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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

NELSON CHAVIRA, MICHAEL BIRD,
MICHAEL MCCREVEN, and MICKEY
LATHUM, individually, and on behalf of all
others similarly situated,

Plaintiff,

v.

MARK III CONSTRUCTION, INC., a California
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 34-2021-00308972-CU-OE-GDS

**CLASS & PAGA REPRESENTATIVE
ACTION**

*[Assigned for all purposes to: Hon Jill Talley,
Dept. 23]*

**DECLARATION OF PLAINTIFF
MICKEY LATHUM IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF PLAINTIFF MICKEY LATHUM

I, Mickey Lathum, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Mark III Construction, Inc. (“Defendant”). I worked for Defendant from approximately June 2019 to approximately November 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Defendant’s policies and practices that have been alleged as unlawful in the Class Action Complaint and Private Attorneys General Act (“PAGA”) Notice sent to Defendant and the Labor & Workforce Development Agency (“LWDA”).

4. The reason why I pursued this lawsuit was because I was under the impression that I was not being correctly compensated for all of the time that I worked, and I was not given the opportunity to take all of my meal and rest breaks.

5. By originating this lawsuit as one of the named class representatives, I wanted to see a future where Defendant’s policies better protected the working conditions of my co-workers.

6. I understood that it was my duty as a class representative to represent the best interests of the class, understand the claims in the lawsuit, aid my attorneys in their understanding of the facts, and stay up to date on the progress of the case.

7. I have dedicated much of my time and energy into this lawsuit as a class representative. As detailed more fully below, I have spent approximately 32 hours on this case. I wanted to be as involved as possible so that my attorneys would be equipped with the tools necessary to reach a positive outcome for me and the other class members.

8. From the initiation of this lawsuit until now, I have spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information.

9. When I would speak with my attorneys, my attorneys and I would discuss my experience as an hourly-paid employee working for Defendant and we were able to identify various instances where I was not paid correctly. Additionally, leading up to the June 2024 mediation with Defendant, I had multiple lengthy phone calls with my attorneys regarding the claims at issue and our goals for the mediation.

10. Throughout the case, I spent many hours looking for documents in my possession that were related to my employment to send over to my attorneys, including when I first contacted my attorneys and before the mediation took place. Additionally, I spent time reviewing various legal documents for my case, including the retainer and settlement agreement and discussed certain terms with my attorneys.

11. Further, I made sure to keep my schedule free on the day that mediation took place so that my attorneys could direct any questions or issues towards me.

12. I believe the settlement that was reached is one that is fair and reasonable, and I would recommend that the Court approve it. I am happy that I was able to recover some money through this settlement for myself and all the class members.

13. Making the decision to join this lawsuit was a difficult one; I was concerned by the potential negative attention that I would cause for myself as a result of this public lawsuit. I was afraid that my name would be attached to a public record reflecting that I filed a lawsuit against my former employer. Ultimately, I felt that something needed to be done to recover for some of the losses that me and the other class members experienced.

14. I also understand that there were financial risk in bringing this lawsuit. For example, I knew that if I was not successful in this lawsuit that I could potentially be responsible for Defendant's attorneys' fees and costs.

15. I understand that the settlement agreement provides a service payment to me of up to \$10,000.00. I believe this amount is fair compensation for my time and effort on this case, for helping to prosecute this case, and the risks with respect to my future employment. In addition,

1 the settlement requires that I enter into a general release, which I understand is broader than the
2 release that will bind other class members. I am receiving no compensation additionally to that
3 provided for in the settlement.

4 16. Based on my involvement in this case and the benefits provided to my former co-
5 workers, I can say that I stood up and took initiative on behalf of those who felt they could not.
6 Suing an employer is not an easy decision, but I was not afraid to take that risk because I knew
7 that the reward of helping out of my former co-workers would be worth that risk.

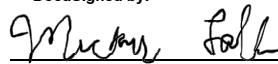
8 17. I reviewed and signed the Class Action and PAGA Settlement Agreement in full
9 and my attorneys answered all the questions I had. I believe the settlement terms and allocations
10 are fair, adequate, and reasonable given the strength of the class claims and Defendant's defenses.

11 18. I have no conflicts of interest with any class member or the Settlement
12 Administrator, ILYM Group, Inc.

13 19. I am not aware of any other pending matter or action asserting claims that will be
14 extinguished or adversely affected by the Settlement.

15 I declare under penalty of perjury under the laws of the State of California and the United
16 States that the foregoing is true and correct.

17 Executed on 5/14/2025, at Citrus Heights, California.

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19 DocuSigned by:
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21 Mickey Latham
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PROOF OF SERVICE

Chavira, et al. v. Mark III Construction, Inc., et al.
34-2022-00314710-CU-OE-GDS

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On May 14, 2025, I served the foregoing **DECLARATION OF PLAINTIFF MICKEY LATHUM IN SUPPORT OF PLAINTIFFS MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Lisa Bradner
LB@castleemploymentlaw.com
Tim Del Castillo
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CASTLE LAW CALIFORNIA EMPLOYMENT COUNSEL, PC
2999 Douglas Blvd., Suite 180
Roseville, CA 95661
Telephone: (916) 587-9106

Attorneys for Defendant

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

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

Executed on May 14, 2025, at Los Angeles, California.



Rebecca Padilla