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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF ALAMEDA**

13 CUITLAHUAC NINO, individually, and on
14 behalf of all others similarly situated,

15 *Plaintiff,*

16 v.

17 J.W. PETERSON PAINTING, INC., a
18 corporation; and DOES 1 through 10, inclusive,

19 *Defendants.*

20 Case No.: RG21111509

21 **CLASS AND REPRESENTATIVE**
22 **ACTION**

23 **DECLARATION OF PLAINTIFF**
24 **CUITLAHUAC NINO IN SUPPORT OF**
25 **PLAINTIFF'S MOTION FOR**
26 **PRELIMINARY APPROVAL OF CLASS**
27 **ACTION SETTLEMENT**
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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 J.W. Peterson Painting, Inc. (“Defendant”). I worked for Defendant from approximately September 2020 to approximately December 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 First Amended Class and Representative Action Complaint and Private Attorneys General Act (“PAGA”) Notice sent to Defendant and the Labor & Workforce Development Agency.

4. I initiated this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By originating this lawsuit as a class representative, I hoped that I might be able to change Defendant's policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 40 hours on this case. I made it a priority to be actively involved because I wanted to do everything I could to assist my attorneys in prosecuting this case.

7. Throughout this case, I spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information. For example, during some of the phone calls, my attorneys and I were able to identify instances when I was not paid correctly.

1 Additionally, leading up to the mediation in February 2023, I had multiple lengthy phone calls
2 with Wilshire Law Firm regarding the claims at issue and what was to transpire at the mediation.

3 8. Throughout the case, I also spent time looking for documents relevant to the case to
4 send to my attorneys. I spent numerous hours looking for these documents, including when I first
5 contacted my attorneys, before my attorneys filed the case, and before my case was mediated. I
6 also spent time reviewing legal documents in this case, including the retainer and settlement
7 agreement and discussed, in detail, the terms with my attorneys.

8 9. Additionally, I made myself fully available on the day of mediation and was in
9 continuous contact with my attorneys to assist with any questions or issues that may have arisen.

10 10. I believe the settlement is a good settlement and I would recommend that the Court
11 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
12 had the opportunity to represent the class in this lawsuit and that I was able to recover money
13 through a settlement for the class.

14 11. I did not make the decision to file a class action lightly. I was concerned by the
15 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
16 associated with a lawsuit that I filed against my former employer. I am mindful that prospective
17 employers might find out that I sued Defendant. Nevertheless, I felt that important rights were at
18 stake that hurt everyone, and something ought to be done about it.

19 12. I also understand that there was financial risk in bringing this lawsuit. For example,
20 I knew that if I did not prevail in this lawsuit that I could potentially be responsible for Defendant's
21 attorneys' fees and costs.

22 13. I understand that the settlement agreement provides a service payment to me in the
23 amount of \$7,500.00. I believe this amount is fair compensation for my time and effort on this
24 case, for helping to prosecute this case, and the risks with respect to my future employment. In
25 addition, the settlement requires that I enter into a general release, which I understand is broader
26 than the release that will bind other class members. I am receiving no compensation additional to
27 that provided for in the settlement.

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

10 16. I have no conflicts of interest with any class member or the Settlement
11 Administrator, CPT Group, Inc.

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

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

16 Executed on 7/1/2024, at Pittsburg, California.

DocuSigned by:

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Cuiclahuac Nino

PROOF OF SERVICE

Nino v. J.W. Peterson Painting, Inc., et al.
RG21111509

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Ashley Narinyans, 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 ashley.narinyans@wilshirelawfirm.com.

On July 24, 2024, I served the foregoing **DECLARATION OF PLAINTIFF CUITLAHUAC NINO IN SUPPORT OF PLAINTIFF'S 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:

Jeffrey G. McClure (SBN 152974)

jeff@laborcounsel.com

Anne Kelson Hummel (SBN 257851)

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DAVENPORT GERSTNER & McCLURE

2540 Camino Diablo, Suite 200

Walnut Creek, California 94597

Telephone: (925) 279-3430

Fax: (925) 932-1961

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.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor & Workforce Development Agency Online Filing Site.

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

Executed on July 24, 2024, at Los Angeles, California.



Ashley Narinyans