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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN MATEO**

DAVID MONTOYA, as an individual and
 on behalf of all others similarly situated,

Plaintiff,

vs.

DRAEGER'S SUPER MARKETS, a
 California corporation; and DOES 1
 through 50, inclusive,

Defendants.

Case No.: 21-CIV-05746

[Assigned for all purposes to the Honorable Susan
 L. Greenberg, Department 3]

**DECLARATION OF DAVID MONTOYA IN
 SUPPORT OF PLAINTIFF'S MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Date: October 26, 2023

Time: 9:00 A.M.

Dept.: 3

Complaint Filed: October 25, 2021

FAC Filed: December 7, 2021

Trial Date: Not Set

DECLARATION OF DAVID MONTOYA

I, David Montoya, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am the named Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant Draeger's Super Markets ("Defendant") from in or about December 2000, until on or about September 8, 2021. During my employment with Defendant, I worked as a shipping and receiving clerk, and was a non-exempt, hourly employee.

3. During my employment with Defendant, I was underpaid meal and rest period compensation for the missed, late, and/or interrupted meal and rest periods. During workweeks when I was paid meal and rest period compensation and non-discretionary remuneration, Defendant did not correctly calculate the regular rate of pay when paying meal and rest period compensation.

4. Moreover, as a result of the meal and rest period compensation underpayments, I believe the wage statements issued to me were inaccurate.

5. I understand that this action was brought on behalf of all other employees in the State of California, and that I am acting as a representative for the Class. As the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class, and that I will not settle out my class claims in this lawsuit separately or independently from the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

6. I have and continue to be willing to assist in the investigation of this matter, including meeting, conferring, discussing the case with my attorneys, searching for and providing any necessary information and documents, reviewing documents and pleadings in the case, making myself available for deposition and trial or any further proceedings in this matter as required to represent the interests of the Class. I also understand my duties and responsibilities to the proposed Class and will carry out those duties as necessary.

Executed on this 06 day of October 2023, at Burlingame, California.

DocuSigned by:

 David Montoya