLIMPIA MEZA PELAYO,
EMILIO LOPEZ, and YURI MILON, on behalf of themselves
and all others similarly situated and aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

YURI MILON, individually, and on behalf of
other members of the general public similarly
situated; OLIMPIA MEZA PELAYO,
individually, and on behalf of other members
of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act; EMILIO LOPEZ, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act,

Plaintiffs,

v.

DAVID & ESPERANZA CHAVEZ
FAMILY LIMITED PARTNERSHIP DBA
CHAVEZ SUPERMARKET, a California
limited partnership; and DOES 1-50,
inclusive,

Defendants.

Case No. 20CV368379

Honorable Theodore C. Zayner
Department 19

**DECLARATION OF EMILIO LOPEZ IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

DECLARATION OF EMILIO LOPEZ

1
2 1. I am a party to this action and reside in the State of California. I am fully competent
3 to make this declaration. I have personal knowledge of the facts set forth herein, except for those
4 stated on information and belief, and as to those I am informed and believe them to be true. If
5 called upon to testify, I could and would testify as set forth herein.

6 2. I make this Declaration in support of Plaintiffs' Motion for Preliminary Approval
7 of Class Action Settlement.

8 3. I was employed by David & Esperanza Chavez Family Limited Partnership dba
9 Chavez Supermarket. ("Defendant") as a non-exempt, employee with duties that included, but not
10 limited to, being a butcher within California from approximately February of 2006 through the
11 present.

12 4. Throughout my employment with Defendant, I am informed and believe that myself
13 and other non-exempt employees of Defendant were not paid all wages owed because we were
14 not paid for all time under Defendants's control, or for which we were suffered or permitted to
15 work by Defendant. In addition, I am informed and believe we were not paid all overtime hours
16 worked at the overtime rate of pay owed due to, without limitation, failure to record all time
17 worked and failure to pay for off-the-clock work.

18 5. During my employment with Defendant, I took meal periods that were after the
19 fifth hour, short or not duty-free. I witnessed other non-exempt, hourly-paid employees with my
20 job duties often taking meal periods that were after the fifth hour, short or not duty-free, as well.

21 6. I do not recall receiving any premium pay for the full, timely and uninterrupted
22 meal periods I was not provided an opportunity to take and am informed and believe that my
23 coworkers were not provided premium pay for not being provided with the opportunity to take
24 full, timely and uninterrupted meal periods, either.

25 7. I do not believe I was provided with opportunities to take full, uninterrupted 10-
26 minute rest periods while working with Defendant and am informed and believe my coworkers
27 were often not provided with such an opportunity, either.

28 8. I do not recall receiving any premium pay for the full rest breaks I was not provided

1 an opportunity to take and am informed and believe that my coworkers were not provided
2 premium pay for not being provided with the opportunity to take full, uninterrupted 10-minute
3 rest periods, either.

4 9. Before and during the course of litigation, I was actively involved in assisting my
5 attorneys to support the wage and hour claims asserted. My involvement began before the initial
6 complaint was filed wherein, I provided first-hand knowledge and documentation as to
7 Defendant's practices, its ownership and corporate structure, and its wage and hour policies and
8 practices.

9 10. Part of the information I relayed was with regard to Defendants' timekeeping policies
10 and practices and their meal and rest period policies and practices.

11 11. I provided them with all the documentation provided to me by Defendants during my
12 employment.

13 12. I assisted in reviewing time and payroll records with my attorneys and informed them
14 of Defendants' employment policies and whether those policies matched Defendants' practices.

15 13. My attorneys called me to ask me questions over several times throughout the
16 litigation and I contacted my attorneys several times to stay updated on the case and offer my
17 assistance on any matters I could be helpful with. I was also available for mediation by telephone,
18 during which I was available to be called to answer the questions posed by the mediators regarding
19 the asserted claims, as well as arguments raised by Defendant. In addition, I worked with my
20 attorneys over the next several weeks after mediation to understand and execute a long form
21 settlement agreement.

22 14. Over the past few months since the mediation has been resolved, I have stayed in
23 touch with my attorneys to ensure that there was no undue delay in payment for other class
24 members for whom I brought this Action.

25 15. I believe that, through the present, I have spent at least 21 hours in connection with
26 this matter, which included time spent having preliminary calls with my attorneys; doing an intake
27 with my attorneys; time spent searching for documents relating to my employment; time spent
28 reading and understanding the Settlement Agreement; time spent answering calls to discuss

1 Defendants' timekeeping, pay, meal and rest periods, and to review time and payroll records; time
2 spent discussing with my attorneys' Defendant's policies and practices; time spent on-call at
3 mediation; and time spent checking in on the status of the case, among other things. I also spent
4 time preparing this declaration to support Plaintiff's Motion for Preliminary Approval of Class
5 Action Settlement.

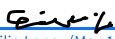
6 16. I feel that by bringing this lawsuit, I could stand up for not only my rights but the
7 rights of other employees who suffered from the same unfair wage practices. I felt that current
8 employees might not want to share their experiences with Defendant since they feared losing their
9 jobs. This is certainly understandable as I, too, have to provide for myself and others.

10 17. By bringing this lawsuit, I have put the interests of the class ahead of my own.

11 18. I understood that I could possibly earn a small enhancement if this case resolved
12 favorably. I also knew that I could face retaliation from Defendant and backlash from former
13 coworkers who are loyal to Defendant. I have also had to provide a general release of claims to
14 Defendant as part of the settlement. My understanding, in addition, is that if I brought this case
15 individually, I may have earned more compensation individually and on a much quicker timeline
16 than the timeline to resolve this Action.

17 19. My goal in bringing this lawsuit was to obtain a recovery on behalf of the class,
18 and, even more importantly, to put an end to what I believe are illegal practices on the part of
19 Defendant. I believe I have achieved both through this lawsuit and settlement.

20
21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct this May 16, 2024, at Sunnyvale, California.

23
24 
Emilio Lopez (May 16, 2024 00:29 PDT)

25 EMILIO LOPEZ
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