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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
MICHAEL MCCREVEN IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF PLAINTIFF MICHAEL MCCREVEN

I, Michael McCreven, 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 December 2018 to approximately October 2019 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. I joined this lawsuit because I suspected I was not being fully compensated for all the hours I worked, and I was not consistently granted my meal and rest breaks. By serving as a class representative, I hoped to influence Defendant's policies in a way that would improve working conditions for my co-workers. I also understood it was my responsibility to look out for the best interests of the class, stay informed about the proceedings, assist my attorneys, and remain updated on developments in the case.

5. I have devoted a significant amount of my own time and energy to this lawsuit - approximately 32 hours in total. I made it a priority to stay active in the process so I could do all I could to support my attorneys in pursuing these claims.

6. Over the course of the litigation, I spent extensive time on phone calls with my attorneys, both to receive updates and to share information. During some of those conversations, we were able to pinpoint specific occasions where I had not been paid correctly. In addition, as

we approached mediation in June 2024, I had multiple, in-depth discussions with my attorneys about the core issues and what to anticipate.

7. I also worked diligently to locate and send my attorneys any documents relevant to the claims, devoting numerous hours to gathering them before mediation. I made sure to review legal documents thoroughly including the retainer and settlement agreement and discussed their terms in detail with my attorneys.

8. On the day of mediation, I made myself completely available and remained in close contact with my attorneys to address any questions or issues that arose.

9. I believe the settlement reached is fair, adequate, and reasonable, and I would strongly urge the Court to approve it. I am pleased I had the opportunity to serve as a class representative and help secure a settlement that benefits the class.

10. The decision to join a class action was not something I took lightly. I knew it would bring public attention, and my name would be tied to a lawsuit against my former employer. I also understood that future employers might discover I had sued Defendant. However, I felt there were important rights at stake that affected everyone, and I wanted to take action.

11. I recognized the financial risks as well; for instance, if I lost the case, I might have been held responsible for Defendant's attorneys' fees and costs.

12. Under the settlement agreement, I am eligible to receive a service payment of up to \$10,000.00. I believe this amount fairly compensates me for the time and effort I invested, as well as the potential risks to my future employment. I also acknowledge that I have signed a general release broader than the one binding other class members, and I will receive no compensation beyond what is specified in the settlement.

13. In light of my role and the positive impact this case has had on my former co-workers, I feel proud to have stood up for employees who were too fearful of losing their jobs or facing the stigma of suing an employer. I was willing to take that risk because I genuinely care about safeguarding the rights and well-being of my former colleagues.

Executed on 5/14/2025, at Rocklin, California.

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DECLARATION OF PLAINTIFF MICHAEL MCCREVEN

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 MICHAEL MCCREVEN 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:

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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