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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
 FINAL APPROVAL OF CLASS ACTION
 SETTLEMENT**

Date: April 11, 2024

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, as well as make myself available for deposition, trial, or any further proceeding 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.

7. Throughout the court of litigation, I met and conferred and discussed the case with my attorneys on a number of occasions, searched for and provided any necessary

1 information and documents, reviewed documents and pleadings in the case, including my
2 employment records, PAGA letter, complaint, the Settlement Agreement, and my declaration in
3 support of preliminary approval. In sum, I estimate that I have spent approximately 20 hours in
4 connection with this case.

5 8. I have discussed the terms of the Settlement Agreement with my attorneys, and
6 based on the information provided, I believe the settlement to be fair, adequate, and reasonable
7 for myself and for the entire Class.

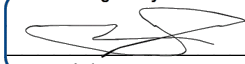
8 9. I am aware and have been aware from the inception of the case, that there was a
9 risk that if I did not win my case, then I could be liable for Defendant's litigation costs. I
10 accepted that risk in this case.

11 10. I understood that filing this lawsuit is a public record. I further understood that,
12 because this lawsuit is a public record, it could and can adversely affect my ability to obtain
13 employment.

14 11. As part of this settlement, I executed a general release of any and all claims,
15 including a waiver of California Civil Code § 1542, which I understand was not required of other
16 Class Members.

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

19 Executed on this 07 day of March 2024, at Burlingame, California.

20 DocuSigned by:
21 
22 David Montoya
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